

OPUS2

MBR Acres Limited & Others v Free the MBR Beagles & Others

Day 11

May 12, 2023

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Friday, 12 May 2023

(10.30 am)

MR JUSTICE NICKLIN: Yes, Ms Bolton.

MS BOLTON: My Lord.

MR JOHN CURTIN (continued)

Cross-examination by MS BOLTON (continued)

MS BOLTON: Mr Curtin, good morning.

A. Good morning.

Q. I'd like to go is to an incident on July 2021, please, and if we can look at video 148, please, at one minute, 57 seconds, if we could play that, please, to two minutes 11 seconds.

(Video played)

If we can play from one minute, 57 seconds, please.

(Video played)

Pause there, please. Right, so that's you, isn't it?

A. It is, yes.

Q. You just walked up to the gates, across the metal strip --

A. Yes.

Q. -- and you're banging the gates, aren't you?

A. Yes, I'm --

Q. And you're shouting abusively; yes?

A. I'm shouting -- yes, I suppose bad names I guess.

1

Q. Okay. If we can just play on for a few more seconds, please.

(Video played)

If we can pause there. Now, Mr Curtin, we can go through this video, but would you accept from me that this video, for about the next ten minutes, you return onto the claimants' land on several occasions, shout and bang the gate?

A. Yes, I could -- without watching it, I can accept that's your case, yes.

Q. And you'd accept that you weren't invited onto the land?

A. No, no.

Q. And I think you gave evidence yesterday that you consider the metal strip to be like a force field that you don't cross, but you clearly did on that day, didn't you?

A. Yes. To me, I'm dealing with what felt like an emergency at the time, an animal welfare emergency. The workers haven't come in. There's never been any dialogue -- this is the only dialogue -- only form of dialogue there's ever been between the protestors and this company. And the workers had not come in, they spend hardly any time in there anyway and I was angry that the workers hadn't come in yet and angry that they might be blaming us or just angry -- "Get these dogs

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some water", I said. It's a boiling hot day. So I am responding to an animal welfare emergency. That's definitely why I'm acting in this agitated way.

Q. And it's right, isn't it, that the reason the workers weren't in is because they were further up the road with the police?

A. That's what the evidence -- yes, I imagine that's what was happening. But there was no plan on this side.

There was nothing extraordinary happening that morning to not allow the workers in. Every day the workers -- the idea was never ever to block the workers coming in.

Q. And it's right, isn't it, that there's been no welfare prosecutions as a result of this? We see you on the video make phone calls, try and report it. It's right, isn't it, that there are no welfare prosecutions?

A. That is the scandal, yes. There's never -- we've never -- been an RSPCA investigation into MBR. We're not able to use the Animal Welfare Act. It's pointless ringing the police. You get put through to the Home Office, who won't be there. I don't know what day this is. It's a scandalous low level of animal welfare and I think it's -- what's the word? -- not "cheeky", but offensive to say that there's been no animal welfare prosecutions.

Q. There hasn't been, has there?

3

A. I'm sure -- if there was an investigation, I think there would be perhaps hundreds of violations.

Q. But there hasn't been, has there?

A. No, because it's a closed shop.

Q. And it's right, isn't it, that that was a blatant trespass onto the claimants' land?

A. Blatant.

Q. And it's right that all of your concerns in the telephone call you go on to make you could have made without trespassing on to the claimants' land?

A. It was -- under those conditions, I don't know what I would have done to get those dogs some water at that point. So, yeah, I'm angry, I'm animated and it's not a protest at this point. It's like get -- "Where's the workers?". I'm getting increasingly angry. So, yes, I haven't got a concept of whether I'm trespassing or not trespassing. I'm not jumping over the fence, but if this had gone on for hours and hours and hours, I might have been contemplating doing that.

Q. It's right, isn't it, that if the workers aren't in there, banging on the gate, trespassing on the claimants' land and shouting abuse can't be justified? It's not going to change anything, is it?

A. It can't be justified for no one to come out and explain to us what to do. It can't be justified for no one to

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1 tell us -- there is no -- there never has been one
 2 single word said from the management to us.
 3 So it's -- I don't know what your point is, but I'm
 4 animated, I'm agitated, but in my head this isn't
 5 protesting. This is I want -- I need an intervention to
 6 happen and it's causing me --
 7 Q. It's trespassing, isn't it?
 8 A. I've gone up to the gate, but -- yes, it was always
 9 understood -- but I would be allowed to --
 10 Q. It's trespassing, isn't it?
 11 A. But if there's an animal at risk, for me, civil trespass
 12 would override that. To get the dogs some water -- to
 13 try and wake someone up -- to get the workers here, get
 14 them to realise how angry I am. I wasn't thinking of
 15 trespassing at that moment. In a cooler moment, this
 16 is -- animals are at risk, I'm thinking here.
 17 Q. Mr Curtin, it's a trespass, isn't it?
 18 A. I'm banging on the gate.
 19 Q. You've entered the claimants' land.
 20 A. I have to bang on -- in order to get to the gate to bang
 21 on it, to get some attention in an animal welfare
 22 emergency. I didn't give two -- I suppose I didn't give
 23 two hoots that I had to cross a metal line to bang on
 24 the door, get this -- get the workers in.
 25 Q. You've entered the claimants' land?

5

1 A. For a reason. It's not protesting --
 2 Q. So you accept you've entered the claimants' land?
 3 A. We all know -- I cannot remember -- but you can see from
 4 my conduct I must have established by then that metal
 5 line was a kind of force field. That's where the gate
 6 is. Yes, I've banged the gate, which means stepping
 7 onto their land, but this is -- the dogs are not being
 8 looked after at this moment, in any way -- not that they
 9 did get looked after, but they need some --
 10 Q. And that's your subjective view, but there's no evidence
 11 of any welfare issue, is there?
 12 A. There is evidence because, remember, I haven't been
 13 allowed to bring the evidence. Since 4 o'clock the day
 14 before -- I don't know what day of the week this is.
 15 Do you know what day of the week this is?
 16 Q. There's no evidence, is there, of any welfare issue?
 17 A. There is. Well, I haven't been allowed to bring into --
 18 I have not been allowed to bring welfare issues.
 19 I mean, welfare issues --
 20 Q. I'm going to suggest to you there isn't, Mr Curtin.
 21 A. If the judge allows us to talk about it, let's talk
 22 about the welfare issues then. Let's talk about the
 23 practice of leaving dogs from 11.00 am to 8.00 am in
 24 a factory where dogs are giving birth. It's
 25 absolutely -- it's the lowest level of animal welfare

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1 I've ever experienced in this country.
 2 Q. Well, Mr Curtin, again I'll put it to you there's been
 3 no prosecution, has there?
 4 A. And that is a massive scandal. There has not been
 5 a prosecution for animal welfare in this country in
 6 laboratories or under the Animals (Scientific
 7 Procedures) Act -- I was going to say "ever". There may
 8 have been one or two in my entire -- maybe one I can
 9 think of in my entire 40 years' involvement. That's the
 10 issue here.
 11 Q. Let's look at the next incident, Mr Curtin --
 12 MR JUSTICE NICKLIN: Well, before we leave that incident,
 13 this video that we're seeing comes from the intercom,
 14 doesn't it?
 15 MS BOLTON: Yes.
 16 MR JUSTICE NICKLIN: And we saw briefly, I think it's
 17 Ms Hodson, ring the intercom bell. So anybody who wants
 18 to ring the intercom bell has to go onto the land to do
 19 so.
 20 MS BOLTON: My Lord, they do have to do so.
 21 MR JUSTICE NICKLIN: Right. Well, we'll come back to that
 22 issue on the question of implied licence.
 23 MS BOLTON: My Lord, indeed.
 24 MR JUSTICE NICKLIN: Right.
 25 MS BOLTON: Mr Curtin, let's look at the incident of

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1 25 July 2021, please. I want to look at video 56,
 2 please.
 3 (Video played)
 4 Now, just pausing there for a moment, please, that
 5 red car is your car, isn't it?
 6 A. It's a car that I have --
 7 Q. It's you driving it, isn't it?
 8 A. Yes, yes.
 9 Q. We're going to see in a moment -- we've looked at this
 10 video already.
 11 A. Yes.
 12 Q. And you put it to the witnesses that that's -- you
 13 accept it's you in the car and you suggested to one of
 14 the witnesses that, in fact, at the end of this couple
 15 of minutes, the car seems to reverse back again as if
 16 you're leaving the scene.
 17 A. I don't know if I said that. The video ends with the
 18 car reversing out of shot.
 19 Q. Yes.
 20 A. I don't know what's following that.
 21 Q. If we just play this. It's only a short video. If we
 22 can just play the video, please.
 23 (Video played)
 24 Now we see you get out.
 25 A. Yes.

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1 Q. Now, that video is taken at midday on 25 July. Do you
 2 recall what was happening that day, while the crates
 3 were there and while your vehicle was there?
 4 A. I can -- I've got a guess.
 5 Q. You've got to guess?
 6 A. I've got a guess.
 7 Q. Okay. You suggested to one of the witnesses that it
 8 looked like you might be moving the car away. Can
 9 I just be very clear on this? Is it your evidence that
 10 you reversed the car at that point out onto the highway
 11 and left?
 12 A. No, absolutely not.
 13 Q. It's right, isn't it, in fact, that the car remained on
 14 site between 12.01 to 4.45 that day?
 15 A. Okay.
 16 Q. Would you accept from me that it then left the site and
 17 returned at 4.57 pm and then remained there again till
 18 5.52 pm?
 19 A. Could you give me those times again?
 20 Q. So 12.01 to 4.46 pm and then 4.57 pm it returned and
 21 remained there until 5.52 pm. Now, I can take you to
 22 the video footage on this or will you accept from me
 23 that that's what happened?
 24 A. Yes, if you hadn't said that -- I don't want to accept
 25 everything you say, but if you tell me you've got video

1 evidence to say that's the case, I'll accept --
 2 Q. If you want me to take you to it, I'll take you to it,
 3 Mr Curtin.
 4 A. No, I'll accept it from you.
 5 Q. In that video the car is parked over the access road,
 6 isn't it?
 7 A. If you remember the last video, there was a car
 8 parked -- do you remember the big car that was -- do you
 9 remember that incident yesterday? There was a car --
 10 Q. That was right on the edge of the access road, yes.
 11 A. I had parked the car there on the drive a number of
 12 times. It is a very, very big drive actually. It was
 13 designed to -- it's designed to take articulated lorries
 14 and my car is parked on the access road.
 15 Q. If we can just go back to the video so we can see where
 16 the vehicle is, please.
 17 (Video played)
 18 We see -- just pausing there.
 19 A. Yes.
 20 Q. And then we see -- sorry, actually, in all fairness, if
 21 we can just play to where the vehicle pulls back
 22 forwards again, please.
 23 (Video played)
 24 Pause there, please. That car is clearly
 25 obstructing a significant part of the access road,

1 isn't it?
 2 A. Yes, at that time. There was -- at that -- at this
 3 period of time, for quite a while -- for quite a few
 4 months, once we'd started, the gates used to open in the
 5 morning and the evening for the workers and it must be
 6 the case -- I presume that MBR -- the postman wasn't
 7 coming. They were taking very few deliveries. So the
 8 drive, sometimes it used to get used for other things
 9 because at that period it was not in regular use.
 10 Q. It's right, isn't it, that that's plainly -- along with
 11 the crates that are being stacked in front of the gate,
 12 that's plainly interfering with the claimants'
 13 employees' right to access the highway and obstructing
 14 the highway, isn't it?
 15 A. Again, it's quite a strange scene to look at in a way,
 16 especially now post injunction.
 17 Q. Indeed.
 18 A. It's quite -- if you look at the -- again, there's the
 19 kind of relaxed conduct of the police officers, as if --
 20 for them, it looks like -- they just don't seem to want
 21 to get involved. But my car is on -- is parked on that
 22 drive, as we speak, there, and there's people that seem
 23 to want to be -- like I said, I can only guess what this
 24 incident is. I don't know if you've got -- I think
 25 there was -- but I'd only be guessing that there was

1 reports of like a beagle had been put into a car and
 2 a big panic ensued.
 3 Q. It doesn't give you the right, does it, to block the
 4 access to the highway or to interfere with people's
 5 right to access the highway, does it?
 6 A. There's no way in a million years that I was going to
 7 take a stand here on this day to stop any vehicle from
 8 coming in or going out because there are such things as
 9 police officers and they would arrest me and I didn't
 10 want to be arrested because I would be -- I didn't want
 11 to be arrested. I would be bailed away. So my car
 12 might be parked there. There's no sense of any urgency
 13 in this scene. Any police officer or any vehicle who
 14 wanted to come in and out, and you'd see different
 15 behaviour. My car is parked there.
 16 Q. But there's no free passage, is there, Mr Curtin,
 17 because your vehicle is in the way and the crates are in
 18 the way?
 19 A. If I -- no -- it's -- I don't want -- I'm not trying to
 20 be clever with words. Cars used to park there,
 21 including mine -- like used as a car park space,
 22 especially of an evening or there's lots of things to
 23 drop off at the camp and pick up. So, yes, as my car is
 24 there -- but I'm there, I'm freely -- "Whose is this
 25 car?"; "Mine"; "Move it. The workers want to come in,

1 there's a van wants to come in", I would comply with
 2 that.
 3 Q. You're plainly parking your car there deliberately, just
 4 like others are putting crates in front of the gate
 5 deliberately, to control the claimants' access to and
 6 from the site.
 7 A. I want to give evidence here and tell the truth and
 8 I don't want to be -- what's the word? -- obtuse or
 9 obstructive. I don't know if -- I'd need to see some
 10 better evidence that there's a -- the people doing the
 11 cages seem to be a little team. I'm not clear what's
 12 going on here would be my evidence. I'm not clear.
 13 All I do know is that me, I, John Curtin, never set
 14 out -- it would be a complete change of behaviour to
 15 block one of the MBR cars, like, "You're not coming in,
 16 you're not going out". As we've seen, I'd slow vehicles
 17 up.
 18 Q. This was before any injunction, this was deliberate
 19 action and there was no reasonable excuse for doing it,
 20 was there?
 21 A. The reasonable excuse was just to park. Without knowing
 22 more -- you haven't got any witness testimony of what
 23 this occasion is and they used -- cages used to be put
 24 as a display. You can see -- we put in an appeal for
 25 cages to act as a symbol that these cages are empty.

1 People want to put dogs in them. All I can tell you is
 2 that my car -- if anyone had requested my car to be
 3 moved, it would be moved immediately.
 4 Q. This is part of the protest activities and yet the
 5 protest activities could have been carried out without
 6 obstructing the highway and interfering with the
 7 claimants' right to access the highway. That's right,
 8 isn't it?
 9 A. Yes, my -- the role my car is playing there is not
 10 fundamental or crucial to any protest. It's there and
 11 I'm not quite sure why it's there, but I did park my car
 12 there.
 13 Q. And it's --
 14 A. One of the reasons, if I remember, was in case a dog van
 15 came. I think that was one of the reasons, to give some
 16 time.
 17 Q. Yes, to obstruct access to and from site?
 18 A. As I said, I want to give evidence, I'm telling the
 19 truth, I've got nothing to hide so that would give you
 20 some -- rather than a dog van going really, really
 21 quickly, so to -- but my car could have been parked
 22 there that day. I don't want to be -- the judge told me
 23 not to cave in or something, you know. You're not
 24 providing me with any witness statements or anything.
 25 That could be a totally harmless act there of parking

1 the car, which I did regularly, and other people's cars
 2 parked there.
 3 Q. Well, it was in Ms Pressick's witness statement,
 4 Mr Curtin, and the videos were exhibited and it was at
 5 page 109 in your bundle and she gave evidence and you
 6 didn't challenge it.
 7 A. I think this -- I wish I could have Ms Pressick again.
 8 Q. Well, put what you say Ms Pressick's evidence was, the
 9 relevant part, so that Mr Curtin has the opportunity to
 10 say what he has in answer to that if he wants to.
 11 MS BOLTON: She says that:
 12 "On 25 July John Curtin parked a Vauxhall Corsa on
 13 the access road, such that the access road was
 14 impassable for vehicles, including those driven by MBR
 15 staff and contractors. The conduct complained of was
 16 recorded on MBR's CCTV recording equipment at the Wyton
 17 site, which shows John Curtin manoeuvring the Corsa the
 18 several times before leaving it stationary on the access
 19 road. Videos 54 and 56 [as read]."
 20 MR JUSTICE NICKLIN: So what she's doing there is simply
 21 reciting what we can see on the video.
 22 MS BOLTON: And blocking the access road, my Lord.
 23 MR JUSTICE NICKLIN: Well, is there actually evidence that
 24 anybody was obstructed by this?
 25 MS BOLTON: My Lord, you can see that, as it goes on for

1 hours --
 2 MR JUSTICE NICKLIN: Well, we can't see it goes on for hours
 3 because we've just got a clip.
 4 MS BOLTON: We have the clip, my Lord, but we also have the
 5 full video which shows that this goes on for hours.
 6 MR JUSTICE NICKLIN: Right.
 7 MS BOLTON: And eventually, for people to actually get out,
 8 there has to be clearance and police intervention and
 9 they are obstructed. And you then see the crates go
 10 back even higher and an even larger blockade of the
 11 gates. So this is done to slow up the staff coming in
 12 and out. It's obstructing their access to and from the
 13 highway.
 14 MR JUSTICE NICKLIN: Right.
 15 A. That's your -- my --
 16 MS BOLTON: I'm happy to take you to it, Mr Curtin. We've
 17 clipped things so that we don't have to look at hours --
 18 A. Okay.
 19 Q. -- and that nobody has to look at hours, but that's what
 20 happened.
 21 A. My -- that word "obstruction" -- if I can, for the sake
 22 of any other more witnesses, there's a blockade, "You
 23 shall not pass". This is millions of miles away from
 24 that.
 25 Q. It's not, is it, Mr Curtin, because it's part of

1 a rather large blockade of "You shall not pass"?

2 A. This is -- it's strange to see it now. As far as the

3 ritual goes, this is the zenith of the ritual. This is

4 highly -- it looks visual, it ... but it was still --

5 each time the workers went in and out, all them people

6 that were putting them cages there and pretending

7 they're looking like a barricade, they'd removed the

8 cages.

9 Q. And your actions are, again, targeting specific highway

10 users, namely those who are entering and exiting the

11 Wyton site on behalf of the first claimant?

12 A. Yes, because that's where the puppy factory is.

13 Q. And the actions are designed to cause the staff

14 difficulty or the contractors difficulty accessing and

15 leaving the site?

16 MR JUSTICE NICKLIN: Well, when you say that, do you mean on

17 that occasion?

18 MS BOLTON: Yes, my Lord.

19 MR JUSTICE NICKLIN: Well, where's the evidence of that?

20 MS BOLTON: Well, my Lord, the fact that they can't freely

21 pass. They have a right -- they have a private law

22 right to access the highway. It's being obstructed.

23 MR JUSTICE NICKLIN: I know. That's theoretical, though.

24 Where's the evidence that it was actually obstructed?

25 MS BOLTON: Well, they don't have to be actually obstructed,

17

1 my Lord --

2 MR JUSTICE NICKLIN: You were putting to the witness that

3 there were actual contractors who failed to get into the

4 site as a result of this.

5 MS BOLTON: My Lord, apologies. I'd already taken Mr Curtin

6 to the fact that we see the police require them to move

7 later into the video evidence -- he's accepted that --

8 and that the barricade goes back.

9 MR JUSTICE NICKLIN: Yes, I'm looking at -- this is pleaded

10 against Mr Curtin as, very specifically, that on

11 25 July, at 12 o'clock, Mr Curtin obstructs the access

12 road.

13 MS BOLTON: Yes.

14 MR JUSTICE NICKLIN: Paragraph 173.4, paragraph 181.8 --

15 sorry, 181.4:

16 "At 12 o'clock Mr Curtin obstructed the access road

17 by parking the Vauxhall Corsa."

18 There is no allegation in the pleading that there

19 was actual obstruction of anybody.

20 MS BOLTON: My Lord, my question is as to the motive for the

21 obstruction.

22 MR JUSTICE NICKLIN: Right. Why is that relevant?

23 MS BOLTON: Because we have two points here. We have

24 a common law right, which is a private law right. Any

25 interference with that -- it doesn't require someone to

18

1 have to leave at that moment. That's interference.

2 So from that point of view it's relevant to the

3 motive behind it. Was it a case of "I needed to change

4 my tyre" or was it a case of "I've actually parked my

5 car there and I've left it there as part of this

6 protest", and that's relevant to the exercise of your

7 discretion. And then there is an obstruction of the

8 highway, which again it is, and Mr Curtin has accepted

9 that it requires the police to move it.

10 A. No, I've not. I have not.

11 MR JUSTICE NICKLIN: No, Mr Curtin's evidence was if the

12 police had asked him to move it, he would have moved it.

13 A. And --

14 MS BOLTON: Yes, but the purpose is still relevant to the

15 obstruction of the highway, my Lord.

16 MR JUSTICE NICKLIN: Right.

17 A. I also said if anybody had asked me to move it,

18 remember, I would have moved it -- anybody. It would

19 have been moved immediately. But I was not here to make

20 a stand, "Ye shall not pass". That was not happening.

21 MS BOLTON: It's right, isn't it, Mr Curtin, that you parked

22 that vehicle there -- and I think you've already said

23 this -- to slow up people entering and leaving the site?

24 A. No, I did not say --

25 Q. You've already given that evidence a moment ago.

19

1 A. I did not give that evidence.

2 Q. Bear with me a moment, Mr Curtin. (Pause)

3 Your evidence was that you slow vehicles up, wasn't

4 it?

5 MR JUSTICE NICKLIN: Right. Let's see what the context of

6 that question was, please. Put it on the screen.

7 MS BOLTON: [Draft] page 14, line 25, you have to read it

8 through to 15. It's the transcript we need, please.

9 A. I've got a page.

10 Q. So it's line 25.

11 A. Okay.

12 MR JUSTICE NICKLIN: Okay, so is it that last sentence --

13 the last paragraph, "As we've seen, I'd slow vehicles

14 up"?

15 MS BOLTON: Yes.

16 MR JUSTICE NICKLIN: What is plain from the context of that

17 answer is that's Mr Curtin referring back to him in his

18 protest activities, where he can be seen with

19 a loudhailer, where he temporarily obstructs vehicles

20 entering the Wyton site in order to deliver his protest

21 message. It was unfair of you to characterise that as

22 Mr Curtin admitting that he was doing this, what we're

23 looking at now, as slowing up vehicles.

24 MS BOLTON: My Lord, Mr Curtin then goes on to give evidence

25 about a puppy -- a concern about a puppy in the boot --

20

1 A. I take that back.
 2 MS BOLTON: There was also reference about contractor
 3 vans — about dog vans. There is a number of
 4 references, so I don't think we are taking it — I'm
 5 taking it out of context to say that Mr Curtin's
 6 evidence is that this is to slow up because it could be
 7 there's a puppy in the boot, it could be there's
 8 a contractor, it could be a staff member.
 9 MR JUSTICE NICKLIN: He is speaking there generally. I need
 10 to be able to rely upon you and so does Mr Curtin to
 11 fairly represent the evidence that he's given.
 12 MS BOLTON: My Lord, that's why I've taken Mr Curtin to the
 13 transcript.
 14 MR JUSTICE NICKLIN: No, I required you to take him to the
 15 transcript. You, before we looked at this transcript,
 16 put something to him that I then invited you or rather
 17 told you to take me to the transcript because I didn't
 18 think it fairly represented the evidence as I remembered
 19 him giving it.
 20 MS BOLTON: My Lord, Mr Curtin is giving evidence that he
 21 slows vehicles up, that there was a — that he thinks
 22 there was a concern about a puppy being in a vehicle —
 23 A. No.
 24 MS BOLTON: — and he also gives evidence about dog vans in
 25 this section. So, with respect, there does appear to be

1 an answer that's saying that these might be all the
 2 reasons why the car is there. All of those —
 3 MR JUSTICE NICKLIN: I don't think — that clearly is not
 4 the tenor of Mr Curtin's evidence. If you want to put
 5 to him that he has parked his vehicle there in order
 6 deliberately to obstruct dog vehicle vans, then put that
 7 to him and we'll take his answer.
 8 MS BOLTON: My Lord, I will do.
 9 Mr Curtin, you've placed your vehicle there so that
 10 you can slow up either the claimants' staff, contractors
 11 visiting the first claimant's site at Wyton or because
 12 you believed that there was a puppy in one of the
 13 staff's vehicles.
 14 A. I'd like to retract, with no further evidence of the
 15 puppy because it appeared — it looks like the people
 16 are acting deliberately with the cages and it looks like
 17 they're on a mission to do something. I can't imagine
 18 what that mission was. I remember one incident
 19 throughout that whole period where there was a delay,
 20 there was a — but this looks to me like a daily
 21 occurrence. I talked about the ritual. This is
 22 a ritual at its absolute height. It's not — it's my
 23 evidence that I am not protesting about animal
 24 experiments in order to deliberately slow vehicles or
 25 impede the traffic going in. That is absolutely not

1 my — it's not my reason to be there and, as with
 2 yesterday, by me being there, I accept — this argument
 3 that you keep putting, that, "You're ruining the
 4 absolute free passage", that's what I'd say, that this
 5 is a scene where all of our presence — we're there, we
 6 exist and we're protesting.
 7 My car wasn't there for a deliberate reason on this
 8 day. That's why I'm — you have not convinced me that
 9 I have to say that. If you show me some evidence — my
 10 car was parked there a lot and other vehicles were
 11 parked there. I lived there.
 12 Q. Yes.
 13 A. So that's my evidence.
 14 Q. And, as you say, it was part of the ritual? You've just
 15 said it was the ritual at its height?
 16 A. Not necessarily, not — no, parking — I'm not going to
 17 be — I'm going to give the evidence as best I can, as
 18 relaxed as I can. The car is there. I'm using that
 19 space as a car park space. I'm actually unable to tell
 20 you exactly why, but I can tell you what I'm not doing
 21 is "Ye shall not pass". That is not happening here and
 22 it wouldn't ...
 23 Q. What did you mean when you said, "This is the ritual at
 24 its height"?
 25 A. Just visually, you know. Where are we? What date are

1 we? So this is 25 days into it.
 2 Q. 25 July.
 3 A. We seem to be — the visible presence at the gate, it's
 4 become this, which is — it's quite a thing to look at,
 5 you know.
 6 Q. Your evidence yesterday was that the ritual would happen
 7 when the staff entered and exited the site.
 8 A. Yes.
 9 Q. Today you've said that this is the ritual at its height.
 10 I'm going to put it to you that your car is deliberately
 11 parked there to block the staff. It's to slow them down
 12 on entry and exit to the site.
 13 A. No, I'm not — if you — I'm not — no, I'm not able to
 14 accept that and I don't want to accept that just because
 15 you say that's the case.
 16 Q. Okay.
 17 A. The ritual is, I would say — when I'm looking at
 18 that — is that the gates are going to open twice —
 19 when the gates are required to open, yes, they will.
 20 Part of the ritual, I would say, it kind of — and
 21 I think it was important for other people. I think with
 22 other people, inexperienced people, they did have
 23 a feeling of being in control of this situation. I know
 24 more. When the police wanted to do something, "You move
 25 your car", "No, I'm not going to", you just get nicked.

1 So by the ritual getting stronger here, I think
2 there is some element -- it looks like a blockade and
3 it's acting like a blockade, but it was never
4 a blockade. MBR never asked us to move this. If at any
5 time the police asked to move this, my memory, it was
6 moved.

7 Q. Let's look at 12 August 2021, video 200, please. If we
8 can go to two minutes and five seconds, please.

9 (Video played)

10 A. And this --

11 Q. Now, if we can just pause there. That's you with the
12 drum, isn't it, on the access road?

13 A. It is.

14 Q. And the staff vehicles are coming out, aren't they?

15 A. Yes.

16 Q. You referred to this the other day, I believe, as
17 a funeral march.

18 A. I think it was described by one of the witnesses that it
19 felt like a funeral march, so I was happy -- yes, the
20 van -- yes, correct.

21 Q. If we can just play this incident, please.

22 (Video played)

23 If we can just pause there, please. We can see
24 there's quite a lot of police protection around the
25 cars, isn't there?

25

1 A. Yes, there is.

2 Q. Can we play on, please?

3 (Video played)

4 Okay, if we can stop there, please. Again, this is
5 an instant before the injunction, isn't it?

6 A. Yes.

7 Q. It's right, isn't it, that that incident plainly
8 interfered with the staff's ability to access the
9 highway? It slowed them up?

10 A. What -- it plainly interfered, did you say?

11 Q. Yes, it slowed them up, didn't it?

12 A. Yes, it did.

13 Q. It's right it's obstructing their free passage along the
14 highway, isn't it?

15 A. We talk in terms of ritual. Again, I'd say the last
16 scene looked like the ritual at its height. Now we've
17 got the funerals -- we've got the drum. This is with the
18 facilitating of the police. I don't know why there were
19 that many police there that day. It's 12 o'clock, which
20 puts to me it's a Saturday, so maybe there was something
21 happening later that afternoon(?) because there's not
22 a great deal of people. There's a lot of anger when the
23 workers leave at 12 o'clock. That would have been me,
24 talking to the police, and then haven't -- I remember,
25 like, we used to debate with the police how long we

26

1 could slow--march the cars up the road. The police would
2 say, "To the 40 sign", and I'd say, "No, we'll pass
3 that".

4 Remember, this is to make sure that the people on
5 the ground felt -- they were very frustrated, you know,
6 with these workers leaving at 12 o'clock, for example.
7 So to give them a chance that -- yes, to give them
8 a feeling that some people maybe would take some power,
9 a little bit of power, that, yes, you know, they didn't
10 just drive out, yes, they had to slow, and they'd see
11 that as good, and I was helping that to happen whilst
12 also -- there's an element of safety to this, there is.
13 It's not chaos.

14 Q. Camp Beagle have put out large amounts of footage of
15 what has happened on protest days, haven't they?

16 A. Yes.

17 Q. You've not provided any footage about any agreements
18 with the police, have you?

19 A. No, but if I can -- if I may -- if I erred, having the
20 police -- I would like a police liaison officer here.
21 If you're suggesting I'm lying -- I hope you're not
22 because this was definitely -- this was -- looking at
23 it, it's definitely an idea amongst the protestors or
24 it's my idea, "Let's have variations on a theme". Now
25 it's going to be a funeral march.

27

1 Q. That's all I'm asking you about, Mr Curtin. That's what
2 I'm asking you about. You were served with
3 a particulars of claim and you were served with witness
4 evidence, all that deal with this incident. Neither in
5 your defence or your witness evidence have you dealt
6 with any arrangement with the police or any permission
7 to take on this act to a certain point or any of the
8 details, have you?

9 A. Right. I've been overwhelmed by the amount -- I want to
10 answer your question -- I've been overwhelmed, since day
11 one about this case, about the amount of evidence.
12 I don't feel like I've prepared the case well enough.
13 I've worked very hard on it. Once the trial has
14 started, I'm working really hard. For me, I feel I've
15 let myself down a bit, my defence, or I've let the
16 technical side of it -- that I haven't got a clear
17 linear line of evidence that would definitely establish,
18 but I hope you're not -- if you're suggesting that this
19 isn't true, that -- every day I would speak to the
20 police liaison -- this is a classic, classic --

21 Q. I'm suggesting there's no evidence of it, Mr Curtin.

22 A. Yes.

23 Q. And what I'm putting to you is fairness cuts both ways
24 and quite a lot of detail and quite a lot of editing of
25 videos and breaking down of incidents and time was put

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1 into providing documents to each individual defendant
 2 and there were directions as to how they should file
 3 evidence and, at the pre-trial review --
 4 A. Yes.
 5 Q. -- you were reminded by the judge that you'll need to do
 6 it and that you were already late, and then a statement
 7 was provided during the course of these proceedings, and
 8 still it's right, isn't it, that you provided no
 9 evidence about this?
 10 A. I've had -- I've had conversations -- that's correct
 11 that there's no -- I've had conversations with the
 12 police liaison officers, who were immediately reluctant
 13 to just say, "Yes, of course, John. Give me the date".
 14 That's not how it worked. I would have had to jump
 15 through lots of hoops, which I didn't do. Your own eyes
 16 tell you that there is co-operation here, there must
 17 be -- this isn't a coincidence, how these cars are
 18 leaving. It's literally orchestrated and it must have
 19 been a joint affair, and I'm telling you, the person
 20 that would have been the main arranger of that is me,
 21 and you haven't presented any evidence to the contrary
 22 that it's not.
 23 Q. My own eyes show me, Mr Curtin, that the police are
 24 trying to get the staff out of there at the end of their
 25 working shift. That's what the police are trying to do.

1 A. That's not what -- I'd suggest to you you're
 2 cherry-picking your words. It's obviously -- this is
 3 really obviously what's going on here, and it's
 4 co-operation between the police and the protestors.
 5 I have not got the evidence statement from that day.
 6 Q. And what is clear from that video is that you are
 7 preventing the staff having free passage on the highway.
 8 A. We are altering the situation by -- by the fact that
 9 there are protests, we -- I make no apologies for the
 10 funeral march. I make no apologies and I think it's
 11 a good thing we did the funeral march. The protest
 12 happened and the workers got home safely.
 13 Q. Is it your evidence that you are not preventing free
 14 passage in that video?
 15 A. It would be my -- well, it depends what you mean by
 16 "free". How free? Free as if we weren't there?
 17 Q. Yes, to pass and repass along the highway without
 18 interference.
 19 A. No, that would not be my -- I am facilitating exactly
 20 that, exactly the free passage.
 21 Q. You believe that you're facilitating free passage along
 22 the highway?
 23 A. I honestly do, yes.
 24 Q. I suggest to you that's fanciful on the basis of that
 25 video.

1 A. No, it's my firmly held belief that is exactly what I am
 2 doing.
 3 Q. Okay. Well, I've put it to you that you are interfering
 4 with their free passage along the highway and that
 5 you're obstructing the highway.
 6 A. There is a protest by its nature that interferes with
 7 the surrounding area by being there, but it's -- the
 8 idea of this funeral march was exactly to have as free
 9 passage as possible, without unruly demonstrators
 10 kicking cars or doing something off their own back.
 11 There's a joint enterprise here between the police, the
 12 protestors -- no agreement with the workers, but I'm
 13 sure that -- even though it's slower, it's better than
 14 driving through a mob.
 15 Q. This is you forcing staff to endure your protest rather
 16 than simply letting them pass by you as they leave work.
 17 A. No, because it's not -- this is -- it's more to do -- if
 18 they wanted to complain about the fact that they're
 19 being obstructed, that would be open to them by the --
 20 the police are engaging just as much as the protestors.
 21 Q. Well, they have complained, Mr Curtin, haven't they?
 22 That's why eventually the claimants sought an
 23 injunction.
 24 MR JUSTICE NICKLIN: You'll remind me, but I don't think
 25 they sought an injunction on that basis originally.

1 MS BOLTON: My Lord, we sought an injunction on the basis of
 2 the fact that the staff couldn't get out of work.
 3 A. The staff always could get out of work.
 4 MS BOLTON: At the -- with what was happening.
 5 A. In the scale of things -- I don't want to dismiss it,
 6 but the fact that they're held up, with all the
 7 scenario, for this minute, is -- I'd say it's a minor
 8 inconvenience.
 9 Q. It's right, isn't it, Mr Curtin, that the staff couldn't
 10 simply pass you by while you protest? You held them up
 11 and they had to endure your protest?
 12 A. For a temporary and relatively tiny amount of time, of
 13 course. There's going to be protests -- if I'm not
 14 there, there's going to be protests there. It's not
 15 a mob of people. It's like you want me to apologise for
 16 demonstrating --
 17 Q. I'm asking you a direct question, with which you're
 18 choosing to disagree.
 19 A. I think it's a great thing that this funeral march
 20 happened and the protestors would be satisfied. The
 21 workers, they may be frustrated to -- I don't know, it
 22 might affect their pride to see that they have to be --
 23 it looks like there's this spectacle going on on their
 24 behalf, but they would have been able to get home
 25 (inaudible -- overspeaking).

1 Q. And you could have carried out your protest without
 2 obstructing those accessing the highway and interfering
 3 with their right to access the highway, couldn't you?
 4 Your protest at the Wyton site doesn't require you to
 5 hold up the staff cars on the highway, does it?
 6 A. My protest does not require ...?
 7 Q. You can protest without doing that, can't you?
 8 A. There's so many things that you can do. I've given
 9 evidence that, when I arrived, there was, amongst many
 10 of the -- remember, anyone can turn up. It was like,
 11 "What you doing, giving them lot free passage? Stop
 12 them. Why should they have the luxury of going home?",
 13 or -- for example. That's never been the case -- that's
 14 never been my way of thinking at all. These workers are
 15 going to get home and the quicker they -- it does not
 16 matter to me -- if this funeral march had been slower,
 17 if we -- the reasons why I used to negotiate, to like
 18 the 40 sign, was to sort of go back to the other
 19 protestors and give some sense of like -- some sense of
 20 engagement, that this is a protest with some energy and
 21 we're able to do this and the police are facilitating
 22 this. It's a bit of a battle with the cops.
 23 At no point -- not once have any MBR security --
 24 I don't think I've ever been asked to do anything by
 25 a MBR security guard or requested or -- never contacted

1 us in any way, shape or form by the management -- never.
 2 Not once. Not once.
 3 Q. And it's right, isn't it, that your actions are
 4 targeting specific highway users, namely those leaving
 5 the Wyton site?
 6 A. Yes.
 7 Q. And that's caused the staff to have to be surrounded by
 8 police and slow-walked out onto the highway?
 9 A. But, as we've -- it is a very controversial place. Once
 10 it's out in the open, it attracts attention and so it's
 11 going to be a place where protests happen. The days of
 12 there not being protests are gone. They're history.
 13 It's out there now in the public domain and it's going
 14 to attract attention because of the nature of its
 15 controversial business. It's not a potato factory. If
 16 this was a potato factory, it would be -- we'd all be
 17 scratching our heads.
 18 Q. And it's plainly slowing the staff down. It's certainly
 19 not facilitating free access, is it, onto the highway?
 20 A. It is. I really disagree with you.
 21 Q. Now, you've talked a lot about wanting to facilitate
 22 protest, to cooperate, and you took some of the
 23 witnesses to an incident on 15 August --
 24 A. Yes.
 25 Q. -- which you say is evidence of you facilitating lawful

1 protest. Is that a fair description of what you were
 2 putting to the witnesses?
 3 A. Yes. It seems crystal clear.
 4 Q. Right. Can we have a look at video 205? Can we pull
 5 that up, please?
 6 (Video played)
 7 If you can just pause it for a moment, please. Now,
 8 help me here, Mr Curtin. By this time you've been at
 9 the camp for a while?
 10 A. I can't see a date --
 11 Q. 15 August.
 12 A. Ah, yes, so --
 13 Q. About a month?
 14 A. Six weeks, yes.
 15 Q. Six weeks?
 16 A. Well, five weeks, yes.
 17 Q. You're there every day by that point?
 18 A. Yes.
 19 Q. Are you living there at that point?
 20 A. Yes.
 21 Q. Was this an organised demonstration day, 15 August?
 22 A. Yes.
 23 Q. You took the witnesses to it. It was?
 24 A. I think it was -- it was a Free the MBR Beagles,
 25 because, remember, it was always important to bear in

1 mind the Life of Brian film, and there was a Free the
 2 MBR Beagles, who are the people that didn't set up the
 3 camp, that did the original surveillance, putting the
 4 cameras -- and they contacted the Daily Mirror and it
 5 was their campaign, but we were kind of hosting it. So
 6 a joint thing, but -- Free the MBR, but they're coming
 7 on our patch so we've got some say in it.
 8 Q. Was it all day?
 9 A. I think so, yes.
 10 Q. And, what, till late? Till 4 o'clock in the afternoon,
 11 5 o'clock in the afternoon? What would it be determined
 12 as?
 13 A. I hope so. Activities -- many activities -- we cram in
 14 as many activities, and because we've got the tents
 15 there, we can have the tea and the cake and the talks
 16 and ...
 17 Q. Okay. Now, it's right, isn't it, that what you were
 18 putting to the staff was this was an example of you,
 19 Mr Curtin, facilitating access to the site and being
 20 a facilitator? Would it be fair to say your case is
 21 you're being a facilitator rather than an agitator?
 22 Would that be fair?
 23 A. In the videos that I've seen so far, yes, that would be
 24 fair.
 25 Q. Okay. Of course, at this stage, and just so we can set

1 this video in context, it's right, isn't it, that the
 2 camp and various individuals and land had been served
 3 with notice that MBR were about to apply for an
 4 injunction?
 5 A. I think I talk ---
 6 Q. Yes.
 7 A. --- in terms of "This is a trap" or something.
 8 Q. Yes ---
 9 A. Yes.
 10 Q. --- because you'd all just had notice that an injunction
 11 was being sought.
 12 A. Yes.
 13 Q. Yes. If we can play the video and pause at 57 seconds,
 14 please.
 15 (Video played)
 16 Right. Yes, I think you identified that voice the
 17 other day as Lucy Windler, when you were putting this
 18 evidence to the witnesses that you were cross-examining;
 19 yes?
 20 A. Yes.
 21 Q. And we heard her say, "We are clearing the way" ---
 22 A. Correct.
 23 Q. --- which implies, doesn't it, that it wasn't clear
 24 beforehand?
 25 A. Yes, because there's no cars coming.

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1 Q. Well, there's people all over the road, isn't there ---
 2 A. There's people ---
 3 Q. --- and she's saying, "We're clearing the way to let the
 4 staff in"?
 5 A. If you look, there's people in a kind of cordon and
 6 there's loose individuals that are not in that cordon,
 7 so the road is not completely free.
 8 Q. Yes.
 9 A. So "We're clearing the road" --- you can't have a cordon
 10 and then one person in the road, so ...
 11 Q. But what she's saying implies, doesn't it, that
 12 beforehand the way wasn't clear for the staff to come
 13 in?
 14 A. You only have to clear the gates when the workers are
 15 coming in. After the workers have gone in ---
 16 Q. Yes.
 17 A. --- this --- there wasn't a --- after the workers have gone
 18 in, the gates are shut. The drive then gets used as
 19 a public space.
 20 Q. Yes, so just to make sure that you're not answering
 21 a slightly different question, you accept that there
 22 wasn't a clear way for the cars to come in but what
 23 Ms Windler was saying was that they were clearing it so
 24 they could come in; the drive was being used as a public
 25 space, to use your words?

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1 A. As you can see, there's preparation. So "We're clearing
 2 the road" means it's going to be ---
 3 Q. Yes.
 4 A. Yes.
 5 Q. So there was a need for preparation before they could
 6 come in?
 7 A. Yes.
 8 Q. Yes.
 9 A. But, pointing to the practicalities, the workers should
 10 have been in there at 7.30/8.30 and there hadn't been
 11 a clear space in case the workers arrived at any second.
 12 That's not how it was going to work that day. The
 13 ritual would mean the police would come, you'll be
 14 slowed and the crowd would part, not that they're even
 15 in --- there's already a preparation for this.
 16 Q. And we heard Ms Windler saying that the police were
 17 taking their sweet time and certainly it was the
 18 evidence of the witnesses that the police were making
 19 them wait up the road, wasn't it?
 20 A. Yes. Based on what, I don't know. If they'd have --- no
 21 police did come to us, saying, "Is it going to be
 22 a problem getting the workers in?". The reply would
 23 have been "Absolutely none".
 24 MS BOLTON: My Lord, I'm going to go to the next part of the
 25 video in a minute. I'm wondering if we should break

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1 now, if that would be helpful.
 2 MR JUSTICE NICKLIN: Yes. We'll come back at midday. Same
 3 rules, Mr Curtin, today. Don't discuss your evidence
 4 during the break, thank you.
 5 (11.44 am)
 6 (A short break)
 7 (12.05 pm)
 8 MR JUSTICE NICKLIN: Yes, Ms Bolton.
 9 MS BOLTON: I'd like to now --- we're looking still at the
 10 incident of 15 August, Mr Curtin. I'd just like to play
 11 the video, please, to one minute and 18 seconds.
 12 (Video played)
 13 Now, you would accept, would you not, that the
 14 highway is obstructed in --- we can see from behind here,
 15 nothing can come through that way and it's right,
 16 isn't it, that the police are holding the staff up
 17 further up the road and so no one can come down that way
 18 either?
 19 A. Yes, it would be my guess by looking at it that the road
 20 has actually been blocked off.
 21 Q. By the police?
 22 A. By the police, both ends.
 23 Q. Yes. If we can play to one minute and 26 seconds,
 24 please.
 25 (Video played)

40

1 So again, "We've agreed to let them in peacefully",
 2 which again shows that the protestors' agreement -- or
 3 Ms Windler sees it as the protestors have made this
 4 agreement with the police that's been required?
 5 A. Not required, no. Put forward by -- put forward by us
 6 as a workable solution to what could otherwise be having
 7 lots of people at the end of it in a police station, for
 8 example. So putting forward a workable solution.
 9 Q. Would you accept that there's an element of or it's
 10 certainly being portrayed in that clip that there is an
 11 element of the protestors having to be in agreement for
 12 this to be peaceful?
 13 A. No. There's an element of pretending they've got a lot
 14 more control, like --
 15 Q. Yes, there's a view that they have some control.
 16 A. Giving an illusion .
 17 Q. Well, illusion or not, that's what's being portrayed
 18 there, isn't it?
 19 A. Yes, but it's actually true. If the protestors
 20 were like, "Right, that's it. We're making a stand",
 21 then ...
 22 Q. Hmm. Right, if we could play on, please, to one minute
 23 and 34 seconds.
 24 (Video played)
 25 "I can't tell you how much this stinks". That's

1 you, isn't it?
 2 A. Yes.
 3 Q. If we could play on a little bit more, please.
 4 (Video played)
 5 We can pause just there, please. You're referring
 6 to it being a political game with the injunction.
 7 A. Yes.
 8 Q. It's right, isn't it, that having been served with
 9 papers, you knew that an injunction was being applied
 10 for?
 11 A. Yes.
 12 Q. And you realised, didn't you, that it was likely that
 13 the days of blocking the gate without there being
 14 consequences may be coming to an end?
 15 A. I had -- because of my previous -- previous experiences
 16 with injunctions -- and they are kind of varying degrees
 17 of impact on any campaign going from not really -- you
 18 didn't hardly notice there was an injunction unless you
 19 broke a criminal law to stopping an entire injunction
 20 [sic]. So the reason I'm talking there in terms of
 21 a trap is I couldn't understand what the delay was
 22 because there was certainly nothing from us and the
 23 people are getting angrier and angrier, and again you'll
 24 see -- like when the gate is shut, when the workers
 25 arrived, I felt at that time, whether it's rational to

1 feel it, that there was an attempt to get the people to
 2 react quite strongly actually -- yes, to have a scene
 3 that would look good in court.
 4 Q. And it's right, isn't it, that you also realised that if
 5 people didn't behave, if people did get aggressive, if
 6 people made matters worse, that would probably not play
 7 out well in any legal proceedings?
 8 A. Yes, but in any case there's the police force and then
 9 the injunction would add to that. There are -- you're
 10 not allowed to go round blocking roads off willy-nilly.
 11 Q. And if we could just play on a little bit more, please,
 12 to three minutes and three seconds.
 13 (Video played)
 14 A. Is there any chance -- do you need to watch it all?
 15 Q. Yes -- well, not all, but a fair bit of it.
 16 A. Okay, sorry.
 17 Q. Three minutes and three seconds, please.
 18 (Video played)
 19 Just pause there, please. Again that's you,
 20 isn't it, saying, "Let's show these fuckers what
 21 discipline looks like"?
 22 A. Yes.
 23 Q. We don't hear you refer to discipline in other videos,
 24 do we?
 25 A. No.

1 Q. Again, you're recognising at this stage that the actions
 2 on that -- the actions of the protestors on that day may
 3 well be evidence in court proceedings. That's why
 4 you're asking for discipline, isn't it?
 5 A. No. No. What I'm trying to prevent is, because the
 6 anger has risen, because the dogs have now been left
 7 from 4 o'clock the night before -- now it's
 8 10/11 o'clock -- is to -- it's to show the workers, to
 9 show the police, that we are able to operate as a group.
 10 So not just for the injunction proceedings, for the
 11 police to see -- for the whole world to see that we're
 12 not here to stop these workers getting in and out.
 13 Q. Okay.
 14 A. The way I'm able to act, it's a bit of a collective .
 15 It's like trying to herd cats, but it's possible.
 16 Q. Right. I'd suggest to you that you're asking for
 17 discipline because you know about the injunction
 18 proceedings and you know that there's likely to be
 19 cameras recording what's happening.
 20 A. No way. It's genuine. What I'm doing there is genuine.
 21 Q. Genuine?
 22 A. The injunction would have been fairly -- all we've had
 23 is the fact there's going to be an injunction. That
 24 could have meant that the campaign was going to finish
 25 and we were going to be removed. So, if anything -- if

1 I was thinking that way, I might have had -- anyway it's
 2 all speculation -- but, "Right, let's make a stand then
 3 because they're going to get rid of us". No the
 4 injunction was lower down -- I think it was lower --
 5 I was more interested in getting the workers in, getting
 6 the dogs some sort of looked after, getting --
 7 Q. It wasn't that low down, was it, Mr Curtin, because
 8 you'd already mentioned it just a minute earlier .
 9 A. I mentioned --
 10 Q. On the loudhailer you mentioned the injunction.
 11 A. Yes, what was it again? Set some trap. Yes, but
 12 I haven't -- I mentioned it once and you've picked it
 13 up --
 14 Q. "This is a political game to do with the injunction".
 15 That's exactly why you were calling for discipline ,
 16 isn't it? They were your words.
 17 A. If I was, I can't see any harm in that, and --
 18 Q. Well, no, there's no harm in it, Mr Curtin. It's just
 19 that I'm surprised that you're disputing it .
 20 A. I am -- well, I'm -- I'm not disputing -- I've said it.
 21 You've asked me a question and I'm telling you that
 22 what's coming out my mouth that day has the injunction
 23 in mind, but that's all . What I'm dealing with there is
 24 we've got loads of volatile people around, it's going to
 25 be a big demo day, let's get the workers in. So my

1 answer is the injunction was not -- I've mentioned it --
 2 it is a factor .
 3 Q. I suggest to you that's why you're calling for
 4 discipline because you know the claimants were applying
 5 for an injunction .
 6 A. No.
 7 Q. Okay. Then if we can play, please, to three minutes and
 8 21 seconds.
 9 (Video played)
 10 Right. And again you're talking about walking
 11 straight into a trap. Again that's because you know the
 12 claimants are seeking an injunction, isn't it?
 13 A. No, not just that. I agree, I've said it. It's
 14 a factor. We've got a lot of people coming today, a lot
 15 of people who have maybe never been there. I wanted to
 16 show to the -- to show to each other that we're able to
 17 not act as everyone for themselves, an unruly mob.
 18 There's many factors why I said that and the injunction
 19 is only one of those factors. The injunction was an
 20 unknown quantity and it wasn't right up there in my
 21 priorities . "We're walking into a trap" could mean that
 22 people just kick off and there's lots of arrests and
 23 then that's not what I personally was after on this day.
 24 Q. And you go on, don't you, to ask them to show the staff
 25 love and compassion?

1 A. Yes.
 2 Q. It's right, isn't it, that's certainly not one of your
 3 usual protest messages to the staff, is it?
 4 A. No, it is. When you -- for example, a meditation
 5 teacher said it to me, like, when -- how it's possible
 6 to shout with love and compassion. When a child goes
 7 near a fire, "Get away from that". When a child does
 8 something dangerous, you can shout and you can have all
 9 the appearances of hatred and anger, but really
 10 you're -- at the core of your message, so love and
 11 compassion comes out my mouth routinely as a protestor.
 12 Q. Are you really asking it to be accepted that the words
 13 "Puppy killer", "Puppy murderer", "Shit shoveler",
 14 "Moron", "You stupid moron" --
 15 A. Hmm.
 16 Q. -- are all meant with love and compassion?
 17 A. Abso -- I'm not being pedantic. Absolutely. Let me put
 18 it --
 19 Q. I suggest to you that's --
 20 A. Love is not affection. Love, to me, isn't like ,
 21 coochy-woochy-woochy. You can have love -- you should
 22 have love for all beings. The compassion -- you can
 23 have compassion in -- again, I'm -- there's a man called
 24 Thich Nhat Hanh, a Vietnamese Buddhist teacher, and he
 25 taught the Vietnamese how to employ -- tried to get them

1 to employ Buddhist tactics during the Vietnam War,
 2 knowing they were going to fight against Americans, for
 3 example, when you -- if you take prisoners, don't
 4 torture them.
 5 So my thing, if I mention love and compassion to the
 6 workers, absolutely that's what should drive us. Hate
 7 is like a poison and it's a long time ago since I -- if
 8 I have hate, I don't want it.
 9 Q. I suggest to you, Mr Curtin, that that's -- if that is
 10 your evidence as to what is happening on your regular
 11 protest message, that is fanciful .
 12 A. It's not fanciful. It's hard, it's loud, it's
 13 passionate, but it definitely has love and compassion,
 14 including the workers, believe it or not.
 15 Q. I'm struggling with that one, I have to say, Mr Curtin.
 16 A. I bet you would.
 17 Q. Now, you've given evidence that what you wanted to
 18 demonstrate here was that this wasn't an angry mob, that
 19 it was capable of showing love and compassion and that
 20 you wanted to show discipline; yes?
 21 A. Yes, I think -- on hindsight I think I did -- some of
 22 that message was an internal message, that, "If you're
 23 going to come to Camp Beagle, I want you to think
 24 about -- think of working as a community. This isn't
 25 a free-for-all". That's what people -- there's

1 definitely people here that just wanted to do their own
 2 thing and you can see people in balaclavas and boom boom
 3 boom. "If you want to do your own thing, this ain't the
 4 place to do it. You come in, you're invited into our
 5 community and we are asking for guidelines here", so
 6 there's an internal message to it too.
 7 Q. If we just play on, please, we'll see that the staff do
 8 get into the Wyton site, don't they?
 9 A. Yes.
 10 (Video played)
 11 And I think -- you know you talk about free passage.
 12 This would have been -- I'm not sure, we'll watch it
 13 again -- I think the only reason they didn't get your
 14 sought--after absolute free passage, which would mean
 15 they don't have to touch -- they can keep their foot
 16 slightly on the accelerator, they don't have to touch
 17 the brake, was because the gates were shut on this
 18 occasion.
 19 Q. Well, I'd suggest to you that's understandable with so
 20 many protestors standing at the gates, isn't it?
 21 A. The gates should have been open. It was a howler.
 22 Again, it led to my suspicion of, like, "What's going on
 23 here? Why have they now -- why are all these cars
 24 parked in front of all these angry people?". It was
 25 unnecessary and I mistrusted it, the fact that the gate

1 was shut.
 2 Q. It's right, isn't it, that the police walk the
 3 protestors in -- we might not need to look at this
 4 bit -- the police walk the protestors in, the access is
 5 gained and they get into the site, don't they? Yes?
 6 The staff get into the site?
 7 A. Yes, the police escort the staff into the site.
 8 Q. It's right, isn't it, though, that the co-operation and
 9 discipline didn't even last the day, did it?
 10 A. I don't -- I don't -- I don't know.
 11 Q. Well, you were there, Mr Curtin. You confirmed that you
 12 were there.
 13 A. I don't know what you're referring to. You need to tell
 14 me more.
 15 Q. Right, okay.
 16 A. If the discipline -- yes, tell me more.
 17 Q. You confirmed that you were there and that you were
 18 living there and that this was -- you were hosting --
 19 Camp Beagle was hosting an MBR Beagles protest; yes?
 20 A. Yes.
 21 Q. And we've seen you on the loudhailer and we've seen you
 22 trying to help clear the way. Can we look at video 206
 23 because this is when the staff tried to leave that day.
 24 A. Okay.

(Video played)

1 I remember this now.
 2 Q. Right, pause there. We can see that the police are
 3 trying to move people out the way and we can even hear
 4 someone shouting, "You're obstructing the highway".
 5 Do you need me to rewind that?
 6 A. Who said -- I didn't hear the obstruction --
 7 Q. Let's carry on. You'll hear more --
 8 A. Do you mind if I address the court?
 9 Q. Well, let's have a look at the video. There's two
 10 videos I want you to see.
 11 A. Okay.
 12 Q. Okay. If we can play on, please.
 13 A. And I ask you to -- without looking at it -- and I've
 14 never seen this video before -- from what I think I'm
 15 going to say in a minute, I invite you to look at the
 16 lack of Mr Curtin. There's a lack of Mr Curtin actually
 17 in this scene. There might not be --
 18 Q. Let's play on, Mr Curtin.
 19 (Video played)
 20 Pause there.
 21 A. Yes, I know --
 22 Q. You can hear the police shouting "Move back", can't you?
 23 A. I can hear -- in order to help you, no matter what you
 24 say to me is said in the scene -- and again, remember,
 25 I'm here to give evidence -- and I think -- I'm not in

1 this scene because I know where I am. I'm drinking tea
 2 in the tent. I'd given up, and the reason I'd given up
 3 on this day was because I couldn't get any sense
 4 whatsoever out of the police. The two liaison officers
 5 were like, "It's out of our hands. It's out of our
 6 hands". I don't know if this is the day where I ended
 7 up getting some CS gas in my face at some point. I'd
 8 given up and this -- I think -- is this the one where --
 9 does it take an awful long time for the workers to come
 10 out? Perhaps hours?
 11 Q. It's one of those, Mr Curtin, but --
 12 A. It's one of those and I'm sitting in the tent --
 13 Q. We're not going to look at hours, so don't worry. If we
 14 can just play to two minutes, please.
 15 A. And this --
 16 Q. No, play two minutes, please.
 17 (Video played)
 18 A. These are -- the people here are obviously wanting to do
 19 this. They are obviously --
 20 MR JUSTICE NICKLIN: When the witness is saying things,
 21 don't let the video play, please.
 22 A. Okay. It's my -- to help the court, there's obviously
 23 people here that are doing everything they can to do
 24 what you talk about, the obstruction. I'd given up that
 25 day and I was sitting in the tent and I wanted nothing

1 to do with it. It's like -- I was pleased -- what you
 2 won't see here -- and I do believe from a lot of our
 3 joint effort, I've like -- "Before, you haven't got it.
 4 This ain't the day to kick a car just because you want
 5 to. This ain't the day to kick someone's wing mirror".
 6 But I'd given up. I'm trying to -- because I couldn't
 7 find a police officer. The police just didn't want to
 8 speak to me and the police liaison was holding her hands
 9 up, and like, "I'm sorry, it's been passed to gold(?),
 10 man".
 11 Q. Let's play on. We can look at all that in a minute.
 12 A. Okay. I might be there, I might be totally wrong, but
 13 I bet you by this point I'm like, "Pffft". We'll see.
 14 Q. Let's play on, please.
 15 (Video played)
 16 If we can pause the video there, please. If we can
 17 also go to video 216, please.
 18 (Video played)
 19 Right. Pause there. That's all happening at the
 20 same time, isn't it, as the staff are trying to get out
 21 of the Wyton site; yes?
 22 A. Yes, and I've pointed to the fact -- and I've -- like
 23 I said, I ask you to believe me -- I haven't seen this
 24 video before and I'm in the tent, frustrated -- glad
 25 that I'm not hearing smashed windows and stuff and

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1 I don't think damage was done to any vehicle, so the
 2 thing that I'd asked for was -- I'd hoped for is not
 3 happening. But at least it's a version of it. It's
 4 not -- in any other situation -- I think that if this
 5 had been somewhere else, I think there would have been
 6 a lot more mayhem. The cars do stay in a convoy.
 7 I just remember it -- and people were pleased about it,
 8 people were pleased that they'd done this and I took
 9 no -- I wasn't able to take any personal pleasure. It
 10 was of no concern to me. I think it took them a number
 11 of hours to get into the gates and they were only a few
 12 hundred yards, and people were kind of delighted. It
 13 took some autonomy to -- and I didn't share it.
 14 Q. And you didn't, did you, at this point -- having seen
 15 you on the loudhailer to get the staff in, we don't see
 16 you on the loudhailer there, saying, "Come on, let's get
 17 everybody out the way". You didn't needs the police
 18 liaison to do that, did you?
 19 A. I can remember -- I don't -- I can remember throwing
 20 a megaphone into a bush with frustration. So this was
 21 a kind of experiment of getting people to be here and
 22 doing what I hoped -- but I was angry with the police,
 23 I couldn't get any co-operation from the police. Let
 24 alone -- you're not going to get -- I couldn't get none
 25 and it would have been helpful.

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1 Q. Now, we could play both of these videos to the end, but
 2 it's right, isn't it, at no point do you say, "Come on,
 3 everybody" -- regardless of whether the police are
 4 engaging with you or not -- "let's show them some
 5 discipline. Very concerned about this injunction. We
 6 need to let these workers out. This isn't what we're
 7 about. Clear the way"? There's nothing like that, is
 8 there?
 9 A. On this day, on this evidence -- and it hasn't captured
 10 it -- I would have -- this is after I've given up, and
 11 I ask you to believe what I'm saying because I remember
 12 it. Me going out -- one person going out with
 13 a megaphone -- that's what the person with the megaphone
 14 is trying to do. He wasn't part of camp but he's
 15 still -- there's some attempt by him, but by then I've
 16 gone.
 17 Q. Are you suggesting, Mr Curtin, that whilst these staff
 18 were trying to leave, that you were on the megaphone
 19 trying to clear the way for them?
 20 A. No, no, no, I knew I wasn't going to be there -- not
 21 because I prepared for this thing. I'm in the tent.
 22 I was in a bad mood and the perfect scenario wasn't
 23 happening and it was a massive relief, even though it
 24 took hours, that people hadn't booted the cars, which
 25 I had really banged on about.

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1 Q. It's right, isn't it, that you put the morning video to
 2 the staff as you trying to help and facilitate?
 3 A. Yes.
 4 Q. When the staff tried to leave, there's no attempt to
 5 facilitate them leaving by you.
 6 A. The witness -- the evidence used -- provided with this
 7 video, but I pre-empted it, I knew -- I'm in -- I'm
 8 telling you, I'm in a bad mood. People are thinking
 9 this is a good thing. I'm thinking this isn't a good
 10 thing. You've said to me about the injunction. I'm
 11 aware that this is going to be a bit crap for the
 12 injunction.
 13 Q. And there's certainly nobody showing the workers love
 14 and compassion there, is there?
 15 A. I don't -- I'm able -- in my heart -- and I'm not
 16 joking -- when I shout, I'm disappointed if I'm --
 17 different -- there's a whole load of people there.
 18 I bet there is some people who haven't -- to me,
 19 I don't -- there's different degrees of how much people
 20 would demonise the workers as, "These people are just
 21 sheer bad". On that scale of things, I think I'd be
 22 like, "Look, they've rationalised what they're doing".
 23 Q. And I've already put to you that we've heard evidence
 24 from you in the witness box of co-operation with the
 25 police, but there's been nothing provided in advance.

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1 Again, if you had this liaison role, unofficial or not,
 2 with the police, they would have helped you get that
 3 message across, wouldn't they?
 4 A. And that -- well, at the minute it's under dispute.
 5 I would want that senior police officer to be here, and
 6 if he was here -- he's not -- I would ask him, "On a day
 7 like this, the command structure, how much power would
 8 the police liaison officers have?", and knowing what
 9 I know, they'd have much less on-the-day -- much more
 10 gold command. My frustration while I was in the tent,
 11 it had now become pointless of me -- pointless of me --
 12 to try.
 13 Q. Right.
 14 MR JUSTICE NICKLIN: Are you challenging Mr Curtin's
 15 evidence that he wasn't present when this was taking
 16 place, that he was in the tent?
 17 MS BOLTON: I'm challenging, my Lord, that -- he took no
 18 part. My point is he took no part to try and clear the
 19 way for the staff or facilitate any access. Whether he
 20 was in the tent or not, I don't know.
 21 MR JUSTICE NICKLIN: Doesn't it rather depend on -- the
 22 point you're trying to put, which I'm not sure is
 23 enormously relevant, but you're trying to put to him
 24 that he was under some obligation to intervene, as he
 25 had done in the morning, but he could only really do so

1 if he was aware of what was going on.
 2 MS BOLTON: Well, I think he accepts he's aware of what was
 3 going on. He's saying that he'd got angry by then and
 4 had decided that there was no point. Our point --
 5 A. Angry with the protestors -- exasperated, like [snorts],
 6 but -- you know, so ...
 7 Q. You took no part in trying to facilitate the staff
 8 leaving --
 9 A. No way.
 10 Q. -- the site that day?
 11 A. That's not true and you just haven't captured the bits
 12 where I definitely did, which we -- this is --
 13 Q. I want to be clear on that --
 14 A. I haven't got a time stamp, but there will be hours.
 15 Q. Yes. I want to be clear on that. I asked you earlier
 16 whether you did anything to say to anybody, "Come on,
 17 clear the way". You said "No". Are you now saying that
 18 you did?
 19 A. I am, yes, and you're going to have to -- if you've got
 20 the videos available -- and it's -- I'm saying I'm bound
 21 to have gone -- at some point in the morning,
 22 (inaudible - overspeaking) --
 23 Q. Let's be clear --
 24 A. "Let the workers out. Do you understand that? It's
 25 what we do every day. You might not want to, but I'm

1 asking you to respect this kind of rule that we voted on
 2 and it's what we do. It might be counter-intuitive to
 3 you, I know it's 12 o'clock, I know you're all
 4 frustrated, but this is what we would like to happen
 5 today".
 6 Q. Let's be clear, Mr Curtin, we see you in the morning on
 7 the loudhailer asking people to clear the way to let the
 8 workers in. Is it your evidence now that when it came
 9 to the workers leaving -- not in a discussion over what
 10 might have happened earlier in the day -- but when it
 11 came to the workers leaving, that you got on the
 12 loudhailer and said, "Come on, everybody, let's get out
 13 the way. Let's let the workers out"?
 14 A. Ah. Prior to this I would have been frantically trying
 15 to run up and down to police liaison, saying, "Come on,
 16 can we sort something out here?". I don't know if this
 17 is the day I got CS-gassed. That didn't help.
 18 Q. Let's just stay on the point.
 19 A. I'm not saying you're trying to hide anything here, but
 20 I'm telling you, from my genuine recollection, by now
 21 I have given up because I'm not there. And the reason
 22 I'm not there isn't like, "Ha ha ha, this is a cunning
 23 ploy". No, I've given up and my huge frustration --
 24 I can forgive all the protestors because they're being
 25 protestors. Protestors by their nature don't go, "Yes,

1 John". But I couldn't believe the lack of engagement
 2 between some of the people at the camp that day. There
 3 was too much chaos and too much -- so it hadn't gone
 4 according to plan and I was bored of people's joy at the
 5 fact that they'd slowed the workers up for hours. I was
 6 relieved that it hadn't turned into a riot, which it
 7 could have done.
 8 Q. Well, let's just be clear on this. Did you -- when it
 9 came to the workers trying to leave the site, did you
 10 pick up the loudhailer --
 11 A. No, absolutely --
 12 Q. No.
 13 A. I think it might have been thrown into -- I don't know
 14 if that was the day when I went, "Pffft", and just threw
 15 it into the bush; "Oh, forget it then. Go on then.
 16 Have your blockade".
 17 Q. So where you were quite impassioned to tell people to
 18 clear the way and make sure they were doing the right
 19 thing on the way in, at that stage you decided not to
 20 take those steps on the way out?
 21 A. You can see how much notice people are taking of the guy
 22 and he's a very well-respected person. You can see how
 23 much notice. If you go back to his words, he's not
 24 saying, "Clear the passage", but I think he's trying to
 25 add some calm, I think he's actually trying to --

1 Q. Are we talking about Mr Broughton?
 2 A. Yes.
 3 Q. Well, we'll have to agree to disagree on that, but
 4 that's irrelevant. My --
 5 A. He's not saying, "No surrender, hold them up".
 6 Q. My point is there's a nice space there around him and
 7 you could have picked up your loudhailer, just like you
 8 did at the beginning, and said, "Come on, everybody.
 9 Let's clear the way".
 10 A. But you're not listening to my answers. I'm exasperated
 11 [sic], I've quit for the day -- quit. I've gone to
 12 drink tea and I'm not part of this. People want -- you
 13 know, it's like a -- sometimes it's like a pantomime,
 14 people with balaclavas and cops, and it's not of any
 15 interest to me, and there was some of that level here.
 16 Q. So your evidence is, "I'd gone to drink tea". What you
 17 hadn't done was decided to try and facilitate the staff
 18 leaving the site?
 19 A. I know -- I've sort of quit. For trying to get the
 20 workers out, which I wanted to do, you'd think that the
 21 police would also want to do that and a good way of
 22 doing that would be to speak to people they know. They
 23 didn't -- I couldn't find a police officer that would
 24 actually speak to me because they're like, "Who
 25 are you?".

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1 Q. And if you were an unofficial liaison with the police
 2 and if you were a facilitator of peaceful protest, I'd
 3 suggest to you that you would be doing everything to
 4 encourage people -- be out there on the loudhailer,
 5 doing everything you could to encourage them to clear
 6 the way.
 7 A. My evidence to you is that I'd already done that.
 8 Q. Well, you'd done it on the way in, hadn't you, but
 9 you've accepted you didn't pick up --
 10 A. No, you're not listening.
 11 Q. -- the loudhailer and do it on the way back?
 12 A. There's hours and there's -- have we got a time stamp on
 13 this?
 14 Q. It will have a time stamp on it.
 15 Sorry, that is -- no, that's the ... I will find
 16 out, Mr Curtin, but we don't have that at the moment.
 17 A. Okay. So it's my evidence to you --
 18 Q. I want to be very clear on this point because it --
 19 I just want to be very clear whether you're saying that
 20 at any point when the staff were trying to leave, you
 21 were taking steps to facilitate their passage out of the
 22 site.
 23 A. I think at the physical moment when the cars are moving,
 24 by then I had given up --
 25 Q. Right.

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1 A. -- but I had made a lot of effort. I remember being
 2 tired and exhausted and like, "Okay, that'll ..."
 3 Q. Right. Now, I want to look at -- this is page -- I'm
 4 just checking I've got the page reference right here.
 5 I want to go to page 110 in your --
 6 A. Yes.
 7 Q. -- trial bundle, Mr Curtin.
 8 A. Yes. Okay.
 9 Q. It's paragraph 247 of Ms Pressick's evidence.
 10 A. Yes.
 11 Q. And, again, this wasn't challenged. And she says that:
 12 "... (John Curtin) entered the Driveway, approached
 13 the open Gate and shouted abuse at MBR's security staff.
 14 A police officer restrained him."
 15 And she exhibits a shot, an image, of this incident
 16 at exhibit SP28/197, which you'll find at page 328 in
 17 your bundle.
 18 A. Yes.
 19 Q. Again, it's right, isn't it, that you've not been
 20 invited onto the claimants' land?
 21 A. Yes.
 22 Q. You're plainly trespassing?
 23 A. I'm going up to the gate again and there was never
 24 a discussion -- there might have -- I don't remember the
 25 discussion because there had been an arrest early on and

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1 by the time we went to court there was this dispute
 2 about the ... I didn't clearly have it in my head. It's
 3 my evidence that the metal line was the be-all and
 4 end-all; okay?
 5 Q. Mr Curtin, you gave evidence yesterday -- and you
 6 confirmed it today -- that you considered the metal line
 7 to be an invisible force field which you didn't cross.
 8 A. Ah, yes, I think I used that in terms of the security,
 9 when security were there --
 10 Q. No, Mr Curtin --
 11 A. -- but if something happened --
 12 Q. Mr Curtin, let me just stop you before we go any
 13 further. Are you changing your evidence to say now that
 14 you didn't appreciate that the metal strip was the
 15 claimants' land, where it started?
 16 A. Can I answer in a different way, that --
 17 Q. No, I'd like you to answer the question, Mr Curtin.
 18 A. I didn't know, and that was one of the stories that
 19 the -- the force field, I think if you look -- I was
 20 talking, it's as if the security guards have got it as
 21 a force field. They had that understanding. They
 22 wouldn't come --
 23 Q. I took you yesterday to an incident where I suggested to
 24 you that you had stepped over that metal strip and
 25 trespassed when you were protesting and directing ...

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1 (Alarm sound)
 2 A. If I could answer?
 3 Q. If I can just -- as I was putting a question to you --
 4 A. Okay.
 5 Q. Perhaps we should be more worried that we didn't know
 6 there was an emergency incident.
 7 A. Yes.
 8 MR JUSTICE NICKLIN: Well, I'd heard it when it was being
 9 played, but I know from experience that if the voice is
 10 female it means the incident is somewhere else. It's
 11 only if it's a male voice is it relevant to your part of
 12 the building. We can all wonder about the gender
 13 stereotyping used in that scenario, but there we are.
 14 MS BOLTON: Mr Curtin, it's right, isn't it, that yesterday
 15 I put it to you that you had trespassed onto the
 16 claimants' land when you were protesting and targeting
 17 one of the staff cars?
 18 A. Yes.
 19 Q. And I suggested to you that we could see the metal strip
 20 but we couldn't see your foot, but it looked like you
 21 were over the metal strip, and you said, "No, I wouldn't
 22 be over the metal strip because I consider that to be an
 23 invisible force field that you don't cross", and you
 24 confirmed that you understood that to be the claimants'
 25 land.

1 A. Okay.
 2 Q. That's correct, isn't it?
 3 A. Ah. I -- my memory is of the -- when I've said a "force
 4 field", I knew that the security guards were definitely
 5 not prepared -- when the gate is open, there has to be
 6 some boundary or whatever, and the metal strip -- and
 7 I've never been one -- I've never been someone too
 8 bothered about civil trespass. I should be but I'm not.
 9 In the course of my life, I have trespassed. I'm aware
 10 as an activist, as a protestor, aggravated trespass
 11 I need to know all about. So I'm a bit animated here.
 12 There was a finger-point, there was an incident. The
 13 metal line has kind of disappeared from my consciousness
 14 and now it's the gate that's become ...
 15 Q. When I asked you earlier on today that you accepted that
 16 the metal line was the invisible force field and that
 17 that was the claimants' land -- you accepted that was
 18 the case this morning as well. You knew --
 19 A. Can I --
 20 Q. You always knew, didn't you --
 21 A. No, I knew nothing.
 22 Q. -- that the metal strip was where the claimants' land
 23 was? You knew that and you've confirmed on a good
 24 number of occasions during the course of your evidence
 25 that that's how you treated the metal strip. It's not

1 realistic to change that evidence now, is it?
 2 A. Let's clarify that then. I didn't know nothing and
 3 I want to talk in sort of common sense purposes. The
 4 common sense boundary of that place -- the boundary
 5 where it's absolute, a no-brainer, would be beyond the
 6 gate, beyond the yellow strip, with the guards acting
 7 like they're not going to come over -- they'll go past
 8 the gate. So just for a workable situation -- but it
 9 wasn't a high priority. That space between the metal
 10 bit and the gate, as you can see, because I've now
 11 stepped over it and there's a police officer there -- so
 12 I'm not giving a lot of importance to that section of
 13 land. Technically -- and I didn't know. I did not
 14 know. Someone -- so many -- someone could have said
 15 anything where the boundary is, maybe, maybe, maybe, and
 16 seeing as the security guards were using it as a force
 17 field -- that should have been my force field, but I've
 18 clearly, with some -- there's an incident that's taken
 19 place and I've gone to the gate.
 20 Q. And it's right, isn't it, it would have been even more
 21 in your mind than it had been on the previous incidence
 22 that the metal strip was the boundary because of course
 23 by this time there was an injunction in place and it was
 24 prohibiting trespass?
 25 A. I don't know what your point is. I'm really -- I did

1 not --
 2 Q. We're at 4 September, Mr Curtin.
 3 A. I did not know. My evidence now -- now I know the
 4 situation, I did not know where the boundary was. There
 5 was a place where I thought it was security for the
 6 boundary. I'm not trying to be clever. I did not know.
 7 How could I know? I would have to see the deeds --
 8 Q. Documents had been served and maps with lines on it --
 9 A. Big thick marker pens, no.
 10 Q. -- so it had been reconfirmed that there shouldn't be
 11 any trespass.
 12 A. This -- if I was in a court of law and they were asking
 13 me did I wilfully trespass on that day, I tell you now,
 14 I'd definitely plead "Not guilty". If there was such
 15 a thing as just trespass, I'd plead "Not guilty". I'm
 16 going up to a guy by the gate. It's not in my sphere of
 17 thinking at that point, "Oh, no, I've gone over the
 18 metal line".
 19 Q. And you wanted to abuse the security officer so you
 20 ignored the invisible force field, you walked onto the
 21 claimants' land and we can see that you had to be
 22 restrained by a police officer.
 23 A. No. The cop, like cops do -- I'm pointing my finger.
 24 We don't -- I don't know what the situation is and the
 25 cop is saying, "Calm down, Mr Curtin". He's not --

1 Q. Well, Ms Pressick's evidence, unchallenged by you, was
 2 that the police officer was restraining you.
 3 A. The police officer is doing their job there.
 4 Q. I'd suggest to you that you've trespassed onto the
 5 claimants' land, you knew that you weren't supposed to
 6 be on that part of the land and you make a distinction
 7 between civil trespass and aggravated trespass. That
 8 certainly has got aggravating features, hasn't it,
 9 Mr Curtin ---
 10 A. No.
 11 MR JUSTICE NICKLIN: You don't have to answer that question
 12 because it might incriminate you. What page are we on,
 13 please?
 14 A. Page 328.
 15 MR JUSTICE NICKLIN: You can't ask six questions in one.
 16 You need to separate them out.
 17 A. Aggravated trespass is when you intend to ---
 18 MR JUSTICE NICKLIN: No, don't answer about ---
 19 MS BOLTON: My Lord, to be very clear, we're certainly not
 20 looking to bring any breach of the injunction, but it is
 21 an incident which was after an injunction was granted
 22 and we do say that there are aggravating features to it.
 23 MR JUSTICE NICKLIN: Right. I want to be clear about
 24 "restrained by the police officer" because Mr Curtin
 25 doesn't appear to accept that. Do we have this on

1 video?
 2 MS BOLTON: No, my Lord, but it's not been challenged. It's
 3 in Ms Pressick's evidence.
 4 MR JUSTICE NICKLIN: You can't --- that's not going to work
 5 with a litigant in person.
 6 MS BOLTON: My Lord, it has to at this stage because we are
 7 at trial, the witness has been called and none of this
 8 has been put to the witness.
 9 MR JUSTICE NICKLIN: Okay, it's a question of weight then.
 10 Mr Curtin, in your recollection or remembering of this
 11 incident, what was the engagement with the police that
 12 you had?
 13 A. I don't know.
 14 MR JUSTICE NICKLIN: Right. Well, don't speculate then.
 15 A. It looked --- I know what it's not is me threatening the
 16 guard, "You wait till I see you later, blah blah blah".
 17 I'm angry about something and she --- is it she? --- is
 18 just getting involved, like a police officer should.
 19 I don't know what --- the person might be saying to me
 20 horrible things, I really don't know, but the cop is
 21 saying "Enough. You two, enough" --- or maybe they're
 22 saying to me, "Mr Curtin, enough". If that's
 23 restraining ... it looks like the copper is just cooling
 24 it down, and I've never --- not grabbing on --- I didn't
 25 need to be grabbed hold of, I'm not a violent person,

1 and I'm pointing my finger and to de-escalate the copper
 2 is doing a good job.
 3 MS BOLTON: But you would accept you're on the claimants'
 4 land?
 5 A. I don't accept that I studied the map ---
 6 Q. I'm asking you a different question to that. You would
 7 accept you're on the claimants' land?
 8 A. I know that now.
 9 Q. I suggest to you that you knew that at the time.
 10 A. And I don't know what punishment would be available to
 11 me by me being a bit --- having an argument with someone
 12 and briefly forgetting about the force field because
 13 there's a gate there. I'm not --- there's no attempt for
 14 me to pass the gate. They're not restraining me so I go
 15 beyond the gate. That's my new force field for that
 16 incident.
 17 Q. Well, I'm going to suggest to you, Mr Curtin, that you
 18 knew that you were on the claimants' land and you
 19 trespassed on the claimants' land, knowingly.
 20 A. I reject that about the "knowingly".
 21 Q. Okay. Now, you say in your defence that you've always
 22 complied with the injunction. Would you accept that on
 23 that occasion you didn't?
 24 MR JUSTICE NICKLIN: No, you don't have to answer that
 25 question.

1 MS BOLTON: My Lord, it's difficult. It's in his defence.
 2 MR JUSTICE NICKLIN: Well, he's not answering a question
 3 which is put in the terms that you are asking him to
 4 accept he breached an injunction. It's obviously
 5 likely --- the answer to that question is going to
 6 incriminate him potentially.
 7 Well, is that not obvious?
 8 MS BOLTON: My Lord, I just make the point it's part of
 9 Mr Curtin's --- he's put into his defence that "I've
 10 always complied with the injunction".
 11 MR JUSTICE NICKLIN: Yes, and now you're putting to him that
 12 he hasn't?
 13 MS BOLTON: We have to be able to challenge that.
 14 MR JUSTICE NICKLIN: No, you don't, not in the context of
 15 this.
 16 MS BOLTON: As long as your Lordship is happy for me not to
 17 put it, I won't press the point.
 18 My Lord, we're about to go on to another incident,
 19 which --- my Lord, it may be worth me flagging now --- and
 20 I won't be putting it to Mr Curtin --- that this amounts
 21 to any breach of an injunction. There is an incident
 22 coming up later in my cross-examination which is also
 23 the subject of other proceedings.
 24 MR JUSTICE NICKLIN: Right. Well, you'd better treat that
 25 extremely cautiously then ---

1 MS BOLTON: I will do, my Lord, but I flag that there is an
 2 incident of that nature.
 3 MR JUSTICE NICKLIN: -- because I'll tell you so that
 4 everybody is clear, I have read nothing about the
 5 contempt proceedings brought against Mr Curtin which are
 6 due to be heard after this. I have deliberately not
 7 read anything about it.
 8 MS BOLTON: My Lord, I will not be referring to it in any
 9 way as in any breach.
 10 MR JUSTICE NICKLIN: Well, the parameters are clear. You
 11 cannot ask him questions, the result of which would tend
 12 to incriminate him, so you can't seek to obtain
 13 admissions from him that would be material to any
 14 potential contempt application. So you can't say, "You
 15 were standing on this section of ground" or whatever it
 16 was because, if you're trying to get the admission out
 17 of him that he's trespassing or on land, then that would
 18 be evidence that would tend to incriminate him in terms
 19 of a breach of the contempt order.
 20 MS BOLTON: My Lord, we do have a real difficulty there
 21 because it is a significant incident and the committal
 22 has been delayed many times and should have come on
 23 before trial. It's understandable there's been lots of
 24 challenges --
 25 MR JUSTICE NICKLIN: My recollection -- and I can go back

1 and think about this -- is I wanted it to be dealt with
 2 before the trial --
 3 MS BOLTON: You did, my Lord.
 4 MR JUSTICE NICKLIN: -- and I only agreed to it because the
 5 parties agreed for it afterwards. So insofar as you
 6 were directing criticism of the court in that --
 7 MS BOLTON: My Lord, I'm certainly not. You may recall that
 8 on a number of occasions you asked Mr Curtin to consider
 9 getting representation.
 10 MR JUSTICE NICKLIN: Yes.
 11 MS BOLTON: He didn't get representation -- he kept saying
 12 he wanted to represent himself. He didn't get
 13 representation until very late in the day that caused an
 14 adjournment. There were then other reasons why a date
 15 that was fixed the court couldn't accommodate -- well,
 16 first of all, there were further requests from those
 17 representing Mr Curtin for further time. Then there was
 18 understandable reasons why the court couldn't
 19 accommodate it, but the court did offer that it could go
 20 to a different judge. Mr Curtin asked that it didn't go
 21 to a different judge and it has now had to go off until
 22 after these proceedings.
 23 Certainly -- I certainly won't be putting any points
 24 that there's a breach of an injunction, but I do need to
 25 rely on the incident, my Lord, because it's a fairly

1 recent incident.
 2 MR JUSTICE NICKLIN: Right. We'll have to look at it when
 3 we get there. You'll need to tell me -- because I have
 4 deliberately not looked at the contempt application,
 5 you'll have to warn me when we're travelling -- we're
 6 entering into the area.
 7 MS BOLTON: My Lord, I certainly will. That's why I thought
 8 I should flag it in advance.
 9 MR JUSTICE NICKLIN: Okay. Mr Curtin, lunchtime. Back at
 10 2 o'clock, please. Again, you know the drill over
 11 lunchtime. Thank you.
 12 (1.00 pm)
 13 (The short adjournment)
 14 (2.03 pm)
 15 MR JUSTICE NICKLIN: Yes, Ms Bolton.
 16 MS BOLTON: Mr Curtin, we're going to look at an incident on
 17 6 December 2021.
 18 A. Okay.
 19 Q. This is dealt with at paragraph 248 of the witness
 20 statement of Susan Pressick at page 111 in your bundle.
 21 Have you found that?
 22 A. Not page 238. I've got 238 --
 23 Q. No, page 111, at paragraph 248.
 24 A. Sorry, yes.
 25 Q. It should start on September 2021.

1 A. Yes.
 2 Q. Do you want to just read that paragraph to yourself?
 3 (Pause)
 4 A. Yes. I've read it before, yes.
 5 Q. Okay. If we could look at -- now, this concerns an
 6 incident where you and others obstructed a contractor's
 7 van when he was -- or it's alleged that you obstructed
 8 a contractor's van on the highway, as he was trying to
 9 access the Wyton site. If we can look at video 240,
 10 please, at 29 seconds --
 11 A. Is this not connected with the last incident because
 12 there's a white van you can see?
 13 Q. No, it's not.
 14 A. Okay.
 15 (Video played)
 16 Q. We can see you there, if you pause a moment. If we can
 17 just go back to 29 seconds, please.
 18 A. Yes.
 19 Q. Right. If we then play on.
 20 (Video played)
 21 If we can pause, please. That's you, isn't it?
 22 You've walked along the side of the road --
 23 A. With no top on, yes.
 24 Q. Yes, with your top off, and you're coming towards the
 25 van.

1 A. Yes.
 2 Q. If we can please move on to two minutes and -- well,
 3 play on, sorry, until two minutes and ten seconds.
 4 (Video played)
 5 A. Can I stop?
 6 Q. Well, I'd like you to watch the incident, please.
 7 A. Can I draw your attention to the fact I'm -- it's good
 8 old Mr Curtin, I'm speaking to the driver.
 9 Q. Yes.
 10 A. Yes? It's not ...
 11 I'm walking off. I bet you I -- I'm guessing.
 12 I can't remember -- but I'm going to guess now I come
 13 back with a leaflet. That's my guess. I've got
 14 something in my hand. It's only a guess anyway.
 15 Q. We can see you've just come back into shot here,
 16 haven't you?
 17 A. Yes.
 18 Q. If we can play on, please.
 19 (Video played)
 20 Now, pausing there, please.
 21 A. Yes.
 22 Q. Now, this incident goes on for about six minutes. He's
 23 simply a contractor, isn't he, the driver of this
 24 vehicle, going into the Wyton site?
 25 A. Once you're at the camp for a while, you get a bit of

1 a nervous twitch when it comes to white vans because it
 2 looks just like the Impex van, so I've gone and spoke to
 3 him and I imagine he's -- I've asked him, "Hello. We're
 4 a protest camp here. Just asking what you're doing",
 5 and if the answer was anything other than, "I'm an Impex
 6 van and I've come to collect the dogs", then -- what
 7 I think I'm doing here is saying to the other people,
 8 "Look, it's a contractor", like you're saying, and, "Are
 9 we going to take a stand here? Is it going to be 'Ye
 10 shall not pass'? If it is, then here we go then. This
 11 is the incident that's maybe going to get everyone
 12 nicked". So it would be my job here to -- if it's not
 13 a dog van -- if it's a dog van, then it's going to be
 14 even more complicated and my negotiations with the
 15 demonstrators is going to be more difficult.
 16 Q. It's right, isn't it, Mr Curtin, that you've come
 17 over -- we've seen you come over, we've seen you talk to
 18 the driver. You've walked away, you've come back,
 19 you've stood in front, you've had a chat -- we're three
 20 minutes in -- you've had another chat with the driver --
 21 A. Yes.
 22 Q. -- and nothing is moving.
 23 A. Nothing is moving and --
 24 Q. And by now you must have ascertained he's not an Impex
 25 van.

1 A. That would be difficult to ascertain for sure, but it
 2 would be my job then, as I see it -- as I saw it at that
 3 time -- to talk the other protestors -- say, "Chill out,
 4 let the vehicle in", because we don't -- because we let
 5 all the vehicles in, don't we? So to remind them, "This
 6 isn't a blockade. We do actually let the vehicles in
 7 and let the vehicles out. That's what we do here".
 8 Q. There's no gesturing here to them to move out of the
 9 way, is there? Your hands are on your hips. You're not
 10 really gesturing, are you?
 11 A. Talking -- someone has got her back to the van, so it's
 12 a matter of, "Okay, is this -- are we going to make
 13 a big stand here? I suggest we don't". I'm sure if you
 14 watch this incident --
 15 Q. Let's play it on a little bit longer, please.
 16 (Video played)
 17 A. Did I wave to him to come in, to start coming forward,
 18 no?
 19 Q. And pausing there, you're still in front of the vehicle,
 20 aren't you?
 21 A. Yes. It would be my case, not having studied this
 22 video, which I should have, but I'm -- believe it or
 23 not, and it's my case, I'm trying to make sure that this
 24 vehicle goes in.
 25 Q. Right. Let's be clear on this. Your evidence is that

1 you're stopping him because he might be an Impex van?
 2 A. I haven't stopped him. He's already stopped.
 3 Q. Well, he's being stopped because it's an Impex van --
 4 A. Ah, no.
 5 Q. Potentially an Impex van?
 6 A. Potentially an Impex van.
 7 Q. Yes. You say your evidence is, "I'm having
 8 a conversation with everybody here, sort of saying,
 9 'Well, you know, we shouldn't really be obstructing him
 10 because he's not an Impex van'" -- is that your
 11 evidence?
 12 A. Yes, inviting everyone to let the van in because this --
 13 are we going to make a stand about this van, this
 14 contractor's van? So it might be taking a bit longer
 15 than usual, but sticking my big nose in, getting
 16 involved and seeing that the van goes in so no one gets
 17 arrested.
 18 Q. Help me with this. What determines whether you make
 19 a stand over a vehicle coming in?
 20 A. That wouldn't be my -- it would be -- if this van was --
 21 say, a van loaded with puppies, maybe that would be the
 22 one where people would make a stand. No. You know,
 23 this is -- an empty van or a van going in, it wasn't
 24 part of my tactics to stop this van.
 25 Q. So it should be -- am I understanding correctly, it's

1 really only staff and Impex vans that a stand should be
 2 made against?
 3 A. Not staff, no. You're trying to be clever now.
 4 Q. Well, I --
 5 A. The staff have got the same -- the Impex van -- but,
 6 remember, the Impex van -- and we're not a blockade
 7 here. If we're going to be a blockade for Impex vans,
 8 make sure you get God knows how many demonstrators it's
 9 going to take to actually -- the police were going to
 10 react. So throughout the whole time, it might -- people
 11 want to do these things, but, "Are you aware there's
 12 laws and now there's the injunction?", so get the
 13 reality check of what people might aspire to and what
 14 they're capable of achieving.
 15 Q. But you would accept at the moment that that vehicle has
 16 been there for three and a bit minutes, you've still got
 17 people resting on the front --
 18 A. This van has been delayed because of all these people.
 19 Q. Yes.
 20 A. Yes.
 21 Q. Let's play on.
 22 (Video played)
 23 A. Because the police -- if I can draw your -- because the
 24 police won't be there, the police are not there and it
 25 would be customary because of --

1 Q. Right, pausing there. You've not taken those banners
 2 down at this point, have you?
 3 A. No.
 4 Q. Now, we see, when you're freeing up access for the
 5 staff, you take the banners down.
 6 A. Yes.
 7 Q. So you haven't gone as far as to try and take the
 8 banners down to free up access for this driver, have
 9 you?
 10 A. No, I'm not doing that yet, but --
 11 Q. No.
 12 A. I bet you the van -- I don't know how long it's going to
 13 be, but I bet you that van -- that van --
 14 Q. Well, I'm going to say to you it takes this van six
 15 minutes -- that's where the video ends --
 16 A. Yes.
 17 Q. -- to get into the site.
 18 A. So six minutes of negotiation with other protestors,
 19 "No, I'm not letting the van in"; "Really? Are you
 20 prepared to get nicked then, because that's what's going
 21 to happen. You might say you're going to stop the van.
 22 There's such a thing as a police force".
 23 Q. It's right, isn't it, that we can see you walking around
 24 the van, we can see you talking to the van driver, we
 25 can see more protestors coming in? We can't see you

1 pointing at them to get out the way or anything?
 2 A. Not yet, no, because I'm not -- witnesses have called me
 3 "the boss" and "the god". I never had that role. I was
 4 never able to tell people -- I could shout at people
 5 sometimes, and if this van had spent 20 minutes there
 6 and with people still sitting in front, that's where
 7 maybe the shouting would have begun.
 8 Q. We're going to look at that a bit later on, Mr Curtin,
 9 but it's fair to say, isn't it, that you're the one who
 10 has described yourself as a facilitator, which might be
 11 what the witnesses see as --
 12 A. Tried to be. I might have failed but that was my
 13 mindset when I woke up in the morning. There may be
 14 moments where I've failed to do that, but that was my
 15 ...
 16 I am -- what I'm seeing here -- and there's probably
 17 people looking at the back of the van or listening --
 18 "It's an Impex"; "How do you know it's not an Impex?",
 19 and loads of rumours, scandal, you know, like people on
 20 their phones, "An Impex van is going in"; "No it's not
 21 an Impex van. It's a white van. I spoke to the
 22 contractor". So I'm busy here.
 23 Q. But you're all obstructing this vehicle from getting
 24 into the Wyton site, aren't you?
 25 A. I'm not. I'm engaging, as we speak, live and direct,

1 "Listen, I can speak to the driver", then -- my job is
 2 actually -- I was going to say "to bloody help MBR do
 3 its business", unfortunately, because we can't legally
 4 stop it. Do you know what I mean?
 5 Q. Okay.
 6 A. I know that people want to stop it, including -- I kind
 7 of -- I have a dream.
 8 Q. You said you had something in your hand a moment ago.
 9 What was that?
 10 A. Well, the way I went off -- another person came back.
 11 To me, that would be -- when I spoke to a driver, "Here,
 12 mate, do you know what this is about?" -- and "Will you
 13 give a leaflet to your boss?" would be a very, very
 14 standard thing for me to do because the drivers are just
 15 like, "I'm doing my job". "Will you do me a favour,
 16 then, and give this to your boss and invite your boss to
 17 look into it and, if they so decide, maybe you don't
 18 want to trade here". I've had quite a number of
 19 businesses who have thanked me and then didn't come
 20 back, not because of force, but because of, like,
 21 education and "Thanks for pointing it out and I didn't
 22 know".
 23 Q. Would that have been one of the determinative factors
 24 for you on whether or not you didn't obstruct this
 25 vehicle, whether or not he took the leaflet?

1 A. On a picket line, the standard thing, it's sort of --- it
 2 would be --- yes, you'd --- I think you're asking about an
 3 incident which I know is coming, which is Anglia
 4 Water ---
 5 Q. I'm asking about this incident at the moment, Mr Curtin.
 6 A. --- which is me in a bad mood. Yes, not to let it in ---
 7 common courtesy, like picket line thing. When the
 8 driver is saying to you, "Listen mate" --- they might say
 9 to you, "I'll lose my job. I'm against this thing but
 10 I can't because of my boss". You make sure --- I would
 11 try and make sure that each worker would deliver it to
 12 their boss because the worker can't decide there and
 13 then but the boss can.
 14 Q. So part of how long a vehicle may be --- this vehicle ---
 15 held up at the gates may well depend on how much the
 16 driver is prepared to accept your protest message and
 17 accept any literature that you want to give to them?
 18 A. Yes, if the driver is cheery and happy, "All right,
 19 mate. Listen, keep me out of it" --- if the driver
 20 starts saying, "If you don't move out the way, I'm going
 21 to run you over" or something, then you'd be like, "Oh,
 22 really?", so I don't understand your question.
 23 Q. Well, what I'm saying is that it's right, isn't it, that
 24 what's going on here is a driver is being held up, he
 25 can't get on to the site, you're giving them a leaflet,

1 and it's right, isn't it, that these are all factors in
 2 determining how long it takes that driver to get into
 3 the site?
 4 A. Kind of, yes, loose factors. Remember, it's not --- you
 5 haven't got like a violent --- you know, like some trade
 6 union thing in the America, they used to have Ford and
 7 the picket lines. There's no violence involved.
 8 There's no ultimatum. There's an illusion of power here
 9 but there is no real power.
 10 Q. Let's just see what you agree with. I'm going to
 11 suggest to you that you're all obstructing this vehicle,
 12 but you accept that the vehicle is being obstructed,
 13 don't you?
 14 A. Yes, it is.
 15 Q. And plainly that's a deliberate decision to obstruct
 16 that vehicle?
 17 A. Yes, but it's not a collect --- you know, each person
 18 there is doing what they think, and I'm surprised that
 19 all the people haven't come to the front because --- in
 20 case it was an Impex van. But, yes, each person
 21 there --- but there's a collective --- it's hard to
 22 describe.
 23 Q. And there's no reasonable excuse for doing that, is
 24 there?
 25 A. Sitting in this courtroom here, it made sense on the

1 day. We're protesting. There's a van coming into this
 2 controversial place. So the first thing, speak to the
 3 driver. If he was to tell you, "I'm here and I'm going
 4 to pick up a load of puppies and drive them to the
 5 laboratory", that's going to --- God knows what --- then
 6 I'd have to speak to all the other people, "This guy is
 7 going to take them", so ---
 8 Q. Well, would it be fair to say, if the driver said that
 9 to you, you'd be trying to prevent his access?
 10 A. But understanding there's such a thing as a police force
 11 and I have not got ---
 12 Q. But you would, wouldn't you? I'm asking you a question.
 13 A. I would ...?
 14 Q. You would try and prevent the vehicle if the driver had
 15 said, "I'm here to pick up a load of puppies"?
 16 A. Yes and no because I wouldn't have any legal right to
 17 stop it.
 18 Q. So would it be fair to say ---
 19 A. Delay it. I don't know if I'd have a legal right to
 20 delay it --- maybe livestream, maybe a kerfuffle about
 21 it, make the most of the incident, while I'm there as
 22 a protestor, to draw attention that this is happening.
 23 But to actually physically prevent it happening, it's
 24 not the world I live in. There's such a thing as the
 25 police force.

1 Q. Well, let's examine that.
 2 A. Okay.
 3 Q. There's no police there at the moment. If that driver
 4 had said to you, "I'm here to collect puppies" ---
 5 A. Yes.
 6 Q. --- and let's say there's no injunction in place because
 7 I appreciate that you've indicated that there's laws,
 8 would you try and prevent that driver accessing the
 9 site?
 10 A. It's a really strange hypothetical question because the
 11 police would get involved. The police exist.
 12 Q. Before the police get there.
 13 A. So on a hypothetical ---
 14 Q. Yes.
 15 A. --- I wouldn't need to because I know all those people
 16 there are not there --- they want to stop this van.
 17 Q. I'm asking you, John Curtin, if that's what the driver
 18 had said to you ---
 19 A. Not to the point where I'd get arrested, no.
 20 Q. No, but whilst the police aren't there --- the police
 21 haven't arrived --- would you detain that vehicle if
 22 that's what the driver had told you? No injunction, no
 23 police.
 24 A. Would I detain? No, because I'm going to --- it's going
 25 to be on camera, they're going to report me and that

1 was -- I'd get done for obstruction of the highway, you
 2 know, for stopping it for half an hour, an hour,
 3 whatever it would take, until the police came. That
 4 would be illegal and my plan was to -- I didn't want to
 5 get arrested, mainly because I didn't want to get bailed
 6 away.
 7 Q. So because you didn't want to get bailed away and
 8 because you wouldn't want to get into any trouble with
 9 the police and because there are other people there, you
 10 wouldn't have obstructed that driver if he had said,
 11 "I'm here to collect puppies"?
 12 A. I'd do my job -- I'd do what I could as a protestor
 13 within the legal means to draw attention to this
 14 grotesque situation. But if I'd have wanted to stop the
 15 vehicle, get a padlock, get a chain, put some stuff
 16 across the -- do some -- make sure he doesn't come
 17 out -- if I had wanted to do it, I'd do it.
 18 Q. Well, you could just stand in front of it, couldn't you?
 19 A. I'd definitely get arrested and all the people with me
 20 who'd be arrested, they'd all be bailed away. Some of
 21 them may be valuable camp members.
 22 Q. Well, I'm going to suggest to you that you would because
 23 we're going to look at some incidents later --
 24 MR JUSTICE NICKLIN: We've spent a long time on
 25 a hypothetical example. We're not going to spend any

1 longer on it.
 2 MS BOLTON: Let's look at it this way, Mr Curtin. The
 3 vehicle has been there for four minutes --
 4 A. Yes.
 5 Q. -- and, just so we're clear, you say your evidence is
 6 that you're determining who the driver is, what they're
 7 there for and whether they should be let in, but you
 8 accept that the driver is held up for about six minutes;
 9 yes?
 10 A. It's my evidence that, having spoken to the driver, he's
 11 told me -- God knows what he's told me, but, from
 12 looking at my body language, I'm kind of bored,
 13 accepting he's a contractor and if he's any form of --
 14 whoever the hell he is, I'm going to have to speak to
 15 the other people to make sure, for sustainability of
 16 camp, that that vehicle goes in. So it's my evidence
 17 that I'm reasonably relaxed that it's not an Impex
 18 vehicle. That would create me all sorts of dilemmas.
 19 But if it's Billy Bloggs doing something to do with some
 20 machinery, some painting or whatever, like every other
 21 vehicle it's going to go in.
 22 Q. And there was no reasonable basis for delaying this
 23 vehicle, was there?
 24 A. I'm not delaying it.
 25 Q. I'm asking you, there was no reasonable basis for it

1 being delayed?
 2 A. The reasonable basis from the protestors would be it's
 3 an Impex van, this is a -- which would make it into
 4 a massive incident, which you'd want to do something
 5 about as a protestor; not just watch it drive out as if
 6 it's got potatoes in. No, this is different. This is
 7 some live puppies on their way to a laboratory. This
 8 is, in my head, to protest and draw attention.
 9 Q. Whilst I say that that's still not a reasonable basis
 10 for obstructing the vehicle on the highway, it's right
 11 that it wouldn't take six minutes to determine it wasn't
 12 an Impex van, would it?
 13 A. I'm telling you, after the initial conversation, my body
 14 language tells me, all right, my next job is going to be
 15 complicated, is explaining to all these people that, "It
 16 looks like an Impex van. It ain't an Impex van", and
 17 then, "Okay then?", so, "Well, I'm not moving"; "Really?
 18 So you're going to stay there then? It's the last time
 19 you'll be coming here for the next six months. Is that
 20 what you want, because of a painter's van?"
 21 Q. So going back to the question, then, there's no
 22 reasonable excuse, is there? You've spoken to the
 23 driver. There's no reasonable excuse past that for that
 24 vehicle -- even on your case of, "Well, we think it's an
 25 Impex van but first it needs checking" -- even on your

1 case there's no reasonable excuse at that point, is
 2 there --
 3 A. No --
 4 Q. -- for that van being held up?
 5 A. -- I'm not being flippant, but it's not an emergency
 6 vehicle. For me, this would be a normal-ish thing that
 7 used to happen and it looks -- well, I know it goes in
 8 because all the vehicles did go in.
 9 Q. But I'm asking you, there's no reasonable excuse, is
 10 there, for holding it up at that point?
 11 A. This is an unnecessary delay for -- it doesn't add
 12 anything to any form of protest. It's just how it was
 13 on the ground, speaking to people, "Well, it could be an
 14 Impex van", "It's not an Impex van" --
 15 Q. You seem very concerned to answer the question --
 16 A. Very concerned to ...?
 17 Q. There's no reasonable excuse for holding the van up at
 18 this point, is there?
 19 A. I say thank God for Camp Beagle. Thank God we're there,
 20 continually drawing attention, and my honest answer
 21 is -- and hopefully this driver didn't lose too much
 22 sleep and no one lost too much sleep about a five-minute
 23 delay -- it looks quite good-natured. No one is
 24 shouting at him. No one is going crazy at this driver.
 25 It's just a delay, and the reasonable excuse is because

1 we've got a whole variety of people there and -- but
 2 I think I just said it doesn't add anything to the
 3 protest and it's wasted time here. If it could have
 4 been quicker -- if I was the leader, "All right,
 5 everyone, it's going in", but things are always a bit
 6 more complicated than that.
 7 Q. I'm still not clear on your answer, though, Mr Curtin.
 8 Is it "Yes" or "No" that there's no reasonable excuse
 9 for holding the vehicle up at this point?
 10 A. The reasonable bit comes in -- you haven't got a --
 11 you've got a whole load of individuals who are all in
 12 a constant agitated state, so getting across the message
 13 to them, "It's not an Impex van" -- so we don't -- we
 14 have to talk, if it was an Impex van what would be
 15 happening, and we don't -- we do -- at the camp, I said
 16 we always let every vehicle in -- not that we can stop
 17 it anyway -- and every vehicle does go in and every
 18 vehicle does go out. That's what's going to happen. So
 19 this vehicle here, I can tell you now, it's going to go
 20 into the site.
 21 Q. Mr Curtin, I'm not trying to trick you. It's
 22 a straightforward question. There's no reasonable
 23 excuse for this vehicle being held up at this stage, is
 24 there?
 25 A. I'm worried just to give you a simple answer in case you

1 quickly write down, "Mr Curtin says ...". My conduct is
 2 reasonable. My conduct is reasonable in this situation.
 3 Q. That's not the question I've asked you, Mr Curtin. I've
 4 asked you: there's no reasonable excuse for this vehicle
 5 being held up at this stage --
 6 A. The reasonable excuse was that it looks like an Impex
 7 van, and that alone, in this scenario, makes full sense
 8 to me why there's a bit more of a longer delay than
 9 there would be normally, so that's the reasonable.
 10 Q. So you're saying there is a reasonable excuse? Sorry,
 11 it seems to me it's a "Yes" or "No", but you seem
 12 determined not to give me an answer.
 13 A. No, let me -- can I think for a few seconds?
 14 Q. Yes, please do.
 15 A. Is this unreasonable? It's unreasonable on the
 16 driver -- the driver, he wants to go in and out and do
 17 his job. There's -- yes, all right, there's an
 18 unreasonable delay.
 19 Q. Okay. All right.
 20 I'm going to ask -- I can either take the video
 21 back, Mr Curtin, or you can accept it from me --
 22 A. Well, let's try that.
 23 Q. -- and I appreciate what your defence at this point will
 24 be is -- it's right, isn't it, as well, at some point in
 25 that video earlier you entered what is now known as the

1 "access land", which is the claimants' land?
 2 A. If I did --
 3 Q. The bit with the ditch and the brambles.
 4 A. Yes, I'll accept it and I wouldn't have even noticed
 5 doing it at the time.
 6 Q. Yes. Now, I want to look at a number of incidents that
 7 happened on 8 September.
 8 MR JUSTICE NICKLIN: Before we leave this one, the banners
 9 that were strung up across the entrance, we've seen them
 10 many times and this is before --
 11 A. Yes.
 12 MR JUSTICE NICKLIN: -- before my injunction imposes the
 13 exclusion zone which means that that can't be done.
 14 A. Yes.
 15 MR JUSTICE NICKLIN: Were the banners always present; in
 16 other words, were they there all day every day and then
 17 taken down to allow access or would they go up some
 18 parts of the day and down others?
 19 A. You can see it --
 20 MR JUSTICE NICKLIN: I can see it on the bottom left--hand
 21 corner.
 22 A. I think that's Tibetan prayer flags, and they were put
 23 in such a way -- some police officers would just take
 24 them down but they were there that cars could go
 25 underneath them. So the Tibetan prayer flags would

1 often remain, but some police officer, "No, I want that
 2 one taken down" as well. And there was a big banner
 3 beneath that, "Gates of hell", and that one would be put
 4 up -- as soon as a vehicle went in, it would be put back
 5 up; as soon as a vehicle -- it would be put back up,
 6 yes.
 7 MR JUSTICE NICKLIN: And if the police asked you to remove
 8 them, you took them down, did you?
 9 A. We take them down anyway, without the police, but
 10 sometimes the police would say, "That represents a --
 11 that could cause a problem and obstruction of people's
 12 view", et cetera.
 13 MR JUSTICE NICKLIN: Did MBR Acres ever ask you to remove
 14 the banners?
 15 A. Never, never. They've never asked us -- we've never
 16 had -- I've never exchanged a single word with any
 17 managerial ...
 18 MR JUSTICE NICKLIN: Okay. Thank you.
 19 MS BOLTON: My Lord, I wonder if that's something that we
 20 can clarify with the claimant as well because I'm not
 21 sure that's their understanding but I wouldn't want to
 22 say at present without clarification.
 23 MR JUSTICE NICKLIN: Right.
 24 MS BOLTON: Now, I want to look first of all, Mr Curtin, at
 25 video 253 and I want to go to one minute and 27 seconds,

1 please.
 2 A. Yes.
 3 Q. If we can just pause it at 1.27. Now, that's you,
 4 isn't it, in the orange hi-vis jacket --
 5 A. Yes.
 6 Q. -- near the white car entering the site; yes?
 7 A. Yes.
 8 Q. Now, we can see where the ditch is. We can see where
 9 you're standing. It's a quick point, I hope. It's
 10 right, isn't it, that you're on the claimants' land
 11 there, aren't you, on the access lands?
 12 A. Even now, with my present understanding, I'm on the edge
 13 of it. I didn't -- for all -- I understand -- we could
 14 be here so long --
 15 Q. Do you want me to play it? I mean, I can play it or --
 16 A. No --
 17 Q. I think it's a fairly minor point.
 18 A. -- because I don't know where that new line is, but it's
 19 around that place. We're not talking --
 20 Q. I'm going to put it to you that you are and we can move
 21 on from it.
 22 A. And I might be -- could well -- and I wouldn't have
 23 known at the time anyway.
 24 Q. Right. Now, paragraph 250 of the witness statement of
 25 Susan Pressick -- that's at page 112 in your bundle.

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1 A. Yes, I've got it.
 2 Q. Now, just read the paragraph to yourself, please.
 3 A. Yes, I've read it.
 4 Q. And I want to look at video 257 from 45 seconds, please,
 5 to two minutes and 20 seconds, please.
 6 (Video played)
 7 MR JUSTICE NICKLIN: Just pause there. You know you were
 8 telling me about the Tibetan flags? Can I see them
 9 there?
 10 A. You can, and I think you can also see -- the other
 11 banner is below it, yes.
 12 MR JUSTICE NICKLIN: Thank you.
 13 (Video played)
 14 MS BOLTON: Pausing there, that's you, isn't it, in the
 15 cream T-shirt with the brown sleeves on it, heading in
 16 the direction of the vehicle, halfway along the access
 17 road; yes?
 18 A. Yes.
 19 Q. Okay, if we can play on until two minutes and
 20 20 seconds, please.
 21 (Video played)
 22 MR JUSTICE NICKLIN: Stop there. Who is the person in the
 23 fluorescent jacket?
 24 A. I don't know. It looks like it might be a security
 25 guard.

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1 MR JUSTICE NICKLIN: Did the security guard used to -- what
 2 we've just seen him do there is disconnect the protest
 3 banners --
 4 A. Yes.
 5 MR JUSTICE NICKLIN: -- and he's disconnected something and
 6 he's let one drop --
 7 A. Yes.
 8 MR JUSTICE NICKLIN: Is that what they would do generally?
 9 A. No, I'm surprised to see that. It's not controversial.
 10 It would be my job -- I'm swearing on oath. I'm
 11 surprised to have seen that and I've never seen it
 12 before and it doesn't mean anything either way.
 13 I think -- yes, he's took some choice of his own, if it
 14 is a security guard. I imagine it is.
 15 MS BOLTON: If we could play on to two minutes and
 16 20 seconds, please.
 17 (Video played)
 18 We can see the van has stopped on the highway, can't
 19 we?
 20 A. Yes.
 21 Q. If we pause, we can see you stood there --
 22 A. Yes.
 23 Q. -- by the side of the vehicle and another person in the
 24 middle of the road.
 25 A. Yes.

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1 Q. And then we've got protestors on the access road, we've
 2 got a lady with a banner --
 3 A. Yes.
 4 Q. -- and we've got somebody the other side of the vehicle.
 5 A. Yes.
 6 Q. If we could play on, please.
 7 (Video played)
 8 Now, the driver has moved a bit off, but they've
 9 been stopped again, haven't they, and you're talking to
 10 them again?
 11 A. Yes, talking.
 12 Q. Okay. And you've stopped the vehicle again?
 13 A. Yes, and if you look in the back, it's actually got --
 14 it's mesh which they use to make the kennels.
 15 Q. Yes.
 16 A. I can remember some of the people, "Oh, my God, it's got
 17 mesh in it. They're going to use that to make ..." --
 18 you know, so having a heightened state, and again I'm
 19 saying, "I know, but what do you want to do? Shall we
 20 stop -- let's have a meeting then" or "Do you want us to
 21 have a meeting and we'll decide?"; "This van ain't going
 22 in"; "But that will finish the campaign".
 23 Q. And it's right, isn't it, that you and others have
 24 stopped that driver on the highway? As a result of that
 25 he can't move along the highway, can he?

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1 A. He's --- in a really reasonable way, it couldn't have
 2 been more reasonable, "All right mate, what's
 3 happening." This required a conversation and ---
 4 Q. It's another example of another vehicle coming off,
 5 trying to access the Wyton site from the highway, being
 6 stopped, isn't it?
 7 A. It's another example of a vehicle acting in a way
 8 concordant with the fact that there's loads of people
 9 around, there's a protest camp and navigating that real
 10 situation.
 11 Q. And, again, the actions of stopping the vehicle are
 12 deliberate, aren't they?
 13 A. "All right, mate. How's it going? What's happening?
 14 Do you know what's happening here? Do you know what
 15 ..." ---
 16 Q. But it's deliberate, isn't it?
 17 A. Pardon?
 18 Q. It's intended to stop the vehicle and find out what's
 19 going on?
 20 A. To talk --- it's a human being. I stop vehicles all the
 21 time and nothing to do with protesting on the road.
 22 Q. But it's right that you're stopping here to see who it
 23 is, what they're doing ---
 24 A. Exactly.
 25 Q. --- and where they're coming from?

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1 A. And to inform them, educate them and have a chat, and
 2 try not to be aggressive with them; try to get some
 3 common ground if you can.
 4 Q. So that stopping is clearly deliberate, isn't it?
 5 A. Yes, it's deliberate to, "All right, mate". You can't
 6 jog alongside --- he's not going to jog alongside it.
 7 There is a --- I'm not aware that that's --- yes.
 8 Q. And that vehicle is entitled to continue along the
 9 highway without that happening, isn't it?
 10 A. Not really, no. If I'm going along the highway and
 11 someone puts their hand up, they're not forcing me to
 12 stop, but are you going to stop to have --- otherwise,
 13 you know ---
 14 Q. That vehicle has been forced to stop, though, hasn't it,
 15 Mr Curtin?
 16 A. Absolutely it's amazing that you should use that word,
 17 "forced to stop". It's stopped because there --- there's
 18 not a problem on the ground. There's no one's heart
 19 going apart from some of the people on the outside,
 20 going, "They're going to build more cages with that",
 21 with me saying ---
 22 Q. I suggest to you that vehicle has had to stop because
 23 that vehicle has been surrounded, people have asked
 24 what's going on, checked what's going on. He's not
 25 being given free access along the highway, is he?

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1 A. As if we --- no, he's acknowledging --- that vehicle is
 2 acknowledging the fact that he's driving through
 3 a protest camp and is acting perfectly accordingly, and
 4 we're all --- everyone there is tickety-boo.
 5 Q. And you could deliver your protest message and educate
 6 the driver with your protest message without stopping
 7 him. That's right, isn't it?
 8 A. No, I wouldn't --- no, the world is so secretive. Any
 9 chance you can get some information, which is speaking
 10 to a driver --- he might tell you where he's from, he
 11 might tell you where the cages are from. All that might
 12 be really, really interesting. He might have said
 13 "I got them from the local lab" ---
 14 Q. That's not what I asked you, Mr Curtin. I asked you
 15 that you could deliver your protest message without
 16 having to stop the driver, couldn't you?
 17 A. Well, I'm defending my role there in slowing the vehicle
 18 down for a bit, "All right, mate. What's happening?".
 19 I'm saying that's okay.
 20 Q. And there's no reasonable excuse for obstructing this
 21 vehicle, is there?
 22 A. I've just given you my answer, which is to have a very
 23 short conversation, to give the --- if nothing else, to
 24 set their --- to allay the fears that the driver might
 25 have, that we're --- that he's in trouble or something or

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1 he's driving through some violent people.
 2 Q. Right.
 3 A. That's ideally, in the ideal situation. Yes, this
 4 situation --- I mean, that doesn't --- I'm not mortified
 5 by my actions. They look like, "Yes, good".
 6 Q. Let's look at what happens ten minutes later when the
 7 driver leaves.
 8 A. Okay.
 9 Q. Video 261, please, and if we could start at one minute
 10 55 seconds, please.
 11 (Video played)
 12 Just pausing there for a second, we can see we've
 13 got a protestor holding up a banner ---
 14 A. Yes.
 15 Q. --- with her dog. We can see you're still in the middle
 16 of the access road with a couple of protestors, one of
 17 whom definitely has a banner in her hand; yes?
 18 A. Yes.
 19 Q. Okay. If we can play on, please.
 20 (Video played)
 21 And also, pausing there, is it --- when we saw the
 22 security guard earlier, because it looked like the
 23 prayer flags stayed up, was it these two banners ---
 24 A. Yes.
 25 Q. --- that he took down?

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1 A. Yes.
 2 Q. And they've gone back up again, haven't they?
 3 A. Yes.
 4 Q. Is that likely to have been from one of the protestors?
 5 A. Yes.
 6 Q. Okay. If you keep playing the video, please.
 7 (Video played)
 8 Pausing there.
 9 A. Yes.
 10 Q. Right. So it's already been established why the vehicle
 11 was there, what he was doing. He's been let in. He's
 12 now being obstructed, isn't he, on the way out?
 13 A. Yes.
 14 Q. There's a protestor --
 15 A. Yes, there's a woman in front of him.
 16 Q. -- walking with her dog, in front of him, walking
 17 backwards.
 18 Okay, keep going.
 19 (Video played)
 20 And now --
 21 A. Yes, well, yes --
 22 Q. You're standing in front of him as well now, aren't you?
 23 A. For sure, and I think you know what I'm going to say
 24 next.
 25 Q. Let's keep going.

1 A. Do you -- no, you stopped it there. I'm moving there
 2 because there's a dog in the way all day long.
 3 Q. Well, you've gone back to the driver again, haven't you?
 4 A. "All right, mate, boom, boom, boom, boom. No
 5 hard feelings", or whatever. You know, like, "We're not
 6 ..." -- yes, don't know what I'm saying to him, but --
 7 Q. You might have been concerned about the dog, Mr Curtin,
 8 but you haven't suggested to the protestor that she
 9 moves out the way to let the driver go, have you? There
 10 we go.
 11 A. The vehicle is --
 12 Q. He's still trying to move forwards, you're still talking
 13 to him and he's still being stopped, isn't he?
 14 A. He's being slowed down.
 15 Q. Yes, so you're not facilitating him moving along here.
 16 We've now got another protestor join --
 17 A. We've got another one, so let's see what happens.
 18 Q. So he's being held up and being required to listen to
 19 this protest message, isn't he, and read the protest
 20 message?
 21 A. Yes, the three people -- now four -- yes, he's being
 22 held up at the minute and you've got someone else now
 23 speaking to him. He's probably talking to him about,
 24 "Do you know what goes on in there?", so it's an
 25 opportunity to speak to people, albeit -- someone else

1 now.
 2 Q. But we've seen him try and move his vehicle forward
 3 several times while you've been talking to him and he's
 4 got no choice now, has he, but to stay there?
 5 A. I bet you it doesn't last long and I'm looking at the
 6 people now -- look, watch.
 7 Q. Well, we're four minutes in, Mr Curtin.
 8 A. We're having a little chat and then "pooff".
 9 Q. And he's being slowly moved onto the highway?
 10 A. And I say because of that -- whatever I said then, come
 11 on.
 12 Q. It's right, isn't it, Mr Curtin, that that was plainly
 13 interfering with his right to access the highway from
 14 the Wyton site, wasn't it?
 15 A. It affected the timing of him getting out, but
 16 because -- my evidence, because I was there, he had
 17 a smoother ride than if I hadn't been there.
 18 Q. And it's right, isn't it, that it's plainly obstructing
 19 him from passing along the highway?
 20 A. I don't know if that man will remember this incident to
 21 this day. If he does, hopefully he'll remember it in
 22 a positive way. There was no aggression shown to him in
 23 this particular incident. So he got out -- even though
 24 he was delivering caging for animals, which some people
 25 would go very highly animated, "How dare you build more

1 prisons in there for dogs?". This man who, from my
 2 vague memory, was just a welder, driver -- he just makes
 3 mesh. He doesn't know he's making a dog cage.
 4 Q. And the actions are plainly deliberate in stopping that
 5 vehicle and obstructing it?
 6 A. My actions are deliberate in that this vehicle is going
 7 to get in and it's going to get out.
 8 Q. But he's deliberately being obstructed at that point?
 9 A. Other people obstruct it. I do not obstruct him.
 10 There's no way -- I think it's outrageous to suggest
 11 that I obstructed that vehicle. I did the opposite,
 12 I would say.
 13 Q. And there's no reasonable excuse for that being
 14 obstructed. Everyone has looked in the vehicle on the
 15 way in. They know what he's in there to do. He's gone
 16 in. He's leaving. There's no reasonable excuse for it,
 17 is there?
 18 A. But are you telling me now it was reasonable to stop him
 19 on the way in, what you're doing --
 20 Q. No.
 21 A. No.
 22 Q. I'm saying that by then they know all they need to know
 23 about the vehicle --
 24 A. And what's wrong with that? As he's leaving, you can
 25 see two people, and I can just imagine the type of

1 conversations, "Do you know they're ..." -- I don't know
 2 what day it is -- "Do you know that these dogs get left
 3 overnight? Do you know they all go to contract testing
 4 laboratories?". I don't know what I'm saying to him.
 5 Q. Let's just go back a little bit to -- let's go back to
 6 two minutes, please.
 7 (Video played)
 8 Forward a little bit -- a little bit more, please,
 9 till we see the vehicle appearing.
 10 A. The vehicle appears because I go and take the banner
 11 off.
 12 Q. If we can go forward just a little bit more, please,
 13 maybe another 20 seconds. There we go. Right.
 14 (Video played)
 15 So there you are in front and you've got something
 16 in your hand, haven't you?
 17 A. Hmm--hmm, but I'm there for one reason and one reason
 18 alone. Forget the cage. Forget everything. There's
 19 a dog --
 20 Q. Let's look at the vehicle. There's somebody by the side
 21 and the vehicle is still trying to move and he's being
 22 stopped. We can see --
 23 A. Yes, someone --
 24 Q. -- there's a placard being put on his bonnet; yes?
 25 A. Yes, if he goes forward now, he's going -- he has --

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1 Q. And you're now approaching him to try and talk to him.
 2 So if we can move forward ten seconds, please.
 3 (Video played)
 4 And you're still trying to talk to him. If we can
 5 keep playing, please. You're talking to him and he's
 6 reversed a bit --
 7 A. Most of the drivers --
 8 Q. -- and now he's --
 9 A. -- would be conducive to a conversation --
 10 Q. Let's have a look at this, Mr Curtin. Right. He's
 11 still trying to move forward and you're still trying to
 12 talk to him.
 13 A. Yes.
 14 Q. He's got no choice, has he? You're not turning round to
 15 the protestor and saying, "Let this man go". You're
 16 trying to talk to him. They're standing in front of
 17 him. This is blatant obstruction, isn't it?
 18 A. Again, it's not an emergency vehicle. It's like, "Here
 19 you are, mate, we're here", because this is a serious
 20 issue and there's suffering and --
 21 Q. The emergency vehicle is irrelevant, Mr Curtin. I'm
 22 putting to you that this driver is being deliberately
 23 obstructed. He's being unreasonably obstructed.
 24 A. This driver has driven through what could look like an
 25 old-fashioned trade union picket line and he's had to

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1 accept that because it's in front of his eyes and it's
 2 like you want the picket line not to be there, you want
 3 everyone just to be driving round in this trouble-free
 4 world. There's complications happen in the world and,
 5 from my body language and from him -- like I said, most
 6 of the drivers we speak to are like, "Sorry, mate,
 7 I didn't know" -- anyway, most of them would say, "It's
 8 got nothing to do with me".
 9 Q. You could have carried out your protest without
 10 obstructing his access to the highway and without
 11 interfering with his ability to pass along the highway,
 12 couldn't you?
 13 A. It was of no -- the fact -- if I'd have been on my own,
 14 I wouldn't have held it -- I wouldn't have stood in
 15 front of the vehicle at any point. I might have stopped
 16 it, "All right, mate. What's happening?", so I would
 17 have caused some sort of delay. If I'd have been there
 18 on my own, no matter who it was, no matter what vehicle,
 19 I would have been nosey, you know, like, "What's
 20 happening? All right?", and that would have been it.
 21 Q. You do stand in front of the vehicle. We saw you do so
 22 in front of the video.
 23 A. You know why I did that. That's because there was a dog
 24 there.
 25 Q. You certainly also at one point indicate for her to move

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1 the dog, but you do stand in front of the vehicle,
 2 Mr Curtin, and not just to move the dog.
 3 A. The only reason I did that action -- and you can play it
 4 back if you want -- was to -- what I've done so many
 5 times is "Stop using dogs on demonstrations in a road".
 6 I think it's stupid and I don't like it.
 7 Q. Well, I'm going to just put it to you that it is
 8 a deliberate and unreasonable obstruction on the highway
 9 and that you were part of that obstruction.
 10 A. In that case, no. Utterly beyond reasonable, I would
 11 say, on my behalf. I'm glad that I was able to put the
 12 input that I did, and that driver got in and out quicker
 13 I would say because I was there.
 14 Q. Now, we go to the next incident on the same day and
 15 that's -- if we can have a look at video 724, please.
 16 This concerns staff trying to access the highway.
 17 (Video played)
 18 If we could pause when we get to 53 seconds, please.
 19 A. I'm pretty sure that police officer there -- I'm pretty
 20 sure he might have been one of the police -- no, the
 21 police -- there's no blue, but he looks the same. But
 22 sometimes they wear different uniforms, yes.
 23 Q. We see you've just moved slightly into the middle of the
 24 access road there, didn't we? We saw you take a step
 25 into the access road?

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1 A. Yes.
 2 Q. And it's right, isn't it, that this is what you call
 3 part of the daily ritual? The staff are leaving and
 4 you've stood where you have to slow that vehicle down?
 5 A. Absolutely, yes.
 6 Q. And you'd accept that that is interfering with that
 7 vehicle's access onto the highway?
 8 A. In your most strictest -- the only way we were
 9 interfering, in the course of bog--standard protesting.
 10 Q. And you'd accept that the action is deliberate?
 11 A. Of course.
 12 Q. You'd stepped into it -- yes. I'm going to suggest to
 13 you there's no reasonable excuse for doing that. You
 14 could deliver your protest message without doing it --
 15 A. The police obviously -- the police officers obviously
 16 feel there's a reasonable excuse for this happening.
 17 Q. -- and you could have carried out this protest without
 18 interfering with the driver's rights to access the
 19 highway.
 20 A. My intention, as I'm standing there, is to see to it
 21 that that car is given free access whilst also
 22 encountering a protest about what they do.
 23 Q. And, again -- I think you'd accept this -- it's
 24 targeting specific highway users; it's targeting the
 25 staff?

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1 A. Yes, it's -- yes.
 2 Q. And I'm going to again put it to you that that's again
 3 part of this intention to persuade the staff to leave
 4 their jobs as part of wanting to see the claimant shut
 5 down.
 6 A. No, ask someone else. In my case, no. My case is, if
 7 one of those workers were to leave the next morning,
 8 agency and new member of staff. These workers, they
 9 are -- yes, it's run by America and -- no, that's not --
 10 that was never my tactic, to get -- "Let's get some
 11 workers to leave", it wasn't my tactic.
 12 Q. Let's look at another one of these incidents on
 13 13 September, please. That's video 294.
 14 My Lord, before I go to this incident, what time
 15 would you like to break?
 16 MR JUSTICE NICKLIN: Well, if you want to break now, we can
 17 do.
 18 MS BOLTON: It might be a good moment to.
 19 MR JUSTICE NICKLIN: Right. Okay. 3.15 then. Thank you
 20 very much.
 21 (3.00 pm)
 22 (A short break)
 23 (3.19 pm)
 24 MR JUSTICE NICKLIN: Right, yes. Carry on.
 25 MS BOLTON: Thank you, my Lord.

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1 Mr Curtin, we're going to look at the incident of
 2 13 September 2021 and we've got video 294 on the screen.
 3 If I can ask if we can please play from 54 seconds
 4 onwards, please.
 5 (Video played)
 6 Can you pause there, please?
 7 Right, "For anybody who has not been here before".
 8 So you're addressing anyone who is there at the camp,
 9 aren't you?
 10 A. Yes, I remember this day. I think this is the day I got
 11 arrested for, and there was a hippy festival going on --
 12 a proper old-school hippy festival -- I think it was
 13 called the "Love Festival"; a proper old-school -- young
 14 kids but in a sort of real authentic hippy vibes and
 15 I just remember them being there that day. Yes, so it
 16 was for -- I think in my head I had an image of like,
 17 "We're going to show you how to show that ..." -- you
 18 talked to me about love. This is still love, what we're
 19 going to do here.
 20 Q. Let's see. So you're telling everybody --
 21 A. No, that's my intention.
 22 Q. You're telling everybody what's going to happen, that
 23 the workers are coming out. Just before we play on,
 24 could we just rewind about ten seconds back, please? If
 25 we could play on, please, just to -- if we could just

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1 play on, thank you.
 2 (Video played)
 3 Pause there, please. So we've heard you say,
 4 "Because of the injunction, because of the police, the
 5 idea is to stand here and hold them back and keep
 6 moving, and when they get to the road, they will go on".
 7 A. Yes.
 8 Q. That's not trying to facilitate the workers getting off
 9 the site, is it?
 10 A. It is.
 11 Q. That's encouraging protestors to stand in the way, hold
 12 them up, so that you can target the staff as part of
 13 your ritual.
 14 A. Yes. My memory -- if I had some of the video on trial
 15 because there may be another camera where -- I thought
 16 it was "The idea is not to hold them back". But either
 17 way I accommodate it because, remember, I know what's in
 18 my head so -- and what's going to come out my mouth is
 19 going to be corresponding with that. So to tell them --
 20 some of these people have never been to a demonstration
 21 before -- "We're actually going to -- they're going to
 22 be held up to some degree, but it's going to be of
 23 a moving nature. It's not a blockade. There's no need
 24 to sit down, 'You shall not pass'. We're going to have
 25 a demonstration, they're going to look at our banners

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1 and they're going to go home". And it was -- my little
 2 project for this day was: let's show the hippies how we
 3 operate.
 4 Q. Well, it's right, isn't it, Mr Curtin, that you put this
 5 video to the staff as an example of you facilitating
 6 trying to comply with the injunction and it's right,
 7 isn't it --
 8 A. Can I just say now that we were doing this before the
 9 injunction. We've always -- it came from day one, "You
 10 haven't got the power to block vehicles in any way".
 11 Q. It's right, isn't it, that this isn't facilitating in
 12 any way safe passage for the workers? This is designed,
 13 what we're about to see here, to hold them up so that
 14 they can be forced to hear your protest message?
 15 A. It's to cause a delay as they're leaving so they
 16 experience whatever we have to display to them that day.
 17 Q. Say to them?
 18 A. Yes.
 19 Q. Hmm.
 20 A. "Slight" being the operative word.
 21 Q. If we can play on, please, to one minute and 54 seconds.
 22 (Video played)
 23 Pause. Right. So that's you dictating to the
 24 workers what they must do.
 25 A. Being -- looking at it, it seems strange -- yes, being

1 assertive, "What are you waiting there for? Come on,
 2 move. Go. Get out of our sight", sort of thing, you
 3 know, "What are you waiting for?". We're going to move
 4 back, but they don't -- I'm encouraging them. I've come
 5 towards this line of people.
 6 Q. Right. Let's play on, please.
 7 (Video played)
 8 Pause there. You're in front of the vehicle,
 9 aren't you?
 10 A. You know why and I know why. I'm telling you I'm there
 11 because of that dog.
 12 Q. Well, let's play on, please.
 13 (Video played)
 14 A. Can you imagine what would have happened --
 15 Q. Pause there.
 16 A. Can you imagine what would have happened if the dog was
 17 to get hurt there. It would be like ...
 18 Q. That's where you move the dog, there, isn't it? You'd
 19 been in front of the car for several seconds by then.
 20 A. I'm not sure your point. I stand in front of there --
 21 as far as I'm -- now, when I'm in this situation here
 22 and I've already -- I don't want that car to move
 23 forward anymore. It's not a protest anymore. It ain't.
 24 You can look at me like that. This is not a protest
 25 now. This is a situation where the dog is in jeopardy.

1 Q. Let's play on, please.
 2 (Video played)
 3 Right, so we've seen the dog move out of the way.
 4 A. And a little word perhaps that you might not get,
 5 something like "Come on", "Come".
 6 Q. Right, play on, please.
 7 (Video played)
 8 And then pause there. You've gone back in front of
 9 the car now, haven't you?
 10 A. I have, yes.
 11 Q. Keep going, please.
 12 (Video played)
 13 Pausing there -- and we've looked at this before --
 14 you're clearly addressing the driver of that second
 15 vehicle as a "moron", "A stupid moron, throwing away
 16 their life", because of where they work.
 17 A. Yes, and if I can refer to the answer I gave yesterday,
 18 I'm -- the story in my head, which has changed -- but it
 19 would still count for the workers. It's my opinion that
 20 they may gain a wage packet from working in there but
 21 it's a horrible place to work. So I'm not being polite.
 22 I'm addressing the people. You can hear the anger in my
 23 voice, the sheer (inaudible). I'm being a bit heated,
 24 yes.
 25 Q. Because -- the reason that you're holding them up and

1 you're shouting this at them is because you're trying to
 2 persuade them not to work for MBR?
 3 A. No. Ah, well ...
 4 Q. That's clearly --
 5 A. Persuade.
 6 Q. -- the message that you're delivering.
 7 A. Persuade? Yes, I'm putting it on -- I don't know. Of
 8 course I'd want them not to work there, for their own
 9 good and for the good of the anti-vivisection movement,
 10 but it's not my drive.
 11 Q. And it's for the good of the anti-vivisection movement,
 12 isn't it, because it would mean that, if MBR didn't have
 13 staff, they couldn't operate?
 14 A. Yes, if that was your plan, but my impression of this
 15 site, it's not filled by highly skilled workers. It's
 16 filled with people who are very, very replaceable. And
 17 all I can tell you is my honest answer, there's never
 18 been the thrust of my campaign in here was, "Let's get
 19 workers to leave and then the company will shut down".
 20 Q. I suggest to you that is part of what you were doing.
 21 A. No.
 22 Q. And the words "You moron", "You stupid moron" and "All
 23 for an American multi-national company ..." --
 24 A. Yes, that's what I meant.
 25 Q. -- "You stupid moron, throwing away your life", which is

1 what we just heard you shouting at Employee B --
 2 A. Yes.
 3 Q. -- those words are consistent with you targeting the
 4 staff day in, day out, to persuade them to leave their
 5 jobs.
 6 A. No, I don't know them and what -- a typical worker in
 7 there -- and it is a typical -- it's my case that it
 8 would be a typical worker at the lab up the road --
 9 Labcorp, which is a few miles up the road, just in one
 10 of the areas -- they employ over 1,000 people -- is
 11 notorious in the area for short-term employment, for
 12 people who go there and spend six months there. My idea
 13 is, "You're going to be left with the guilt and the
 14 sound that is the dogs' noise because it's non-stop
 15 inside there and that smell is going to be with you.
 16 You've been duped into this job by ..." -- that's my
 17 impression at the time. I've changed that now, if I'm
 18 going to the Job Centre, "Do you want to learn to get
 19 a qualification? And now you're saddled with a guilty
 20 conscience".
 21 So my idea -- and absolutely I'm telling you, in my
 22 witness statement, the thrust of my campaigning has
 23 never been to target the workers. In fact the opposite.
 24 If I had have targeted the workers, I'd give my
 25 explanation to you now.

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1 Q. First of all, Mr Curtin, it's been your case that you
 2 wish to continue protesting at Wyton site until it's
 3 closed down. That's your hope?
 4 A. Hope, yes.
 5 Q. And the main thrust of your protest has been this ritual
 6 when the workers enter and exit the site?
 7 A. No, it hasn't. Absolutely not.
 8 Q. At the Wyton site, I should say, that's been a ritual,
 9 hasn't it?
 10 A. Yes, but you said "the focus". My focus has never been
 11 this ritual.
 12 Q. Well, you've been involved in it on multiple occasions,
 13 haven't you?
 14 A. I've been involved in it, but it's there. Other people
 15 would definitely -- if it hadn't been for my input,
 16 I think there would have been loads of early flashpoints
 17 in the early days and we don't -- it's hypothetical.
 18 Q. And it's right, isn't it, that you want to see MBR shut
 19 down? You have been involved in targeting the staff
 20 cars as they come in and out by shouting your protest
 21 message and slowing them up, and the only reason that
 22 you would target the staff in that way is to persuade
 23 them to leave their job?
 24 A. No, that's -- it's your speculation. I'd have -- for
 25 example, if that had been my thrust, I'd have put a lot

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1 more emphasis on -- and you could -- you can't force
 2 people. Remember I said the McKenna -- the Paul McKenna
 3 book, the hypnotism book, I did used to do it at
 4 Huntingdon. I used to say things like, "When are you
 5 going to leave" -- not "Are you going to leave?", "When
 6 are you going to leave?", but at least they've got some
 7 choice then. It's not force, it's hypnotism.
 8 But I would employ -- if you want the workers to
 9 leave by force and a man(?) to leave, it's going to
 10 involve a load of pressure, it's probably going to get
 11 you very, very near the line of breaking the law because
 12 to get them to leave -- to force them to leave, you're
 13 going to have to cause some stress for being there.
 14 They've already -- my case is they're already under
 15 a load of stress working there. It's a stressful place
 16 to work. It's a stressful thing to have protestors
 17 outside. That will do and there's no extra than that.
 18 Q. So --
 19 A. And they'd all be completely replaceable people would be
 20 my --
 21 Q. So on that basis there would be no need to slow the cars
 22 up and stand in front of them, would there? You do that
 23 because what you're trying to do is persuade them to
 24 leave their jobs.
 25 A. Well, it's as if you're not listening to my answer.

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1 I've got 100 reasons why I'm there and I've actually --
 2 I've abandoned the idea of deliberately going down the
 3 road that would make the workers leave. I know that
 4 it's unpleasant for them, I know they would rather us
 5 not be there, so that in itself puts some pressure on
 6 them. I'm aware of that. But I don't crank it up
 7 personally and it's not -- it was never my methodology
 8 or the methodology of, as I say, the Camp Beagle social
 9 media. It never went down that road.
 10 Q. I suggest that's exactly what you're doing in the video
 11 we've just looked at, Mr Curtin, is cranking it up
 12 personally and targeting the staff.
 13 A. There's very few police here. I think it's 3 o'clock.
 14 If I'd have wanted to properly get inside their heads,
 15 I don't know, hold them up for a lot longer, a lot more
 16 nasty language --
 17 Q. Well, repeatedly calling somebody a "Stupid moron" and
 18 a "Shit shoveler", Mr Curtin, is pretty unpleasant,
 19 isn't it?
 20 A. The "Shit shoveler", it's a puppy factory. I'm not sure
 21 that -- it's a smelly, dirty place and I, as you are
 22 aware, am vehemently opposed to what they're doing on
 23 site. "Shit shoveler", my -- I don't have to be polite
 24 and go out and use pretty language just for the sake of
 25 it. Say it how it is. And what was the other one? And

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1 the "Stupid morons" was what I would say to someone who
 2 was just using it as a career --- a young person who ---
 3 looking for some employment, "Do you want to get
 4 a qualification to look after animals?", giving them
 5 a warning, "This place will take you down. This place
 6 will give you ...", you know.
 7 Q. Those are words of someone trying to persuade somebody
 8 not to work at MBR.
 9 A. Well, I'm allowed to persuade. I'm allowed by use of
 10 rational arguments and protest material. I think I've
 11 got a legitimate purpose to try and persuade, of course.
 12 Q. But not by stepping in front of their cars, I'd suggest
 13 to you, shouting through loudhailers and obstructing
 14 them.
 15 A. All the things --- the loudhailers, protesting, all
 16 things I've seen in the 40 years that I've --- perhaps
 17 there's something wrong with me and protesting has
 18 become normalised.
 19 Q. Let's have a look at this incident from --- I want to
 20 look at it from a different camera angle which shows
 21 a little bit more about what was happening before the
 22 cars came out. So if we can look at video 290, please.
 23 If we can start at about 58 seconds, please --- actually,
 24 sorry, 50 seconds maybe. Right.
 25 (Video played)

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1 Pausing there.
 2 A. Yes.
 3 Q. Now, we can see the lady with the dog.
 4 A. Yes.
 5 Q. We see you starting with --- we've heard what you were
 6 saying at the beginning. You're telling them that the
 7 workers are going to come out. Carry on, please.
 8 (Video played)
 9 And pause there. You're telling the lady with the
 10 dog where to stand.
 11 A. No.
 12 Q. Let's play on.
 13 (Video played)
 14 You just pointed there and that's where she's going.
 15 You're getting people to move up, aren't you? Do you
 16 want me to rewind that ---
 17 A. I've got no idea ---
 18 Q. Do you want me to rewind that for you? Let's have
 19 a look at that again.
 20 A. You can show me it again. I've seen it.
 21 Q. To one minute, please.
 22 A. I've pointed once, I've pointed twice, I've pointed
 23 three times, four times. I'm pointing ---
 24 Q. You're indicating there, and that's where she's moving
 25 up to.

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1 A. That's complete speculation. I can't help you there.
 2 Q. And you're doing the same. That's encouraging people to
 3 stand forward, isn't it?
 4 A. That would have been --- there's people there, "Come on
 5 then, let's do it" --- uniform, that's what I would have
 6 done. If I wanted everybody to stand at the gate, my
 7 body language would be completely different. I could
 8 have been talking about anything there. I'm not
 9 wiggling out of anything.
 10 Q. Pause there. That's not the actions of somebody who is
 11 facilitating the staff coming out and reasonable
 12 protest. That's somebody encouraging others to obstruct
 13 access to the highway.
 14 A. It's the actions of someone who is --- it's actually ---
 15 I remember the day because --- and I can see them now.
 16 It was the day to show the hippies how we roll and be
 17 proud of it and --- knowing damn well that this was
 18 a ritual and it was a ritual they're about to witness,
 19 for them it would be probably quite interesting, and to
 20 make sure they didn't lash out.
 21 I've seen people lash out. I remember I was
 22 speaking to a woman a few weeks ago and I was talking to
 23 her and she was --- she went over to the injunction zone
 24 and she had a cup of tea and, as the cars went out ---
 25 her purpose wasn't to throw a cup of tea and she just

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1 went "Oy" with the cup of tea. I've seen people lash
 2 out. So my thing was just this is going to be smooth,
 3 it's going to be co-ordinated, and yes, you know, I knew
 4 the cars were going to be slowed up. I knew it.
 5 Q. But we've heard you on the loudhailer and we can see
 6 that you're encouraging people to come forwards as the
 7 staff cars are about to leave.
 8 A. And then I would have said, "Shall we block the gate ---
 9 let's block the gate off together and let's move out
 10 as a line". No, it wasn't.
 11 Q. You're encouraging them to come forward and take part in
 12 what had become a relentless ritual that the staff had
 13 to go through every day when they came to the site and
 14 every day when they left the site. Let's play to ---
 15 A. Because these are people who don't --- the hippy thing
 16 I'm referring to, I'd been to the festival and ---
 17 there's other ways of showing love apart from the
 18 obvious soft way, and that's why I was interested in
 19 them being there and seeing it.
 20 Q. Well, I suggest if you were trying to show love,
 21 Mr Curtin, you wouldn't have been addressing the drivers
 22 of the vehicles in the manner that you were. Now, let's
 23 look ---
 24 A. What's wrong ---
 25 Q. Let's play to two minutes and six seconds, please. Play

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1 from where we are, sorry.
 2 (Video played)
 3 Pause there. You've not -- you've stood in front of
 4 the dog but you've not asked her to move the dog out the
 5 way.
 6 A. No --
 7 Q. You're standing in front of the car, aren't you, at this
 8 point?
 9 A. Right. What I've learnt to do -- and I do it at the
 10 camp. I've been doing it a long time and I've done
 11 a lot of dog work. All over the world I've done it --
 12 when I see a dog in the road, I've got an instinct,
 13 which is to stand in the road and stop the car. I don't
 14 chase the dog, I go in the road. I stop vehicles. And
 15 that's what I'm doing. So there's a dog in the road.
 16 My mind goes to the vehicle. The vehicle mustn't move.
 17 There's a dog in the road. That's how I work.
 18 Q. This protestor and her dog is in the road on a number of
 19 occasions on a number of incidents that we'll look at,
 20 Mr Curtin. But it's right, isn't it, you are now
 21 standing there with your loudhailer, shouting at the
 22 vehicle stood in front of the vehicle, aren't you?
 23 A. And -- because the dog is safe, the dog is --
 24 Q. I suggest to you that you would be stood there --
 25 A. You'll see me have a word a number of times with that

1 same person and the same dog.
 2 Q. I'd suggest to you that you would be stood there
 3 regardless of the dog, Mr Curtin.
 4 A. I don't know. I'd be able to answer your questions if
 5 I was standing there because I'd say, "Watch me move
 6 back", so I'd still be okay with that -- if there was no
 7 dog, I'd still be okay within the ritual of standing
 8 there.
 9 Q. So if we could play on, please -- continue on to three
 10 minutes and 15 from where we are.
 11 (Video played)
 12 A. I'm just --
 13 Q. You're indicating for him to come back.
 14 A. Yes.
 15 Q. You've got the dog out the way?
 16 A. Well, not quite.
 17 Q. You've watched her escort the dog off to the side and
 18 now you're continuing to stand in front of the vehicle,
 19 aren't you?
 20 A. Yes.
 21 Q. Right. Pause there. There's no dog there now, is
 22 there?
 23 A. No.
 24 Q. No, but you're still standing in front of the car --
 25 A. Yes.

1 Q. -- obstructing the car, aren't you?
 2 A. And there's at least two people -- that guy is touching
 3 the car, which he's not meant to do. That would have
 4 been a thing I said -- I think he's slightly -- so I've
 5 got really inexperienced people around me, so, "This is
 6 what we're going to do and the car is going to be
 7 leaving".
 8 Q. Well, keep going, please.
 9 (Video played)
 10 A. And you can -- see the small children, see -- can you
 11 stop there? There's a woman with the nice colourful
 12 banner. I don't know what it says, "Camp ..." --
 13 Q. "Camp Beagle".
 14 A. And she's got some really nice sweet children, so --
 15 I just remember them.
 16 Q. Keep going, please.
 17 (Video played)
 18 You come back to shout at the next car --
 19 A. Hmm--hmm.
 20 Q. -- and we know you go to the front of the next car from
 21 the video we've just seen.
 22 Pausing there, please.
 23 It's right, isn't it, that you've clearly interfered
 24 with those cars accessing the highway from the Wyton
 25 site?

1 A. I've referred in nearly every answer I've given you over
 2 the course of my testimony, there is a protest there.
 3 We are on the drive.
 4 Q. And you are interfering with their access to the
 5 highway?
 6 A. Compared to what would be happening if we weren't there,
 7 yes, but we are there. We are choosing to protest
 8 there. That is having an effect in the real universe.
 9 Q. You give that answer, Mr Curtin, but can I just
 10 clarify --
 11 A. I sound as if I'm being evasive but I don't trust you
 12 that you're going to write it down, "Mr Curtin has said
 13 that he interferes with things", no.
 14 Q. Can I just clarify something? Do you believe that your
 15 protest rights trump all other legal rights? Do you
 16 believe that, if you're protesting, it doesn't matter?
 17 A. No, of course not.
 18 Q. Right. Well, then. So it's right, isn't it, that
 19 protesting or not, you're interfering with those
 20 drivers' rights to access the highway?
 21 A. I could ask you a reciprocal question which I won't be
 22 allowed to ask. Do you believe the driver's right to
 23 have a free access trumps a protestor's right?
 24 Q. Yes.
 25 A. It's a balance.

1 Q. No, because that's the primary use of the highway.
 2 A. Who says?
 3 Q. That's the law I will be submitting, Mr Curtin, later
 4 on.
 5 A. Well, it's another thing I'd like to lobby the law
 6 against. I understand that the highway is there for
 7 moving along, but the highway is also moving along the
 8 protest.
 9 MR JUSTICE NICKLIN: That's ultimately for me to decide, the
 10 reconciliation of those two different rights --
 11 MS BOLTON: Yes.
 12 MR JUSTICE NICKLIN: -- so let's move on with the questions,
 13 please. It might help me with resolving those points.
 14 MS BOLTON: It's right, isn't it, Mr Curtin, that you are
 15 interfering with those vehicles' rights to access the
 16 highway?
 17 A. By protesting, just it has to, it's bound to, cause some
 18 level of interference, yes -- some.
 19 Q. And it's right that you're also obstructing those
 20 vehicles from accessing the highway?
 21 A. No.
 22 Q. Standing right in front of that black car, you're
 23 obstructing it, aren't you?
 24 A. You know why I stood in front of it on this occasion.
 25 If you show me another one -- I've stood in front of

1 vehicles and it's part of this ritual and it's part of
 2 this -- what you call "interference". It's not what --
 3 the common usage of obstruction would be something
 4 that -- you'd obstruct a pipe or something of water and
 5 someone is going to have to come along and unobstruct
 6 that. This is a fluid protest, ever so slightly
 7 delayed. There's delay rather than interference.
 8 Q. After the dog had been removed to the side, you remained
 9 in front of the black car, didn't you?
 10 A. Going backwards, yes.
 11 Q. Yes. You were obstructing that car's access onto the
 12 highway?
 13 A. In the same vein as I answer all of this, as a -- in my
 14 role as a protestor, of course I was otherwise he would
 15 have run me over.
 16 Q. And I suggest to you that your actions were plainly
 17 deliberate. You intended to do it.
 18 A. Yes, I watch this and I'm glad I did what I did with the
 19 dog and I see nothing wrong, even though you're
 20 suggesting to me I've broken some law or something,
 21 that -- yes, it's all good. What I'm seeing there is
 22 good.
 23 Q. And there was no reasonable excuse for doing this
 24 because you could have delivered your protest message
 25 without obstructing that vehicle?

1 A. The reasonableness comes into 3 million animal
 2 experiments, it comes to the slowness of Parliament to
 3 adapt to the massive public clamour -- yes, the reason
 4 is the scream and pain of animals.
 5 Q. I'm going to suggest to you that there is no reasonable
 6 excuse for that, in particular because you could have
 7 protested without obstructing the vehicle.
 8 A. Okay, well, as we've seen so far, the police would take
 9 a different view to it. They seem to be reconciled to
 10 the situation.
 11 Q. Well, we don't --
 12 A. This ritual, they seem --
 13 Q. We don't have that evidence, Mr Curtin. We don't --
 14 A. But you've seen with your own eyes --
 15 Q. That's not before the court, is it?
 16 A. I am proud of the role that I've played in this incident
 17 here, even though the driver was delayed -- but you're
 18 asking me, again, as if I vapourise myself and all the
 19 other protestors and we go away leaving you to your
 20 perfect world.
 21 Q. Your actions are targeting specific highway users,
 22 staff, at the Wyton site?
 23 A. Yes.
 24 Q. And they're designed to persuade the staff to leave
 25 their jobs?

1 A. Absolutely not.
 2 Q. And if we very briefly look at video 289, please.
 3 (Video played)
 4 We can see this is what was ahead of the employees
 5 as they were trying to access the highway.
 6 A. Yes.
 7 Q. So before the staff cars come out, there isn't free
 8 access already, is there --
 9 A. Yes, there's road cones which I'm now about to start
 10 moving.
 11 (Video played)
 12 You can see people waving at us. There's been
 13 a number of waves. That's because of the beeping
 14 traffic who support us.
 15 Q. Again, we can see that you're at the driver side window,
 16 following the driver all the way onto the carriageway.
 17 A. Yes.
 18 Q. You're leaning quite into the silver vehicle,
 19 Employee B's car --
 20 A. Hmm.
 21 Q. -- going onto the carriageway.
 22 A. It's a health and safety nightmare kind of thing. I get
 23 that, you know.
 24 Q. It is -- and following the car onto the carriageway.
 25 A. Yes.

1 Q. We can then see other cars have had to slow down as that
 2 car was going onto the carriageway. That's plainly
 3 obstructing those vehicles, isn't it?
 4 A. For a minor period of time, as is now established, which
 5 facilitates both protests and the workers coming out.
 6 It's very unusual for there to be no police. The reason
 7 is it was 3 o'clock -- and I think there might be
 8 a police officer -- there might not be. I think there
 9 might, but we don't know. But it's very unusual and
 10 that's a mistake, and the workers, if they'd have felt
 11 unsure about coming out, could have -- but it would have
 12 impeded them. They could have made a phone call to the
 13 police or the security, "Do you realise there's no
 14 police here so we're going to have to rely on the
 15 protestors?".
 16 Q. As you quite rightly said, Mr Curtin, that's a health
 17 and safety nightmare being caused primarily by you.
 18 A. Not by me, no, by the fact -- by them being there.
 19 They're the ones that do the horrible animal experiments
 20 that a lot of people in the country are up in arms
 21 about. Yes, I am deeply unhappy that place is there.
 22 They hid it from the local community. There's no police
 23 around. You had to rely -- that situation is people,
 24 including me, in front of the car -- you had to rely on
 25 the driver not to go "Get out the way", in a bad mood,

1 which happens, and people have a bad mood and they can
 2 just go "Get out the way" with their accelerator and
 3 that can mean -- so both sides -- I wouldn't -- I'm not
 4 belittling it -- a type of game, a type of Russian
 5 roulette, a type of like -- and that's a -- that's why
 6 I said "health and safety nightmare". It's borderline
 7 dangerous for all concerned there. Yes, I accept that.
 8 Q. Caused by you?
 9 A. Caused by the situation.
 10 Q. Caused by you?
 11 A. No, I made it safer. By standing in front of that car,
 12 having the confidence -- I've stood in front of people
 13 with guns before, knowing they're not going to shoot me.
 14 I'm kind of calling their bluff that, "You ain't going
 15 to run me over", which is -- it's not a high speed and
 16 I've got a lot of experience of doing similar things.
 17 So I'm not going to be banging on the car or anything
 18 like that. I kind of know that this driver is not going
 19 to run me over.
 20 Q. No, because, as the drivers have given evidence, they
 21 were scared.
 22 A. They could also be annoyed and whack their foot down on
 23 the accelerator, "I'll show you who's going to go". So
 24 that's what I mean about -- you know, and there's no
 25 police there.

1 Q. This was deliberate and unreasonable obstruction.
 2 A. If it was a potato factory, you wouldn't make head nor
 3 tail of it. It would be nonsense. But the fact it's
 4 Britain's only puppy factory, it's the centre of a load
 5 of controversy -- I'm pleased there's people there
 6 demonstrating and -- but looking at it, you know, you
 7 think to yourself, "Good. No one was hurt".
 8 Q. And you could again carry out your protest without
 9 obstructing the vehicles and causing that health and
 10 safety nightmare?
 11 A. I -- as I told you, there are people there -- there's an
 12 element of protestors that you get the most militant
 13 one, "No surrender, it's not passing". So I'm working
 14 with the situation which is let's get a balance between
 15 those who want a blockade and maybe -- there would be
 16 plenty of people there who are happy to completely stand
 17 out the way, maybe, who wouldn't dream of going in front
 18 of a car. There's a balance between all them energies
 19 and it's a working -- it's a working balance.
 20 Q. That's not balance and I suggest to you that's not
 21 facilitating. That's agitating.
 22 A. No, I absolutely disagree.
 23 Q. And we also saw at the beginning of that video the cones
 24 that have been placed along the front of the access
 25 road --

1 A. Yes.
 2 Q. -- so, again, obstructing access onto the site for any
 3 vehicle that may have needed to pull onto the site?
 4 A. Yes, any vehicle wanting to pull on that site, there
 5 were road cones.
 6 Q. You needed you or other protestors to move the road
 7 cones out the way or somebody?
 8 A. Yes, but if the plan is to block the workers in, then --
 9 if the plan is to be as unhelpful and obnoxious or
 10 whatever, let them move the -- let the security move the
 11 road cones. No. The road cones -- it gives an
 12 appearance of "Ye shall not pass", but blow on it and it
 13 will disappear.
 14 Q. The purpose of the cones is to control people's access
 15 on and off the site.
 16 A. I don't remember any discussion, "I know, let's have
 17 some cones there". Someone might have put the cones
 18 and, as soon as someone says "Move the cones", the
 19 protestors move the cones, so they're not acting as an
 20 effective blockade.
 21 Q. Let's look at another incident on 13 September, please.
 22 It's at video 301.
 23 MR JUSTICE NICKLIN: Before we leave that, on the issue of
 24 the cones, so far as you are aware, did the police ever
 25 ask you to remove the cones?

1 A. No. You can see -- I think in the last video -- some of
 2 the police moving the cones. The police never said,
 3 "You mustn't put cones", because -- for example, you
 4 think they might have done for things like emergency
 5 vehicles, but they -- I don't remember that ever
 6 happening. If they had, I don't think there would have
 7 been a stand-off about some road cones. But it
 8 wasn't -- the road cones would be there if someone put
 9 them there. We had road cones anyway to protect the
 10 people at the camp, so these are road cones that have
 11 strayed from the camp over to that area.
 12 MR JUSTICE NICKLIN: Again, so far as you are aware, was
 13 there ever any complaint from MBR Acres about the cones
 14 being there?
 15 A. No. So this is -- 3 o'clock was people leaving early
 16 and this is the normal leaving time.
 17 MS BOLTON: Before we go onto this, Mr Curtin, it reminds me
 18 of something you were asked earlier on about the
 19 banners --
 20 A. Yes.
 21 Q. -- and you were asked whether MBR ever asked for the
 22 banners to be taken down.
 23 A. Yes.
 24 Q. Would you accept from me that security had, in the
 25 summer of 2021, asked protestors to remove banners?

1 A. I don't remember that. If you've got evidence that they
 2 did, it's not -- I'm just telling you -- when I say
 3 we've had no communication, I think it's extraordinary
 4 that MBR have never spoken to us. I don't remember, but
 5 I didn't remember that incident there when a security
 6 man himself took the banner down. That was news to me.
 7 So I don't remember that, no.
 8 Q. Would you accept that, whether it was you or somebody
 9 else, that security may well have asked for the banners
 10 to have been taken down in the summer of 2021?
 11 A. I don't think they did. I'm fairly sure they didn't.
 12 MS BOLTON: My Lord, I did say to the court I would find out
 13 the position and that is the position we've received
 14 from Mr Manning, that they did. I can't do more than
 15 that. I've put it to Mr Curtin and, if necessary, I'll
 16 make submissions on it.
 17 A. That would be -- that would have been -- I'd have
 18 remembered it because I would have kind of seized on it
 19 as a form of negotiation thing, which just wasn't open.
 20 That avenue, I've never felt it open.
 21 Q. If we look at the next incident, please, from 56 seconds
 22 to three minutes and 57 seconds, please.
 23 (Video played)
 24 Pause there. Now, you've just stepped back out of
 25 view because of the police officer, but you're on the

1 other side of the access road to this camera,
 2 aren't you? Do you want me to rewind it back again?
 3 A. No, I'll take your word for it. I think I am, yes.
 4 Q. Okay. Can we keep playing?
 5 (Video played)
 6 Pausing there.
 7 A. Yes.
 8 Q. You're in front of the vehicle again, aren't you?
 9 A. Yes.
 10 Q. Okay. And keep playing, please.
 11 (Video played)
 12 Pausing there. The police officer went in front of
 13 you, you went round the police officer and back round in
 14 front of the car, didn't you?
 15 A. To come to the other side of the car, yes.
 16 Q. Keep playing, please.
 17 (Video played)
 18 Pausing there. Again, "No one loves a puppy killer,
 19 no one loves a puppy killer", being directed at the
 20 staff.
 21 A. Yes.
 22 Q. Again, that's consistent, isn't it, with trying to
 23 persuade staff members to leave their jobs?
 24 A. It's a reality check of, "Whatever you tell yourself in
 25 there, you try going outside and engaging in a natural

1 conversation with someone at a football match or
 2 anything and you'll soon find -- when you start telling
 3 them what you do, you might well expect ..." -- to me,
 4 it's universal, you know. Remember, when I call it "the
 5 puppy factor", it affects people's emotions more than
 6 mice experiments, more than rat experiments, more than
 7 rabbits. It's this puppy killer -- you know,
 8 101 Dalmatians, I'm just -- that's why I'm saying it.
 9 Q. Let's continue, please.
 10 (Video played)
 11 Standing right again in front of the car --
 12 A. Yes.
 13 Q. -- pointing at the car, "Where do you tell people you
 14 work? Where do you tell people you work?"
 15 A. Yes.
 16 Q. And again this is being done to target the staff --
 17 A. The staff --
 18 Q. -- in a way that's trying to persuade them to leave.
 19 A. No. You've -- that would be surely like, "I'm telling
 20 you now, get out of this job or else" or something. I'm
 21 putting him into a situation, "All right, mate, where
 22 do you work then?". So I'm -- and I've gone in front of
 23 the car and I've pointed, and everything about my body
 24 language is not going to be "You shall not pass". I'm
 25 part of this ritual. You watch my --

1 Q. It's frightening and aggressive, isn't it?
 2 A. No, passionate --
 3 Q. That's the Production Manager's car and that was her
 4 evidence, that you were frightening.
 5 A. And I challenged that absolutely. There's nothing
 6 frightening. Remember, this is the day --
 7 Q. But it was unpleasant and scary to have you shouting and
 8 pointing at a car. That's --
 9 A. Unpleasant I'll accept for her. You know, I've got kids
 10 there. I'm trying to showcase what we do to some people
 11 who perhaps wouldn't necessarily gravitate towards
 12 a noisy protest, you know, but I'm trying to get across
 13 to them that what we're doing is the same thing -- "When
 14 you're going 'La la la' and singing your hippy stuff,
 15 we're doing a form of sharing love". And I know it
 16 sounds odd, but you're asking me questions and I'm
 17 answering them.
 18 Q. I suggest it's not odd, Mr Curtin, it's farcical to
 19 suggest that this is sharing love.
 20 A. No.
 21 Q. This is aggressively targeting staff cars.
 22 A. It's not aggressive; it's passionate.
 23 Q. You're shouting --
 24 A. If I ever get aggressive, that's a mistake. I don't
 25 want to be aggressive.

1 Q. If we can play on, please.
 2 (Video played)
 3 Pausing there. You've got right up onto the metal
 4 strip, you're shouting -- you're shouting that they'll
 5 never be able to wash the smell off.
 6 A. Yes.
 7 Q. This is aggressive behaviour targeted at the staff,
 8 isn't it?
 9 A. It's not. It's saying it how it is. It's a smelly --
 10 it's a very, very, very, very smelly place -- very,
 11 very, very, very smelly inside those sheds, extremely
 12 smelly. I know they're going to have this smell after
 13 they've left the job.
 14 Q. After they've left the job.
 15 A. After they've left work, they're still going to be left
 16 with that smell.
 17 Q. Play on, please.
 18 A. And I don't want them to go away and forget about this
 19 place at 5 o'clock. I would welcome them to think about
 20 it, you know.
 21 Q. Because you want to persuade them -- these actions are
 22 designed to persuade them not to remain in their job and
 23 to leave?
 24 A. I'm putting to them -- I'm challenging them about the
 25 nature of their jobs and it is a smelly, dirty, noisy

1 place and I'm using a sort of metaphor, "That stink and
 2 that smell", and, "Don't let it become you. Don't let
 3 this place rub off on you".
 4 Q. And you're obstructing them and you're holding them up
 5 and you're acting in a -- sorry.
 6 A. What's the police officer -- you know, is the police
 7 officer obstructing that vehicle? Is that preposterous?
 8 Q. No, I think the police officer has turned away at that
 9 point, Mr Curtin, but it's right, isn't it, that we've
 10 seen you standing in front of the vehicle a moment ago?
 11 We've seen you shouting at the vehicle. It's the
 12 staff's evidence that they found this intimidating.
 13 It's designed, isn't it, to intimidate them?
 14 A. Well, it was my evidence, remember, that they found me,
 15 my -- "I found Mr Curtin particularly aggressive". That
 16 was some of the stuff they've heard and --
 17 Q. Shouting through a megaphone at them?
 18 A. But aggressive, "We're going to get you. You wait till
 19 I see you down a dark alley", stuff like that. This is
 20 about talking about their workplace, talking about --
 21 remember I said, "Keep it -- no personal insults. Keep
 22 it about the dogs". I feel let down -- I've let the
 23 side down myself -- if I'm not talking about dogs there,
 24 then that's what I want to do. People want to talk
 25 about them, maybe, or -- but, no, let's keep it to the

1 dogs.
 2 Q. Let's play on.
 3 A. Yes.
 4 (Video played)
 5 Q. Pausing there, again you're in front of the vehicle,
 6 aren't you?
 7 A. I'm precariously sandwiched -- bit dangerous for myself,
 8 I would say, because if that car does -- and it's about
 9 to come over the speed bump, something bad could happen
 10 to me there. I'm the one in danger there. But, yes,
 11 it's the same answer to what I give you about the ritual
 12 is unfolding as it should. I don't like watching this
 13 in a minute because I'm putting myself in danger there,
 14 which is going to be kind of frightening the driver
 15 a bit, I imagine -- don't get too excited about me
 16 saying that, but I don't want to frighten the driver.
 17 I bet you I don't stay there for long. But I know
 18 there's a car behind me so really I am not -- I've
 19 answered it so many times for the same sort of thing.
 20 I'm partaking in this fluid moving out, "You're going
 21 out that way", ritual.
 22 Q. I suggest to you, Mr Curtin, that anybody standing in
 23 front of a vehicle, shouting as you are, pointing at
 24 them, holding them up, would be frightened.
 25 A. Are you saying that we should never -- there should

1 never be a protest in this country?
 2 Q. Not the same thing, Mr Curtin.
 3 A. Where people go onto a drive and shout with a megaphone,
 4 that that's always going to be frightening? No, there's
 5 nothing frightening about this. They're not being
 6 offered violence. I can imagine it's unpleasant. They
 7 might be thinking of violence, they might be thinking
 8 "I'm going to get dragged out my car". Nothing is
 9 happening from the protestors to encourage that.
 10 It's -- if they've got stereotypes about violent
 11 protestors, then they're going to think that anyway.
 12 But this is a bog--standard, non--violent, passionate,
 13 noisy protest about people who care about animals.
 14 Q. It's right, isn't it, Mr Curtin, that that wasn't the
 15 witnesses' evidence when you cross--examined them, was
 16 it?
 17 A. I challenged every -- most lines that I could.
 18 Q. But they didn't agree with you, did they?
 19 A. No.
 20 Q. Right. Play on, please.
 21 (Video played)
 22 Pausing there, you're still in front of the vehicle,
 23 aren't you?
 24 A. Yes.
 25 Q. Keep going, please.

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1 (Video played)
 2 Pausing there, "Chief shit shoveler, Mr Shit
 3 Shoveler himself". That's directed at the staff member,
 4 isn't it?
 5 A. It's directed at that car.
 6 Q. Pointing and shouting it at the driver?
 7 A. Yes, "Shit shoveler" -- yes, it didn't sound good, does
 8 it, but it is a shitty place.
 9 Q. "The chief shit shoveler himself"; that is directed at
 10 that staff member, isn't it?
 11 A. No, I don't know who the chief shit shoveler is.
 12 Q. I'd suggest to you that you're plainly directing it at
 13 the driver of that vehicle.
 14 A. I'm directing it at the car.
 15 Q. And play on, please.
 16 (Video played)
 17 Pausing there. "For an American multi--national,
 18 blood money, is it really worth it?"
 19 A. Hmm.
 20 Q. Again, targeting the staff, trying to persuade the staff
 21 not to work for MBR.
 22 A. Good, could you -- there's some level of persuasion of,
 23 like, "There's another world out there where, if you
 24 choose to leave here, it might be a good thing for you",
 25 and that's different, that's different --

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1 Q. That persuasion is being performed by obstructing their
 2 access onto the highway, by interfering with their right
 3 to access the highway and by shouting aggressively in
 4 a way that would alarm and distress any reasonable
 5 person?
 6 A. I think I'm using the word "passionate". "Aggressive"
 7 would have levels of --
 8 Q. I put it to you that that's the case.
 9 A. No.
 10 Q. Continue, please.
 11 (Video played)
 12 Pausing there. Again, "Where do you work? You work
 13 for a company that all it does is tell lies".
 14 A. Hmm, I believe that.
 15 Q. Again, targeting the staff because of who they work for,
 16 targeting the staff, trying to persuade them to leave
 17 their jobs and doing so by obstructing and intimidating
 18 them?
 19 A. No. "You work for a company that tells lies", I would
 20 go as far as to say that's factual in that they make
 21 statements that they look after the dogs and I don't
 22 believe they do.
 23 Q. And on each occasion of those obstructions, they were
 24 plainly deliberate and there was no reasonable excuse.
 25 A. We could come to some arrangement that -- and you don't

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1 seem to listen -- that my obstruction that I'm
 2 desperately trying to agree with you is because we're
 3 there protesting but there's no intention of -- other
 4 than for a -- always of a temporary nature, always so
 5 they experience -- so they don't drive out with nothing
 6 happening, so they're aware that there's protestors and
 7 they're angry and they're passionate. As long as that
 8 is done, then however long it takes is never the issue.
 9 In fact -- then it will become -- but not however long.
 10 It's deliberately kind of the shortest possible stretch
 11 you can possibly get. These are the shortest little
 12 mini demos. They last for as long as what you've seen,
 13 which is a minute or so, which is still an obstruction.
 14 But the reason it's happening is ... there was no
 15 agreement amongst the protestors, including me, "Let's
 16 block each car for one minute. Let's block each car for
 17 five minutes". They're going to be slowed down and
 18 that's not my decision. That would be happening anyway.
 19 People are hopping mad about this place, so my input
 20 would be to turn that anger into some controllable thing
 21 where -- and that caused unpleasantness for the workers,
 22 of course it does.
 23 Q. It's right, isn't it, Mr Curtin, that you had quite
 24 a significant level of control over that incident? You
 25 were very much leading the charge?

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1 A. In a positive role, I was there to -- this will sound
 2 strange to you -- to make sure that those workers get
 3 out of here with as little hassle as possible under the
 4 circumstances. It wouldn't have been possible for me --
 5 it just wouldn't have worked out, that level of -- you
 6 can hear some of the voices there, "Right, everyone,
 7 let's stand back and wave at the cars as they go past".
 8 That ain't happening. There's going to be some --
 9 that's why I call it "ritual". That's what used to
 10 happen on the ground every day.

11 Q. That certainly wasn't an incident showing you
 12 facilitating those workers getting out of there with as
 13 little hassle as possible, was it?

14 A. I actually couldn't -- I disagree with you,
 15 180 degrees(?).

16 Q. It's clearly an incident where those workers were being
 17 significantly obstructed in accessing the highway.

18 A. If I wasn't there -- and even though we call them
 19 "hippies", hippies can lose their temper too and I'm
 20 showing them what a controlled, passionate demo looks
 21 like.

22 Q. It's right, isn't it, that far from causing as little
 23 hassle as possible, you were specifically targeting the
 24 staff? You were specifically intimidating the staff in
 25 an attempt to persuade them to leave their jobs at MBR?

1 A. They're the -- yes, I'm targeting them because they're
 2 the ones that work at the controversial place, not
 3 because of who they are or anything else. They work
 4 at a controversial place so therefore they are the only
 5 suitable people for our protest. The rest of the
 6 public, as they're going past, pure education. This
 7 lot, education plus some pressure plus some shouting
 8 plus "We don't like what you do".

9 Q. Again, this isn't facilitating or marshalling. This is
 10 agitating.

11 A. Again, I can't disagree with you more.

12 MS BOLTON: My Lord, the next incident I'm going to move on
 13 to is the reasonably significant one so I'm not sure if
 14 that's the best place to stop for today.

15 MR JUSTICE NICKLIN: Right. When you review the transcript,
 16 you will see that you asked on a number of occasions
 17 three or four questions rolled into one. When you do
 18 that, you will find it difficult to identify, unless
 19 Mr Curtin explains, which of the questions he was
 20 answering. So in your own interests, if you want clear
 21 evidence from Mr Curtin, you need to isolate your
 22 questions out so that, whichever answer he's giving,
 23 it's clear what he's answering.

24 MS BOLTON: My Lord, apologies. That's why occasionally
 25 I've gone back over it. I'm trying to pick up pace and

1 I apologise.

2 My Lord, I've also had a note back from Mr Manning
 3 that the security would ask protestors to move the
 4 cones. They've said that they would also ask for flags
 5 to be taken down and sometimes security would take the
 6 flags down, which is what your Lordship saw on the
 7 video. I don't know if your Lordship wants me to
 8 arrange for that to be put into a witness statement.

9 MR JUSTICE NICKLIN: If you want to rely upon it, yes --

10 MS BOLTON: Okay.

11 MR JUSTICE NICKLIN: -- and it will need to have details
 12 because the extent -- I mean, it's quite clear -- and
 13 the protests have been going on for nearly two months --
 14 and so that you are aware that what impression I'm
 15 getting from the evidence is that an accommodation is
 16 being reached and a procedural way of dealing with exit
 17 and entrance to the site that may have been borne of
 18 absolute pragmatism and may not reflect what was the
 19 strict legal position regarding obstruction, et cetera,
 20 but that it appears -- and that video is a reasonably
 21 good example of watching -- the one when the police
 22 aren't present -- watching the removal of the
 23 obstructions, clearing the path, removal of the banners,
 24 opening the gate, the cars come out, the ritual ensues
 25 and that's the way that it appears to be working.

1 Now, the extent to which -- you know, we'll have to
 2 come back to look at this at some later stage in the
 3 trial, but the question is the extent to which there was
 4 a tolerance of what was happening outside the gates.
 5 You know, it is -- I'll need to go back and look at it,
 6 but my recollection is that the original injunction
 7 didn't target -- or it certainly didn't advance as
 8 a cause of action obstruction of the highway and
 9 obstruction of the common law right of access to land.

10 These are -- it is what it is and it may very well
 11 be that there are all of these torts being created on
 12 numerous occasions in this, but it's about the degree to
 13 which there's a conflict between two sides and
 14 there's -- certainly the impression I'm getting from the
 15 evidence is that there was a loose accommodation between
 16 MBR Acres, their security staff, police, the protestors
 17 and it found its rhythm. It may have had elements that
 18 involved obstruction or delaying of vehicles leaving the
 19 site -- and you will make your submissions about the
 20 extent to which you say that those protest activities
 21 crossed the line and we'll look at those -- but that's
 22 the broad impression that I'm getting of the evidence
 23 and having looked at these videos.

24 MS BOLTON: I think -- my Lord, yes, we can deal with that
 25 because I have a recollection of images of cars having

1 to drive through quite large banners. I think that was
 2 one of the other things that was quite helpful about the
 3 exclusion zone.
 4 MR JUSTICE NICKLIN: No, I see that.
 5 MS BOLTON: So I think it probably is quite important that
 6 it goes into a witness statement.
 7 MR JUSTICE NICKLIN: Yes.
 8 A. And I would like to challenge Mr Manning's evidence in
 9 that I would say it's -- I would go so far as to say
 10 it's untrue. That would be --
 11 MR JUSTICE NICKLIN: Well, wait until you see it, Mr Curtin.
 12 Wait until you see what the evidence is and then you can
 13 understand what Mr Manning says about what he says --
 14 discussions with whom, when, about what. You'll look at
 15 it and we'll think about it; all right?
 16 Over the weekend, same rules apply. Don't discuss
 17 your evidence with other people, please. All right?
 18 A. Okay.
 19 MR JUSTICE NICKLIN: See you on Monday.
 20 A. Can we have -- because the timetable changes and I'm --
 21 have we got any -- do you think -- have we got any idea
 22 if we're going to be -- I've got no problem if it's two
 23 days or three more days or one more day. Have you any
 24 idea?
 25 MS BOLTON: My Lord, I would hope we would finish Mr Curtin

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1 on Monday.
 2 MR JUSTICE NICKLIN: Good. Right. Thank you very much.
 3 (4.27 pm)
 4 (The hearing adjourned until
 5 Monday, 15 May 2023 at 10.30 am)
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