

**Transcription of fresh video evidence after the break at an "Open"  
Meeting of Skeptics in the Pub in Bath - 14/5/2013 (21:00:16 - 21:10:16)**

**AG - Angel Garden  
AL - Andrew Lewis  
SP - Stéphane Paris  
M1 - Man 1  
W1 - Woman 1**

AG - [inaudible]

AL - ah, you are. Yes.

AG - I'll just leave it there

[inaudible]

AG - we can talk about it, but I just want to make sure...

AL - I have no intention of talking about it as you know, ok?

AG- that's fine...

[inaudible]

AL - I have no intention of picking that envelope up either

[inaudible]

AL - I have no intention of touching it. OK?

AG - Fine.

SP - It's not ebola.

AL - seriously no intention of touching it, ok? I've explained very clearly to you I want nothing to do with you, ok?

AG - that's not what you said last time...

AL - You've got a cheek coming along to be honest.

SP - Why?

AG - I don't think so. Why?

AL - And, that's it, that's all I've got to say

AG - OK, that's fine.

SP - Why do we have a cheek to come along here?

AL - That's all I've got to say

SP - That's not very scientific, is it.

AG - that's not very welcoming, is it?

SP - No, not at all.

Organiser - well let's have some questions then... who wants to start?

AL - In fact i'm going to... I'm very sorry. these people here have given me a little bit of a tough time over the past year and I've no intention of engaging with them, and so I'm going to call it quits for this evening actually. I'm really sorry about that. I really don't want anything to do with these people. Thanks very much for coming along this evening, but er, I hope that's been enjoyable, but maybe next time, so er

? - Thanks for coming Andy

[applause]

SP - that's not very [inaudible] is it.

AG - Aren't you going to tell people why?

SP - or provide some evidence?

AG \_ We haven't said anything

SP - you know that's the skeptical thing to do, isn't it? to ask for evidence?

AL \_ you're quite free to say what you like, I will not say anything more to you.

SP \_ Well you haven't really said anything to us at all really. ... We've emailed that to you as well, so it's on your computer by the way. We just wanted to make sure you had it.

? - what's up next for Bath?

Organiser - ok, we don't have any talks planned if you keep an eye on the website well hopefully... we don't have anything next month: we have a social one ...

SP - I didn't realise he was so afraid

AG - so what?

SP - afraid.

AG - yeah I don't understand it

Organiser - but feel free to stick around now and have a chat and stuff for half an hour, you know, no-one's kicking us out.

AL - thanks very much everyone, bye-bye. If I ever see you again, if I ever see you near any of my family or anything like that, I will call the police, ok?

SP - your family?

AL - I will call the police

SP - When have I been near your family? [or We've never been near your family]

SP - so he's got the email

AG - that's right. he's definitely got the email.

SP - Oh well.

AG - [inaudible]

SP - Is that sufficient?

AG - Isn't it interesting there's nobody...

SP - No, nobody wants to know

AG - Nobody wants to know about... he's dying to...

SP - or him

AG - [inaudible]

SP - I don't know.

AG - He was unable to continue

SP - no, well he was already on his way. What did he say when he saw you?

AG - he said er no actually I'm not going to do that

AG - Did you get all of that?

SP - I think so. Hope so.

SP - my god he must be really ... he must be terrified

AG - terrified. Really really scared. But why not just deal with it, you know?

SP - it cost me £2.40 to copy, to photocopy that. Him saying what he said about his family, means he got the email because it had the address

AG - well his address was on that. His address was on the letter, on that...

SP - was it?

AG - yeah. There is the letter he wrote to [Tucker months (?)] and on that letter,... it doesn't matter that he picked that letter up, he's already got it

SP - you're tweeting, are you?

AG \_ I don't know. He probably will.

SP - we got no network

[inaudible]

AG - that's incredible. skepticism is...hmm...

SP - well, we're coming home early then.

AG - it's just amazing that um you can try to have an ordinary bit of communication about something that's really important...

M1 - so hmm, I'm sort of interested in what the story

SP - ah, somebody is.

M1 - what the story is.

AG - we're people who have successfully taken a Steiner school to human rights tribunal over bullying and who Andy has, over this period of time, he said he's given us a hard time, we've given...

SP - we've given him a hard time...

AG - has been deliberately just suppressing all knowledge of and in fact spreading defamatory stuff about us

SP - lies about us

AG - that we've got evidence of, but he doesn't want to know about. So in answer to his, we've sent him this invitation to address it, you know, rather than having to go down any legal things about it because it's very destructive to our reputation, and he just will not engage with us. So we actually thing, when he's sitting up there talking about Steiner schools being misleading, he's misleading people. He's misleading people by telling everybody that it's very difficult to get out information about problems with Steiner schools. It isn't... it is, it is, through him, because he doesn't want to do that. It's just nothing to do with skepticism, it's to do with his friends and his social grouping, and really it's not, it's not, what it's pretending to be, unfortunately.

M1 - ok

AG - you saw, you saw what we did. It's just we had to give him that letter personally because when we try and send it to him by email he refuses to acknowledge it. and it's a pre-defamation action protocol, that you have to do that. And I'm not going to go to his house because even us coming here, he's making comments to try and infer to everyone else that somehow we're dangerous, or something.

SP - or that we have something to do with his family.

AG - it was our children that were damaged by a Steiner school, not his, you know, and that's...

M1 - so you're from a position of... your children were bullied at a Steiner school

SP - one of them was.

AG - and the Steiner school's action when we tried to advocate, what he said is you've got to ask difficult questions,

M1 - yeah

AG - was expel them all.

M1 - ok. and so originally then, you were contacting Andy

AG - no, we were in contact with a friend of Andy's who decided, who had a personal thing about it, and decided to hate us, and therefore told Andy to hate us, and Andy did. he didn't even question it, he didn't ever speak to us, and his reaction, what you've just seen, is the reaction of a man who has no position.

W1 - were you on the comments? were you on andy's blog, on the comments, I saw the comments

SP - no, no. he deletes our comments

AG - he deletes our comments, he deletes anybody... any mention of us by anybody

SP - Even somebody else who mentioned our website, he deleted that.

W1 - but you also had a problem with Steiner schools, is that what you're saying?

SP - yes, that's right, yes

W1 - so why, why is he... I don't understand

SP - friendship

AG - because his friends told him that we're horrible people and to stay away from us, so he does.

SP - one of the people critical of Steiner that he talks to a lot who's in Sweden, said that what the Steiner school did to us was an elegant solution, that she admired the principal of the school

AG - to expel the children

SP - and yet she's supposedly critical of Steiner

AG - I don't believe... I mean I do believe Andy you know, I can see that he is concerned about these schools and everything, but this gap in actually, here's some people who you're actually slagging off to people, you know, who've been through this experience,

SP - it's a horrible [inaudible]

AG - three and a half years it took us to get this action, and I don't think it's right that he should go around Britain saying it's very difficult to get into the media that Steiner schools aren't all fluffy, when he's got us sitting there who other people, we've been there,

SP - we're in the media...

AG - and he won't let us speak.

M1 - yeah

AG - not that he won't let us speak. He responded last time when we sent him a letter by publishing something about it on one of his little dungeon blogs which he's now moved up to his Quackometer blog, which said that basically that we seem to want to

SP - that we want to be the centre of the debate

AG about Steiner. well we're not people running up and down the country doing talks on Steiner with a little logo on

M1 - yeah.

AG - it's just not true, you know. so it's just rubbish,

W1 - so basically, what you're saying is he's saying that it's difficult to get information out there, you're saying you've done that.

SP - yeah, and he's hiding the information.

AG - he's hiding it

SP - he's saying that the newspapers are all fluffy about Steiner, we've been in the media, we've been on prime-time tv talking about it ,

AG - it wasn't in this country

SP- in New Zealand, so it's easy to hide.

AG - it doesn't matter because he's talking about France, he's talking about other schools, so the whole point...



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## SITP

3 messages

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**Jo Torres**

16 July 2013 10:30

To: "andy.scali.lewis@gmail.com" <andy.scali.lewis@gmail.com>

Hi Andy!

Really looking forward to tonight, is there anything you need me to bring like a laptop? If so could you send me an attachment with any presentations so I can make sure my laptop isn't going to have a hissy fit about it?! Projector, mic etc are all sorted anyway.

What time are you getting into Plymouth? Are you driving or training, if training let me know when you get in and I'll come meet you at the station!

Cheers me dear, see you soon!

Jo

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**Andy Lewis** <andy@scali-lewis.net>

16 July 2013 10:58

To: Jo Torres

Hi Jo

I have all I need - so see you there. Will be driving.

By the way, not sure if you were aware, but my Bath talk was disrupted by Angel Garden and Steve Paris. They have been harassing me for over a year and are as mad as cheese. I thought they lived in new zealand but showed up in Bath to 'serve papers on me'. Idiots. But. They may show up in Plymouth. They are now living in Bristol. Wanted to warn you. I do not want them allowed admittance and will not speak if they are there. Their behaviour is quite disturbing and they may try to film or record or disrupt in some way. I hope you understand.

Regards

Andy

[Quoted text hidden]

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**Jo Torres**

16 July 2013 11:32

To: Andy Lewis <andy@scali-lewis.net>

Hi Andy,

That's fab I'll see you there! I've been extensively briefed on Angel and Steve via Melanie, I'll do my best, but I don't know them so it might be a case of pointing them out if they show up and I can ask them to leave. You know the venue, so there's a good chance there will be people there just eating, hope you get what I mean. If it's any reassurance, Mike, my other half, was a bouncer for years so is well versed in efficient removal of crazies.

What were they serving you papers with/for? Mental...

Anyway, really looking forward to this evening, not sure if I mentioned we don't start proceedings until at least 7.30pm these days, less of a rush! See you later,

Dr Andrew Lewis  
Hazelwood Cottage  
Gurney Slade  
Radstock BA3 4TQ

Thursday, 2nd of May 2013

Dear Andy

We wrote to you some months ago attempting to persuade you to address the defamatory comments you have made about us and suggesting that you may have made these actions against us due to misinformation regarding ourselves that you had received from third parties. Your answer was to publish a response to the effect that you would respond to any legal representative of ours by telling them to fuck off.

Therefore, in line with the pre-action protocol for defamation we are again respectfully asking you to please either substantiate your allegations about us or publicly withdraw them.

Our letter requesting your attention to the libellous material you have written was published online by you on Posterous in November 2012 - [lecanardnoir.posterous.com/angel-garden-and-steve-paris](http://lecanardnoir.posterous.com/angel-garden-and-steve-paris) - and republished just a few days ago (according to two tweets you posted on the 28th of April), on your blog - [www.quackometer.net/blog/2012/11/angel-garden-and-steve-paris.html](http://www.quackometer.net/blog/2012/11/angel-garden-and-steve-paris.html).

The defamation includes unsubstantiated personal allegations against us in tweets stating that we have malice in our hearts, have told terrible lies about Melanie Byng, have tried to lose friends their jobs, as detailed in our last appeal to you to try and sort this out amicably.

There is plenty of evidence that you have spread these types of unsubstantiated allegations around, and the evidence is supported also by the fact that people regularly block us for no apparent reason often publishing tweets saying things like "Andy was right about you", while you go from city to city professing to be giving all the relevant information parents need on Steiner - i.e. attempting to occupy the centre of the debate, which you surmised in your posterous post that we "appear" to be trying to do.

These personal defamatory comments are not only unlawful and clearly designed to damage our reputation, but such prejudicial statements about parents coming out of nasty situations in Steiner education are also clearly at odds with your claimed views about Steiner schools, including the many statements you make that people who put forward the views of those you term "quacks" are actually using "false balance" (in fact you have republished what you said in November *after* the school has signed legally binding statements that corroborated our version of events).

It seems incredible that these two positions could be held by the same person, and we note that such inconsistency appears to be one of the things that amazes you yourself about adherents of Steiner for example that may love anthroposophy whilst acknowledging that their relatives have been killed by homeopathy.



The stress of undertaking such an action as we have with any institution is obviously substantial as we note that you acknowledge in regard to others attempting to hold dissembling institutions to account.

Yet any knock-on effect on our own children of your collusion with the attempts of friends of yours to undermine our actions appears not to register with you - in spite of the fact that we have tried to inform you about it and that you have been and continue to be traveling all over the country expressing your concern for children due to Steiner education.

Instead you appear to happily express these two incompatible points of view, i.e. that Steiner schools generally are less than honest, but that the Titirangi Rudolf Steiner School, which has now made several important and legally binding admissions about their failure to deal with bullying, and which also happens to be the National HQ for NZ Steiner schools, may have been justified in expelling the children of parents attempting to address the unchecked bullying, which you yourself refer to in your treatment of Steiner.

It certainly points to your particular position on this situation, including your outright defamation of us, being simply because of your personal group allegiances and not because the arguments or points of view hold any merit in themselves as evidenced by the fact that you do not appear to have made a single effort to find out the truth before making such damaging statements to third parties about people you do not personally know at all. As noted above, even your rude response to our earlier polite request for retraction and resolution, which acknowledged that you may have simply been misled, was published.

Therefore we suggest, for the last time, that you agree to discuss with us how to undo and rectify this nasty situation, and suggest that you are well-placed to allow the facts concerning parents who have succeeded in publicly holding a Steiner school to account over unchecked bullying to be part of the information that any parents considering such an education for their own children might "need to know".

Andy, please think about this. We are returning to the UK where we will be much better able to address the issues with you. Whatever the Byng's reasons for introducing initiatives that they couldn't see through, or take responsibility for, it is exceptionally easy to prove that it happened, and that all these offers made were because my mum was dying - perhaps they just didn't realise how stressful that might be.... Although that obviously sounds impossible, especially considering that Richard Byng is a Senior mental health lecturer, we were and are always prepared to seek resolution.

What we're certainly not prepared to do is to let that mistake of the Byngs' ruin our own reputation, through malicious untruths *or* to deprive people of knowledge of a Human Rights settlement by a Steiner school over bullying any further.

We therefore give you fair notice that having asked you several times to be reasonable and honest in this matter, we will make every effort at our disposal to get you to address the untruthful way you are treating us, while you yourself are demonstrably seeking to dominate the moral high-ground in public debate on Steiner.

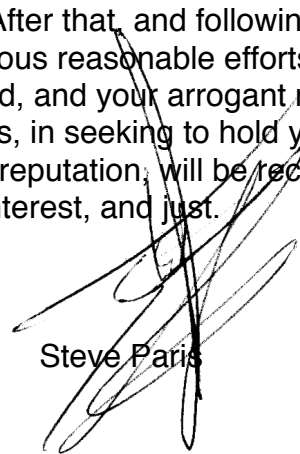
Andy, you're a savvy bloke, and a canny wordsmith. Let's sort this matter out now through diplomacy before we are forced, to protect our reputations, to take actions that will make that option unavailable.

We believe, however difficult it may seem given the entrenched views of some of your acquaintances, that you are up to this job, and we do mean that sincerely, as well as being aware that protocol demands that we make every effort to try and persuade you to willingly retract your unsubstantiated defamatory allegations against us and settle this matter in order to avoid possible legal action.

Should you choose to engage, you will find us ready and willing to negotiate a way out of any further hostility, and this would be our preferred avenue, especially given the struggle we've just finished with the school, with its effects on our family, as well as the necessity to come back to the UK, all of which is highly stressful.

Please respond to this letter by email, by the 8th of May. After that, and following this final plea for reasonableness and honesty, and given our previous reasonable efforts to settle this matter amicably, even to allow that you've been misled, and your arrogant response to those efforts, we hope that any subsequent actions of ours, in seeking to hold you accountable for attempting to undermine and defame our reputation, will be recognised by the relevant authorities as inevitable, firmly in the public interest, and just.

Yours sincerely  
  
Angel Garden

  
Steve Paris

## **Memorandum submitted by Dr Andrew Lewis (EV 39)**

### **The Impact of Libel Laws on Bloggers**

#### **Introduction**

1. The following case studies are examples of how current libel laws have personally affected me and my blogging activities.

2. My name is Andy Lewis and since 2006 I have been writing a regular blog at [quackometer.net](http://quackometer.net). The subject matter of my blog is an examination of superstitious and pseudoscientific health beliefs (often known as Complementary and Alternative Medicine), the potential harms that such beliefs can hold and the role of authorities and regulators in mitigating such potential harms.

#### **Case 1: The Society of Homeopaths**

3. In August 2007, I wrote a blog post entitled *The Gentle Art of Homeopathic Killing*.<sup>80</sup> The subject of the post was to examine the role of the Society of Homeopaths in regulating its members. A year before, the BBC Newsnight programme<sup>81</sup> had investigated homeopaths in the UK who appeared to be offering dangerous advice to travellers to malarial areas. In particular, there was concern that it was routine for homeopaths to suggest homeopathic sugar pills could protect against serious travellers' conditions. Despite finding many examples, the Society of Homeopaths did not take any action against its members who were exposed by the programme.

4. I had concluded that despite the Society having a Code of Ethics that prevented its members from acting in certain ways, this code was never upheld and that homeopaths were free to practice as they saw fit. As such, such as code might give false assurance to the public that homeopaths were under appropriate scrutiny when they were not. In order to test this, I examined a particular member's claims and how they might be breaching the Society's Code of Ethics. The homeopath concerned was advertising that they could treat childhood asthma in the UK, and had been to Kenya to work at a clinic specializing in the homeopathic treatment of malaria, TB and HIV – activity that I suggested were likely to put lives at risk.

5. The first I knew that there was a problem with this post was on the 4<sup>th</sup> of October when I was contacted by my web hosts, Netcetera, alerting me that they had received a letter from the solicitors of the Society of Homeopaths (Howes Percival) requesting that they considered my post defamatory and that Netcetera should remove it. Netcetera say they have a policy of first asking the author to 'come to an agreement'.

6. I immediately wrote an email to Paula Ross, the then Chief Executive of the Society of Homeopaths, asking her to clarify the nature of their complaint and to explain why they viewed the article as defamatory. I wrote "If you could tell me urgently what the wording is that you feel is incorrect, defamatory or not fair comment

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<sup>80</sup> <http://qako.me/tergentle>

<sup>81</sup> <http://qako.me/kl01zD> "Malaria advice 'risks lives'", By Meirion Jones, BBC Newsnight

I will examine it immediately and will ensure a friendly and swift resolution of this matter.”<sup>82</sup>

7. The Society did not reply to me. Instead, Howes Percival wrote to Netcetera again saying that the letter to ask for clarification was “inappropriate” and that all correspondence should go through “the firm”. I was included in the email and this was my first communication from the solicitors. At no point here or subsequently did the Society clarify the nature of its concerns or allow me any possibility to address them. The letter repeated the demand that the ‘material be removed’ and pointed out to Netcetera that *Godfrey vs Demon* showed that Netcetera would be liable for the material hosted on its sites. The threat was made that if the post was not removed by the 11<sup>th</sup> then ‘our client will have no option but to take immediate legal action against Netcetera and the Website’.

8. As neither I nor Netcetera were given any chance to address the concerns and, as the alternative was the suspension of my account by Netcetera, I had no option but to remove the material.

9. I was paying Netcetera £10 per month to host the Quackometer and various other sites I had constructed for friends and an elderly persons’ charity.

10. A number of people had heard about my predicament and as soon as they saw my post had been removed, found copies in the Google cache and reposted my article on their own web sites. Within a few days, over 64 copies had been reposted over the web after support from such people as Ben Goldacre from the Guardian<sup>83</sup> and the blog of Professor David Colquhoun FRS.<sup>84</sup>

11. This support, whilst welcome, was also disconcerting as it was very unclear how such multiplication of any alleged libel would be viewed by the courts should the Society wish to pursue me.

12. As of today, the phrase "The Gentle Art of Homeopathic Killing" returns 20,900 hits on Google.

13. The Society of Homeopaths wrote to the Guardian after Goldacre’s article was printed. It is worth quoting the relevant parts as it is the only place where the thinking of the Society is explained:

The Society of Homeopaths took the content of the 2006 BBC Newsnight programme on malaria very seriously and responded via press statements and media interviews promising action if it were required. We contacted the programme makers directly to ask for their evidence that any Society members had given dangerous or misleading advice to members of the public. They were unable to provide a single example. The Society’s professional conduct procedures cannot be invoked without a specific complaint, an alleged offender or any evidence. In these circumstances, The Society was unable to investigate a specific case.

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<sup>82</sup> <http://qako.me/kcAlFb> Ben Goldacre’s Blog: Appendix: Andy’s incredibly polite email to the Society of Homeopaths

<sup>83</sup> <http://www.guardian.co.uk/science/2007/oct/20/homeopathy> Threats - the homeopathic panacea

<sup>84</sup> <http://www.dcscience.net/?p=171> Society of Homeopaths: cowards and bullies

Nevertheless, as a further precaution, we reissued our Guidelines on advice for the prevention of malaria and sent a copy to every member within a day of the programme being aired.

The Society instructed lawyers to write to the Internet Service Provider of Dr. Lewis' website because the content of his site was not merely critical but defamatory of The Society, with the effect that its reputation could have been lowered. Dr Lewis, in his article, stated as fact highly offensive comments about The Society and it is for that reason that The Society decided it had no option but to take action. The very crude abuse posted on various websites and e-mailed to The Society since our action suggests that these bloggers/authors are not people who are interested in a real debate on the basis of either science or the public good but who simply want to attack homeopathy, for the very sake of it.

14. This episode came to an end when I obtained emails from the BBC Newsnight team that came from the Society of Homeopaths showing that the above statements were very misleading<sup>85</sup>. The Society had acknowledged receipts of transcripts of the undercover conversations with their members, including a Fellow of the Society of Homeopaths. It was simply not true that the Society was unable to investigate any cases, and indeed in the Society of Homeopaths Newsletter (Winter 2007) they told their members that ‘the researchers identified three of our members’.

### **Case 2: Professor Joseph Chikelue Obi FRCAM**

15. Joseph Obi, or as he prefers to style himself, Distinguished Provost of RCAM (Royal College of Alternative Medicine) Professor Joseph Chikelue Obi FRCAM(Dublin) FRIPH(UK) FACAM(USA) MICR(UK), used to be a doctor in the UK until he was struck off by the GMC after serious professional misconduct at South Tyneside District Hospital in 2003. He was alleged to have had inappropriate relationships with psychiatric patients, failed to care for patients, and was being investigated by the police for “taking thousands of pounds of a 58 year old woman”.<sup>86</sup>

16. I wrote two blog posts in 2006 about how this was one of the most extreme examples of how people in Alternative Medicine use questionable titles and qualifications to enhance their credibility. Obi is a Professor of an organization that he invented – the Royal College of Alternative Medicine – which in reality is a post box in Dublin. Obi was selling ‘Fellowships’ of the College for many thousands to other people so they too could designate themselves with the letters FRCAM.

17. Once again, the first I knew there was a problem was when Obi sent an email to Netcetera. It contained the threat,

Further to our Previous Warnings , we wish to (once again) remind you that Quackometer.net (which you Host and Register) has still been flagrantly violating our Statutorily Registered Trademarks (and Copyright) - despite Multiple Warnings. Please therefore note that (unless you urgently remedy the

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<sup>85</sup> <http://qako.me/tertruthmatters> The Society of Homeopaths: Truth Matters

<sup>86</sup> <http://qako.me/terDrObi> Shamed Doctor Probe – The Chronicle

situation) you will soon be liable to the Tune of US\$10,000,000 (Ten Million Dollars) per day ; effective the 21st of December 2009.

18. It was difficult to see this as anything other than a joke. Merely writing about a trademarked name does not constitute a violation of trademark or copyright. But a few weeks later, Netcetera received much more official looking letter from someone called Tanja Suessenbach,

Dear Sirs,

Re Defamation

We advise Professor Dr Obi and the Royal College of Alternative Medicine. We are informed that you host the Quackometer`s website (copy evidence enclosed). Our clients hereby give you formal notice that they are determined to sue you directly for the highly defamatory contents contained on the website should you fail to immediately shut down the website and delete all of the defamatory material relating to the Royal College of Alternative Medicine, Professor Dr Obi and our clients` lawfully registered Trademarks.

In case the defamation continues beyond 12 noon on Monday the 21st of January 2008, we are instructed to hold you fully liable to the tune of £1 Million (One Million Pounds) per day , together with additional punitive damages relating to the many months during which the defamatory material had and has been globally accessible via your server.

Kindly note that Google has already blocked the highly defamatory material from appearing on its search engines in the Republic of Ireland, and is currently in the process of extending the ban to other countries.

Please find enclosed photocopies of the two RCAM Trademarks and a copy letter of Good Standing from the Company Registration Office in Ireland, as well as copies of these highly defamatory articles. Please provide an undertaking that no further reference concerning Professor Dr Obi and/or the Royal College of Alternative Medicine is going to appear anywhere within the Quackometer`s website.

Looking forward to hearing from you.

Yours faithfully,

Tanja Suessenbach LLB, LLM

19. It was apparent that Obi had indeed managed to get Google Ireland to remove links to my site.

20. It was also clear that Suessenbach was not a solicitor, but a 'legal letter writer'.

21. I wrote to Suessenbach asking her to clarify the nature of the complaint. I received no response.

22. Netcetera, meanwhile, had been receiving threatening phone calls telling them that legal proceedings were about to begin and asking me to seek urgent resolution with Obi (which was impossible as no correspondence was being returned) or Netcetera would have no choice but to suspend my account.

23. It is worth noting Netcetera's view on their predicament:

We do not judge one way or the other as a company as to the veracity of content, although as individuals we have our own thoughts of course.

Unfortunately as far as the law is understandable, a request to take down a site for defamation requires us to do so unless we want to risk ending up in court defending something in which we as a company have no interest. Our policy at present is to pass on such requests to the site owner, and ask them to reconcile any differences with the complainant, perhaps taking off content in the meantime.

24. I took down the articles, but stated I would re-instate them if Obi and Suessenbach continued to refuse to engage with me.

25. Having received no response from Obi or Suessenbach, I reinstated my pages. On the 18<sup>th</sup> of January 2008, Netcetera suspended the Quackometer website stating I had breached their terms and conditions and citing my account had been "inappropriately used". The nature of this inappropriateness was not explained to me.

26. Within days, the Quackometer was back online, this time being hosted by Positive Internet. They wrote to me in an email entitled "Your lilly-livered Hosting Company" and offered to host my site for free.

27. One year later, in December 2009, Obi again threatened Positive Internet along similar lines stating that I was violating trademarks. Positive responded to me that "his legal theories sound about as rigorous as his medical ones." And that was the end of it.

### **Case 3: The Osteomyologist**

28. In April 2008, I wrote about how the ASA had adjudicated<sup>87</sup> against an alternative health practitioner by the name of Robert Delgado at the Optimum Health Centres in North Finchley. My post was substantially about how statutory regulation of practitioners could be sidestepped by changing the name of what you do. Despite it being illegal to call yourself a chiropractor without being registered by the GCC, a

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<sup>87</sup> <http://qako.me/txZDE> ASA Adjudication on Optimum Health Centres

number of practitioners sidestep this by calling themselves 'spinal therapists' or Osteomyologists.<sup>88</sup>

29. Calling himself Dr Delgado, the Osteomyologist had been found by the ASA to be producing advertisements that lacked substantiation and truthfulness. They also found that in calling himself 'Dr' that this was likely to mislead the public into thinking he was a registered medical doctor.

30. Osteomyology is not a genuine medical speciality. It was a term coined in 1992 for chiropractors and osteopaths who refused to be regulated by the then new statutory regulatory framework. Changing the name of what they did removed them from the scope of legislation.<sup>89</sup> My post, entitled *Registered Osteomyologist, Robert Delgado, found Guilty by the ASA. So What?* highlighted that this left such practitioners with no regulatory framework to protect the public from them in the event of a problem. The ASA may have seen a problem, but they hold no sanction other than telling advertisers not to repeat their claims.

31. I received a letter from a solicitor acting for Delgado stating that they viewed my post as defamatory and that I should remove it immediately. In particular, they stated that as I had used the word 'guilty' in my title post that this could imply that Mr Delgado was criminally prosecuted.

32. I replied that I made it quite clear in my article that it was the ASA that had ruled on the complaint and that at no point do I suggest that criminal activity was involved. I asked for details of any other wording that Delgado thought were misleading untrue or inaccurate and that I would be happy to address them. And as a token of good faith that I would immediately change the title of my article to *Registered Osteomyologist, Robert Delgado, Gets Knuckles Rapped by the ASA. So What?*

33. The solicitor wrote back and failed to answer any of my questions asking for details of the words being complained of. Instead, the threat was repeated that unless the whole post was taken down, legal action would start for substantial damages.

34. After consideration, I felt I had no option but to comply. I felt satisfied to myself that my article was factual and honest opinion, but I had no confidence in how courts would interpret words like 'guilty'. As the amount of money involved could soon get very high, I felt I had no option but to remove the post.

## Conclusions

35. In reforming libel law, I will be looking for changes that allow me to feel confident that an honest, public discussion of controversial areas where there are potential vested interests involved need not expose me to arbitrary legal threats that could financially ruin me. The health of democracy requires ordinary citizens to be able to participate in public debate without fear of capricious and crippling harms.

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<sup>88</sup> <http://qako.me/jK2HsO> The Times: Back off: Handle with care

<sup>89</sup> <http://en.wikipedia.org/wiki/Osteomyology>



### **ISPs and their role in Libel**

36. Current interpretation of libel law makes ISPs an easy target and weak link that can easily be attacked should someone wish to remove critical material from the web.

37. ISPs are typically paid a few pounds per month by bloggers and have no incentive to defend their users against claims that might mount to hundreds of thousands of pounds. Even trivial claims might start amounting significant costs should a complainant start legal action.

38. ISPs are treated as if they are publishers of materials rather than being the infrastructure on which the web works. There is no clear hierarchy of responsibility in the digital publishing world. It should not be possible to threaten an ISP unless all reasonable effort has been made in resolving the matter with authors and editors of materials.

39. Requests to ISPs to remove material should be a last resort and the management of an ISP needs to be confident that the request is genuine and has complied with reasonable steps with the author or site owner. Doubt in an ISPs liability will ensure that an ISP will always act to minimise its exposure to risk at the expense of the publisher of the material.

### **Nature of Libel**

40. At present, libel laws are being used simply to remove unfavourable material from the web. The costs involved with defending a claim mean that it is irrational to maintain resistance in the face of such a threat for most people.

41. Those who seek to use libel law should be required to show that significant and serious damage has occurred. However, given that a individual is usually unable to start to defend against a threat given even a small chance of chance of significant losses, the law should be clear that a solicitor cannot act unless they are confident that the claim is not trivial and that comprehensive details of the exact nature of the offending words and the nature of the harm is clearly offered.

42. A blogger should be able to feel confident that a trial cannot proceed unless the complainant has undertaken appropriate pre-trial protocols in attempt to resolve the dispute before a trial can start. This would help to remove the Damoclesian threat that is at the centre of the chilling effect of current libel law. Such a protocol would ensure that there is a duty to contact the authors of the material in preference to any other party that may be involved in the chain of publication, that the nature of the complaint is made clear and that simple and fast remedies are offered that do not involve attempts to silence beyond the scope of the complaint.

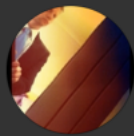
43. Authors should be able to feel confident that they have a right to fair comment regarding matters such as public safety, public health, science, policy and politics. The free expression of debate regarding public interest should weigh substantially against any particular reputation, especially if that is a commercial reputation.

44. Authors should also be able to feel confident that arbitrary definitions or usages of words cannot detract from comment that is substantially true.

*June 2011*

Back

Detail



**Simon** @Flatsquid

[@frozenwarning](#) She's fucking mental & I don't use the term lightly having the unfortunate experience of talking to her in person.

0 Faves

0 Retweets

31/12/2014 at 2:56 pm

via **Twitter Web Client**



In Reply to...



**FW** @frozenwarning

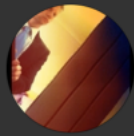
1h

[@Amazonnewsmedia](#) No, you've been ignorant and bullying for months. Fairly typical quack



Back

Detail



**Simon** @Flatsquid

@frozenwarning It's pointless pontificating. She's obsessive, she stalks online & irl, an absolute nutjob & one of the few I've blocked here

0 Faves

0 Retweets

31/12/2014 at 3:03 pm

via **Twitter Web Client**



In Reply to...



**FW** @frozenwarning

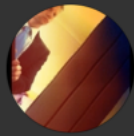
17m

@Flatsquid Quite weird that she actually thinks she's produced any sort of rational argument.



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Detail



**Simon** @Flatsquid

@frozenwarning very good idea, her boyfriend/husband will probably appear at some point, Mr Parris irc, block him too, just as mad.

1 Fave

0 Retweets

31/12/2014 at 3:11 pm

via **Twitter Web Client**



In Reply to...



**FW** @frozenwarning

6m

@Flatsquid I've now blocked. Dangerous weirdo.



# NEWS

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## Ben Butler jailed for murdering daughter Ellie after custody battle

21 June 2016 | London

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Ben Butler had a conviction for shaking Ellie when she was a baby quashed

**A father who murdered his six-year-old daughter just 11 months after she was returned to his care following a custody battle has been jailed.**

Ben Butler, 36, inflicted catastrophic head injuries upon Ellie while looking after her at their home in Sutton, south-west London, in October 2013.

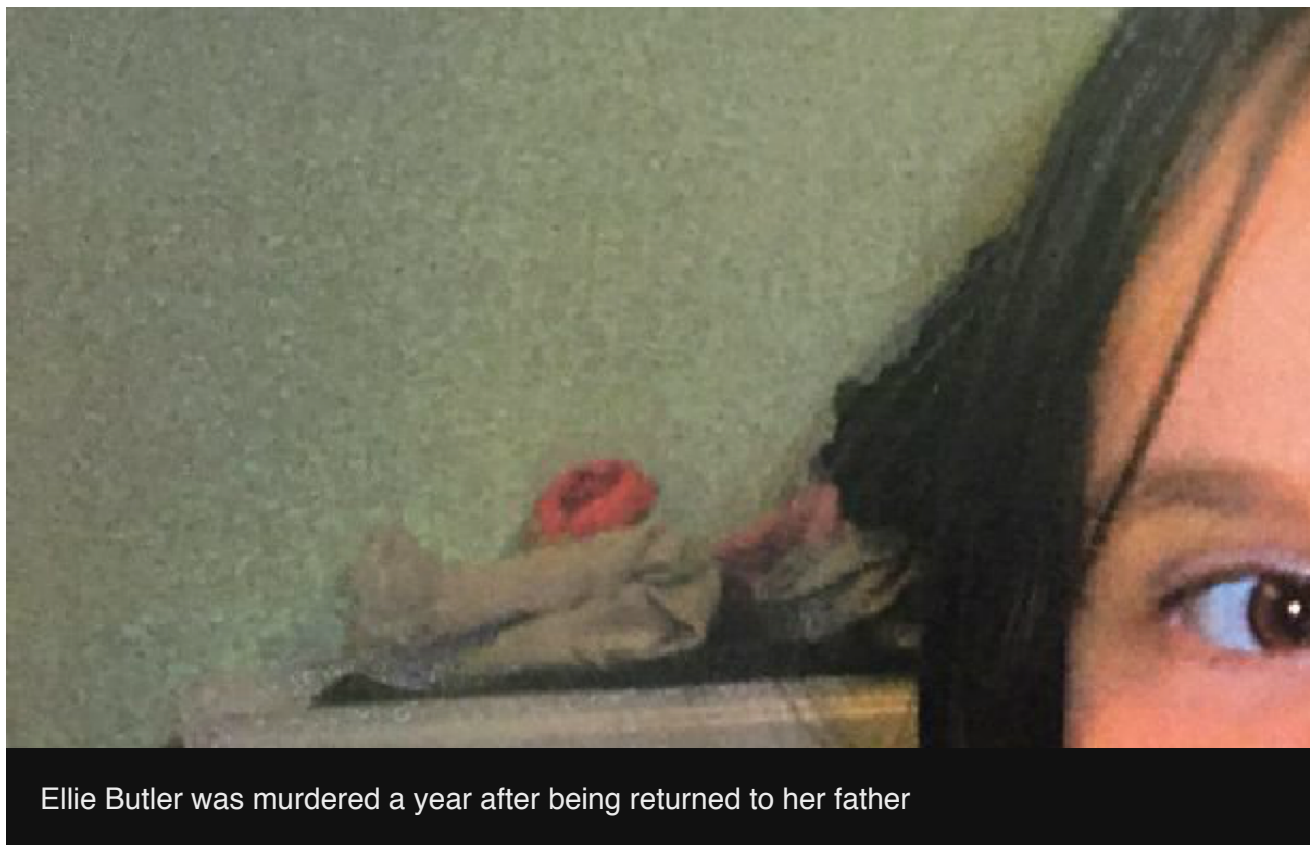
He was also found guilty of child cruelty over a shoulder injury, as was Ellie's mother Jennie Gray.

He was jailed for a minimum of 23 years. Gray was jailed for 42 months.

Gray, a graphic designer, had admitted perverting the course of justice.

### **The exonerated father who went on to kill**

### **More on this story on BBC London Live**



Ellie Butler was murdered a year after being returned to her father

Following the guilty verdict at the Old Bailey, Butler shouted out: "I'll fight for the rest of my life - unbelievable," before adding: "I want to be sentenced now so I can fight in the Appeal Court."

He added: "I will fight forever to prove this wrong. My daughter was jumping in the house. I'm 100% not guilty."

Gray said: "Big mistake. Spend another 10 years proving you wrong."





quashed on appeal.

The couple then won a High Court judgement to have Ellie returned to their care in 2012.

Mrs Justice Hogg had sided with Butler despite objections from police, social services and Ellie's maternal grandfather, Neal Gray.

At the time, Mr Gray - who had cared for Ellie since she was a baby - had allegedly warned the judge she would have "blood on your hands".

A **serious case review** found Sutton Children Services felt "powerless to act" following the High Court's ruling.

It found Mrs Justice Hogg's ruling in the Family Court went much further than simply quashing Butler's previous conviction and had exonerated him, as, in her eyes, he was a victim of a miscarriage of justice.

That had the effect of telling social services to "back off" - despite social workers' concerns about returning Ellie to her parents, the review concluded.

A spokesman for the Judiciary said: "If a judge errs in law or on the facts, the remedy is to appeal."

To refer a judge's decision to an extra-judicial body would be incompatible with the principle of judicial independence."

Alex Clark, headteacher of Avenue Primary Academy in Sutton which Ellie attended for 10 months before she died, said school staff had concerns about the family and had offered the parents help which they did not accept.

He said Butler and Gray would not meet teachers to discuss why Ellie had missed periods from school.

"Generally, they were very difficult to work with. When we asked questions they sometimes became angry and defensive and on two occasions Jennie Gray made reference to her solicitor.

### 'Infantile and sentimentalised fantasy'

In sentencing Butler, Judge Mr Justice Wilkie told him: "You are a self-absorbed, ill-tempered, violent and domineering man who... regarded your children and your partner as trophies, having no role other than to fit in with your infantile and sentimentalised fantasy of family life with you as the patriarch whose every whim was to be responded to."



Ellie Butler had been living with grandparents before she was returned to Butler and Gray

Jurors were told Butler battered his daughter to death in a volcanic loss of temper.

He did not call 999 for two hours and instead called Jennie Gray back from work in the City of London.

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They then concocted an elaborate plot to destroy evidence and stage the scene of an accidental fall before alerting the ambulance service.

### 'Grotesque charade'

The couple even involved Ellie's younger sibling by sending the child into a room on the pretext of fetching Ellie for cake, jurors were told.

The child can be heard on the 999 call saying Ellie "won't wake up".

Mr Justice Wilkie told a sobbing Gray that she may have been "exceptionally naive and stupid" to believe Butler and take part in the cover-up.

He added: "You played your full part in the grotesque charade that was the 999 call whilst subjecting your dead daughter to the indignity of pointless CPR when you knew full well she had been dead for two hours."



Ellie's grandmother Linda Gray died on 19 April - the first day of the murder trial - but the news was kept from Jennie Gray until sentencing at her father's request.

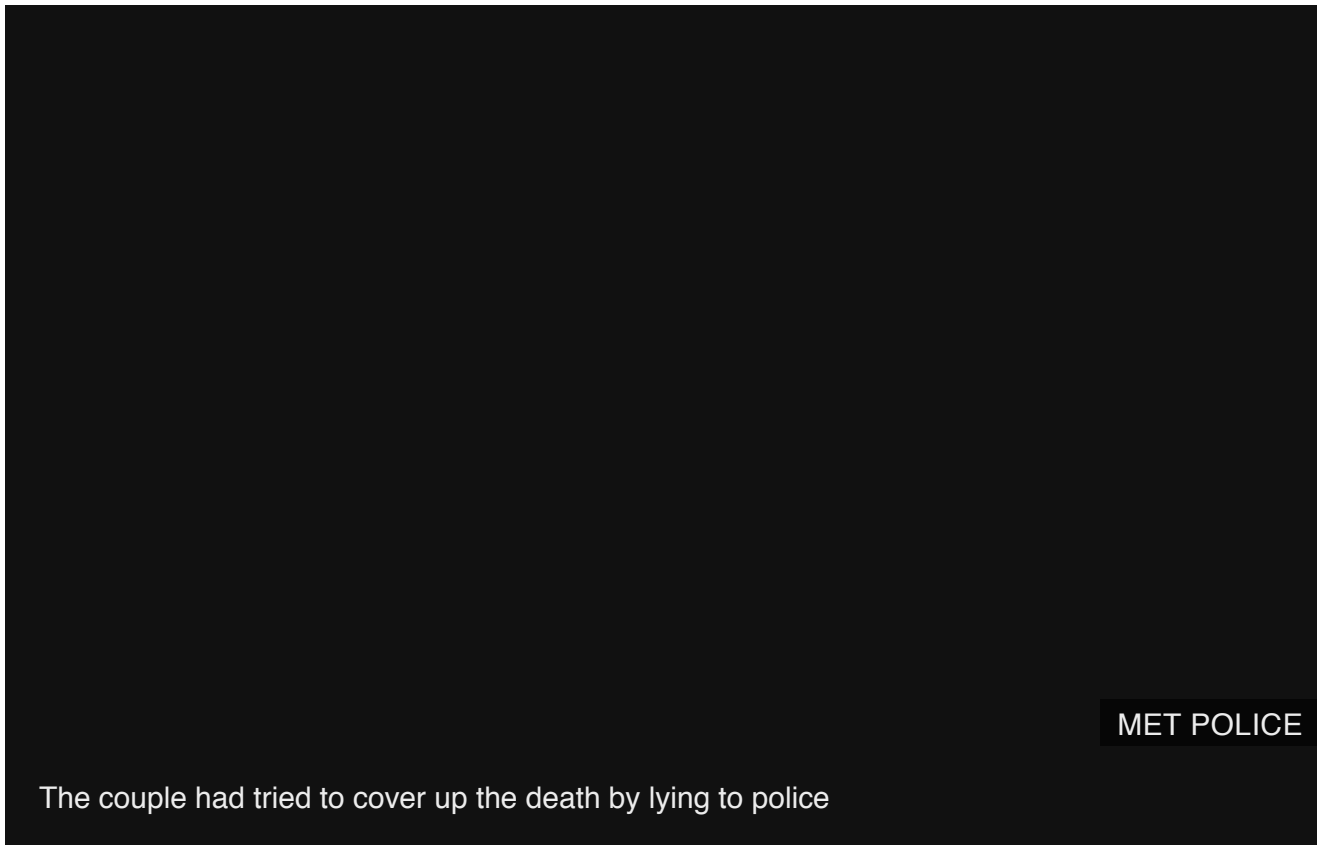
In a joint statement, written ahead of the trial, Ellie's grandparents said they had struggled to come to terms with the "shock and horror" of her death.

"Ellie was a very beautiful, bubbly and intelligent little girl who always had a smile on her face and even at such a young age she was nobody's fool. She was our life and she gave so much pleasure to us and our family too. How we all miss her."

Without referring directly to their daughter or Butler throughout the statement, they said: "We did not realise that some people could be so wicked."



Gray had admitted perverting the course of justice



The couple had tried to cover up the death by lying to police

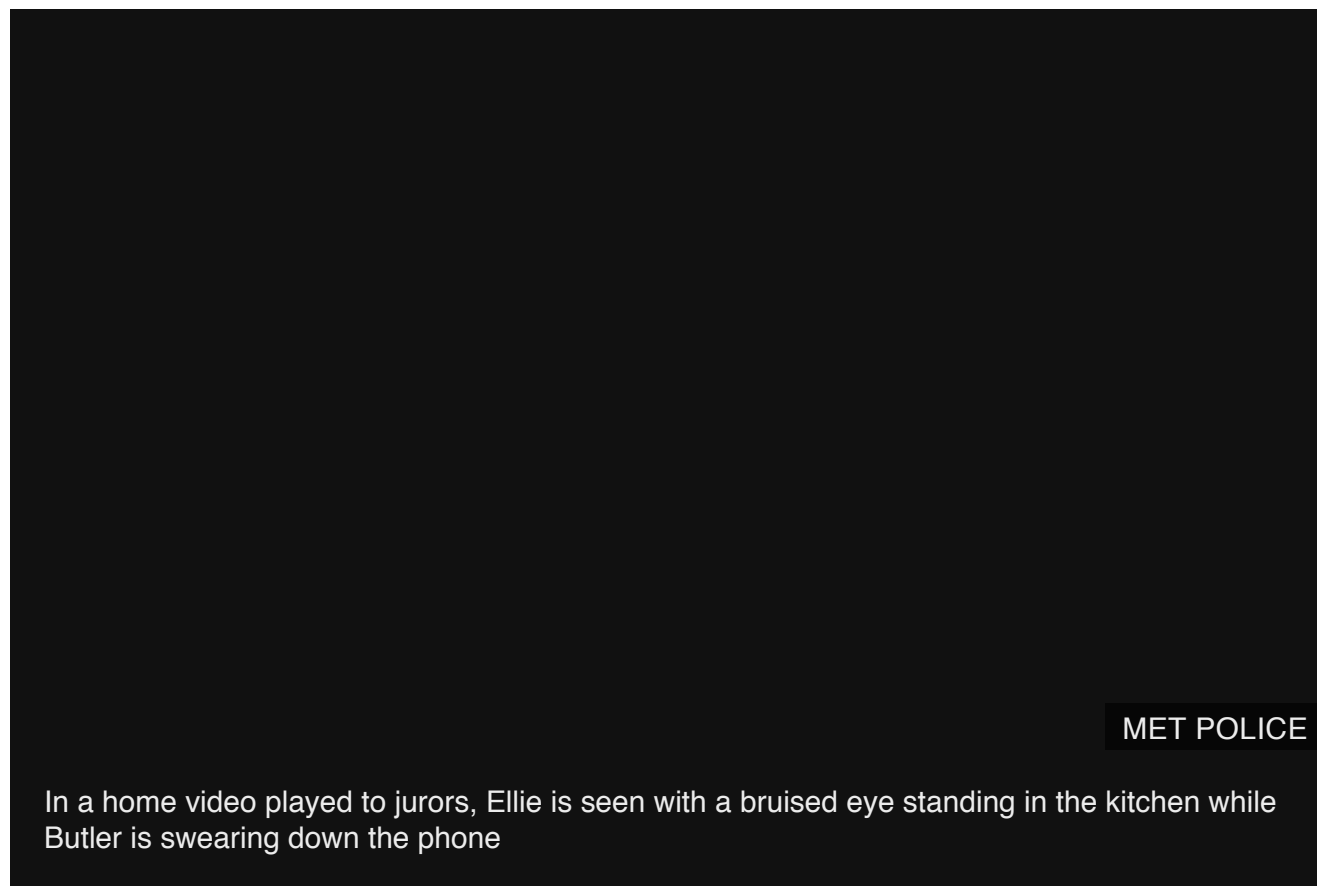
The court heard harrowing evidence of a toxic family life dominated by a man described in court as "angry, overbearing and manipulative".

Butler had a "volatile temper" which could "explode at any time".

In the months leading up to Ellie's death he sent hundreds of abusive and threatening texts to Gray containing the most obscene and vile language, often directed at Ellie and a younger sibling.

Jurors heard how he frequently beat Gray up and threw her out onto the streets.

A video clip played in court also showed him swearing aggressively on a phone call in the family kitchen in front of Ellie.



Malcolm McHaffie, deputy chief crown prosecutor for CPS London, said: "Ellie Butler was murdered in her home, where she should have felt safe, by her violent father who should have loved and protected her.

"We may never know exactly what happened in the last few hours of Ellie's life, but the CPS built a strong case to show that her death was the result of deliberate violence by Butler."

## Timeline

- February 2007: At six weeks old and in the sole care of her father, Ellie was found to be "suddenly soft and limp". Scans showed she had serious injuries.
- June 2007: Ellie was placed in the care of her grandparents.
- January 2008: The Family Court found that, on the balance of probability, Butler caused Ellie's injuries and Gray failed to protect her.
- March 2009: Butler was convicted of grievous bodily harm and sentenced to 18 months in prison. He had a history of offending and violence.
- June 2010: His criminal conviction was quashed by the Court of Appeal on the basis of new medical evidence.
- July 2012: The Family Court overturned an order which protected Ellie from her parents. It exonerated Butler and said that any injury caused to Ellie was "purely accidental".
- An independent social work agency was appointed to replace Sutton Council's social workers to oversee the children being returned to their parents.
- The children were not subject to any court orders which had an effect of preventing agencies (social workers, child protection, schools etc) from having any further involvement.
- November 2012: Ellie was returned to her parents' care.
- October 2013: Ellie was murdered.

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### **Ben Butler: The exonerated father who went on to kill**

21 June 2016