

1 There was about 30 or 40 people still in that milling
2 around the bar area which we were nearby and the back
3 door had been opened and there was a fire so I could see
4 through that there were people peppered throughout. We
5 noticed," you said, "I noticed people observing this
6 exchange"?---People who are closer to us, yes.

7 You were concerned to point out that you had noticed people
8 observing this exchange?---Because it was embarrassing
9 and humiliating.

10 Is that because you have an eye to your defence of reply to
11 attack?---No. It's what I observed.

12 Is your intention to rely on reply to attack - I put it to you
13 that you were never called a racist, but is your
14 intention to rely on that the reason why you have moved
15 this conversation from upstairs to downstairs?---I didn't
16 move the conversation at all.

17 Has anyone suggested to you that you might need witnesses to
18 the conversation if you were to rely on that defence?
19 ---No, absolutely not

20 You've done a good deal of research yourselves haven't you
21 about defamation law?---Yes.

22 Have you developed a view about what would be in your interests
23 in relation to that defence?---No. I've educated myself.
24 I've never said anything different, Mr Dibb. The
25 conversation occurred in the ground level. It wasn't a
26 conversation, it was - I'll be quiet.

27 On 25 June - sorry, before that. You visited on the Saturday
28 didn't you?---correct.

29 But you didn't see Mr Cripps on that occasion?---No. Our visit
30 was quite brief.

31 Then you became alerted to the fact that there had been

1 disclaimers placed?---Yes.

2 You went on the Wednesday. "We arrived at roughly 5 o'clock,"

3 you say, 4.15-ish you say?---4.15, I corrected myself.

4 You corrected yourself?---Correct.

5 You introduced yourselves at this section. As you were going

6 upstairs the evidence as recorded in the transcript says,

7 "I noticed a big title case, a huge warning sign and I

8 pointed that out to Demetrios, 'Look at this'?"---Yes.

9 He had actually walked past it and I saw it and drew his

10 attention to it.

11 What did it say?---Warning.

12 Just warning?---That's all I saw at the time. I don't know if

13 it said anything else.

14 Where was it? It was on the stairs?---It was on the first

15 landing.

16 So you passed fairly close to it?---So you walk - well, you can

17 see it from the ground level as you look up

18 But you went up the stairs didn't you so you passed fairly

19 close to it?---Passed it fairly quickly, yes.

20 You pointed it out to Mr Vakras didn't you?---Yeah. I said,

21 "Look at this." And then we quickly moved on.

22 So what did it say?---Warning.

23 Did it say anything else?---I noticed an exclamation mark, and

24 I quickly moved upstairs. I wanted to see my artwork.

25 Ms Raymond, you were alarmed by this you say?---Yes.

26 But you didn't look at it?---What more could I look at?

27 Well, you say you didn't read it?---It said warning. The

28 letters were probably that high.

29 What colour?---Black.

30 HIS HONOUR: The transcript won't recognise that high?---Sorry.

31 Is that about 15 centimetres?---I have no idea.

1 Ten or 15 centimetres, the size of a cup, a plastic cup?

2 ---M'mm.

3 MR DIBB: You say there was no indication as to what the
4 warning referred to?---I connected it with the
5 disclaimers.

6 Which you have not yet seen?---Which I had not yet seen.

7 You didn't think it might be a loose floorboard?---It wasn't
8 there prior to my - our going in that we knew of.

9 At all events - - -?---I didn't make any assumption.

10 You passed quickly by it you say. Despite the fact that it
11 alarmed you and you thought it was a reference to your
12 exhibition you passed quickly by it without having a look
13 at it?---Why would I look at it more closely?

14 Mr Cripps joined you on Level 1 soon after you arrived, is that
15 correct? That was your evidence I think. Came in from
16 the other side, from upstairs?---He came across from - I
17 saw him come from the stairway across the floor. Sorry,
18 I'm stuck on your word joined. He didn't join us at all.
19 He raced across the floor yelling and striding across
20 angrily with his arm outstretched.

21 I think you gave evidence didn't you, and correct me if I'm
22 wrong. I am sometimes. I think you gave evidence that
23 Ms Pickett was there at this conversation?---She attended
24 the - he'd left for a while after the initial exchange,
25 he disappeared. When he returned Ms Pickett was with him.

26 So you say Mr Cripps came back with Ms Pickett, is that right?

27 ---Yes.

28 After Mr Cripps came back you gave evidence he said, "Look, I
29 don't have anything more to say to you, I don't care.

30 The exhibition is racist, the disclaimers stay"?---Yes,
31 something to that effect.

1 she says, "I understand what you're meaning but it's
2 about time somebody did give it to the Muslims"?---That's
3 correct.

4 Then you said, "And Robert Cripps just passed the lady because
5 we were on our way out, and I looked up at him and said,
6 'You realise it's not what she's saying'"?---Did I say
7 Robert Cripps passed that lady? Because she - I was
8 walking toward Robert Cripps. We were on the ground
9 floor and she passed between us as I was approaching
10 Robert.

11 She passed between you?---And Mr Cripps.

12 So putting to one side the question of whether he passed her or
13 she passed between you, you looked up at him you say and
14 said, "You realise it's not what she's saying"?---That's
15 right, because it seemed a bit embarrassing to have that
16 claim made.

17 Can I suggest to you that this statement is a reflection of the
18 later conversation that somehow got imported forward.
19 Why would you say that to Mr Cripps?---Because it's not a
20 reflection of what my exhibition was about. I don't
21 understand what your question means.

22 What I'm suggesting to you is, one, that this didn't happen at
23 all?---It did.

24 And two, that there's something just a little bit odd about
25 that passage of evidence where you say, "You realise it's
26 not what she's saying," when you'd had no discussions
27 about religion or politics or the contents of your
28 exhibition or his view of it or anything like that?---I
29 don't understand why it would be odd at all. She's said
30 at the exhibition, which had two artists, both have
31 different point of views. There was only about three or

1 four works of mine that pertained strictly to the theme
2 being in discussion, and that's not what the exhibition
3 was. It was a bit - she made that claim and I just
4 wanted to clarify that's not what the exhibition's about.
5 Where you said on p.194 that Mr Cripps said - and this is Line
6 8, "No, your opinions on the Koran are racist and the
7 Muslims are the victims of Jews in Palestine. I don't
8 like the Jews, I don't like the Jew state in Palestine or
9 the Jews and their state in Palestine." I suggest to you
10 nothing like that was said?---Your suggestion is
11 incorrect.

12 I put it to you that what Mr Cripps said when he spoke to you
13 on the evening of 18 June was related to the labels
14 attached to your pictures and to the essays and he said,
15 the first thing he said was, "The labels are difficult to
16 understand. I've had some of the volunteers tell me that
17 they don't understand what they're about. Some of them
18 aren't in an English alphabet. Can we have simple
19 English explanations as well"?---The element about it not
20 being in the English alphabet wasn't brought up because
21 of course I would have corrected him on that element
22 because there's no such thing as an English alphabet to
23 begin with. No, that - - -

24 Some of it was in Greek wasn't it?---There's a Greek alphabet
25 and there's a Latin alphabet. There's no such thing as
26 an English alphabet.

27 Well, then you can correct me. Some of it was in the Greek
28 alphabet. You're of Greek background are you?---That's
29 correct.

30 You speak and write Greek?---That's correct.

31 But you know of course that a lot of people don't speak or

English
to
accompany
Greek

1 write Greek?---That's correct. There was no claim ever
2 made to alter any of the wording that I had from the
3 Greek to its Latin rendition ever at any stage.
4 I put it to you that that was the beginning exchange in this
5 conversation and that that suggestion that these labels -
6 that the essays were impenetrable and that the labels
7 were too difficult to understand and might be
8 supplemented with a simple English explanation, enraged
9 you?---There was no mention of the labels and no rage
10 occurred.
11 What did the labels say, Mr Vakras?---The labels?
12 Yes?---I'm not sure what you're talking about the labels.
13 There were essays that were alongside the paintings.
14 Yes, but there were also, weren't there, smaller title labels?
15 ---There was the price list, so whatever is written on
16 the price list.
17 No, I'm not talking about the price list. I'm talking about,
18 as I'm instructed, about 50 by 100 labels with a very
19 brief statement - - -?---No, there wasn't any labels, no.
20 Partly in terms of - - -?---There weren't any labels. What the
21 exhibition was; there was the paintings and the paintings
22 were hung. There was the catalogue which was the price
23 list, which is technically the catalogue. That had all
24 the paintings' titles. The titles are numbered, 1, 2,
25 whatever, 26, whatever they were, and the numbers in the
26 price list were stuck beside the paintings. So to get to
27 the title of the painting you looked at the number.
28 Number 2 goes to Number 2 on the price list, Number 22
29 goes to the number. There was no labels as you are
30 explaining it.
31 So was there a title for each picture?---There was a title of

1 each picture and it was in the price list.
2 It wasn't, you're saying, attached to the picture itself or to
3 anywhere near the picture?---That's correct.
4 There was no title on the wall?---No.
5 There was no explanatory label?---There were the essays that
6 were pinned alongside paintings but they are not the
7 title. There's a difference, unless you're trying to
8 conflate the two.
9 I understand the difference between the essays and the labels
10 to which I'm referring. I wonder if I might just
11 consult.
12 HIS HONOUR: Yes. Do you want a break, Mr Vakras?---I'm right.
13 It's just my legs are getting a bit stiff.
14 You can stand up if you like and just stretch your legs.
15 MR DIBB: Might you have forgotten them, Mr Vakras?---No, I
16 have not forgotten them because they weren't made.
17 It seems like a minor point, Mr Vakras, but I'm firmly
18 instructed that there were annexed to each picture a
19 label about 100 by 50 with a few lines of explanation,
20 description, difficult to tell particularly where it was
21 not in the Latin alphabet?---There were no labels. There
22 were shorter essays by Lee-Anne which were on A4 paper
23 that were next to her paintings but there were no labels,
24 and they weren't, and Lee-Anne's weren't labels either,
25 they were her little essays that accompanied her works,
26 which she gave evidence to earlier.
27 It became quite a heated conversation didn't it?---Well,
28 Mr Cripps became quite heated.
29 Your evidence is that you didn't become heated?---My evidence
30 is that I didn't become heated. I became annoyed at the
31 end that the conversation kept on leading back to

1 Palestine and it was futile pursuing it any longer and I
2 told him that he was a man of limited intellect and
3 limited in his erudition, and left because there was no
4 point discussing it any further.

5 I put it to you that he never said that your art was racist on
6 this night?---That is incorrect.

7 Indeed, you never said to him that he was a racist on this
8 night?---Lee-Anne put it to him that his views are
9 racist.

10 I think you gave that evidence, and indeed you gave it twice
11 didn't you, that Ms Raymond - I'll have to find that. On
12 p.194 at Line 17 you said that Ms Raymond had said, "That
13 of itself it racist," and he said, "Yes, what of it?"
14 ---Correct.

15 You gave the same evidence again not long after. I'm sorry,
16 I've lost it. My instructor, I thank him, points out
17 that at 195 at the bottom, p.195, Line 29, you report
18 that Lee-Anne said, Lee-Anne Raymond the second
19 defendant, said, "You've called us racist for criticising
20 us for Islam and you're, by criticising the Jews, are
21 racist yourself," and he said, "Yeah, what of it?" You
22 were in court when Ms Raymond gave evidence. She didn't
23 ever give that evidence did she?---I don't recall.

24 I put it to you that she did not make that statement?---She
25 did.

26 And that Mr Cripps did not say, "Yes, what of it"?---Yes, Lee-
27 Anne put that to Mr Cripps on both the 18th and then on
28 the 24th.

29 When you gave that evidence did you have in mind your defensive
30 comment?---I don't understand. What are you asking?

31 You've done a certain amount of research into the law of

1 defamation haven't you, Mr Vakras?---Subsequent to being
2 sued, yes.

3 You know that one of your defences in this case is comment?
4 ---Yes.

5 I think you perhaps know that comment must be based on proper
6 material for comment do you?---I have come to, yes, find
7 that out, yes.

8 You know that proper material, loosely speaking, is facts truly
9 stated?---I do know that. There was something, yep.

10 So if you are to defend a comment that is based even in part on
11 the statement that he is a self confessed racist you are
12 going to need to prove that he confessed himself to be a
13 racist aren't you?

14 MR GILBERTSON: I object to that. That's not what the
15 substance of the opinion that's contained in the
16 imputation is. That question is unfair in my submission.
17 There's nothing about self confessed in the imputation.

18 MR DIBB: I'm not referring to the imputation, Your Honour.
19 I'm referring to what is manifestly part of the proper
20 material, if there be proper material, is manifestly
21 going to be the central peg or the central leg on which
22 such a comment might be based.

23 HIS HONOUR: I'll allow the question.

24 MR DIBB: Thank you. (To witness) You're aware that you need
25 to show that he is a self confessed racist for the
26 benefit of your defensive comment don't you?---No. I
27 actually - my understanding of defamation law is
28 reflected pretty much in our petition that Lee-Anne and I
29 both constructed to modify defamation law, and our
30 understanding of it was if something was true, we
31 believed we had enough evidence to demonstrate that the

1 What was the response to that?---Mr Vakras was unimpressed. He
2 believed that an educated person should be able to - - -
3 HIS HONOUR: Sorry, you need to tell us what he said rather
4 than you - - -?---He said, Mr Vakras said to me that an
5 educated person should be able to understand what he was
6 writing about.

7 MR DIBB: Carry on?---I disagreed. I indicated to him that it
8 may be possible for misinterpretation to take place and
9 that if it was anti Palestinian, if it was anti Zionist
10 there could be a problem. I didn't have the skill or the
11 ability to understand what his works actually meant, what
12 the writing meant. I don't profess to be an art critic.
13 I'm primarily a business person that's involved in the
14 arts. I don't have any art training.

15 HIS HONOUR: Sorry, are you telling us now what you told
16 Mr Vakras or are you just explaining - - -?---No, I'm
17 not. I'm not. I'm prattling on.

18 Please don't explain, just tell us.

19 MR DIBB: Could you just say what was said between you and the
20 defendants?---I admitted I had no art background, I had
21 no art training and I didn't understand, I didn't
22 understand his essays, nor did I understand the
23 paintings.

24 What did he say in response?---He was just insulting.
25 Do you recall any of the insults?---I lacked erudition. No,
26 no, I don't.

27 How was his manner?---He gets incredibly agitated and is quite
28 - I find him quite threatening.

29 I'm asking you about this particular incident rather than in
30 general. How was his manner at that time?---I found him
31 threatening, I found him quite threatening.

ignorant of art

1 Who was present apart from you and Mr Vakras?---Ms Raymond.

2 Did she say anything to you?---Yeah, but I don't remember.

3 There was some discussion but I really don't remember
4 what she said.

5 How as her manner?---She's more, more controlled than
6 Mr Vakras.

7 At that time how was her manner?---More - agitated but more
8 controlled.

9 How did the discussion progress? Was there more said?---I
10 moved over to - we moved over to a particular work that
11 was, that was in the middle of, of the wall.

12 And this, for the benefit - - -

13 HIS HONOUR: Close to the artists studio, is that right?

14 ---Yeah, on the outside wall of the artists studio.

15 Yes, thank you?---And I indicated, I indicated the, what I was
16 concerned about. There are, there are labels missing
17 from all of the, all of the paintings. There were, there
18 were labels other than the essays and I've yet to see an
19 image with any of the labels attached. And I was
20 actually talking to him about the labels because they
21 were written in, in another, in another - in a different
22 script and then it wasn't written in English that I could
23 understand.

24 MR DIBB: What did you actually say about the writing?---I said
25 it bordered on being legalese. It was just really
26 complex and difficult to understand and, and that the
27 gallery's philosophy was to de-mystify and not mystify,
28 and I asked again whether they could, they could, they
29 could leave what was there but put some simple English
30 explanations beside the works.

31 Was anything else said?---No, that's it.

1 Was there any discussion of Palestine?---Oh, yeah, yes. Well,
2 yes, but I've already said that.

3 What was said about Palestine?---I, I was concerned that there
4 could - - -

5 HIS HONOUR: Just tell us what you said rather than what you
6 thought?---Well, what, what I, what I was actually
7 thinking and what I said was that I was, I was concerned
8 that, that it was, that it could be possible to
9 misinterpret the message of their works, that it could be
10 anti, anti Palestinian. *irrational*

11 MR DIBB: Can you move back from the microphone just a little?
12 ---That it could be anti Palestinian or anti Israeli. I
13 really didn't have the skill to, to interpret it.

14 HIS HONOUR: And that you did not have the skill to interpret
15 it?---Exactly.

16 MR DIBB: What did Mr Vakras or Ms Raymond say in response to
17 that?---There was general comment about my inability to
18 understand and that, that as the gallery director I'm
19 supposed to be able to understand these things.

20 How was your manner do you say at that time?---I was, I was
21 getting pretty grumpy because I was really trying to be
22 friendly to them and they were so prickly and, and upset,
23 upset at me not being able to understand their work.

24 How did this discussion end?---I walked, I walked away and
25 walked downstairs and that, that's the last conversation
26 I had with them that night. That, that's the last
27 conversation I had with them that night.

28 When did you next see the defendants?---I next, I next saw them
29 when they were photographing the exhibition a while
30 later.

31 Where did that conversation take place?---Pretty much the same

1 spot as the last conversation, in the middle of the
2 floor, first floor.

3 Who was present then?---There was Mr Vakras, Ms Raymond,
4 myself.

5 How did you come to start this conversation?---The, the
6 volunteers on the front door rang to say the artists were
7 in the gallery and that, and so I went down to, went down
8 to talk with them.

9 And what did you say?---I indicated to them that, that I'd
10 requested that they contact me personally before they,
11 they attended the gallery given the conflict that had
12 happened and that, that, that the - as had already been
13 indicated to them that the volunteers and none of the
14 other staff wanted to deal with them so it was left for
15 me to do it, and I really wanted them to have full use of
16 the gallery, have full use of their exhibition but they
17 really needed to correspond with me or ring me, and that
18 was what I said to them quite clearly. And I would have
19 been, I would have been quite forceful in saying that to
20 them.

21 What was their response?---Oh, belittling and negative
22 and - - -

23 Could you tell us what was said; are you able to recall what
24 was said and by whom?---That I, that I had no right to
25 ban them from the gallery. I wasn't banning them, I just
26 wanted them to tell - - -

27 Did you say I'm not banning you, or is that a comment?---No.
28 I, I said I'm not banning you from the gallery.

29 What did they say?---They, they, they just said to me that they
30 were really uncomfortable and they weren't happy and that
31 I, that I had no right to, to talk to them in the space.

1 When you referred - going back to the previous conversation -
2 you referred to going over to a particular picture?
3 ---Yes.

4 Did you regard that picture as being racist?---No. None, none
5 of their work's racist.

6 Did you accuse them of being racists?---Never.

7 In that first conversation?---At no time have I ever accused
8 them of being racist.

9 In the second conversation?---Never.

*contradicted by
submissions to Federal
Court*

10 Do you regard any of their pictures as racist?---I, I don't
11 regard any of their pictures as being racist in any way
12 or any form.

13 Did you regard any of the explanatory material as being
14 racist?---I thought - no, but I thought there was the
15 potential for misinterpretation. No, I didn't think
16 their, their written material was racist, but I didn't
17 understand it so therefore I didn't know.

18 Was there any mention of racism to your recollection in these
19 conversations?---No, no.

20 Might the witness be shown the first article. Do you need a
21 break, Mr Cripps?---No, no. The emotional stuff's out of
22 the way, thank you.

23 HIS HONOUR: Can I just inquire of the temperature; is it
24 comfortable?

25 MR GILBERTSON: It's a little bit high I think.

26 HIS HONOUR: Yes, a bit warm?

27 MR GILBERTSON: Yes, Your Honour.

28 HIS HONOUR: Madam Associate, can you attend to that please.

29 MR DIBB: (To witness) Have a look at that article marked A,
30 Mr Cripps. Have you seen that article before?---Yes, I
31 have.

1 don't understand, I'm sorry.

2 MR GILBERTSON: All right, I'll assist you. I suggest that you
3 did not say to Mr Vakras or Ms Raymond that if it was
4 anti Palestinian or anti Zionist there could be a
5 problem?---I said that.

6 I suggest to you, you didn't say it could be possible to
7 misinterpret their works as anti Palestinian or anti
8 Israeli?---I think I said, yeah, I think that said.

9 You said both of them, is that right?---I think so.

10 What was it about the defendants work, Mr Cripps, that you
11 thought could be interpreted as anti Palestinian?---I
12 could not understand the essays.

13 So you couldn't understand them?---I couldn't comprehend what
14 the essays actually meant.

15 So you didn't understand them and you say nonetheless that
16 their works could be misinterpreted as anti Palestinian;
17 do I understand that correctly?---I think that's a
18 distinct possibility.

19 Yes, even though you didn't understand what Mr Vakras had
20 written?---And I was really honest and upfront about
21 that.

22 So you maintain do you that notwithstanding you didn't
23 understand Mr Vakras's essays you thought that they could
24 be interpreted as anti Palestinian?---Correct.

25 You're being serious with the court in answering in that
26 manner, Mr Cripps?---I'm being honest and open. Sorry,
27 what do you mean please?

28 All right, I'll move on. The conversation which you say was on
29 the first floor, and I'm asking you in particular about
30 the conversation on the opening night, what time of the
31 night do you say that occurred?---Somewhere near 8 p.m.

1 HIS HONOUR: Mr Cripps, as with the other main witnesses, I've
2 offered a break around this time. Do you need a break or
3 are you happy to continue until 4.15?---I just want to
4 get out of here. Go ahead please.

5 Thank you.

6 MR GILBERTSON: My recollection is, and correct me if I'm
7 wrong, that before lunch you said that there was one
8 other person on the fourth floor, is that right?
9 ---Weren't on the fourth floor, we were on the first
10 floor.

11 I'm sorry, I'll withdraw that. But there was one other person
12 on the first floor?---Possibly.

13 At the time the conversation took place was the bar still open
14 downstairs?---Yes.

15 You said this morning that there were about five to seven
16 people on the ground floor. Do you recall saying that?
17 ---Yes.

18 It's possible you're mistaken about that isn't it?---No.

19 From the first floor during this conversation you didn't keep
20 your eyes on what was happening on the ground floor did
21 you?---I could hear, I didn't see.

22 So you estimate the number by reason of what you could hear, is
23 that right?---Correct.

24 At the time this conversation took place was the other
25 exhibition still open downstairs?---Correct.

26 You said that, "At one point in this conversation I was getting
27 pretty grumpy." Do you remember saying that this
28 morning?---No, I don't.

29 But you did get pretty grumpy during this conversation didn't
30 you?---Which conversation?

31 This is the conversation on the opening night?---With who?

1 MR GILBERTSON: Yes, I accept that. I should have explained
2 that. The words on p.26 at the top are footnotes to the
3 essay.

4 HIS HONOUR: Yes. They commence on the previous page at the
5 bottom. So Footnote 1 spread over pp.25 and 26.

6 MR GILBERTSON: You understand what I'm saying to you,
7 Mr Cripps?---Yes.

8 That these were footnotes to the essay?---Yes.

9 Did you read any of these footnotes?---No. Well, sorry, I may
10 have. I don't remember. I really don't remember.

11 Yes, I understand that. If you go back, please, to p.25, do
12 you see the words in the left hand column on p.25 that
13 commence, "The evolution of the figure as muse is
14 discussed in an earlier essay", do you see that?---Yes.

15 Then it says, "This muse is in the middle of a bomb created
16 landscape. The figure attached to mechanical devices is
17 assailed by war. The war is that of religion against a
18 secular society. The religions that assails secular
19 society today is Islam". Do you see that?---Yes.

20 Did you read those words prior to this conversation with
21 the - - -?---I've not read this. I've not read this.

22 You have no read this?---No.

23 Did you read or see in any of the essays any references to the
24 Koran?---I don't remember what I read but I'm pretty I
25 haven't read this.

26 All right. I'll ask you another question. Did you see in any
27 of the essays prior to this conversation on the opening
28 night references to the Koran?---I think I did.

29 Islam?---Yes.

30 Did you observe prior to this conversation on the opening night
31 any of the staff or volunteers reading or attempting to

1 read the essays?---Yes. I had a number of comments made
2 to me.

3 Did you observe their eyes glaze over as they read them or did
4 they tell you that?---That's figuratively. The
5 discussion was that it was really complex and they were
6 doing art history and they couldn't understand it.
7 Figuratively on your part or on the volunteers who told you
8 that?---Figuratively on my interpretation of what they
9 told me.

10 As at the time of this conversation on 18 June you thought the
11 defendants art was racist, didn't you?---No.
12 You thought the defendants were racist, didn't you?---Certainly
13 not.
14 Certainly not?---Certainly not.

15 Did you say during the conversation on the opening night that
16 the Muslims were victims of Jews in Palestine?---No.
17 Did you say there should be no Jews in Palestine?---No.
18 Did you say that the Jews in Palestine were causing the
19 problems?---No.

20 You hesitated there for a moment. Might you have said that?
21 ---I think the issue's compounded by both sides.
22 Might you have said that?---No.

23 HIS HONOUR: Just to remind you, Mr Cripps, we're not
24 interested in your current views as you sit here but what
25 you communicated at these meetings or these conversations
26 back then. If you could that in mind, please.

27 MR GILBERTSON: Did you say during this conversation that the
28 Muslims were reacting to what the Jews do to them?---Yes.
29 Did Mr Vakras mention suicide bombers on a school bus?---I
30 vaguely remember something but don't know the context.
31 Hitler was mentioned by Mr Vakras in this conversation, wasn't

1 Did you say it's standard for all art galleries?---That is
2 correct.

3 To put up a document like this?---That's right. There's
4 absolutely nothing wrong with this document.

5 I'm not asking you that. I'm going to ask you some questions
6 about it. When were the disclaimers put up?---Possibly
7 Sunday or Monday after the exhibition opening, possibly.
8 Definitely no earlier, was it?---Well, these - no, I'm
9 guessing. I'm guessing not. I'm not quite sure when
10 they were put up but the gallery would have been open
11 Sunday and I'm assuming that that's when they were put
12 up.

13 They weren't put up on the opening night, were they?---No.
14 They weren't put up on the next day, the Friday, either were
15 they?---No.

16 Or the Saturday?---No.

17 You say they were put up on the Sunday or the Monday?---I think
18 so.

19 Who put them up?---Most likely myself and/or one of the gallery
20 staff. I think I would have played a role in putting
21 them up.

22 How many were put up?---Maybe three, two or three signs. Maybe
23 two or three. Well, one I can see definitely and I don't
24 know which page this is, but it's possible that there was
25 another one or two others.

26 Did you write the word that are contained in the disclaimer?
27 ---No, I didn't.

28 Were you shown this document before it was put up?---Yes, I
29 did.

30 Did you agree with the words that are in it?---Yes, I do.

31 Where it says, "The views and opinions expressed in this

1 exhibition", did you have any understanding as to what
2 that was referring to?---Yes, the views expressed within
3 the written material of the exhibition.

4 And in particular what parts or aspects of the written
5 material?---The whole lot.

6 The whole lot?---I had no ability to interpret what was
7 written. I did consult and I got glazed eyes at the
8 essays. I'm not an art historian. I have no ability to
9 analyse actually what's been written so I did what I
10 believed to be reasonable.

11 You were of the opinion prior to these being put up that the
12 views and opinions expressed in the material could be
13 anti Palestinian, didn't you?---I didn't know.

14 That it could be?---I didn't know.

15 Would you answer my question?---I didn't know what was being
16 expressed.

17 So you put this up because you didn't know what they had
18 expressed, is that your evidence?---That's correct.

19 I suggest to you, Mr Cripps, that you had formed the view that
20 the defendants were publishing material which you
21 considered was anti Palestinian, what do you say about
22 that?---I own the gallery and I supported the hanging of
23 the exhibition. I didn't take the exhibition down. If I
24 had have thought that I would have removed the
25 exhibition. I support the exhibition and I still do.

26 Is that a serious answer, Mr Cripps?---I support the
27 exhibition. I supported the exhibition then and I
28 support the exhibition now.

29 So throughout all of your conduct in dealing with the
30 defendants we should understand that as support by you to
31 them, is that right?---Correct. I'm an honourable man.

1 finger at and near the first defendant's chest in a
2 threatening or intimidating manner", do you see that?

3 ---Yes.

4 A, "Say to the first defendant that you were not frightened of
5 him or words to that effect", do you see that?---Yes.

6 C, "Say to the first defendant that you had met wharfies and
7 truckies who were far scarier than him or words to that
8 effect", do you see that?---Yes.

9 Did you, D, order the defendants to leave the premises"?

10 ---Yes.

11 Now would you please go to your answer to Interrogatory 9 which
12 should be on p.5 of your answers to interrogatories.

13 When you answered these interrogatories you were careful
14 to make sure that you included everything that you
15 considered was relevant in answering the question, didn't
16 you?---I'm not sure about that. Whatever memory I had.

17 Do you see it says in answer to Interrogatory 9A-D, "On or
18 about 24 June 2009 I was working in the office on the
19 second floor of the gallery when the volunteer greeting
20 patrons at the front door rang to say that the first and
21 second defendants had entered the gallery on the way to
22 their exhibition space on the first floor of the gallery.
23 I went downstairs to the first floor space where the
24 first and second defendants were exhibiting their
25 artwork. I said to the first defendant words to the
26 effect that I had asked him to give us a ring when he was
27 coming in and I said he had chosen not to do that". Do
28 you see that?---Correct.

29 Perhaps if you just take a moment without my reading it all out
30 aloud to you, just read through the rest of your answer,
31 please?---I've read down to 10, is that what you want me

1 to read?

2 I beg your pardon?---I've read to 10, is that what you want me
3 to read?

4 Just to read the answer to 9, have you done that?---Yes.

5 So there's nothing in that answer, is there, that you said to
6 either Mr Vakras or to both Mr Vakras and Ms Raymond,
7 "The staff don't want to deal with you", is there?---I'll
8 have to read it again then. No, but it's implied in the
9 reasons why he should ring me.

10 You say it's implied by which part?---Me asking him to ring me.
11 We'd already had a communication with them, an email or a
12 telephone call requesting them to ring prior to coming
13 back into the gallery.

14 You say that we should understand that to mean or include that
15 the staff don't want to deal with you, is that right?
16 ---That's correct, yes.

17 You're serious in telling the court that, are you?---Yes.

18 Did you say to Mr Vakras at the time of this conversation after
19 the opening night that his essays were legalese?---Yes.

20 Did you say that in both conversations?---Yes. If my memory is
21 correct, yes.

22 I beg your pardon, what did you just say?---If my memory is
23 correct, yes, because this has been one of the thrusts of
24 the problems just attempting to interpret his essays.
25 It was very difficult to interpret them, wasn't it?---For me,
26 yes. You know, I've got third form education, you know.

27 But - I withdraw that. And that difficulty prompted you to
28 tell Mr Vakras on this occasion, "That's why I've got a
29 problem with you, Demetrios", wasn't it?---No, not at
30 all.

31 You told the defendants on this occasion that they were

1 came to photograph the exhibition that you indicated to
2 them that you requested that they contact you personally
3 before they attended that in fact you're confusing that
4 with what's in this email. What do you say about that?
5 ---It could be right. It's a while ago.
6 It could be right, it's a while ago, I didn't hear you quite?
7 ---It could be right, it's a while ago.
8 You told them on the opening night, didn't you, at the end that
9 you didn't want them in the gallery?---Wrong.
10 At the time you read the first of the articles that this
11 proceeding is about you gave evidence that Redleg did
12 extremely limited work, is that right?---I don't remember
13 the full context.
14 If I could perhaps put a rough date to you. If we could go
15 back to shortly after the exhibition, that is the
16 defendants' exhibition, at that time was Redleg doing
17 extremely limited work?
18 HIS HONOUR: Sorry, my understanding is the company had a
19 number of different businesses, are you focusing on a
20 particular business or across the board?
21 MR GILBERTSON: Across the board, Your Honour?---The Guildford
22 Lane Gallery was a Redleg project, art transport, art
23 equipment were Redleg projects. Be more specific,
24 please.
25 HIS HONOUR: I didn't quite hear that, I'm very sorry,
26 Mr Cripps?---Redleg - the Guildford Lane Gallery was a
27 Redleg project.
28 Yes, I heard that?---Art transport, art crating, art equipment,
29 installation, art storage are all Redleg projects and
30 various forms they continued.
31 MR GILBERTSON: But the transport work was limited at that

1 time, wasn't it?
2 ---Correct.
3 Redleg no longer owned trucks at that time, did it?---Correct.
4 It hired them, is that right?---Correct.
5 You were asked by my learned friend, Mr Dibb, on Friday about
6 the reference in Mr Vakras's first article to Adolf
7 Hitler, do you recall being asked about that?---No.
8 Perhaps if I can remind you. You said you were shocked and you
9 found it appalling, do you recall saying that?---No, I
10 don't, I'm sorry.
11 Transcript 396, Your Honour.
12 HIS HONOUR: Thank you.
13 MR GILBERTSON: His Honour asked you did you say appalling and
14 you said this, "Appalling I could say - I could say a lot
15 more clearly but that's not appropriate". Do you recall
16 saying that?---No, I was pretty distressed.
17 From time to time you hold yourself back from expressing your
18 real emotions, don't you, Mr Cripps?---Yes.
19 And at other times you do express your emotions, don't you?
20 ---Yes.
21 You gave evidence on Friday that at the opening night you said
22 to a woman who bought the work earlier in the night was
23 that her lovely bottom, do you recall giving that
24 evidence?---Yes, I do.
25 I suggest to you, Mr Cripps, that you were mistaken that it was
26 the woman who had bought the work earlier in the night,
27 what do you say about that?---It could be possible.
28 And you said in evidence on Friday that were you just being
29 sort of jovial. Do you remember saying that?---Correct.
30 Before you spoke to this woman on that night had you met her
31 before that?---Yes, I believe she was the woman that

1 night. He said he asked Mr Reid to obtain them and they
2 were not put up at any prior exhibitions.

3 HIS HONOUR: Sorry, you say you rely on them?

4 MR GILBERTSON: Yes.

5 HIS HONOUR: As what, a breach of the contract? In what sense
6 do you rely upon them?

7 MR GILBERTSON: In that they are all - this is evidence relied
8 upon in support of the first Polly Peck meaning.

9 HIS HONOUR: I see. You don't rely upon it as a breach of the
10 contract, is that right?

11 MR GILBERTSON: Yes, I will be relying upon them as a breach.

12 HIS HONOUR: It's very hard to see how that is a breach. I
13 mean if you look at any DVD of any movie that's the first
14 thing that you see. It stands to reason, does it not,
15 that the person who makes their space available for an
16 activity doesn't necessarily endorse that activity.

17 MR GILBERTSON: I accept that. But in this case this wasn't a
18 permanent sign at the gallery.

19 HIS HONOUR: No, it was specially done for this exhibition
20 presumably because Mr Cripps saw the essays as being
21 somehow capable of conveying a message that might not be
22 agreeable to some viewers, I don't know. I'll have a
23 look at the evidence carefully. But accepting for the
24 moment that this was not standard practice and it was
25 done specifically for this exhibition and not from the
26 beginning but at a particular point in time during the
27 course of the exhibition, how is it a breach of the
28 contract?

29 MR GILBERTSON: Because it's a lack of good faith or a lack of
30 cooperation, we say.

31 HIS HONOUR: So the gallery is obliged to endorse and agree

1 with the exhibition?

2 MR GILBERTSON: No, but - - -

3 HIS HONOUR: And if doesn't agree with it or has concerns about
4 it, it must conceal how it feels about it?

5 MR GILBERTSON: No, but to put them up after the opening night
6 puts in our submission an entirely different complexion
7 on them. That is, it conveys at least to the defendants
8 that Mr Cripps does not agree with their views disclosed
9 in the works and the essays.

10 HIS HONOUR: Yes, accepting that, so?

11 MR GILBERTSON: It's evidence a lack of cooperation on his
12 part.

13 HIS HONOUR: What is the contractual obligation to cooperate
14 that that goes against?

15 MR GILBERTSON: To cooperate in relation to the obligation
16 relating to the use of the gallery space.

17 HIS HONOUR: Assume for the moment that he permitted them
18 access which is of course a disputed issue, assuming
19 that, does the mere presence of the disclaimer interfere
20 with their use of the space under the hiring agreement?
21 It's standard practice across a whole variety of things
22 for people that are not in collaboration with somebody
23 else and who might be concerned that they might be sued
24 or roped into some dispute or whatever to make it clear
25 that all they're doing is allowing the space to be used
26 and it's the people using the space that take
27 responsibility for the acts or statements that are made
28 in it.

29 I mean, as I said, you watch any movie on DVD that's
30 precisely what you see even though the promoters,
31 producers and other people who disclaim association with