

The Leveson Inquiry

Witness Statement of Nick Fagge

A. Career history

1. I began my professional career in the advertising industry, but in 1996 I decided I wanted to become a journalist (even though this involved a significant pay cut). I obtained my NCTJ qualification at Lambeth College. I then spent the next three years working at the Camden New Journal as a news reporter. From there I went to the National News Agency (six months), the Sun (a year) and Ferrari News Agency (four months) before joining the staff of the Daily Express as a news reporter at the end of 2001. I left the Express in August 2010 to take up my current position as a staff news reporter at the Daily Mail.
2. During my time at the Express I reported on a number of major news stories, including the tsunami in Sri Lanka and Indonesia, the criminal proceedings in France relating to the murder of Caroline Dickinson, the murder of the Earl of Shaftesbury in Nice and the asylum seekers settlement at Sangatte. I also wrote pieces on European politics. I was often tasked with reporting on European stories as I speak French and Spanish.

B. Articles for the Daily Express concerning Madeleine McCann

3. The Inquiry has asked certain questions about six articles I wrote (or co-wrote) between 20 November 2007 and 22 January 2008 concerning the search for Madeleine McCann.
4. I first became involved with the story when Madeleine was reportedly sighted in Morocco. As I speak French, I was sent to Morocco to cover the story in September 2007. I subsequently went to Morocco twice more to investigate the story further. I was also asked to join the rota of Express reporters who had been taking turns to report from Portugal on the wider story of Madeleine's disappearance.
5. During the period in question the Express had one journalist in Praia da Luz at all times and those involved took it in turns to go out - each journalist would go out for two weeks at a time. As far as I remember, I did four 'shifts' in Portugal. While you were in Portugal, you were tasked with covering the developments that happened each day on the case.

6. It is now four years since these articles were written and I cannot accurately describe all of the sources I spoke to in relation to each story. I am in any event unwilling to identify sources that were promised confidentiality. In general terms, the articles are based on reports of the case in the Portuguese press, information from the wide variety of contacts I was able to develop in Portugal (including Portuguese journalists and members of the community in Praia da Luz) and statements provided by the McCanns' spokesman, Clarence Mitchell, from whom I sought comment for each story I wrote.
7. Given that under Portuguese law the police are prevented from commenting on an active investigation, they refused to comment on any of the stories I wrote; however, I did always attempt to obtain a comment from them. I was not able to develop any confidential police sources myself given that this would have taken time and I was only in the country for two weeks at a time. This is why I had to rely on information obtained from the police sources of certain Portuguese journalists. I believed those sources were reliable.

(i) Article dated 20/11/2007

8. This article was largely based on information I obtained from a contact in Praia da Luz who was close to the Catholic Church in the Algarve. He worked for a Portuguese newspaper. He was in direct contact with Father Jose Manuel Pacheco and told me what the priest and other members of the Church had said to him.
9. I also recall attempting to interview Father Jose Manuel Pacheco himself by going to his home accompanied by a translator. However, he did not come to the door.
10. As with all the stories I wrote, I also made inquiries of the Portuguese police although they declined to comment. The information attributed to the police in this article came either from my source or from widely published reports in the Portuguese press.
11. I would have also contacted Clarence Mitchell (as I always did) in relation to the story and would have sought a comment. I cannot now recall whether he responded to me but the fact I have not included a statement from him leads me to believe he did not.

(ii) Article dated 22/11/2007

12. This story was based on a report that appeared in the biggest selling newspaper in Portugal, 24 Horas. Again, I believe I contacted the Portuguese police for comment and they refused. However, through my network of contacts I tried to verify the reports as best

as I could. In this regard, I would have spoken to the Portuguese journalists I knew who I believed had reliable contacts within the Portuguese police.

13. At that time, I was also using a Portuguese translator who had good contacts within the police (she had worked for the police on a number of occasions) and I recall asking her to speak to her contacts in order to verify this story.
14. The statements attributed to Clarence Mitchell would have either been made publicly or would have been those given to me following the routine requests for comment I made in relation to each story.
15. I believe the 'family friend' to which I refer was Clarence Mitchell. He would often give a public statement and would also give an 'off the record' statement which he said could be attributed to a 'family friend'. He did this to avoid being seen to be openly criticising Portuguese officials.
16. The 'sniffer dog' statements reflected reports which had been widely published previously. These had been based on video evidence thought to have been obtained from the police and which had leaked onto the internet.
17. I do not believe I was responsible for the reference to the McCanns "remaining prime suspects" and I believe this may have been added by someone on the news desk or a sub-editor. I have been unable to check the published copy against my filed copy as the Express's solicitors have told me the electronically filed copy of all these stories has been deleted.

(iii) Article dated 29/11/2007

18. This story was based on a report in 24 Horas. Again, I tried to verify the story with the Portuguese police (who declined to comment) and I then spoke to my contacts who had sources within the police.
19. The statements from George Burke and a Portuguese lorry driver were taken from previous stories which had been widely published in British and Portuguese newspapers.
20. The statements from private investigators were from the Metodo 3 agency (the Spanish private investigators hired by the McCanns to investigate their daughter's disappearance). I

was able to speak to them in Spanish and, whilst they were never very forthcoming, they would sometimes answer my questions.

21. The statements attributed to Isabel Gonzalez were widely reported some months previously, closer to the time when Madeleine disappeared. When I had been in Morocco before, I had personally interviewed her.
22. Similarly, the statements attributed to a British nanny had been widely published before.
23. I would have either checked the statement from Francisco Pagarete with him or obtained it from him directly. Mr Pagarete was someone who would answer my calls and would often respond to my questions.

(iv) Article dated 01/12/2007

24. This article was based on reports in 24 Horas and another Portuguese newspaper, Correio da Manhã. Again, I would have attempted to get a comment from the police and would have tried to verify the story via my sources' police contacts.
25. I co-authored this article with David Pilditch. From memory, he had spent the day trying to speak to the British Ambassador who had reportedly met with the head of the investigation into Madeleine's disappearance. In the end, I believe we were able to confirm the statements attributed to the British Embassy with the Foreign Office's press office.
26. The statements from Clarence Mitchell again would have either been made publicly or would have been obtained following the inquiries I made of him in relation to every story.
27. The statements attributed to Gerry McCann's blog were sourced from that blog.

(v) Article dated 3/12/2007

28. This story was based on an article which appeared in the Belgian newspaper, Dernière Heure. I believed the journalist involved had good contacts within the Portuguese judiciary. I did not see the letter referred to, but I did speak to the journalist from Dernière Heure.
29. The statements attributed to Portuguese detectives would have been widely reported and I would have sought to verify those statements through my contacts. I would have also have sought an official comment from the police, though none was forthcoming.

30. Again, I would have attempted to contact Clarence Mitchell and, given no statements are attributed to him, I assume he did not get back to me.

(vi) Article dated 22/01/2007

31. Whilst I co-wrote this article with Padraic Flanagan, my role was limited. Padraic was the reporter on the ground in Portugal and was taking the lead on the story.

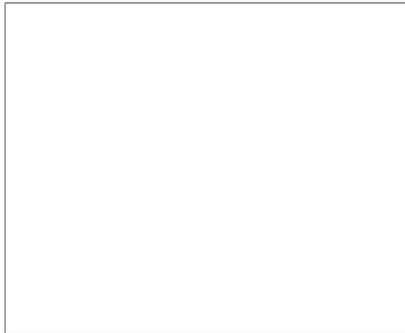
32. My recollection is that my role was limited to trying to obtain a comment from Jane Tanner, who was based in Exeter (I would have been in the Express' London office at that time), in relation to the drawing of a possible abductor.

C. Dealings with legal and editorial

33. As the reporter in the field, it was my job to provide between 800 and 1000 words for each story I wrote, which I would file with the news editor of the day. I would keep the news desk updated on progress whilst I was writing the story (for example, I would tell them what the development was in broad terms and who I was speaking to). However, once the story had been filed, I had no involvement in the process whereby it was then legalled, edited and sub-edited (including decisions relating to headlines and sub-headings).

34. I cannot recall any occasions when editors or lawyers asked me to expand on or verify aspects of the stories cited above after I had filed them. However, it is of course possible that my filed copy was changed in some respects as I have explained in paragraph 17 above.

Signed



Date

20.12.11