

<p>1 2 (2.00 pm) 3 LORD JUSTICE LEVESON: Right, where are we in relation to 4 the issue that we left at 1 o'clock? 5 MR JAY: We don't, I'm afraid, have an agreed form of words. 6 If you'd like there to be further discussions this week, 7 we can -- 8 LORD JUSTICE LEVESON: I'm quite keen to address this -- 9 MR JAY: Certainly. 10 LORD JUSTICE LEVESON: Rather more speedily than that, 11 because over the short adjournment I have had the 12 opportunity of reviewing the transcript of yesterday 13 afternoon and reading the statement put out by 14 Associated Newspapers. 15 The transcript makes it clear that Mr Grant's 16 attitude was this: he tells the story of how he spoke 17 with this English girl in Los Angeles who worked for 18 a production company associated with Warner Brothers, 19 whose voice he described as "plummy", which was the 20 nature of the story that had been published in February 21 2007. And he said: 22 "So I cannot for the life of me think of any 23 conceivable source for this story in the Mail on Sunday 24 except those voice messages on my mobile telephone." 25 "Question: You haven't alleged that before, have Page 1</p>	<p>1 refers to, the information came from a freelance 2 journalist who had been told by a source who was 3 regularly speaking to Jemima Khan." 4 Pause there. That's a perfectly legitimate 5 observation to make in relation to the story. There 6 then is added: 7 "Mr Grant's allegations are mendacious smears driven 8 by his hatred of the media." 9 Well, it seems to me that there is considerable 10 force in that which Mr Garnham submitted and 11 Mr Sherborne embellished and you acknowledged and from 12 which Mr Caplan did not demur, about the last sentence. 13 I'd like to know what the present position is. 14 Maybe I'll ask Mr Caplan. 15 MR CAPLAN: I'm not quite sure what, if I may say so, is 16 meant. I spoke to Mr Jay over the luncheon adjournment. 17 I'd very much like to know what, sir, you are asking the 18 present position to be -- 19 LORD JUSTICE LEVESON: In relation to the last sentence of 20 the press release. 21 MR CAPLAN: Yes. Well, if you would -- I simply cannot do 22 this over a luncheon adjournment. If you are inviting 23 me to go away and provide a document to you in relation 24 to that, I'm happy to do it, but I'm not sure I can 25 advance the matter, so to speak, at 2.10 pm. Page 3</p>
<p>1 you, in the public domain? 2 "Answer: No, but when I was preparing this 3 statement and going through all my old trials and 4 tribulations with the press, I looked at that one again 5 and thought that is weird, and then the penny dropped. 6 "Question: I think the highest it can be put, 7 frankly, it's a piece of speculation on your part, isn't 8 it, in relation to this? 9 "Answer: Yes, you could -- yes, speculation, okay, 10 but I would love to know -- I mean, I think Mr Caplan, 11 who represents Associated, was saying earlier today that 12 he'd like to put in a supplementary statement and -- you 13 know, referring to the things I say today. Well, I'd 14 love to hear what the Daily Mail's or the Sunday Mail's 15 explanation for that article is, what that source was, 16 if it wasn't phone hacking." 17 Now, if one goes to the statement -- and there was 18 a later reference to the incident, but only when he was 19 being pressed about the Daily Mail -- he referred to 20 this answer and something McMullen had said. 21 The statement from Associated, according, I must 22 admit, to the BBC website: 23 "The Mail on Sunday utterly refutes Hugh Grant's 24 claim that they got any stories as a result of phone 25 hacking. In fact, in the case of the story Mr Grant Page 2</p>	<p>1 LORD JUSTICE LEVESON: All right. 2 MR CAPLAN: But can I just say this? I just wonder whether 3 you really wish me to do that. I have explained that 4 there was a serious allegation made yesterday, that 5 there was a response outside of the Inquiry because 6 there was not, it seemed to us, a mechanism -- and 7 still, with respect, there's not a clear mechanism -- 8 for responding inside the Inquiry, and there was 9 pressure for Associated to comment and the question is: 10 to what extent was that comment or did it go too far? 11 If you wish me to develop that and provide a letter 12 to the Inquiry, I certainly can do so, but -- 13 LORD JUSTICE LEVESON: Yes, I'm more concerned -- first of 14 all, I have absolutely no wish to generate satellite 15 arguments outside what this Inquiry is seeking to 16 address. 17 Secondly, I am concerned that this comment, which 18 may be driven from material outside the words that 19 Mr Grant uses, I don't know, and doubtless I'll hear, 20 but is not justifiable by reference to the transcript to 21 which I have just referred. 22 I understand the concern, and in the event of 23 something like this, then it's always open to you, at 24 the end of the witness, to say something to me 25 expressing concern. That's fair enough. I'm not going Page 4</p>

<p>1 to allow a speech to be made, but just to alert me to 2 the point. 3 MR CAPLAN: Thank you. 4 LORD JUSTICE LEVESON: But I am extremely concerned about 5 ensuring that the arguments relating to this Inquiry are 6 conducted here, not elsewhere. 7 MR CAPLAN: I quite understand that. 8 LORD JUSTICE LEVESON: All right. Consideration ought to be 9 given to that sentence, and I will wait to see. 10 Mr Sherborne, I'm alert to the point. 11 MR SHERBORNE: I'm grateful. 12 LORD JUSTICE LEVESON: I have the transcripts. That's why 13 I've just read them again. 14 MR SHERBORNE: So you'll understand our concerns. 15 LORD JUSTICE LEVESON: I understand it, and it's not 16 irrelevant that it was raised also by Mr Garnham. I'm 17 anxious not to reach any inappropriate conclusions, but 18 I would be unhappy if it was felt that the best form of 19 defence was always attack. 20 MR SHERBORNE: Indeed, sir. 21 LORD JUSTICE LEVESON: Right. Let's carry on. 22 MR JAY: May we proceed with the final witness today, who is 23 Mr Steve Coogan, please. 24 LORD JUSTICE LEVESON: Right. 25</p> <p style="text-align: center;">Page 5</p>	<p>1 Q. I'm going to invite you now to turn up your witness 2 statement, which I trust is in that file in front of you 3 under tab 1. It is dated 9 November of this year and 4 there is a statement of truth at the end of the 5 statement. Are you with me? 6 A. Yes. 7 Q. And is that statement true? 8 A. Yes, it is. 9 Q. We can place it up on our screen. It ends with the code 10 number 2093, please. Just bear with us a moment while 11 we find it. 12 LORD JUSTICE LEVESON: Could I ask, while this is being 13 found, when this will go on the website? 14 MR JAY: This evening, we believe. 15 LORD JUSTICE LEVESON: Yes. 16 MR JAY: Yes. 17 LORD JUSTICE LEVESON: I think I might want them to go 18 rather more quickly than that, and I'd like 19 consideration to be given to whether the statement can't 20 go on the website as soon as a witness starts to speak. 21 MR JAY: Yes. Sir, may we consider that? There may or may 22 not be logistical issues. It's obviously right in 23 a public forum -- the witness has now confirmed his 24 statement -- that it has now formally been received, but 25 I'm not going to take it as read, Mr Coogan. It is up</p> <p style="text-align: center;">Page 7</p>
<p>1 MR STEPHEN JOHN COOGAN (affirmed) 2 LORD JUSTICE LEVESON: Sit down, Mr Coogan. You've heard me 3 say it before today and I'm going to say it to you, 4 because it's not a general comment; it's a specific 5 comment to everybody and refers to what they've had to 6 say. 7 I recognise that you are here voluntarily. 8 I recognise that you feel strongly about some of the 9 issues that you've mentioned in your statement and that 10 inevitably there are issues about what you felt it 11 appropriate to put in the public domain and that 12 balance, but I do want to recognise that I am grateful 13 to you. My thanks to you for being prepared to come 14 forward to help me try and solve the difficult issues 15 that have been placed before me. 16 So this will inevitably expose rather more than you 17 wish to expose for the very reasons that you identify, 18 but I hope you do appreciate, first of all, its 19 significance, and secondly, that it is not going without 20 being noticed. 21 A. Thank you. 22 Questions from MR JAY 23 MR JAY: First of all, Mr Coogan, may I invite you to give 24 us your full name? 25 A. Stephen John Coogan.</p> <p style="text-align: center;">Page 6</p>	<p>1 on the screen which I am looking at. You won't need it. 2 First of all, I'm going to run through the statement 3 and bring out certain matters in your own words. I'm 4 going to start by reading out your introduction in 5 paragraph 2. You say: 6 "[You] learned years ago that aspects of my personal 7 life, and for that matter my professional work, do not 8 meet with the approval of some tabloid editors or 9 proprietors but I do not believe that gives them the 10 right to hack into my voicemail, intrude into my privacy 11 or the privacy of people who know me, or print damaging 12 lies." 13 So that is your starting point. At the beginning of 14 the next paragraph, you tell us quite succinctly that 15 you are an actor, comedian and writer. Quite a lot of 16 us know a bit more about that, but in your own words -- 17 I'll give you a couple of minutes -- tell us more about 18 your professional career, please. 19 A. Well, I've been working in television and film and in 20 production for the best part of 20 years. 21 Q. Yes. 22 A. I set out -- started out doing stand-up comedy. Then 23 I started acting and writing, and eventually producing 24 other people's television shows. 25 Q. Yes.</p> <p style="text-align: center;">Page 8</p>

<p>1 A. And it's something I've always wanted to do. It's -- 2 I'm a creative person. I enjoy creating programmes, 3 I enjoy writing. It's what I do. It's my vocation. 4 I love it, and it's why I do what I do, because I like 5 to create. 6 Q. Yes. 7 A. I've recently branched out into, as I say, producing 8 other people's television shows and sort of nurturing 9 new comic talent, if you like, and it's really -- it's 10 what defines me. It's what -- it's why I do what I do. 11 I've never sought to be famous, as such. Fame is 12 a by-product of what I do. Indeed, I don't appear on 13 panel shows as myself, I don't sell myself as 14 a personalty. I create characters, and I act and 15 I write, but I -- myself personally, I like to keep 16 myself private. 17 Q. Yes. You go on to say that you never entered into 18 a Faustian pact with the press. In your own words, what 19 do you mean by that, please? 20 A. Well, one could argue that there are those who make 21 their career from being famous and that those people do 22 enter into a Faustian pact where they use the press to 23 sort of -- to improve and raise their profile, they 24 exploit the press for their own ends and it's a two-way 25 street, and they are -- they exploit the press. They're Page 9</p>	<p>1 Q. Yes. And for about how long did this doorstepping 2 activity last? Can you recall? 3 A. Well, it lasted -- on that particular occasion, it 4 lasted for a month or so around the story and then they 5 sort of -- they wring the story out. It peters out as 6 they rehash it and dress it up in different ways. So 7 probably the best part of a month, I would say. 8 Q. Okay. Thank you. 9 In paragraph 7, you tell us in relation to 10 a separate incident, now two months later, in March 11 1996, a journalist telephoned your daughter's great 12 grandmother, who was obviously an elderly lady at the 13 time. She was pretending to do a survey, but admitted 14 again that she was from the Daily Mirror. The source of 15 your information in relation to paragraph 7 is -- 16 A. Well, was my daughter's late great grandmother. 17 Q. Yes. 18 A. Who had a phone conversation with someone who was 19 claiming to be from the council doing a survey and 20 started to ask more and more questions pertinent to me 21 and my ex-girlfriend, and at that point she sort of 22 said, "Are you from the gutter press?" That was 23 a direct quote, and the person said, "Look, yes, it is, 24 it's a human interest story, this is the way we do 25 things, just spill the beans", but started out, you Page 11</p>
<p>1 in the fame game. Those people have entered into 2 a Faustian pact. 3 I haven't. I have never raised -- I've never set 4 myself up as a paragon of virtue, as a model of 5 morality. I simply do what I do and that's what I like 6 to be judged on, my work. 7 Q. Thank you. Paragraph 6, please, where you mention the 8 first time you were the subject of intrusive tabloid 9 story. You give the date January 1996 and the paper was 10 the Daily Mirror, and it was a kiss-and-tell story. Do 11 you know how much was paid to the person you mention? 12 A. I -- I can't remember. I think it was something between 13 £5,000 and £10,000, but I can't remember the exact 14 figure. 15 Q. Right. You say that the journalist in question, who you 16 name as Kate Thornton, also doorstepped the pregnant 17 mother of your daughter several times. Where does that 18 information come from? 19 A. Well, from the mother of my daughter. 20 Q. Yes, okay, so that's what directly you were told. Does 21 the same apply to the other members of your family and 22 the friends which you go on to deal with towards the end 23 of paragraph 6? 24 A. Yes. That's all sort of -- they themselves sort of told 25 me directly that these things have happened. Page 10</p>	<p>1 know, claiming to be someone else. 2 Q. So to be clear, the phone number, you tell us, was 3 obtained by copying the sender's address from the back 4 of a letter in the communal lobby of your flat? 5 A. Yes. 6 Q. Again, how do you know that? 7 A. I don't know it for certain. 8 Q. Okay. 9 A. It's a very, very well-educated guess because the 10 envelope was in the hallway. Someone who lived in the 11 block with us had seen people snooping around in the 12 lobby who didn't live there and we found that -- and it 13 stood to reason because that was -- the only person who 14 was phoned was the grandmother, and it was her address 15 on the back of the envelope, so it would stand to 16 reason. 17 Q. So you say that's a very reasonable inference? 18 A. Yes. 19 Q. Thank you for that. Paragraph 8 I'm going to deal with 20 a little bit later, Mr Coogan. This is the Sunday Times 21 profile in their magazine. If you don't mind, I'm going 22 to move to paragraph 10, stalking and surveillance. You 23 tell us that over the years journalists and 24 photographers have frequently camped outside your house 25 day and night. Are you able to give any dates on when Page 12</p>

<p>1 these events occurred or is it just a general --</p> <p>2 A. Well, I would say over a period of about ten years, it</p> <p>3 happened from time to time. Neighbours would tell me,</p> <p>4 "There's people outside with cameras again", you know,</p> <p>5 in cars. So it would happen frequently and sometimes</p> <p>6 I would be followed by those people in their cars.</p> <p>7 Q. Yes. You name one journalist -- he's been mentioned</p> <p>8 yesterday. Mr Paul McMullan, then of the</p> <p>9 News of the World. How do you know that he was one of</p> <p>10 them?</p> <p>11 A. He told me.</p> <p>12 Q. And when did he do that?</p> <p>13 A. When I was on Newsnight with him in the green room</p> <p>14 before the programme started. He said, "I used to sit</p> <p>15 outside your house", which was very nice to know.</p> <p>16 Q. That's very precise evidence, Mr Coogan. Thank you very</p> <p>17 much. Then you say towards the end of paragraph 10 that</p> <p>18 some of these reporters have gone through the rubbish in</p> <p>19 your bins.</p> <p>20 A. Mm.</p> <p>21 Q. I think I called that "binnology" eight or so days ago.</p> <p>22 It may or may not be the right terminology, but again,</p> <p>23 how do you know that --</p> <p>24 A. I saw them. I saw them from my bedroom window, and they</p> <p>25 didn't look like tramps. Well, not far off.</p> <p style="text-align: center;">Page 13</p>	<p>1 Q. Yes.</p> <p>2 A. Also, there were telephone numbers that belonged --</p> <p>3 telephone numbers -- there was a girl I was seeing at</p> <p>4 the time and her name was in there and there were</p> <p>5 telephone numbers which were partly redacted. I was</p> <p>6 able to show her those telephone numbers and she gave me</p> <p>7 the missing numbers, as it were, which I confirmed with</p> <p>8 officers from Operation Weeting.</p> <p>9 Q. I understand. Was there any other personal information</p> <p>10 there which you can share with us?</p> <p>11 A. They had the password to my phone account. My account</p> <p>12 number was also there.</p> <p>13 Q. The final question I have, but it has to be a general</p> <p>14 question: was it possible to deduce from the redacted</p> <p>15 material you were shown when hacking into your phone</p> <p>16 might have occurred? Can you give us a year?</p> <p>17 A. I can't remember if there was a date. I do know, I'd</p> <p>18 add -- I had a phonecall from my phone provider about</p> <p>19 five years ago, five, six years ago, 2005, saying that</p> <p>20 a journalist -- saying that someone had rung up</p> <p>21 pretending to be me on the phone to try and get</p> <p>22 information, and it was around the time that I was</p> <p>23 seeing the girl in question whose name was in</p> <p>24 Glenn Mulcaire's notebook, so the dates do tally.</p> <p>25 Q. Yes, it sounds as if they do. Thank you, Mr Coogan.</p> <p style="text-align: center;">Page 15</p>
<p>1 Q. Late at night, presumably, was it?</p> <p>2 A. Very early in the morning.</p> <p>3 Q. In paragraph 11, you deal quite generally with the phone</p> <p>4 hacking issue. I'm going to ask you a few more</p> <p>5 questions about that. Have you seen redacted copies of</p> <p>6 the Glenn Mulcaire notebook insofar as they relate to</p> <p>7 you?</p> <p>8 A. Yes, I have.</p> <p>9 Q. Could you tell us, please, when you saw them?</p> <p>10 A. My lawyer -- when?</p> <p>11 Q. Approximately when.</p> <p>12 A. Approximately. A year ago, perhaps.</p> <p>13 Q. Okay.</p> <p>14 A. I was -- I got a court order for the police to disclose</p> <p>15 the books to me and I was able to look at the</p> <p>16 information.</p> <p>17 Q. Right. I'm going to take this bit quite carefully. Did</p> <p>18 you see what we're calling a redacted copy or did you</p> <p>19 see the full version?</p> <p>20 A. I saw a redacted copy, which had information about money</p> <p>21 I'd withdrawn from a cash machine, how much I'd paid for</p> <p>22 a hotel bill, you know, what hotel I was staying in, but</p> <p>23 the precise amount of money I'd withdrawn from a cash</p> <p>24 machine, which would suggest someone was looking over my</p> <p>25 shoulder when I was doing it.</p> <p style="text-align: center;">Page 14</p>	<p>1 In paragraph 12 -- this is the pubs in Brighton</p> <p>2 section of your statement, journalists coming in on</p> <p>3 fishing expeditions, obviously seeking stories about</p> <p>4 you. Again, how do you get to find out about that?</p> <p>5 A. Friends of mine in Brighton would tell me that people</p> <p>6 had been going up to them in the pub asking questions on</p> <p>7 a number of occasions, saying, "Do you know</p> <p>8 Steve Coogan? Do you know anything about him?" This</p> <p>9 would happen frequently, and on one occasion one of my</p> <p>10 friends sort of pushed the guy and he said, "I'm</p> <p>11 from ..." where was he from? "I'm from the</p> <p>12 News of the World", and he said, "If you have a good</p> <p>13 story, there could be some money in it for you."</p> <p>14 Q. Thank you. Now, at paragraph 13 -- can we deal with</p> <p>15 this sequence of your evidence in some detail? The date</p> <p>16 is August 2002, and you receive a telephone call from</p> <p>17 Mr Rav Singh, who you say is a reporter with</p> <p>18 Andy Coulson's Bizarre column in the Sun. Not that it</p> <p>19 matters too much, but my understanding is that at that</p> <p>20 time both Mr Singh and Mr Coulson were working for the</p> <p>21 News of the World and not the Sun?</p> <p>22 A. Oh, okay. That may be my mistake.</p> <p>23 Q. It doesn't matter, I'm just correcting you. But in your</p> <p>24 own words, what was the substance of the call, please,</p> <p>25 Mr Coogan?</p> <p style="text-align: center;">Page 16</p>

<p>1 A. Rav Singh, who I sort of counted as a casual friend, 2 a friend of a friend, called me and told me that I was 3 about to be the subject of a sting, as it were, in that 4 I was about to receive a phonecall which would come from 5 Andy Coulson's office. There was a girl in 6 Andy Coulson's office who was going to speak to me on 7 the phone, the phonecall would be recorded, and she 8 would try to entice me into talking about intimate 9 details of her and my life.</p> <p>10 Q. Yes.</p> <p>11 A. And that I was told by Rav Singh that Andy Coulson would 12 be listening to the call and that I would have to be 13 very, if you like, obfuscate when I had that phonecall 14 without betraying the fact that I knew I was being set 15 up so that I didn't land him in it as having tipped me 16 off.</p> <p>17 Q. When the call came, you deadpanned it?</p> <p>18 A. Yes.</p> <p>19 Q. Obviously successfully, because no story emerged at that 20 point?</p> <p>21 A. Correct.</p> <p>22 Q. You take us forward a couple of years, paragraph 15, 23 Mr Coogan, to April 2004. Mr Singh has his own gossip 24 column, you say, in the News of the World, and he 25 telephones you. Can you tell us what happened there,</p> <p style="text-align: center;">Page 17</p>	<p>1 A. Yes.</p> <p>2 Q. You give your opinion about it in paragraph 16 and you 3 say you don't think it was a malicious personal vendetta 4 but it was a dispassionate sociopathic act?</p> <p>5 A. Yes. It's like the mafia. It's just business, you 6 know.</p> <p>7 Q. Paragraph 17, please. You say that you've been the 8 victim of several kiss-and-tell stories. May I ask you 9 approximately how many?</p> <p>10 A. Um --</p> <p>11 Q. You don't have to answer.</p> <p>12 A. I couldn't put a number of it. I couldn't put a number 13 of it, but several.</p> <p>14 Q. We'll keep it as several. Then you say what the pattern 15 is, because they do, in your evidence, tend to follow 16 a pattern. Help us with that?</p> <p>17 A. The technique they often use is -- these women are often 18 vulnerable and not canny enough to understand the 19 techniques of the press, and I know anecdotally that 20 they -- what they do is they say, "We're going to run 21 a story about you. It's going to be very unsympathetic. 22 We're going to make you look tawdry." They say this to 23 the girl, "We're going to make you look tawdry and awful 24 and sluttish, but if you talk to us, you can make the 25 story all positive and friendly and nice and we'll make</p> <p style="text-align: center;">Page 19</p>
<p>1 please?</p> <p>2 A. I was in a relationship that was breaking up because of 3 an affair I'd had and he called me and said to me on the 4 phone -- he said, "Look, I want to help you." He said, 5 "If you" -- I sort of begged him not to put in some of 6 the more lurid details of the story, and he said if 7 I confirmed certain aspects of the story, in return he 8 would guarantee that the more lurid details would be 9 left out of the story.</p> <p>10 Q. Yes.</p> <p>11 A. So I confirmed certain details for him and he gave me 12 his word that the more embarrassing parts of the story, 13 which I knew would upset my then wife's family, would be 14 omitted. After that, I received a -- my manager 15 received a phonecall from Andy Coulson saying that 16 they'd recorded the whole phonecall and they were going 17 to put everything in the newspaper and that Rav Singh 18 giving me his word was just a ruse to get me to speak on 19 the phone so they could record me, as I was in some 20 distress, but -- to record the whole phonecall so that 21 they could cover themselves and put the lot in.</p> <p>22 Q. Yes, an example of the Faustian pact which went a bit 23 wrong, through no fault of yours.</p> <p>24 A. Well, I think --</p> <p>25 Q. Can I ask you, though: was the story published?</p> <p style="text-align: center;">Page 18</p>	<p>1 you look lovely and we'll give you some money as well. 2 So what do you want to do?" And they say, "We know what 3 went on", and they'll mention a couple of details, and 4 really, that -- it's my experience that that is a ruse, 5 that they can't publish the story unless the person 6 speaks to them. So it's a bluff, and they -- if they 7 don't speak to them, they can't publish the story.</p> <p>8 And often the information they've gotten is gained 9 by blagging a couple of details, and in the case of the 10 girl I was seeing in 2005, they tried to entice her to 11 sell her story using information that -- well, they 12 tried to get her to sell the story using information 13 that -- information that was in messages that I had left 14 for her and she'd left for me, which at the time 15 I didn't understand why they knew that, but they used 16 that as an enticement, and so -- but they knew they 17 couldn't publish the story because that information 18 hadn't been gained legally, so they had to get her to 19 admit it.</p> <p>20 Q. I understand. Thank you, that's helpful.</p> <p>21 We're moving to paragraph 18 and the Daily Mail. 22 Can we just get our bearings in terms of timing. You 23 refer to two articles in the Daily Mail which we have 24 printed off and which you've seen, but given their 25 nature, it may or may not be necessary to look at them</p> <p style="text-align: center;">Page 20</p>

<p>1 in any detail.</p> <p>2 The first article was published in the Mail on</p> <p>3 30 August 2007. Just so that you have your bearings</p> <p>4 with it, in your bundle it's directly underneath tab 4.</p> <p>5 The title is, or the headline -- this is the online</p> <p>6 edition, so it's not quite as it appeared in print --</p> <p>7 "Steve Coogan blamed for Owen Wilson's drug spiral."</p> <p>8 So that's the first one. Then the second one, which</p> <p>9 you refer to at the beginning of paragraph 19, is the</p> <p>10 article which appears five or six pages later on in this</p> <p>11 little bundle. It's dated 1 September, and it's the one</p> <p>12 entitled "Coogan the barbarian: the truth about the man</p> <p>13 blamed for leading Owen Wilson to the brink of</p> <p>14 suicide".</p> <p>15 Obviously, these are very sensitive and private</p> <p>16 matters and I'm not going to go into this in any</p> <p>17 unnecessary detail, but Mr Wilson was -- perhaps still</p> <p>18 is -- a friend of yours; is that right?</p> <p>19 A. Yes, he is.</p> <p>20 Q. And it's clear from what is in the public domain that --</p> <p>21 can I approximate out it in these terms -- he took some</p> <p>22 form of drug overdose; is that right?</p> <p>23 A. Allegedly.</p> <p>24 Q. Yes.</p> <p>25 A. I don't really want to talk about what happened with</p> <p style="text-align: center;">Page 21</p>	<p>1 anything.</p> <p>2 The other reason is -- and it's the way I've treated</p> <p>3 many of the stories over the years that I've found</p> <p>4 upsetting and intrusive -- is I take advice from my</p> <p>5 lawyers and on this occasion, the potential soap opera</p> <p>6 that would ensue outweighs any benefit I might get from</p> <p>7 having some form of retraction and also the efforts</p> <p>8 involved in going through legal action. Really, it's as</p> <p>9 effective sometimes to do nothing because the story sort</p> <p>10 of goes away.</p> <p>11 Q. Yes.</p> <p>12 A. But, of course, these days -- in the old days, of</p> <p>13 course, it would have been tomorrow's fish and chip</p> <p>14 paper, but of course, things are online these days so</p> <p>15 things stay there forever. But the main reason I didn't</p> <p>16 do anything is because, on balance, what you lose on the</p> <p>17 swings, you gain on the roundabouts, because by taking</p> <p>18 action, you can might the story and you might get some</p> <p>19 sort of retraction, but you also push the story forward</p> <p>20 and you keep it up there on the -- in the newspapers,</p> <p>21 and that's something I didn't want to do, and on</p> <p>22 balance -- it's also cheaper to do nothing.</p> <p>23 Q. There's a whole series of reasons you've clearly given</p> <p>24 which we've all noted.</p> <p>25 In relation to the second piece of 1 September 2007,</p> <p style="text-align: center;">Page 23</p>
<p>1 him.</p> <p>2 Q. Fair enough.</p> <p>3 A. That's not confirmed.</p> <p>4 Q. Okay. But you make it clear in your statement -- and</p> <p>5 this is the evidence you wish to give -- you make it</p> <p>6 absolutely clear five lines in to paragraph 18, you say:</p> <p>7 "There's absolutely no truth in the allegation.</p> <p>8 I had not been on the same continent as Owen [that's</p> <p>9 Owen Wilson] for nine months prior to his episode and</p> <p>10 I have never taken drugs with him or in his presence."</p> <p>11 So that is your clear position?</p> <p>12 A. Absolutely.</p> <p>13 Q. You issued a curt denial. I'm asked to put this to you:</p> <p>14 did you ever complain about this particular article,</p> <p>15 either to the Daily Mail directly or to the Press</p> <p>16 Complaints Commission?</p> <p>17 A. I didn't, for several reasons.</p> <p>18 Q. Yes?</p> <p>19 A. Primarily, I didn't want to give the story legs, and my</p> <p>20 chief concern was my friend at that time, and I didn't</p> <p>21 want to shine the spotlight on him when he was in</p> <p>22 a particularly vulnerable state, and I thought any</p> <p>23 emphatic courting of the press to protest my innocence</p> <p>24 beyond that short, curt denial would make life difficult</p> <p>25 for him. So that was part of the reason I didn't do</p> <p style="text-align: center;">Page 22</p>	<p>1 I've been asked to make these points, so please bear</p> <p>2 with me, Mr Coogan.</p> <p>3 A. Okay.</p> <p>4 Q. The first point is -- it may or may not be obvious --</p> <p>5 that the reason why inverted commas are placed around</p> <p>6 the phrase "leading Owen Wilson to the brink of suicide"</p> <p>7 is that the Mail there are reporting someone's</p> <p>8 statement. I'm not going to identify that someone else;</p> <p>9 you know who it is. Would you agree that that is a fair</p> <p>10 point or would you disagree?</p> <p>11 A. I would disagree. They're doing that -- I would suggest</p> <p>12 they're doing that to cover themselves. The whole</p> <p>13 article -- basically if you have a headline that says</p> <p>14 "The truth about the man blamed --" first of all, it has</p> <p>15 the word "truth" in the sentence, so their defence in</p> <p>16 something which is scurrilous is basically punctuation.</p> <p>17 That's what they're saying they've done to sort of --</p> <p>18 that gets them off the hook. The fact is someone reads</p> <p>19 that headline, they see "the man blamed for leading Owen</p> <p>20 Wilson to the brink of suicide" and most people would be</p> <p>21 left with one impression from that sentence. They</p> <p>22 wouldn't say, "Ah, it's in quote marks. I can see that</p> <p>23 Coogan's not really responsible for that."</p> <p>24 Q. Okay.</p> <p>25 A. I'd also add that this -- a cursory examination of this</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 story by that newspaper would have revealed that there 2 was no truth in this whatsoever. They even, I heard, 3 tried to defend themselves by saying that they 4 questioned the reliability of the source within the 5 article, as if somehow that got them off the hook, but 6 in actual fact, if they questioned the reliability of 7 the source, then that suggests that they questioned the 8 entire veracity of the story, in which case, why did 9 they print it? 10 Q. Of course, you've had advance notice of the lines I'm 11 taking. They say at the bottom of the first page: 12 "There are two ways of looking at her comments. One 13 of them is to view them as motivated by revenge." 14 So they're putting up the proposition that she may 15 not be reliable because she's motivated by revenge. Is 16 that not fair? 17 A. I refer you to the answer I gave before, which is: if 18 they regard it as being unreliable, then that means that 19 they question the whole nature of the story. As I say, 20 I don't think they're interested in what the facts are, 21 they're interested in good copy, and that's what they 22 got. 23 Q. They also recorded your strong denial of the truth of 24 the allegations, didn't they, in this -- 25 A. Yes. It wasn't a headline, though.</p> <p style="text-align: center;">Page 25</p>	<p>1 with that, if you wish, a little bit later. 2 A. Okay. 3 Q. But at a higher level of generality, the fear of tabloid 4 revenge. Could you help us on that, please? 5 A. That if you make yourself -- if you stick your head 6 above the parapet or you criticise the papers or you 7 make a point of taking action, then they'll come after 8 you, you know. Insofar as my legal action is concerned, 9 I was -- I was advised by my publicists that -- they 10 actually said to me, "Do you --" When I was considering 11 taking action against News International, my publicists 12 said to me, "Do you really want to make enemies of these 13 people?" By implication -- well, the inference being 14 that if -- and when I asked them to elaborate, they 15 said, "Well, in the future if they decide to run another 16 story, we can use it as a bargaining chip. We can say 17 that you could have taken legal action and you didn't, 18 therefore why don't you drop the story?" But when they 19 said "these people", they meant that -- the inference 20 was clear, that if you make life difficult for them, 21 they will use their newspapers as a weapon against you. 22 Q. Yes. You almost invited the next question. Do you have 23 fears about giving evidence today? Obviously you're 24 here to give evidence, but in terms of the possible 25 repercussions?</p> <p style="text-align: center;">Page 27</p>
<p>1 Q. No? 2 A. No. 3 Q. Thank you. This article -- 4 LORD JUSTICE LEVESON: They also don't seem to know what the 5 fourth commandment is. 6 MR JAY: It's the seventh, I think, isn't it? 7 LORD JUSTICE LEVESON: It is. They say the fourth 8 commandment is "Thou shalt not commit adultery". 9 MR JAY: I could say what the fourth one is, but it's one of 10 the ones I've breached so ... 11 LORD JUSTICE LEVESON: Let's not go there. 12 MR JAY: You make then, Mr Coogan, some general points. 13 These articles are still on the Mail website, you say. 14 A. Mm-hm. 15 Q. I'm sure that's not disputed. You can see when we 16 printed them off, which was only a few days ago. You 17 then make some general points starting at paragraph 21. 18 Tittle-tattle and entertainment. Can I ask you, please, 19 to elaborate on a broader general point, the fear of 20 tabloid revenge? What's the basis for those fears? 21 A. Well, if -- in respect of what? Tabloid revenge in 22 respect of me being here or me taking action? In what 23 respect? 24 Q. First of all, please, if you deal with the more general 25 point, not the point about you being here. You can deal</p> <p style="text-align: center;">Page 26</p>	<p>1 A. A little bit, but I know that there's a lot of other 2 people who -- and I feel I'm here -- I'm not someone who 3 particularly wants to get involved in waving a banner 4 for, you know, a right to privacy. It was just that 5 I felt no one else was doing it -- not many other people 6 of my -- similar to me were doing it, so I thought 7 I ought to get involved. And the reason a lot of other 8 people don't want to do it but share my views and have 9 told me -- many other celebrities, for want of a better 10 word, have told me that they agree with me and they'd 11 like to come here but they don't have the stomach for 12 it, and they fear -- they fear what will happen. 13 Ironically, because of the stories that have been run 14 about me, most of my -- well, my closet is empty of 15 skeletons due to the press. So in a way, unwittingly 16 maybe, I may be immune in some ways. 17 In fact, when I appeared on Newsnight, I mentioned 18 Paul Dacre in a slightly less than flattering light, 19 which is a very unwise thing to do, and the next day in 20 the paper there was a big story raking up all the old 21 tabloid stories about myself and Hugh Grant, and it 22 appeared to me he'd probably gone to his office and sent 23 the memo round, saying, "If you want to throw any dirt 24 at Steve Coogan, be my guest", and Amanda Platell and 25 Melanie Phillips duly obliged.</p> <p style="text-align: center;">Page 28</p>

<p>1 Q. We have those pieces. They are at the back of tab 7, I 2 think, Mr Coogan. Maybe you could confirm we have the 3 right ones.</p> <p>4 A. Yes, at the back. Yes, I see then.</p> <p>5 Q. It's dated 11 July, which would make your Newsnight 6 appearance on 10 July.</p> <p>7 A. Approximately. It was a day or two after the 8 appearance.</p> <p>9 Q. Yes. I'm not going to read those out. People can form 10 their own view about them. We draw them to your 11 attention.</p> <p>12 You mentioned a publicist. I asked Mr Grant about 13 this yesterday, but in your own words, presumably you 14 have a publicist. What is his or her role?</p> <p>15 A. If I have -- well, first of all, I'll say for the record 16 I try to avoid publicity as much as possible. You won't 17 find me on a panel show, you won't find me -- you know, 18 I get invitations to openings and premieres all the time 19 but they go straight in the bin. I'm not really 20 interested in that.</p> <p>21 But my publicist, his job is -- if I have 22 a television programme or a film to promote, and I'm 23 contractually obliged to promote that as part of my job, 24 they will -- sometimes actually my publicists' job is to 25 try and minimise the amount of publicity I'm obliged to</p> <p style="text-align: center;">Page 29</p>	<p>1 27 April 2008. Indeed, you specifically refer to it.</p> <p>2 Were you shown this? I'm not quite sure how these 3 things work. Were you shown this in draft before it was 4 published?</p> <p>5 A. No.</p> <p>6 Q. Or not?</p> <p>7 A. No.</p> <p>8 Q. Would you expect to have seen it in draft before it was 9 published?</p> <p>10 A. Not especially, no. No, I wouldn't.</p> <p>11 Q. Thank you. Again, I'm not going to dwell on much of the 12 detail, but I'm just going to explore the way this 13 material is put together, as it were. It seems to be 14 clear from the text that there was an exploratory chat 15 with you, which was very much informal -- no tape 16 recorder running, no notes taken -- and the author says 17 that he conducted that at your club in February. Does 18 that make sense?</p> <p>19 A. Mm-hm.</p> <p>20 Q. Then there was a more formal phase, which again the 21 author talks about. Apparently this was at a vegetarian 22 restaurant in Brighton?</p> <p>23 A. Yes, that's correct.</p> <p>24 Q. And maybe there was a tape recorder running on that 25 occasion?</p> <p style="text-align: center;">Page 31</p>
<p>1 do. I'll say, "What's the least I can get away with?"</p> <p>2 Q. Yes.</p> <p>3 A. And they'll arrange an interview to support that film or 4 television programme in a newspaper or a magazine, and 5 I'll try -- I normally try -- say, "I'd like to avoid 6 the tabloids", but sometimes the people I've made the 7 programme for insist that I speak to a tabloid and do an 8 interview, and the their job is to arrange those things.</p> <p>9 Primarily. I mean, there are other things too, of 10 course.</p> <p>11 Q. You referred -- I said I'd come back to it. This is 12 paragraph 8 of your statement, your profile in the 13 Sunday Times. This has been printed out and I hope you 14 have the version which I have provided to Mr Sherborne. 15 It looks like this, Mr Coogan.</p> <p>16 A. Yes, I've seen that. I saw it before.</p> <p>17 MR JAY: Sir, I hope you --</p> <p>18 MR SHERBORNE: I think it's here, actually. I don't know if 19 it's worth handing it to Mr Coogan.</p> <p>20 MR JAY: I think you should have the same copy we're working 21 from, and obviously I'm grateful to Mr Davies for 22 providing it.</p> <p>23 To be clear, Mr Coogan, as we can see from the 24 bottom of the left-hand page, this is a profile of you 25 in the Sunday Times magazine which came outlet on</p> <p style="text-align: center;">Page 30</p>	<p>1 A. Yes.</p> <p>2 Q. As would be standard practice. Again, I draw the 3 inference that the author does quite a lot of online 4 research about you -- well, there is quite a lot of 5 material online, presumably -- and then the questions 6 start. Some the questions related to your personal 7 life, didn't they?</p> <p>8 A. (Nods head)</p> <p>9 Q. Some of them, it's right to say, you didn't answer for 10 that reason?</p> <p>11 A. Correct.</p> <p>12 Q. It may be unfair to ask you this general question, but 13 aside from the issue about the photograph, which you 14 address specifically and which we're going to come to, 15 do you have an objection to the article itself? Strip 16 away all the photographs. Just consider the text.</p> <p>17 A. I did have an objection.</p> <p>18 Q. Okay.</p> <p>19 A. The reason I did the interview was because -- I did it 20 reluctantly.</p> <p>21 Q. Right.</p> <p>22 A. I was naive, perhaps, in that I had received some bad 23 advice saying that this person wants to redress the 24 balance of the negative publicity he'd read about you 25 and I myself, feeling misrepresented in the press,</p> <p style="text-align: center;">Page 32</p>

<p>1 agreed to do it, but I think he just sort of rehashed --</p> <p>2 and I was told he was very keen on talking about my</p> <p>3 work, which he does for a portion of the article. But</p> <p>4 no, I wasn't happy with the article, really. It was --</p> <p>5 it wasn't what I'd hoped it would be. And really -- and</p> <p>6 also I did the interview reluctantly because -- to</p> <p>7 somehow -- really, as a counter-point to publicity</p> <p>8 I hadn't wanted in the first place, as I say, to try and</p> <p>9 redress the balance of negative, unsympathetic stories.</p> <p>10 Q. Yes, so from your perspective, it didn't work out. The</p> <p>11 substance and perhaps the tone hadn't met your</p> <p>12 understanding of what it might be; is that right?</p> <p>13 A. I felt that the journalist in question was disingenuous</p> <p>14 in the way he represented himself.</p> <p>15 Q. It might be said -- and can I just put this as gently as</p> <p>16 I can -- that you were taking a bit of a risk even</p> <p>17 allowing this sort of interview to be conducted because</p> <p>18 there was a prospect that this sort of spin might be put</p> <p>19 and you would see this sort of end product. Is that</p> <p>20 completely unfair?</p> <p>21 A. It's a question of judgment. If I say nothing, then the</p> <p>22 negative stories go uncontested and so I have to take</p> <p>23 a risk and I naively thought that -- but perhaps</p> <p>24 I should have known, seeing as it's</p> <p>25 News International -- that the Sunday Times might take</p> <p style="text-align: center;">Page 33</p>	<p>1 the Sunday Times?</p> <p>2 A. No, it wasn't.</p> <p>3 Q. Sorry, I misunderstood.</p> <p>4 A. No, the photograph was taken by a paparazzi photograph,</p> <p>5 who then sold it to Big Pictures --</p> <p>6 Q. Sorry, yes.</p> <p>7 A. -- who then sold it to the Sunday Times.</p> <p>8 Q. Yes, my apologies. In the article -- and I have been</p> <p>9 asked to draw this to your attention. It's on the next</p> <p>10 page. There's some pagination. It's page 17, the very</p> <p>11 bottom of the left-hand side. You're noted as saying</p> <p>12 that -- I quote:</p> <p>13 "He's most talkative about his daughter's schooling.</p> <p>14 She attends a school in Brighton."</p> <p>15 So I think what I'm being asked to suggest to you</p> <p>16 is: well, you're giving some information out quite</p> <p>17 freely about your daughter and therefore it's not</p> <p>18 unreasonable to make the mistake and publish</p> <p>19 a photograph.</p> <p>20 A. I can -- well, I can explain that.</p> <p>21 Q. Thank you, yes.</p> <p>22 A. The conversation about my daughter was not part of the</p> <p>23 interview. It was intimated to me by him that this was</p> <p>24 off the record, because he started the question by</p> <p>25 saying himself: "I'm thinking of sending my children to</p> <p style="text-align: center;">Page 35</p>
<p>1 a more mature approach. But I was wrong.</p> <p>2 Q. Yes, okay. You have a particular point about</p> <p>3 a photograph. I'm just going to invite you to look at</p> <p>4 the photograph. It's really not necessary for anybody</p> <p>5 else to see it because by its very nature it's an</p> <p>6 intrusion on privacy. But it's the second A3 page and</p> <p>7 it's the caption "The mother ...", and we see maybe</p> <p>8 a 7-year-old and a 5-year-old -- it doesn't matter,</p> <p>9 really, but two young children in the picture?</p> <p>10 A. Yes.</p> <p>11 Q. And you objected to that?</p> <p>12 A. Well, I didn't give my permission for them to put</p> <p>13 a picture of my children in, and that particular</p> <p>14 photograph was taken on a telephoto lens by a paparazzi</p> <p>15 photographer whom I approached on the day and</p> <p>16 challenged. I said, "Were you taking photographs of me</p> <p>17 and my children?" and he said, "No, I was taking</p> <p>18 photographs of the pier", and he showed me his camera</p> <p>19 and obviously hid the photographs and showed me</p> <p>20 photographs of Brighton pier, pretending he'd been</p> <p>21 photographing the pier. So I took him at his word and</p> <p>22 then the photographs appeared in this article, which is</p> <p>23 a clear breach of the existing guidelines.</p> <p>24 Q. Yes. So we understand your evidence, the photograph was</p> <p>25 taken with for the specific purpose of this article in</p> <p style="text-align: center;">Page 34</p>	<p>1 such-and-such a school", or: "I'm looking at schools for</p> <p>2 my children", he said to me. Then he said, "Do you know</p> <p>3 any good schools?" and then he spoke about his children.</p> <p>4 And this was -- it was -- the conversation was couched</p> <p>5 in terms of -- and initiated with where he wants to send</p> <p>6 his kids to school. It was over dinner and we'd just</p> <p>7 sat down, and although he didn't say, "This is off the</p> <p>8 record", that was the inference I drew. I wasn't --</p> <p>9 I would never present that kind of information in an</p> <p>10 article about my family. I don't talk about my family.</p> <p>11 Q. Right.</p> <p>12 A. So I felt I was misled about that.</p> <p>13 Q. Of course, this article isn't put together in</p> <p>14 chronological order, no doubt, but it's in the section</p> <p>15 which precedes the formal part of the interview, which</p> <p>16 is in the vegetarian restaurant in the Brighton.</p> <p>17 There was then an apology. It's the last page,</p> <p>18 Mr Coogan, of the little sheaf of A3 pages we've</p> <p>19 provided to you.</p> <p>20 A. Oh yes. Yes, indeed, yes.</p> <p>21 Q. Just orientating myself, we are no longer in the</p> <p>22 magazine section of the Times. I think we're in the</p> <p>23 first section of the Times, on the second page of the</p> <p>24 first section.</p> <p>25 A. Mm.</p> <p style="text-align: center;">Page 36</p>

<p>1 Q. It's on the left-hand side under a heading "News in 2 brief". It says -- we're now on 11 May 2008: 3 "An interview with Steve Coogan was illustrated with 4 a photograph of Mr Coogan taken in 2004 with Anna Cole, 5 who was described as his then girlfriend, and her 6 children. In fact, the relationship had ended in 1996. 7 We apologise for any distress caused by the error and by 8 invading the privacy of Ms Cole and her children in 9 publishing the photograph and information about the 10 schooling of Mr Coogan's daughter." 11 So they apologised? 12 A. Yes. I had to point out to my friends where to find the 13 one-inch column in case they missed it. It's never -- 14 it's not quite the same as the -- it's not quite the 15 same status as the four pages of the article. 16 Q. No. 17 A. And also I would say that all these apologies are 18 closing the stable door after the horse has bolted. You 19 can't give back the pound of flesh you've taken. 20 Q. No, no, quite. One doesn't want to take that too far 21 because that would be an argument for there being no 22 need to apologise at all because it could never achieve 23 any utility. 24 A. No, they should apologise. They should just do it 25 bigger.</p> <p style="text-align: center;">Page 37</p>	<p>1 is hand you another version which is paginated. This 2 was emailed through last week, but we're going to 3 struggle a bit. (Handed) 4 Would you kindly, please, look at the 10th page at 5 the very back. 6 LORD JUSTICE LEVESON: Page 10? 7 MR JAY: Yes, I've written it in. 8 LORD JUSTICE LEVESON: Yes. 9 MR JAY: You will see that the piece was originally 10 published in the January 2006 issue of British GQ. Are 11 you with me, Mr Coogan? 12 A. Yes, yes. 13 Q. Then at the start, it's reprinted -- to my belief, it 14 was -- 15 LORD JUSTICE LEVESON: It's 31 May 2011, because if you go 16 back to page 10, it says both dates. 17 MR JAY: Thank you. I was going to say this year, but 18 you've kindly confirmed that. 19 It was reprinted to mark the release of your 20 character's memoirs. Indeed, one can cross-reference 21 this, if that's the right way of putting it, with pages 22 in Mr Morgan's book, which I have read, which we may or 23 may not be hearing more about. 24 This was an interview which took place in what 25 Mr Morgan describes as an excruciatingly trendy club in</p> <p style="text-align: center;">Page 39</p>
<p>1 Q. Yes. Where do you think such an apology should have 2 gone in the circumstances of your case? 3 A. It should have been more noticeable, you know. Two 4 pages like that would probably satisfy me. 5 Q. I won't pursue that further. We have your evidence 6 clearly about it and of course we'll consider it. 7 There's another piece or interview I would like to 8 ask you about, and this is -- you've had notice of it, 9 but because of the nature of the Internet printout, it's 10 not that easy to follow in the bundle you have there, so 11 I've printed it out yet again and I've given it 12 page numbers so we might be able to navigate it. So you 13 know what we're talking about, it's an article by 14 Mr Piers Morgan in a magazine called GQ, originally 15 published in January 2006. For some reason -- indeed, 16 the reason is given: 17 "Reprinted in 2011 to mark the release of 18 Alan Partridge's memoirs." 19 A. Yes. 20 Q. Can I hand you -- 21 A. Sorry, I'm not sure that that date is correct, the first 22 date. 23 Q. I'll show you where it is, but what I am going to do to 24 avoid confusion -- and I had a lot of trouble printing 25 this out, but that's just the way the Internet works --</p> <p style="text-align: center;">Page 38</p>	<p>1 Soho. 2 A. Yes. He chose the venue. 3 Q. Thank you, Mr Coogan. It's clear, if he's right, that 4 it lasted for two hours. Is that fair enough? 5 A. Mm-hm. 6 Q. He's not suggesting you were under the influence of 7 alcohol because he says you ordered two glasses of wine, 8 which, over two hours, is hardly -- 9 A. It was after midday. 10 Q. Pardon me? 11 A. It was after midday. 12 Q. Fair enough. Have you had the chance to read this 13 piece? 14 A. I've not read it for some time. 15 Q. Right. Did Mr Morgan tape the interview, again in line 16 with standard practice, or can you not recall? 17 A. I can't recall. He may have done. He may have taken 18 notes. I can't -- I can't recall. I can't remember, is 19 the answer. He may have done. He may have done. 20 Q. Can I ask you some specific questions about it. I'm 21 conscious of fact that the interview is, in some 22 respects, quite probing. Would you agree with me that 23 it covers a range of topics which bear on your private 24 life? 25 A. Mm-hm, mm-hm.</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 Q. And those topics range from what I might describe as 2 lifestyle issues to partners and other matters? 3 A. (Nods head) 4 Q. Did you feel that the interview was unfair or intrusive, 5 Mr Coogan? 6 A. A little, but it's Piers Morgan, so I suppose it's 7 what -- you know, it's what you expect when he 8 interviews you. So a little, yes. 9 Q. Yes. That might mean a number of things. One thing 10 might be that he's a charming man and he's able to bring 11 the best out of his interviewee, or it might mean 12 something else -- 13 A. The something else is the ... 14 Q. Well, it's up to you. Do you want to share that with 15 us, or would you rather not? 16 A. Not particularly. I mean, it's -- you know, when you do 17 an interview -- again, this was to support a movie. 18 I didn't choose to. It was part of the set up, I was 19 told -- 20 Q. Yes. 21 A. And when you do an interview like this, you -- once the 22 cat's out of the bag, as it were -- I was sort of 23 covering ground that's already in the public domain. 24 I certainly wasn't doing an expose and spilling my guts. 25 I was talking about things that had already been aired</p> <p style="text-align: center;">Page 41</p>	<p>1 obstructive. But would I rather not talk about these 2 things? Yes, I'd rather not talk about it. 3 Q. Would you agree -- please contradict me if you disagree 4 with what I was trying to put to you -- that the sort of 5 problem we face here is that the sources of information 6 about you are a melange of various things -- and also, 7 one should add, a melange of untruths, because added to 8 this potpourri of sources is material which is untrue, 9 exaggerated or whatever. So you then are confronting 10 all of this and having to confront it, deal with it in 11 a certain way. 12 A. Well, I very rarely take action about these things 13 because -- I could expend a lot of time and energy on 14 the existing systems of redress, but I don't want to 15 channel all my energies into this. I'd rather spend my 16 time writing and doing what I do for a living, because 17 it's quite time-consuming and it drains you of energy, 18 and that's why often times I've just walked away and got 19 on with my job, but it's not that I'm -- you know, I'm 20 unhappy about it. 21 Q. Thank you for that answer. You do deal with the issue 22 of privacy in the Piers Morgan piece at page 4, about 23 three-quarters of the way down. Do you see that, under 24 the question: "What is the issue about privacy?" 25 A. Sorry?</p> <p style="text-align: center;">Page 43</p>
<p>1 in the public domain. 2 Q. Yes, that's absolutely right. This might be a bit of an 3 issue here. Can I try and deal with it at a level of 4 some generality, which may or may not apply to your 5 particular case. You reach the point with someone who 6 is, rightly or wrongly, in the public eye where 7 information about them has entered the public domain by 8 a variety of routes. Some of those routes might be 9 illegal ones and some of those routes might be friends 10 or former friends who have spoken to the press in a way 11 in which was other than discreet, and some other routes 12 are entirely ethical and legal. 13 So we had reached a position, certainly by 2006, 14 where a lot about you, which is now all mixed up -- the 15 illegal, the unethical and perhaps the legal -- and 16 there's now a persona which you're then asked about. 17 A. Yeah, yeah. 18 Q. That creates, you would say, a bit of a dilemma for you, 19 because on the one hand you don't want to talk about it; 20 on the other hand, it's damage limitation. Is that how 21 you see it? 22 A. I'd rather not talk about it, but if you're doing an 23 interview, you don't want to come across as being 24 curmudgeonly or precious and you want to support the 25 film, so you try to be agreeable and open and not</p> <p style="text-align: center;">Page 42</p>	<p>1 Q. Page 4, working from the little red -- 2 A. I beg your pardon. 3 Q. -- pagination. He asks you the question: "What is the 4 issue about privacy?" Are you with me? 5 A. Yes. 6 Q. And then your answer is: 7 "The issue is if you set your stall out in a certain 8 way and lead a rather different life, then fair enough, 9 you bring it on yourself. For example, I have a young 10 daughter I'm only going to mention once in this 11 interview out of respect of her. Now, I could, like 12 some celebrities do, use her to paint a picture of 13 myself as some sort of wholesome figure. That is 14 playing a game. I don't need to convince anyone that 15 I'm like that. Those who need to know, know, and if 16 people want to think of me as some sort of twot, then so 17 what. I have enough friends who don't think that. 18 I don't get free kitchens from Hello. I think that's 19 a dangerous game to play." 20 So you're making your position there absolutely 21 clear after a very intrusive question about a particular 22 partner, which I'm not going to ask you about. 23 A. (Nods head) 24 Q. That's fair enough. 25 A. Yes. I mean, if I can elaborate on that --</p> <p style="text-align: center;">Page 44</p>

<p>1 Q. Yes, please do.</p> <p>2 A. Given a choice between constantly engaging with the</p> <p>3 press and trying to mount some sort of campaign of</p> <p>4 self-justification and saying nothing and retaining</p> <p>5 a little privacy, even though there's misinformation out</p> <p>6 there, I choose the latter. It's the lesser of two</p> <p>7 evils.</p> <p>8 Q. Yes.</p> <p>9 LORD JUSTICE LEVESON: That's, in one sense, entirely</p> <p>10 understandable, but you'll have to accept that speaking</p> <p>11 as somebody who spent 40 years of his life in the law,</p> <p>12 it's also a bit concerning. If wrongs are not righted</p> <p>13 then we ought to think of a way of righting them, of</p> <p>14 correcting them.</p> <p>15 A. Yes. If the ways of righting them were easier --</p> <p>16 I mean, there's two issues, I would say. One is closing</p> <p>17 the stable door after the horse has bolted is -- only</p> <p>18 does so much good. You can't put the genie back in the</p> <p>19 bottle, so I'd rather these things weren't printed in</p> <p>20 the first place. But if they have, then the system of</p> <p>21 redress, if it was more straightforward, I would have</p> <p>22 engaged in it. It was the prospect of legal action,</p> <p>23 which is expensive, and the PCC, which -- I mean,</p> <p>24 I was -- you know, I looked at that. I have to say, the</p> <p>25 fact that Paul Dacre sits on the PCC and I'm going to</p> <p style="text-align: center;">Page 45</p>	<p>1 another piece in the Mail. If I could kindly ask you to</p> <p>2 turn it up.</p> <p>3 A. Sorry, I don't have the -- oh, is this -- I have it,</p> <p>4 sorry.</p> <p>5 Q. Do I have this right? Is this an interview that you're</p> <p>6 giving to the Daily Mail as a result of which a piece is</p> <p>7 published on 23 August 2009?</p> <p>8 A. Yes.</p> <p>9 Q. Could you tell us the circumstances in which you gave</p> <p>10 this interview and why you gave it?</p> <p>11 A. It was, again, supporting something -- it was definitely</p> <p>12 something, a film or something. Yes, it was a film</p> <p>13 I had -- I did in America that's called "Hamlet 2" that</p> <p>14 I was promoting.</p> <p>15 Q. "Hamlet 2"?</p> <p>16 A. Yes, and it was arranged by my publicist and the</p> <p>17 journalist is a -- was a friend of mine.</p> <p>18 Q. Right. Do you feel --</p> <p>19 A. And is a friend of mine.</p> <p>20 Q. Still is a friend?</p> <p>21 A. Yes.</p> <p>22 Q. Is the journalist freelance or does the journalist</p> <p>23 work --</p> <p>24 A. Freelance. And this was for the magazine, to clarify.</p> <p>25 Q. The Mail magazine?</p> <p style="text-align: center;">Page 47</p>
<p>1 take a complaint about the Daily Mail, even though</p> <p>2 I know he wouldn't sit on that particular case and</p> <p>3 I know editors don't do that when it pertains to their</p> <p>4 newspaper, doesn't fill you with confidence, and I think</p> <p>5 that's borne out by the fact that they -- the biggest</p> <p>6 test in the last 40 years of their ability, the hacking</p> <p>7 scandal, completely passed them by. So I don't feel my</p> <p>8 suspicions and prejudices about the PCC are without</p> <p>9 foundation.</p> <p>10 If the mechanism for redress was more</p> <p>11 straightforward and had -- I had more faith in it, then</p> <p>12 I'd use it.</p> <p>13 MR JAY: I'm going to move on to another piece. I only have</p> <p>14 15 or 20 minutes left, Mr Coogan, but I think that given</p> <p>15 our stenographer, we should probably break. Or would</p> <p>16 you like to continue?</p> <p>17 LORD JUSTICE LEVESON: No, I'm very happy -- Mr Coogan's</p> <p>18 been there for an hour -- to give him a break. I think</p> <p>19 his last answer is a fitting answer upon which to</p> <p>20 cogitate for five minutes. So that's what we'll do, but</p> <p>21 it is five minutes.</p> <p>22 (3.16 pm)</p> <p>23 (A short break)</p> <p>24 (3.22 pm)</p> <p>25 MR JAY: Mr Coogan, under tab 5 in the bundle, there is</p> <p style="text-align: center;">Page 46</p>	<p>1 A. Yes, indeed.</p> <p>2 Q. Is this published at weekends?</p> <p>3 A. Yes.</p> <p>4 Q. In terms of the content of the article -- maybe it's</p> <p>5 quite a wide question -- do you have any concerns about</p> <p>6 it?</p> <p>7 A. I think it covers the same ground as the article in the</p> <p>8 Sunday Times. The cat's out of the bag. It doesn't do</p> <p>9 to come over all "poor old me, the tabloids won't leave</p> <p>10 me alone". It doesn't particularly endear you to</p> <p>11 people, so in an interview, one tries to be</p> <p>12 philosophical, as the most politic approach.</p> <p>13 Q. In this piece, you do deal with the earlier Daily Mail</p> <p>14 articles which we've looked at. If you look at the</p> <p>15 pagination on the Internet printout, at the top</p> <p>16 right-hand side. It's page 6 of 9, Mr Coogan. At the</p> <p>17 very bottom, without raking over old ground, you are</p> <p>18 recorded as saying that you're scathing of the press you</p> <p>19 got. This is in relation to the subject matter of</p> <p>20 the August and September 2007 articles we had looked at</p> <p>21 earlier.</p> <p>22 A. Mm.</p> <p>23 Q. Then on the next page, you say:</p> <p>24 "That story gained more credence over here than</p> <p>25 there. It was a complete fabrication put about by</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 someone who had a different agenda." 2 Then you say: 3 "In America, they realised it was ..." 4 Well, we can work out what that is: 5 "... as soon as they established it was spread by 6 someone who was trying to throw a grenade in my path. 7 The industry made it very clear to me that they knew, so 8 thankfully it had no effect on my career or on your 9 friendship." 10 So those in the know in the States were not impacted 11 by the 2007 article? 12 A. As I've said in my statement, it did have an 13 initial negative effect, quite damaging. 14 Q. Yes. 15 A. The reason they realised it wasn't true was because 16 I had to make representations to people to illuminate 17 them as to what the facts were. 18 Q. Yes. 19 A. Once I'd done that, they quickly realised there was no 20 substance to the story. 21 Q. Yes. 22 A. But had I not done that, it would have been damaging, 23 and initially it was. I had to, you know, contact 24 certain people and tell them the truth. And once I'd 25 done that, the damage was avoided.</p> <p style="text-align: center;">Page 49</p>	<p>1 creative." 2 That's effectively one of the things you've said 3 today. 4 A. Yes. 5 LORD JUSTICE LEVESON: But I understand the point you're 6 making. 7 A. Mm. 8 MR JAY: Thank you. To go on to the point about 9 defamation -- this is picking up now what you're saying 10 in paragraph 29 of your witness statement when you're 11 really sort of giving us your opinions. You make two 12 points, really, in relation to defamation, although 13 there's obviously a third one. (a) Litigation is 14 expensive. We all know about that. (b) You run the 15 risk of antagonising the press further. This is the 16 revenge or retaliation point. And (c), of course you're 17 giving additional oxygen to the story by litigating over 18 it. So those are factors which will always play in the 19 balance whenever a litigant decides whether to sue or 20 not to sue for defamation. 21 A. Yes. 22 Q. You don't deal -- and please do so now -- with what your 23 solutions or recommendations might be, particularly in 24 a genie out of the bottle situation. Maybe your 25 solution would be to ensure that the genie never departs</p> <p style="text-align: center;">Page 51</p>
<p>1 Q. Yes. At the very least, it might be said about this 2 article that they are giving you the chance to put the 3 record straight insofar as it can be put straight. They 4 are recording faithfully what you're saying, although of 5 course it's two years after the article, the damage has 6 been done, but you have been given a limited platform to 7 rectify the position. Is that a fair observation or 8 not? 9 A. I would say it's not a fair observation. It's -- you 10 know, denials and corrections, again, after the damage 11 has been done. The damage has been done. It can't be 12 undone. It can be mitigated, and that's all I tried to 13 do. 14 Q. Yes. That's certainly true in relation to privacy for 15 obvious reasons, but in relation to defamation, the 16 damage can be rectified by a successful claim, can't it? 17 A. Yes, it can, it can. It's expensive and it's unwieldy, 18 but yes, it can be done if you have the time and 19 wherewithal. 20 LORD JUSTICE LEVESON: This article certainly does present 21 a rather different picture of you: 22 "I've never claimed to be a paragon of virtue but my 23 behaviour has changed, not because of what a newspaper 24 says about me but because I thought it ought to be. 25 I use it to be wiser and realise that it helps me to be</p> <p style="text-align: center;">Page 50</p>	<p>1 from the bottle. Now is your chance. Tell us what you 2 think. 3 A. I don't want to come up with -- I'm not an expert on 4 what mechanism should be in place. I mean, I wish that 5 there was no need for regulation outside the press. 6 I wish the press were able to regulate themselves. 7 I would like that. But they've been given many 8 opportunities and have failed. You know, if the press 9 suddenly had a Damascene conversion and decided to 10 behave themselves, that would be great, but I think that 11 would be me perhaps me being naive again. 12 I think whatever's in place needs to be wieldy, and 13 people should be able to use it whether they have money 14 or not, because of course, many of the people caught up 15 in these stories don't have the same disposable income 16 that I have to take action. They just have to -- they 17 just get caught up in it and there needs to be something 18 to help those people, some sort of redress for those 19 people, and I think obviously, whatever the solution, it 20 needs to have some industry people in, of course it 21 does, but also I think it needs to have some sort of lay 22 or independent component that can counter that in 23 a meaningful way. 24 But quite what that is, I don't know. I just -- and 25 as I say, I'm not sort of even -- because what's very</p> <p style="text-align: center;">Page 52</p>

<p>1 important to me is press freedom and I don't think 2 that -- it's often used as a smokescreen to legitimise 3 invasions of privacy. There's some brilliant journalism 4 in this country, and there needs to be a mechanism, 5 really, in the interests of protecting genuine public 6 interest journalism. For that reason, there needs to be 7 a privacy law so that genuine public interest journalism 8 isn't besmirched by this tawdry muck-raking, and so 9 I think that people -- there needs to be a change and 10 it's something that should both simultaneously protect 11 genuine public interest journalism whilst also 12 protecting the worst excesses of the press, and none of 13 these stories about me -- none of them can be described 14 as being in the public interest.</p> <p>15 Q. Yes. So the sense of your evidence -- is this right, 16 Mr Coogan? -- is that you're inviting the Inquiry to 17 consider recommending a privacy law which would protect, 18 self-evidently, privacy unless a specific public 19 interest justification were demonstrated in individual 20 cases? Is that the gist of what you're communicating to 21 us?</p> <p>22 A. Yes, and I would also add that transgressions need to be 23 punished meaningfully, because I'm sure that 24 newspapers -- some newspapers factor in potential 25 damages when they decide to run a big story. They can</p> <p style="text-align: center;">Page 53</p>	<p>1 like -- it's not the Steve and Hugh show. It's -- we're 2 here, and not with great enthusiasm, because somebody 3 has to represent all those other people who haven't the 4 stomach to be here. So when -- I would just make it 5 quite clear -- and I know I can speak on behalf on Hugh 6 as well when I say this: of course there's a personal 7 element to it, but we're -- it's not just about us; it's 8 about other people.</p> <p>9 MR JAY: Thank you.</p> <p>10 LORD JUSTICE LEVESON: Mr Coogan, I understand that, and 11 when I thanked you at the beginning, I was really 12 reflecting that feature of your evidence.</p> <p>13 I want to make it clear that when Mr Jay asks if you 14 have any ideas, I'm not in any sense casting the 15 responsibility on you or indeed anyone else to come up 16 with solutions, but I felt it was right that those who 17 had been prepared to step forward -- and indeed some of 18 those who are going to be required to step forward, who 19 aren't coming voluntarily but would be coming because 20 I've required them to come -- also should be able to 21 enter the debate as to how we move forward, because as 22 I have said many times, the system has to work. It has 23 to work for the industry and it also has to work for the 24 public.</p> <p>25 So it's in everybody's interest that we try to find</p> <p style="text-align: center;">Page 55</p>
<p>1 afford to take the hit. So that -- in that respect, it 2 doesn't work.</p> <p>3 Q. Yes. The existing state of the common law, if that's 4 the right way to describe our burgeoning privacy law, is 5 that exemplary damage losses are not recoverable for 6 breach of confidence or breach of privacy. Are you 7 inviting the Inquiry to consider recommendations which 8 might move the law forward?</p> <p>9 A. I think so, yes, because --</p> <p>10 Q. Thank you.</p> <p>11 A. Yes, because people have a right to privacy. People 12 have a right to -- and people shouldn't be punished just 13 because they have a high profile.</p> <p>14 Q. Okay. We have two specific ideas, recommendations, 15 coming out of your evidence, and that's very clearly 16 expressed. Thank you very much.</p> <p>17 I'm going to give you this final chance, really -- 18 because I've been through your witness statement, I've 19 taken you to material others have wished me to take you 20 to and you've dealt with it all very clearly. Is there 21 anything either I have missed out or which you feel in 22 any event you wish to say?</p> <p>23 A. I'd just like to add that this is not a case -- the 24 press tried to portray it that way -- in terms of people 25 with a high public profile, or celebrities, if you</p> <p style="text-align: center;">Page 54</p>	<p>1 a solution, but I wouldn't want it to be thought that 2 I had suddenly dumped the weight of this Inquiry onto 3 your shoulders to come up with a solution. That's not 4 the reason you were asked the question. But thank you 5 indeed for your time.</p> <p>6 A. Thank you.</p> <p>7 LORD JUSTICE LEVESON: Right. Does that conclude the work 8 we have to do today?</p> <p>9 MR JAY: Sir, yes.</p> <p>10 LORD JUSTICE LEVESON: With 40 minutes to go?</p> <p>11 MR JAY: Yes. There's plenty to do, though, behind the 12 scenes, and indeed we have four witnesses tomorrow. 13 I might lose track where we are, but the core 14 participants know who they are.</p> <p>15 LORD JUSTICE LEVESON: Right. Thank you. 16 Mr Sherborne?</p> <p>17 MR SHERBORNE: I was only going to assist Mr Jay to name the 18 individuals and the order in which they're giving 19 evidence tomorrow.</p> <p>20 The evidence starts with Mark Lewis, to be followed 21 by Sheryl Gascoigne, then Tom Rowland and then finally 22 Gerry and Kate McCann.</p> <p>23 LORD JUSTICE LEVESON: Thank you very much. 24 Mr Sherborne, I'm conscious of the concern that 25 statements haven't been put through the system to be</p> <p style="text-align: center;">Page 56</p>

<p>1 made public as quickly as I'd originally hoped. I've 2 been addressing that problem -- sorry, I've not been 3 addressing it, but the problem has been being addressed 4 during the course of the afternoon. I can only say that 5 as one starts one of these enterprises, some things take 6 just a little bit longer to smooth out than others. 7 MR SHERBORNE: Sir, I understand that and I understand that 8 as you said earlier, in an ideal world, the witness 9 statements will be available as the witness gives 10 evidence, as Mr Jay says. 11 LORD JUSTICE LEVESON: It obviously has to wait for the 12 witness to say, "Yes, that's my statement." 13 MR SHERBORNE: Of course. 14 LORD JUSTICE LEVESON: Thereafter, I would hope we'd be able 15 to do it. Thank you. 16 MR SHERBORNE: Thank you, sir. 17 MR CAPLAN: Just going back to the evidence of Mr and 18 Mrs Watson, you heard this morning about a complaint to 19 the Press Complaints Commission. In fact, the complaint 20 regarded the Sunday Mail, which is a sister paper of the 21 Daily Record, and it is different newspaper from the 22 Mail on Sunday. 23 LORD JUSTICE LEVESON: Yes, I'm very happy to recognise that 24 fact, which actually I knew. I do recognise it. 25 MR DAVIES: Sorry to jump up --</p> <p style="text-align: center;">Page 57</p>	<p>1 has to be attributed to us for it to be useful. But 2 apart from that exception, our understanding is that 3 questions put by counsel for the Tribunal will not be 4 and should not be attributed. 5 LORD JUSTICE LEVESON: I think that's absolutely the right 6 balance. Mr Caplan? 7 MR CAPLAN: Yes, I agree. 8 LORD JUSTICE LEVESON: Mr Sherborne? 9 MR SHERBORNE: Yes, as long as Mr Jay doesn't say "a source 10 close to him" or some similar phrase, then we're 11 perfectly happy with that. 12 LORD JUSTICE LEVESON: Right, I've got that. Do any of the 13 other core participants want to say anything about that? 14 Right. I had hoped first thing this morning, and 15 indeed at lunchtime, to look at the anonymity protocol, 16 because the last representations came in yesterday. For 17 reasons which I think you'll probably understand, I was 18 looking at other things instead. 19 Tomorrow morning at 10 o'clock. Thank you all very 20 much. 21 (3.42 pm) 22 (The hearing adjourned until 10 o'clock the following day) 23 24 25</p> <p style="text-align: center;">Page 59</p>
<p>1 LORD JUSTICE LEVESON: No, anything that uses up the 35 2 minutes so that I can't be criticised for knocking off 3 early. Yes? 4 MR DAVIES: I promise to be much shorter than that. I just 5 wanted to raise the question of attribution of questions 6 asked by counsel for the Inquiry. 7 LORD JUSTICE LEVESON: Yes. 8 MR DAVIES: We think that the general rule should be that 9 questions are not attributed. That is partly because 10 it's the quid pro quo, in a sense, for the person 11 suggesting the question not being able to put it 12 themselves and follow it up as they would wish and so 13 on. 14 LORD JUSTICE LEVESON: I understand. 15 MR DAVIES: And also it might inhibit people suggesting 16 questions in future. 17 LORD JUSTICE LEVESON: I understand. 18 MR DAVIES: We completely understand that there is an 19 exception, I think, if there is a point where a core 20 participant or possibly anyone else wants it to be made 21 clear that evidence on a particular point is disputed or 22 an allegation is challenged. In that situation, 23 obviously there's no point in that being anonymous. If 24 there is an allegation against News International and we 25 want it to be known that we don't accept that, then that</p> <p style="text-align: center;">Page 58</p>	

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