

<p>1 Thursday, 15 December 2011 2 (10.08 am) 3 LORD JUSTICE LEVESON: Before we start, can I make one 4 statement and make a request. It is a mistake to think 5 that I do not read the newspapers, and I am concerned 6 that what is said at the Inquiry is accurately reported. 7 I'm conscious that there was a report that I decided 8 that we should resolve the Milly Dowler issue before 9 Christmas. That's not actually what I said. What 10 I said was: 11 "I want to know next week, before we break for 12 Christmas, precisely what is proposed should come before 13 the Inquiry, and that requires a consideration on the 14 part of the Metropolitan Police. It also requires 15 consideration by the Guardian. I am very happy to 16 consider also reflections that you want to make and 17 those, if any, that Mr Rhodri Davies wants to make as 18 well." 19 I was, of course, addressing Mr Sherborne. 20 I'm not being over overly critical, but it is 21 important that expectations are not generated which then 22 aren't met. I don't want an inquiry, I'm not concerned 23 as to how the error has crept in, and I'm not being, as 24 I say, overly critical, but I would be very grateful if 25 those who are reporting the work of the Inquiry do so</p> <p style="text-align: center;">Page 1</p>	<p>1 at the pagination at the bottom of each page, Mr Myler. 2 You'll have to turn over a few pages and you'll find 3 JCP2. 4 A. Yes. 5 Q. This is a briefing note which Mr Crone prepared, we know 6 from other evidence, on 24 May 2008. Was it sent to 7 you? 8 A. Yes. I believe it was. 9 Q. It speaks for itself. You presumably read it carefully; 10 is that correct? 11 A. Yes. 12 Q. The next step is JCP7, please, Mr Myler, which is 13 a transcript of Mr Pike's note of a call with you on 14 27 May 2008. 15 A. Yes. 16 Q. These are the only notes available. Mr Pike is 17 recording what you are telling him. You spoke to 18 James Murdoch. Can you help us please with the second 19 line: 20 "Not any options -- wait for silk's view." 21 A. I mean I don't recall this conversation, unfortunately. 22 Mr Pike did take a note of it and said himself without 23 refreshing his memory it was difficult to remember it 24 too. 25 I can only assume that because silk's view had been</p> <p style="text-align: center;">Page 3</p>
<p>1 accurately. The transcripts are there for people to 2 see, and it shouldn't be overly difficult. 3 So that's a mild warning shot. 4 The second thing I want to ask before we get back to 5 Mr Myler is where we are with Mr Pike, and there is one 6 issue there that we need to resolve sooner rather than 7 later. 8 MR JAY: He's working on it. 9 LORD JUSTICE LEVESON: Working on it? 10 MR JAY: Yes. 11 LORD JUSTICE LEVESON: All right. 12 MR JAY: He needs to see various files, but he is expediting 13 it. 14 LORD JUSTICE LEVESON: Thank you. Right. 15 MR COLIN MYLER (on former oath) 16 Questions by MR JAY 17 MR JAY: Mr Myler may we move on to a different topic, 18 namely the negotiations of the settlement of the 19 Gordon Taylor litigation. The best way into that is 20 this file 4, which I'm calling the generic file 4. 21 A. Yes. 22 Q. And it's tab 6, please. We now admit the Select 23 Committee documents, the ones which were placed on their 24 website and then more widely disseminated. 25 Can I ask you first, please, about JCP2, if you look</p> <p style="text-align: center;">Page 2</p>	<p>1 asked about this, that it was literally that: we wait to 2 see what outside counsel's view is of our situation. 3 Q. Yes. The "not any options"? It may speak for itself, 4 but -- 5 A. Yes. I infer from that that it essentially was what 6 silk's view was subsequently, which was: you have an 7 option to go to trial or you have an option to settle. 8 Q. But of course you didn't have the silk's view then. 9 A. No. 10 Q. So "not any options" might mean we're in a bit of 11 a corner here, there's very few options? 12 A. Yes. 13 Q. The third line: 14 "One result of Goodman -- CG [that's Clive Goodman] 15 sprayed around allegations, horrid process." 16 That more or less is what you're saying to Mr Pike, 17 isn't it? 18 A. Yes. 19 Q. I'm particularly interested, though, Mr Myler, in the 20 sixth line: 21 "Didn't believe culture in the newsroom -- Editor." 22 Could you help us, please, with that? 23 A. No. I mean I don't know what he means by "Editor", 24 whether he's talking about the previous editor or 25 whether he's talking about me, or whether or not --</p> <p style="text-align: center;">Page 4</p>

<p>1 I just don't know the answer to that, I'm afraid, 2 Mr Jay. And then after that: 3 "Editor didn't know ..." 4 Q. "A lot", I think we -- 5 A. I'm sorry? 6 Q. The indecipherable is "a lot". 7 A. From that you could assume that the allegations that 8 Mr Goodman had made was that more people knew than 9 didn't know about what was going on, but I'm -- I don't 10 know whether that's what Mr Pike took from what I'd 11 said. 12 Q. Right. It can be read a number of ways. It might be 13 referring to the previous editor, or it might be 14 referring to you. Are you able to assist as to which? 15 A. That whether or not I didn't believe the culture in the 16 news room was what Mr Goodman said? 17 Q. No, it's what you're telling Mr Pike. 18 A. I -- 19 Q. Mr Pike is recording what you're telling him. Do you 20 see that? 21 A. Yes. I honestly wouldn't know how to interpret that. 22 Q. Okay. 23 A. It's fair to say that, as I said earlier, the 24 allegations that Mr Goodman made, it was a horrid 25 process and they were investigating. And Mr Goodman</p> <p style="text-align: center;">Page 5</p>	<p>1 police that you tend to take more as fact than some of 2 the fiction and allegations that have been made in other 3 places. 4 MR JAY: Yes. 5 A little bit further on in this document you see the 6 dash and then "Assurances to PCC". That's a reference, 7 is it, to the assurances you had given to the PCC? 8 A. I assume so, yes. 9 Q. Then the final dash or bullet point: 10 "CM my position as Editor -- cannot ignore it -- 11 back to CG plus -- appealed against his sacking, failed 12 to give direct evidence -- had to be seen new editor 13 couldn't be seen to dismiss their allegations." 14 That's more or less self-explanatory. You were 15 saying there that the allegations which were being made 16 you couldn't ignore; you had to take seriously. 17 A. Yes. 18 Q. But you didn't necessarily believe. Can I ask you 19 though about your state of mind insofar as you can throw 20 your mind back to three or four years ago, and the one 21 rogue reporter defence. Did you believe the one rogue 22 reporter defence before you saw Mr Crone's briefing 23 notes, which is earlier on in this bundle? 24 A. I think there had been no evidence presented to support 25 any other view, and I have to say that one of the things</p> <p style="text-align: center;">Page 7</p>
<p>1 didn't produce any evidence -- we asked him if he had 2 any to support his allegations. 3 Q. One possible explanation, and this I suppose might 4 assist you, and I put it forward, is that you, the 5 editor, in May 2008, didn't believe that there was 6 a culture in the newsroom where this sort of thing went 7 on? 8 A. Well, I certainly didn't believe it was going on while 9 I was there. 10 Q. No. But it wasn't going on before. I mean, maybe I'm 11 sort of asking you a very leading question, but -- 12 A. I think -- I think, quite frankly, Mr Jay, I mean the 13 information that we've subsequently discovered is very 14 difficult not to cloud trying to assimilate this and 15 what it might mean, because if you'd have asked me 18 16 months ago what I thought that means, it might have been 17 a different answer to what I now, perhaps, and what we 18 all believe it to be, and that's only because of the 19 information that's been put before this Inquiry, that 20 certainly I wasn't aware of before, that may have 21 existed. 22 LORD JUSTICE LEVESON: That's a fair observation, Mr Myler. 23 It's very difficult to go back three years without 24 remembering what's happened in that three years. 25 A. Particularly when information has come to light via the</p> <p style="text-align: center;">Page 6</p>	<p>1 that was very foremost in my mind when I came back was 2 the, as I understand it, the police took away three 3 black bin liners of evidence from Mr Mulcaire's home 4 when he was arrested in August 2006. And given what 5 I believed to be a thorough police investigation 6 throughout that period, and the fact that the police had 7 not interviewed any other member of staff from the 8 News of the World other than Mr Goodman, I think that 9 weighed heavily on my mind that I assumed that they 10 would have done so if they had had any kind of evidence 11 or reason to speak to somebody else. So that did weigh 12 heavily on my mind. 13 And also, when Mr Goodman was arrested with 14 Mr Mulcaire, the company called in Burton Copeland to 15 act as the go-betweens and the word I've used before is 16 a bridge head, as I understand, between the police and 17 the company, so that anything that the police wanted 18 Burton Copeland would facilitate, so that there was full 19 transparency and there was no opportunity to accuse the 20 company of being an obstruction to what the police were 21 looking for. 22 Q. Privilege has not been waived in relation to the 23 Burton Copeland advice. Have you read the sentencing 24 remarks or were you aware of Mr Justice Gross' 25 sentencing remarks delivered in January 2007 and the</p> <p style="text-align: center;">Page 8</p>

<p>1 reference to others at News International?</p> <p>2 A. I wasn't acutely aware. I was aware of the trial, I was</p> <p>3 aware of the circumstances. Again it was an awkward</p> <p>4 situation where I don't think my appointment had even</p> <p>5 been announced, and I was heading back from New York, so</p> <p>6 it was a bit -- you know, there was a lot going on.</p> <p>7 LORD JUSTICE LEVESON: What about the fact that Mr Goodman</p> <p>8 was the royal reporter and that a number of these</p> <p>9 targets clearly couldn't be described as coming within</p> <p>10 that generic description?</p> <p>11 A. I think the other -- I think Mr Goodman also had</p> <p>12 a column, didn't he, called -- I think it was called</p> <p>13 Blackadder, and I think there were sort of non-Royal</p> <p>14 stories and snippets and gossip that appeared in that.</p> <p>15 So, yes, I mean I'm aware of that, but again there</p> <p>16 appeared to be absolutely no evidence that was presented</p> <p>17 to me, or certainly to the company, that I was aware of,</p> <p>18 that led us to believe that it went beyond Mr Goodman.</p> <p>19 MR JAY: Once you'd seen Mr Crone's briefing note, did your</p> <p>20 mind change or not?</p> <p>21 A. It's fair to say that I always had some discomfort and</p> <p>22 I always -- the term I phrased was I felt that there</p> <p>23 could have been bombs under the newsroom floor and</p> <p>24 I didn't know where they were and I didn't know when</p> <p>25 they were going to go off. That was my own view. But</p> <p style="text-align: center;">Page 9</p>	<p>1 like. Two points, actually. First of all, "have email</p> <p>2 from member of staff"; do you know what that's about?</p> <p>3 A. No.</p> <p>4 LORD JUSTICE LEVESON: Because it may be that somebody's</p> <p>5 telling you something which appears to be relevant, but</p> <p>6 you can't remember?</p> <p>7 A. No.</p> <p>8 LORD JUSTICE LEVESON: And then "Les no longer here -- James</p> <p>9 would say get rid of them -- cut out cancer", and the</p> <p>10 important word in that sentence is "them".</p> <p>11 A. Yes.</p> <p>12 LORD JUSTICE LEVESON: So could you elaborate on that?</p> <p>13 A. All I can think of is that if you go back to the top of</p> <p>14 the note where "One result of Goodman -- CG sprayed</p> <p>15 around allegations, horrid process", and then there are</p> <p>16 initials which I won't name, they were individuals that</p> <p>17 Mr Goodman had made very serious allegations against,</p> <p>18 and I questioned those individuals about the</p> <p>19 allegations, putting it to them what Mr Goodman had</p> <p>20 said, and again, in the absence of any evidence to</p> <p>21 support Mr Goodman's allegations, they were denied.</p> <p>22 Very strongly.</p> <p>23 So perhaps in the conversation with Mr Pike I had</p> <p>24 recounted Mr Goodman's allegations and perhaps mentioned</p> <p>25 the names of the people that he mentioned. I couldn't</p> <p style="text-align: center;">Page 11</p>
<p>1 trying to get the evidence or establishing the evidence</p> <p>2 that sadly the police already had was another matter.</p> <p>3 Q. The bombs under the newsroom floor metaphor may be an</p> <p>4 extremely good one, Mr Myler, but just taking it</p> <p>5 a little bit further, Mr Crone told us that he didn't</p> <p>6 believe the one rogue reporter defence from the outset.</p> <p>7 Did he express that view to you?</p> <p>8 A. No. He expressed very, very much more recently the view</p> <p>9 that it was a remark that perhaps I think the phrase he</p> <p>10 used was that it might come back and bite us, or bite</p> <p>11 the company.</p> <p>12 LORD JUSTICE LEVESON: Yes, he said that to me, but Mr Jay</p> <p>13 is really asking whether here was the head of legal</p> <p>14 services who was close to it in this country when you</p> <p>15 were in America, he didn't share it with you at the</p> <p>16 time?</p> <p>17 A. Not that I recall, no. No.</p> <p>18 MR JAY: But we know Mr Silverleaf's opinion was written on</p> <p>19 3 June 2008. Can we be clear about what your evidence</p> <p>20 is about it? Did you see that opinion?</p> <p>21 A. I don't recall seeing the written opinion.</p> <p>22 LORD JUSTICE LEVESON: Just before we go to the opinion,</p> <p>23 have you finished the phone call?</p> <p>24 MR JAY: I have, but obviously I've missed out a point.</p> <p>25 LORD JUSTICE LEVESON: Well, there is point that I would</p> <p style="text-align: center;">Page 10</p>	<p>1 go any further than that, sir, I'm sorry.</p> <p>2 LORD JUSTICE LEVESON: All right, thank you. Sorry, Mr Jay.</p> <p>3 MR JAY: Leading counsel's opinion, you don't remember</p> <p>4 seeing it?</p> <p>5 A. I don't remember seeing it.</p> <p>6 Q. So does it follow that you might have seen it?</p> <p>7 A. I'd like to think that I would remember significant</p> <p>8 parts of it if I had seen it.</p> <p>9 Q. Were its contents, though, summarised to you?</p> <p>10 A. Yes.</p> <p>11 Q. Why didn't you ask to see it, Mr Myler?</p> <p>12 A. I -- I don't know. It doesn't -- it wasn't common</p> <p>13 practice for me to read counsel's opinion. I more often</p> <p>14 than not relied on a sort of verbal review of it and</p> <p>15 that all was served well and I had no reason not to do</p> <p>16 it any other ways, and that's -- certainly Mr Crone told</p> <p>17 me silk's view of our position.</p> <p>18 Q. Did he tell you words to the effect that in leading</p> <p>19 counsel's view there was a powerful case for there being</p> <p>20 or having been a culture of illegal information access</p> <p>21 used at the company in order to produce stories for</p> <p>22 publication?</p> <p>23 A. I don't recall that phrase "powerful culture", no,</p> <p>24 I don't.</p> <p>25 LORD JUSTICE LEVESON: That would presumably hit you</p> <p style="text-align: center;">Page 12</p>

<p>1 absolutely between the eyes. 2 A. Yes, precisely. 3 LORD JUSTICE LEVESON: Because if you're there to do 4 anything -- 5 A. Yes. 6 LORD JUSTICE LEVESON: -- it's to cope with that. 7 A. Yes, absolutely. And it went back to the allegations 8 that were made by Mr Goodman. 9 LORD JUSTICE LEVESON: And you've no recollection of being 10 told this? 11 A. No. 12 MR JAY: I was going to suggest it was the high watermark of 13 the opinion, reading it, apart from the figures he gives 14 towards the end, but he also says: 15 "Not only does this mean that NGN is virtually 16 certain to be held liable to Mr Taylor, but to have this 17 paraded at a public trial would I imagine be extremely 18 damaging to NGN's public reputation." 19 Was at least that message communicated? 20 A. The message that I remember being communicated was very 21 clear: that our position, following the discovery of the 22 "for Neville" email, was fatal to our case. That was 23 what I remember being the central message from silk's 24 view. A view that was shared by Mr Crone, by Mr Pike 25 and indeed by myself.</p> <p style="text-align: center;">Page 13</p>	<p>1 in this witness box, the company, not unreasonably or 2 unsurprisingly, wanted to try to get things back on 3 track after Mr Mulcaire and Mr Goodman went to jail, and 4 it was a significant process to do that. So there was 5 no appetite, I think, to go back to that place. 6 Q. What was your understanding at the time as to the value 7 of the claim? 8 A. In terms of its monetary value? 9 Q. In terms of what leading counsel was advising, given you 10 say you didn't see the advice? 11 A. All I understood was that the money that was being asked 12 for was an incredible amount of money. This was a story 13 that hadn't appeared in the paper, by the way. It 14 seemed an extremely high amount, but it had also been 15 made very clear that Mr Taylor was not in the position 16 to budge. And he was adamant that he wanted that sum or 17 he wanted a trial. 18 Q. I'll come back to that, but it's really what the true 19 value of the claim was likely to be, making allowance 20 for the fact that there's not much decided authority in 21 this area and leading counsel does his best on his own 22 experience, but what was your understanding of what he 23 was advising? 24 A. I'm not sure whether I had a clear understanding of what 25 he was advising. The negotiations that were being</p> <p style="text-align: center;">Page 15</p>
<p>1 Q. In paragraph 7, leading counsel says: 2 "Little doubt that Mr Taylor's case will be advanced 3 on the basis that Mr Mulcaire was specifically employed 4 by NGN to engage in illegal information gathering to 5 provide the basis for stories to appear in NGN's 6 newspapers. I would not imagine that NGN wishes this 7 kind of allegation to be given any more publicity than 8 is inevitable from the bringing of the claim." 9 Well, that speaks for itself, doesn't it? 10 A. Yes. 11 Q. That there's really a very important reputational issue 12 here? 13 A. Yes. 14 Q. Did you understand that one way or the other? 15 A. I think I understood very clearly that the option of 16 a trial, which would have brought back everything the 17 paper had gone through with the Goodman and Mulcaire 18 trial, was something that clearly wasn't -- nobody was 19 very keen on. 20 Q. You mentioned the bombs under the newsroom floor, but 21 this was creating a tendency for one or more of those 22 bombs to explode if there were a trial. Would you agree 23 with that? 24 A. Possibly. But -- yeah, possibly that would have been 25 the case. As you've heard from other people before me</p> <p style="text-align: center;">Page 14</p>	<p>1 conducted by Mr Crone and Mr Pike with, I think, 2 Mr Lewis, Mr Taylor's solicitor, were pretty blunt, 3 I think. It was made very clear from Mr Taylor's 4 position that he wasn't too keen to negotiate. It was 5 this or not. I think that was the atmosphere in which 6 those negotiations appeared to be conducted. 7 Q. Didn't you want to know what leading counsel thought the 8 true value of the claim might be? 9 A. Well, maybe I assumed too much, but I assumed that 10 Mr Pike and Mr Crone, who had far more experience than 11 me of dealing with claims of this nature from a legal 12 point of view, and what the value was -- I mean, as 13 I said yesterday, I'd been out of the country for five 14 years and I was quite astounded how the landscape had 15 changed in the five years I was away, so a lot of things 16 had moved on. 17 Q. All the more reason for wanting to know what leading 18 counsel's advice was because you didn't have much 19 experience, but weren't you told some ballpark figures 20 that leading counsel was advising? 21 A. I can't remember whether or not the figures that were 22 mentioned to me were specifically what counsel was 23 suggesting. I remember that, you know, there were these 24 huge figures being talked about and whether or not they 25 were based on silk's advice or it was a mixture of</p> <p style="text-align: center;">Page 16</p>

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<p>1 Mr Crone, Mr Pike, I honestly can't remember.</p> <p>2 Q. Mr Myler, the other side's figures had nothing to do</p> <p>3 with the true value of the claim, did they? You knew</p> <p>4 that.</p> <p>5 A. No, Mr Taylor was in a very strong position and a figure</p> <p>6 was put on it.</p> <p>7 Q. That's right.</p> <p>8 A. That was it.</p> <p>9 Q. But the question was they had nothing to do with the</p> <p>10 true value of the claim, you knew that they were much</p> <p>11 more than the true value of the claim. Are we agreed?</p> <p>12 A. Yes.</p> <p>13 Q. But in order to calibrate the sort of offer which you</p> <p>14 might make to settle this case, you would need to know</p> <p>15 as best you could what the true value of the claim might</p> <p>16 be. Are we agreed?</p> <p>17 A. Yes. Yes.</p> <p>18 Q. So didn't you ask or weren't you told what leading</p> <p>19 counsel was advising as to what the true value of the</p> <p>20 claim might be?</p> <p>21 A. I can't remember specifically whether I was told what</p> <p>22 counsel's figure was. Perhaps you could tell me what</p> <p>23 the figure was and see if I can remember.</p> <p>24 Q. He was saying, paragraph 17 of the advice at JCP24:</p> <p>25 "In these circumstances it is impossible to arrive</p> <p style="text-align: center;">Page 17</p>	<p>1 claim to the person who had the authority to settle the</p> <p>2 claim, the chief executive, you would have to know what</p> <p>3 the true value was, wouldn't you?</p> <p>4 A. Yes. I mean, sort of fast-forward to 2010, 2011. I was</p> <p>5 in one meeting, I believe, with Mr Silverleaf when we</p> <p>6 were discussing some of the civil litigant cases --</p> <p>7 Q. I'd rather you didn't cover that because you're going to</p> <p>8 move straight into privileged areas.</p> <p>9 A. No, I'm talking about the broad reason of how he was</p> <p>10 assuming today what the probable compensation would be,</p> <p>11 or award, in a case of some of those cases, so --</p> <p>12 Q. We can't go there, Mr --</p> <p>13 A. No, no, I'm not going there. I'm just saying that was</p> <p>14 the only other occasion where I specifically remember</p> <p>15 getting that advice about the potential award in a case</p> <p>16 of what we're talking about. Not that Mr Taylor was</p> <p>17 a run-of-the-mill case.</p> <p>18 Q. I continue to express some bewilderment about this,</p> <p>19 Mr Myler, because in nearly 30 years' experience,</p> <p>20 I haven't actually seen a client who doesn't want to</p> <p>21 know what the true value of the claim is, whether I'm</p> <p>22 acting for a claimant or defendant, if I can be forgiven</p> <p>23 for just offering that little piece of anecdotal</p> <p>24 evidence. And here's you not apparently concerned to</p> <p>25 know what the true value of the claim is. Is that</p> <p style="text-align: center;">Page 19</p>
<p>1 with any certainty at the high level of damages which</p> <p>2 will be awarded. My view is that the court might award</p> <p>3 a sum at any level from 25,000 to 250,000 or possibly</p> <p>4 even more, although I think this extremely unlikely. My</p> <p>5 best guess is that the award will be either about</p> <p>6 £100,000 or about £250,000, depending upon the personal</p> <p>7 reaction of the judge who hears the claim."</p> <p>8 A. Yes.</p> <p>9 Q. Was that communicated to you?</p> <p>10 A. I can't say for sure that it was, but it would be wrong</p> <p>11 to say that it wasn't.</p> <p>12 Q. Was it probably communicated to you?</p> <p>13 A. It may have been. I -- you know, my recollection from</p> <p>14 those conversations was always the issue of this was</p> <p>15 a case that we didn't have a choice with, and it was</p> <p>16 a matter of what the figure would be to settle, and</p> <p>17 a figure that Mr Taylor would accept.</p> <p>18 LORD JUSTICE LEVESON: Who had the authority to settle this?</p> <p>19 Who was saying, "Yes, offer this", or, "Don't offer</p> <p>20 that"? Was that you?</p> <p>21 A. No, no, it was the chief executive. Because it was</p> <p>22 clear that at the level that Mr Taylor was coming from,</p> <p>23 it was way beyond my authority, certainly way beyond</p> <p>24 Mr Crone's authority. That was way out of our league.</p> <p>25 MR JAY: But in order to communicate the true value of the</p> <p style="text-align: center;">Page 18</p>	<p>1 really your position in June 2008?</p> <p>2 A. Look, I was perfectly happy with Mr Crone and Mr Pike's</p> <p>3 experience to deal with matters with leading counsel,</p> <p>4 and I am sure that they would have reported to me, if</p> <p>5 only as a matter of courtesy, anything they thought was</p> <p>6 relevant for me to be aware of. I had absolute</p> <p>7 confidence in their experience and the way in which they</p> <p>8 conducted matters, and I had no reason to believe that</p> <p>9 whatever negotiations they were having, either with</p> <p>10 Mr Taylor's legal team and whatever conversations they</p> <p>11 had with Mr Silverleaf, I had perfect confidence in</p> <p>12 that.</p> <p>13 Q. Okay. But after leading counsel advised, an offer was</p> <p>14 made to Mr Taylor under the rules of £350,000. Were you</p> <p>15 aware of that?</p> <p>16 A. I'm sure I was aware, but I can't -- I mean, there's</p> <p>17 a lot of moving parts to this sequence, so at what stage</p> <p>18 that happened, I couldn't be specific.</p> <p>19 Q. Were you asked for instructions by Mr Pike or Mr Crone</p> <p>20 to make that offer?</p> <p>21 A. That would be something that we would need to have</p> <p>22 talked to the chief executive about. I wouldn't have</p> <p>23 taken that decision on my own to have done that, because</p> <p>24 it exceeded certainly my authority.</p> <p>25 Q. That's right, Mr Myler, and that's the slightly</p> <p style="text-align: center;">Page 20</p>

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<p>1 bewildering part, because we know that you didn't ask 2 the chief executive for instructions because by the time 3 you met with him on 10 June, the offer had already been 4 made, hadn't it?</p> <p>5 A. I -- I -- I need to be reminded of the sequence of 6 events. I'm sorry. There was a -- you know, I wasn't 7 involved at every step of the way about every 8 conversation that took place either between Mr Crone and 9 Mr Pike, Mr Pike and Mr Lewis, or Mr Crone and Mr Lewis. 10 I'm sorry, I just wasn't in that place.</p> <p>11 Q. Do I have this right, that instructions had to come from 12 someone, and that someone logically would have to be 13 either you or the chief executive?</p> <p>14 A. Yes, but I wouldn't have taken it upon myself to 15 sanction that amount of money because I would have had 16 to have gone to the chief executive to have got 17 authority for that.</p> <p>18 Q. Can you look, please, at JCP11.</p> <p>19 A. Yes.</p> <p>20 Q. Which is an attendance note of a discussion between 21 Mr Pike and Mr Lewis on 6 June. You see three lines 22 into it:</p> <p>23 "Said that JCP have sent across a Part 36 letter 24 [that's an offer of settlement] in the sum of £350,000." 25 So the best evidence we have is that the offer of</p> <p style="text-align: center;">Page 21</p>	<p>1 instructions to make an offer of £350,000 on or about 2 6 June. Would you agree with that?</p> <p>3 A. I don't recall it, but if -- I think we all knew we were 4 in a difficult position with a difficult negotiation, so 5 again I just can't remember having a meeting or 6 a conversation of that nature, but as I've said, 7 Mr Crone is a very, very experienced legal manager and 8 lawyer, and, you know, had conducted negotiations like 9 this for many years. Not, clearly, to this amount, 10 which was the reason why we brought it to the attention 11 of the chief executive.</p> <p>12 Q. But Mr Crone could not act without instructions, could 13 he? Not properly act without instructions?</p> <p>14 A. He would -- Mr Crone had his -- I mean the legal budget 15 wasn't apportioned by me. The legal budget was 16 apportioned by the company. He would -- he had 17 responsibility for that budget. I didn't. But he 18 would, you know, talk to me about cases, but often he 19 would just get on and do them and deal with them.</p> <p>20 Q. At this level, though, he wouldn't, would he?</p> <p>21 A. I don't think he would, no.</p> <p>22 LORD JUSTICE LEVESON: It's not actually 6 June, Mr Jay, 23 because on 3 June it's clear that they focused on 24 £350,000.</p> <p>25 MR JAY: About to send, yes.</p> <p style="text-align: center;">Page 23</p>
<p>1 £350,000 was made on 6 June, which of course was after 2 leading counsel's opinion and before the meeting with 3 the chief executive on 10 June.</p> <p>4 A. Sorry, is JCP Mr Pike?</p> <p>5 Q. Yes.</p> <p>6 A. Sorry, yes.</p> <p>7 Q. Now, Mr Pike can't act without instructions?</p> <p>8 A. Mm.</p> <p>9 Q. Instructions must have come from the client, which, 10 I repeat, must have been either you or the chief 11 executive; would you agree?</p> <p>12 A. Yes. Or -- yes. And Mr Crone being aware that this was 13 a very tough negotiation that was only going to go one 14 way. It wasn't going down, it was going up in value.</p> <p>15 Q. Are you saying that you think you had a conversation 16 with the chief executive to authorise the offer of 17 £350,000, which must have been on or about 6 June; are 18 you saying that?</p> <p>19 A. No, I'm not saying that at all.</p> <p>20 Q. Because the only conversation we know about was on 21 10 June, don't we?</p> <p>22 A. Yes.</p> <p>23 Q. What might be said is that the likely sequence of events 24 was this: that the contents of the opinion were 25 communicated to you on or about 3 June, and you gave</p> <p style="text-align: center;">Page 22</p>	<p>1 LORD JUSTICE LEVESON: Because Mr Pike is telling Mr Lewis 2 that they were about to send a further Part 36 offer in 3 the sum of £350,000.</p> <p>4 MR JAY: Yes, sir you're right. So it could be at any 5 stage, but more likely to be closer to 3 June than 6 6 June.</p> <p>7 LORD JUSTICE LEVESON: Well, probably prior to 3 June. One 8 wouldn't normally tell an opponent that you were just 9 about to make an offer for £350,000 unless one had 10 authority to do it.</p> <p>11 MR JAY: There's another point on the 6 June attendance 12 note, JCP11. What Mr Lewis was saying -- do you see in 13 the middle paragraph:</p> <p>14 "ML said that Taylor wanted to carry on because of 15 all the issues surrounding what NGN had done. One way 16 or another, this was going to hurt NGN. Taylor wanted 17 to show that the News of the World stories had been 18 illegally obtained. He wanted to demonstrate that the 19 News of the World had been doing this and that it was 20 rife in the organisation when the News of the World had 21 been making public statements, including statements in 22 Parliament, telling them that they were simply a rogue 23 trader. Taylor was not happy about this. He wanted to 24 speak out about all of this."</p> <p>25 Was the gist of that communicated to you?</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 A. No, I don't recall that specifically. What I remember 2 being told was that his position was very simple. He 3 wanted a million pounds or he wanted to go to trial. 4 What I remember being told was that he wanted to 5 humiliate the paper. 6 Q. Have you seen the recent emails disclosed to and then by 7 the Select Committee, which have been reported upon? 8 A. Can you remind me where they are? 9 Q. I can show you them now. (Handed) 10 A. Thank you. 11 LORD JUSTICE LEVESON: Thank you very much. 12 MR JAY: Look at the third page of this little clip of 13 documents, Mr Myler. You'll see first of all an email 14 from Mr Pike to Mr Crone timed at 17.18 on 6 June. Do 15 you see that? 16 A. Yes. 17 Q. "Tom, just confirm my without prejudice conversation 18 with Mark Lewis, Taylor's lawyer. 19 "1. Taylor's attitude is that he wishes to be 20 vindicated or made rich. 21 "2. He wishes to see NGN suffer. One way or 22 another he wants this to hurt NGN. 23 "3. He wants to demonstrate that what happened to 24 him is/was rife throughout the organisation. He wants 25 to correct the paper telling parliamentary inquiries Page 25</p>	<p>1 best course is to counteroffer the figure we discussed 2 earlier this week plus costs. That would amount to 3 £700,000. But there's a further nightmare scenario in 4 this, which is that several of those voicemails on ..." 5 LORD JUSTICE LEVESON: Somebody's email. 6 MR JAY: "... [somebody's] email were taken from 7 [somebody's] phone. He was at the time and still 8 is ..." 9 Towards the bottom of the email but on the next 10 page: 11 "As you know, we have put in a Part 36 offer, 12 £350,000, which should give us good protection in terms 13 of what a judge might eventually award ... if we can't 14 settle with Taylor, we can sit on this offer in the 15 reasonable expectation that costs from here on will have 16 to be paid by him. It's not what we want, but it's the 17 only weapon we have." 18 Certainly the inference I've drawn is that you were 19 forwarded, along with this email, Mr Pike's email, which 20 we see underneath, timed at 17.18 on 6 June 2008. Do 21 you see that, Mr Myler? 22 A. 6 June? 23 Q. Yes. 24 A. Yes. 25 LORD JUSTICE LEVESON: It follows, doesn't it, because if Page 27</p>
<p>1 that this was not happening when it was (NGN's line 2 having been that there was a rogue trader in 3 Clive Goodman). 4 "While Lewis had not taken instructions on exactly 5 how much Taylor now wanted, following the Part 36 6 £350,000 offer on Tuesday [I'm sure we could work out 7 whether the Tuesday was 3 June, it wouldn't take us long 8 to find out] he said Taylor had previously made clear 9 that what he wanted if we were to keep the matter 10 confidential was seven figures plus indemnity costs." 11 I paraphrase that adds up to £1.2 million. So that 12 is what Mr Pike is telling Mr Crone. Then if you work 13 back through this email stream to the previous page, 14 Mr Myler. 15 A. Yes. 16 Q. 7 June 2008, 12.30, Tom Crone to you: 17 "Mark Lewis, Taylor's lawyer, came back yesterday 18 with his client's position (see it confirms our 19 expectations of Taylor). I told Julian to get us if 20 possible a few more days for service of the amended 21 defence which is currently due to be served on Monday at 22 the latest." 23 And then he continues with various matters we 24 needn't read out, but towards the end you see: 25 "In terms of doing a deal with Taylor, I think the Page 26</p>	<p>1 you look at the heading of the email to you, it's from 2 Tom Crone to you, subject is "Forward: Strictly private 3 and confidential and subject to legal professional 4 principle". 5 A. Yes. 6 MR JAY: So it is forwarded. 7 A. Yes. 8 Q. Indeed, it's the same point when we work up. 9 So you knew several things, didn't you, Mr Myler? 10 One of them was that Mr Taylor wanted to demonstrate 11 that what had happened or was still happening is/was 12 rife throughout the organisation. You knew that, didn't 13 you? 14 A. I accept this. I think I only got this yesterday, 15 so ... I only got the bundles the day before, so forgive 16 me. We did ask NI many months ago for assistance with 17 files and they were refused, so please forgive me. 18 Q. But you also knew that Mr -- 19 LORD JUSTICE LEVESON: Well, Mr Myler, I don't want you to 20 be taken at disadvantage. Do you need time to look at 21 this? 22 A. No, no, I accept what you're saying. I haven't got 23 a problem with that. 24 LORD JUSTICE LEVESON: All right. 25 MR JAY: Mr Crone was also explaining that the Part 36 offer Page 28</p>

7 (Pages 25 to 28)

<p>1 which had been made of £350,000 should give you good 2 protection in terms of what a judge might eventually 3 award. 4 A. Mm. 5 Q. What did you understand by that? 6 A. Well, Part 36 means that if you put a figure in that is 7 higher than the award of the courts, the other side have 8 to pay costs, and costs being an integral significant 9 part of any action. 10 Q. Absolutely. And it would effectively have wiped 11 Mr Taylor out. But the other point is you must have 12 known or understood what the true value of the claim 13 was; wouldn't you agree? 14 A. It follows that if that's the figure that Mr Pike and 15 Mr Crone were suggesting, I would have gone with the 16 suggestion, because it would have been the legal opinion 17 about what the figure should be for a Part 36. 18 Q. Of course by that -- 19 A. And I had absolutely every confidence in their opinion. 20 And experience. 21 Q. In fact we know if Mr Silverleaf was right it was 22 extremely good protection because it was highly unlikely 23 he was saying that Mr Taylor would get above £250,000, 24 but did you know that at the time? 25 A. I can't recall knowing what Mr Silverleaf's figure was, Page 29</p>	<p>1 the particular relevant file with him, and anything in 2 that file that he would feel the chief executive might 3 ask to see or be referred to. So I'm pretty sure that 4 he would have had in his file every relevant document 5 that he felt that James may have asked to see, or to be 6 referred to. 7 Q. If you can't remember, tell us, but can you remember 8 what documents, if any, were shown to Mr Murdoch during 9 that meeting? 10 A. I have said before that I can't recollect whether he 11 handed over the "for Neville" email, as such, for him to 12 see. I can't remember whether he did that. I am aware 13 of what Mr Crone has said in his testimony, and I have 14 no reason to disbelieve that he did what he said he did. 15 Q. Was the word "culture" mentioned? Particularly in the 16 context of paragraph 6 of leading counsel's opinion. 17 Can you recall? Culture of illegal information access 18 used at the company. 19 A. I can't remember. That's one word. I mean, I just 20 can't remember. I don't believe a note was taken of 21 that meeting. 22 Q. The only evidence we have of it is JCP13, Mr Myler. 23 A. Yes. This is a note that Mr Pike took from a call with 24 Mr Crone. 25 Q. Absolutely. And the only three people at the meeting, Page 31</p>
<p>1 no. 2 Q. And then the email stream continues going backwards 3 through the documents but forwards in time. We can see, 4 it speaks for itself, that on Saturday 7 June -- which 5 would make 3 June the Tuesday -- at 14.00 hours, 31 6 minutes and 41 seconds apparently -- 7 LORD JUSTICE LEVESON: Two hours after you'd got Mr Crone's 8 email. 9 MR JAY: It's forwarded to JRM: 10 "James, update on the Gordon Taylor Professional 11 Football Association case. Unfortunately it's as bad as 12 we feared. The note from Julian Pike of Farrers is 13 extremely telling regarding Taylor's vindictiveness but 14 again that speaks for itself. It would be helpful if 15 Tom Crone and I could have five minutes with you on 16 Tuesday." 17 And then the reply comes back not very long after, 18 at 14.34 hours, but again it's not for me to ask 19 a question to you about that, Mr Myler. Maybe I can ask 20 someone else. 21 At the meeting on 10 June, can you recall what was 22 provided to Mr Murdoch? 23 A. Not specifically in terms of what was handed over. 24 I know that whenever Mr Crone went to a meeting with the 25 chief executive, or indeed an editor, he tended to have Page 30</p>	<p>1 we know, were Mr Crone, Mr Murdoch and you; that is 2 right, isn't it? 3 A. Yes. 4 Q. The note says: 5 "JM said he wanted to think through options." 6 A. Yes. 7 Q. Could you help us with that at all? 8 A. I believe and I assume that that means he wanted to 9 think about the conversation that had taken place and 10 the previous conversations or correspondence that had 11 been sent to him, so that he could consider finally what 12 he perhaps wanted to do. 13 Q. What authority, if any, did Mr Murdoch give at the 14 meeting to settle the claim? 15 A. It was my view that Mr Murdoch wanted to settle the 16 claim and didn't want the option of a trial. 17 Q. But what instructions, if any, did he give as to the 18 level of settlement? 19 A. I don't believe that he wanted to pay a million pounds, 20 but I think he was happy to go away to see what 21 negotiation could take place to settle the claim. 22 Q. But that rather suggests that Mr Murdoch didn't give 23 a ceiling on the authority. Can you remember whether he 24 gave an authority at a particular figure? 25 A. I can't remember if there was a particular figure, but Page 32</p>

8 (Pages 29 to 32)

<p>1 I do recall that I think I left the meeting believing 2 that he wanted to settle. Not at any price, but that 3 settling was the best option.</p> <p>4 Q. So why did Mr Murdoch want to think through the options? 5 Or maybe that relates to something which took place 6 towards the beginning of the meeting rather than the end 7 of the meeting. Do you follow me?</p> <p>8 A. I do, but I couldn't second guess what that means.</p> <p>9 Q. Although the note, of course, relates to something which 10 occurred after the meeting, because it's a conversation 11 between Mr Crone and Mr Pike. What about the fourth 12 line? I'm not going to read it all out, and of course 13 it doesn't really matter what you say, frankly, in 14 a private context, but just help us with where you were 15 coming from there.</p> <p>16 A. I don't know. I've been trying to think what that might 17 mean. Forgive my intemperate language.</p> <p>18 Q. You don't have to.</p> <p>19 A. I don't know.</p> <p>20 LORD JUSTICE LEVESON: You don't like what's happening.</p> <p>21 A. Perhaps the Northern gene was kicking in and I was being 22 rather blunt.</p> <p>23 MR JAY: One possible explanation is that you were extremely 24 angry about what was going on here, that you well knew 25 that the other side had you over a barrel and that you</p> <p style="text-align: center;">Page 33</p>	<p>1 Q. And then the final bit: 2 "If intriguing progress." 3 Could you help us with that?</p> <p>4 A. No. No, I can't.</p> <p>5 Q. Was the thinking at least this, Mr Myler, that the 6 potential reputational damage to the company was 7 enormous. Although it was risky, because silence might 8 not be attained, it was better to pay Mr Taylor at an 9 overvalue with a view to attempting to secure a degree 10 of silence?</p> <p>11 A. I think that's fair, yes.</p> <p>12 Q. If I were to use the term "cover-up", would you embrace 13 that or shrink from it?</p> <p>14 A. No, I wouldn't embrace that. I don't believe it -- 15 I don't believe it was a cover-up. I think that we were 16 dealing with a very difficult negotiation and newspapers 17 deal with if not as difficult as this, but they deal 18 with very complex and significant negotiations 19 throughout the course of their business very regularly, 20 and I don't believe it's wrong or unreasonable of any 21 business to try to protect the reputation of itself, 22 particularly after what had happened in the course of 23 2006 and 2007.</p> <p>24 LORD JUSTICE LEVESON: It might be slightly semantic, 25 mightn't it, Mr Myler? What one person might describe</p> <p style="text-align: center;">Page 35</p>
<p>1 were coming to the point where, no, they could, as it 2 were, as you say here, and frankly let's see them in 3 court. Is that a possibility?</p> <p>4 A. I think that's a very fair possibility, if not 5 a probability, yes.</p> <p>6 Q. That may be understandable, but he then says: 7 "On the end of drip, drip, do a deal with them." 8 Could you help us with that?</p> <p>9 A. I don't know. I mean perhaps it was where did this end, 10 you know, where did it end and does it end? I don't 11 know.</p> <p>12 Q. And then: 13 "Paying them off plus then silence fails." 14 The interpretation we were given in evidence was 15 that you were concerned that if Mr Taylor was paid off 16 on the basis of a confidentiality stipulation, it 17 wouldn't necessarily do the company any good because his 18 silence might not be attained, and moreover, the 19 evidence would come out anyway. Do you see that?</p> <p>20 A. It is what happened.</p> <p>21 Q. But is that what you were saying then? Was that your 22 state of mind, in other words?</p> <p>23 A. I think it follows from that phrase that maybe I used 24 that that was -- you know, this is just never-ending, 25 potentially.</p> <p style="text-align: center;">Page 34</p>	<p>1 as a cover-up another person would describe as 2 an attempt to limit reputational damage?</p> <p>3 A. Absolutely, sir.</p> <p>4 MR JAY: After all of this, namely settlement achieved with 5 Mr Taylor, did it remain your view that the one rogue 6 reporter defence was correct?</p> <p>7 A. No, it couldn't -- it couldn't be correct inasmuch as 8 the "for Neville" email had indicated that at least 9 another reporter had transcribed it, and it named 10 another reporter.</p> <p>11 Q. Leading counsel had counted up, I think, three people, 12 hadn't he, without of course naming them? You are aware 13 of that, aren't you, Mr Myler?</p> <p>14 A. Sorry, remind me?</p> <p>15 Q. In the context of -- it's paragraph 3 of leading 16 counsel's opinion, JCP20.</p> <p>17 A. Paragraph 3?</p> <p>18 Q. 3. Six lines down. I'm going to miss out some names: 19 "The material obtained from the Metropolitan Police 20 has disclosed that at least three NGN journalists appear 21 to have been intimately involved into Mr Mulcaire's 22 illegal researching into Mr Taylor's affairs." 23 Were you aware of that allegation, or, rather, that 24 opinion?</p> <p>25 A. No, because I don't recall seeing Mr Silverleaf's</p> <p style="text-align: center;">Page 36</p>

<p>1 opinion, so I -- this doesn't ring any immediate bells 2 with me. Certainly with the naming of them, I hadn't 3 seen that he'd named people. 4 Q. But you knew the terms of the email, didn't you, the 5 "for Neville" email, as it's been called? 6 A. Yes, yes. 7 Q. And you had plenty of background knowledge of the 8 context? 9 A. Yes. 10 Q. So what Mr Silverleaf is saying here, even if you didn't 11 read it at the time, is not really a surprise to you, is 12 it? 13 A. No. No. 14 Q. Can I deal briefly then with your dealings with the PCC? 15 I hope you have a bundle which contains relevant PCC 16 documentation? 17 A. If you tell me which bundle it is. 18 Q. It has an index at the start called "Index to evidence 19 bundle for News International and the PCC". 20 A. This appears to be your bundle, sir. 21 LORD JUSTICE LEVESON: Oh, the one that I was missing 22 yesterday? 23 A. Yes. I think it may be the one that you handed me, but 24 do you need it back? 25 LORD JUSTICE LEVESON: No, no, you make sure you have it if Page 37</p>	<p>1 "Were Mulcaire and any other external contributors 2 aware that when using their material, the newspaper had 3 to work within the terms of the code and the law? 4 "Answer: So far as Mr Mulcaire is concerned, 5 I cannot say with certainty that he was aware that he 6 had to work within the terms of the code. I'm sorry 7 I can't be more specific, but as you'll see from my 8 response later in this letter, I do believe that 9 Mr Mulcaire was operating in a confined environment run 10 by Clive Goodman." 11 So that was your state of mind then, wasn't it? 12 A. Well, I'd been at the newspaper for three weeks. 13 LORD JUSTICE LEVESON: Yes, this must be right, mustn't it: 14 you have people to help you compile -- 15 A. Yes, of course. 16 LORD JUSTICE LEVESON: -- a response -- 17 A. Yes. 18 LORD JUSTICE LEVESON: -- because you hadn't had the chance 19 to go through everything yourself. This is a long 20 letter. 21 A. Yes. 22 LORD JUSTICE LEVESON: It might be fair to ask what you did 23 to ensure that the contents of this nine-page letter 24 were actually accurate or did you simply rely on your 25 staff to make sure that they were being accurate in Page 39</p>
<p>1 you need it. 2 A. Thank you. 3 LORD JUSTICE LEVESON: And I'll worry about it later. This 4 is headed "Index to evidence bundle for 5 News International and the PCC". Do you have one of 6 those? It's this sort of weight. 7 A. I have 3, I have one that's unmarked, which is here. 8 Maybe it's this one. 9 LORD JUSTICE LEVESON: Maybe that one. 10 A. What is the first page? It's "Bundle for Colin Myler", 11 it says. 12 MR JAY: Does it say "Index for evidence bundle for 13 News International and the PCC"? 14 A. No. Okay. We'll hand you another copy, which I'm 15 afraid is not tabbed. Is yours tabbed? 16 LORD JUSTICE LEVESON: Mine is tabbed. Let him have mine 17 and I'll use the one that's not tabbed and work it out. 18 MR JAY: I'm privileged with tabs. (Handed) 19 If you could go to tab 39, Mr Myler, page 40377, 20 you'll see I hope there a letter you wrote to the PCC on 21 22 February 2007. Are you with me? 22 A. Yes. 23 Q. The letter is quite a lengthy one, but can I just alight 24 on a few points? Question 1 you see towards the bottom 25 of the page: Page 38</p>	<p>1 response to the PCC? 2 A. First of all, I'm responding to a letter that Mr Toulmin 3 had sent to me on February 7. 4 LORD JUSTICE LEVESON: Yes. 5 A. Then it took until the 22nd to respond. Can I just have 6 time to read my response to him? 7 LORD JUSTICE LEVESON: Please. Absolutely, take that time. 8 A. Thank you. 9 LORD JUSTICE LEVESON: I'm very sorry that you haven't in 10 advance. 11 Mr Jay, how many documents are you going to take 12 Mr Myler to? 13 MR JAY: Five. 14 LORD JUSTICE LEVESON: I wonder if it's not sensible to give 15 him a list and let him read them quietly without all of 16 us watching. 17 A. If you don't mind, I don't mind. 18 MR JAY: It's going to be best if you follow Lord Justice 19 Leveson's advice, Mr Myler. 20 A. Thank you. 21 Q. If you could make a note, if I could ask you to read 22 documents tab 36 -- 23 A. Sorry, I don't have a pen. Thank you. 36, yes. 24 Q. 35. 25 A. Yes. Page 40</p>

<p>1 Q. 34. 2 A. Yes. 3 Q. And 33, in that order, please. 4 A. Thank you very much. I'm sorry. 5 LORD JUSTICE LEVESON: No, no, it's not for you to apologise 6 if this bundle didn't get to you. But I think it's very 7 important that you just have a chance to read them and 8 to think back yourself into the time. 9 A. Yes, thank you very much. 10 LORD JUSTICE LEVESON: This isn't intended to be -- 11 A. Okay, thank you. 12 LORD JUSTICE LEVESON: -- a trick -- 13 A. No, of course not. Thank you very much. 14 LORD JUSTICE LEVESON: -- business. We'll retire for a few 15 minutes to allow that to happen. 16 (11.07 am) 17 (A short break) 18 (11.24 am) 19 MR JAY: Mr Myler, we're on the first letter in this batch, 20 22 February 2007, where you over the course of the eight 21 or nine pages explain to the PCC the steps that you were 22 beginning to take to remind staff of the code and the 23 contractual changes which you were implementing, and 24 it's similar, indeed identical, to the evidence you have 25 given us.</p> <p style="text-align: center;">Page 41</p>	<p>1 a very difficult time and intense period for them too. 2 Q. Thank you. Can I ask you, please, to look under tab 36, 3 which is a letter you wrote on 10 May 2007, page 40442. 4 A. Yes. 5 Q. Which deals with the issue of cash payments. You say in 6 the first substantive paragraph: 7 "So far as your first paragraph is concerned we have 8 finessed our rules on cash payments in order to take all 9 steps possible to avoid a repetition of a Goodman-style 10 occurrence. 11 "Though clearly, however stringent the rules may be, 12 there can be no absolute protection against a determined 13 wrongdoer. 14 "That said, the protocol, policy and process now in 15 place, for which every member of staff is required to 16 strictly adhere, are as follows: 17 "1. Cash payments are to be kept to a minimum and 18 are the exception." 19 Was that the stated policy, Mr Myler? 20 A. Yes. Yes. 21 Q. "2. Requests for cash payments must be accompanied by 22 a compelling and detailed written justification signed 23 off by the relevant department head." 24 Was that the policy which you implemented? 25 A. I think that was in part already in place. I think the</p> <p style="text-align: center;">Page 43</p>
<p>1 A. Yes. 2 Q. On the last page of this letter, page 40385, question 4, 3 you say: 4 "I believe it's very important to understand the 5 Goodman/Mulcaire case in perspective. Although, as I've 6 said earlier, there can be no question of complacency, 7 this was an exceptional and unhappy event in the 163 8 years of history of the News of the World involving one 9 journalist. The gravity of the affair has been 10 recognised, two people are in prison, Clive Goodman has 11 been dismissed and his editor has resigned. These 12 events have had a profound impact on the 13 News of the World and its staff." 14 So it's confined to one rogue reporter, isn't it? 15 A. Yes. 16 Q. And that was your belief at the time, wasn't it? 17 A. Yes. 18 Q. You'd only just arrived, after all. This is four weeks 19 or so into your job. Were we sort of at the potential 20 unexploded bombs under the floor, at least as regards 21 your thinking? 22 A. I hope you don't take that out of context, Mr Jay. No, 23 there were significant issues to be dealt with within 24 that period and as a matter of courtesy and importance, 25 it was important to respond to the PCC, which was also</p> <p style="text-align: center;">Page 42</p>	<p>1 process when I arrived was that any request for a cash 2 payment had to be agreed and signed off by the 3 departmental head, I believe. 4 Q. Point 3: 5 "Information supplied on cash payment request 6 documents must be accurate and comprehensive." 7 A. Yes. 8 Q. Was that the policy which was applied at all material 9 times after your arrival? 10 A. I believe so. 11 Q. What did you mean by "comprehensive" in the context of 12 the information to be supplied? 13 A. That the information wouldn't just, you know, be a name. 14 It would be about what that person had provided, to be 15 paid. 16 Q. What information had to be comprehensive, though? 17 A. What -- exactly what that person had done to be proposed 18 to be given a cash payment. 19 Q. So if it was private surveillance, you would expect to 20 see comprehensive details, would you, of the nature of 21 the surveillance? 22 A. Yes. 23 Q. But was that applied, that policy, to your knowledge? 24 A. To my knowledge. Nothing was brought to my attention 25 that, as far as I'm aware, caused a managing editor or</p> <p style="text-align: center;">Page 44</p>

<p>1 deputy managing editor to be concerned to bring it to my 2 attention. 3 Q. Point 4: 4 "In the exceptional event of a requirement for 5 a cash payment to a confidential source, the following 6 applies: 7 "(a) if the department head/staff member requesting 8 the payment asserts that the identity of the source must 9 be withheld, he/she is required to demonstrate clear and 10 convincing justification for such confidentiality." 11 A. Yes. 12 Q. So that was the policy. Was that the policy before you 13 arrived? 14 A. I don't know what the policy was. I can't be clear 15 about the policy before, to be honest. 16 Q. Did the clear and convincing justification have to be in 17 writing? 18 A. Preferably it would be in writing, but if it were 19 something perhaps where the departmental head that was 20 requesting anonymity may have preferred a conversation 21 with the managing editor and the managing editor may 22 have accepted and agreed to that -- 23 Q. What did -- pardon me. 24 A. Sorry, that would, I would have thought, have been in 25 more extreme circumstances, not the norm.</p> <p style="text-align: center;">Page 45</p>	<p>1 Then there are three other points. 2 You replied to that, I think, at tab 34, which is 3 our page 40725. You start by dealing with Guardian 4 reports, don't you? 5 A. Yes. 6 Q. Four lines into the letter: 7 "The relevant Guardian reports alleged that 'one 8 senior source at the Met' said that officers on the 9 Goodman enquiry 'found evidence of News Group's staff 10 using private investigators who hacked into thousands of 11 mobile phones'. The Guardian went on to say that 12 'another source with direct knowledge of the police 13 findings put the figure at two or three thousand 14 mobiles'. 15 "These allegations by the Guardian were not just 16 unsubstantiated and irresponsible, they were wholly 17 false." 18 And then you refer to what various police officers 19 had said, including the former Assistant Commander 20 Andy Hayman, who had limited the number of mobile phones 21 hacked into to "a small number -- perhaps a handful", 22 and then you refer to that material. 23 Can you ask you this: putting to one side what the 24 police might or might not have found, had your internal 25 enquiries demonstrated that the Guardian reports were</p> <p style="text-align: center;">Page 47</p>
<p>1 Q. But what did have to be in writing, this is point (b), 2 "the reason for making the payment to a confidential 3 source", it would have to be in the form of a memo to 4 the managing editor's office? 5 A. Mm. 6 Q. Okay. Tab 35 now, Mr Myler. We're forward in time to 7 27 July 2009. The question from the PCC was, bullet 8 point 1, really, level with the lower hole punch: 9 "Does it remain your position that the illegal 10 behaviour of Clive Goodman was a rogue exception and 11 that no other journalists or executives of the newspaper 12 were aware of the practice of phone message tapping by 13 anyone employed by the paper? And two, can you provide 14 the commission with full case details of the process 15 undertaken by the newspaper after the arrests of 16 Goodman/Mulcaire [the date is wrong, but that doesn't 17 matter, it's August] to establish the extent to which 18 phone message tapping was prevalent at the 19 News of the World." 20 Then the third point I can paraphrase. It's the 21 royal journalist point, and Mr Taylor et al were not 22 royal figures. The request was to identify the 23 individuals. 24 The fourth point was the relationship between 25 Mr Mulcaire and Mr Thurlbeck, arising out of the email.</p> <p style="text-align: center;">Page 46</p>	<p>1 unsubstantiated and irresponsible? 2 A. In what respect? 3 Q. In the respect of hacking into thousands of mobile 4 phones? 5 A. I didn't have any direct information that our internal 6 enquiries had gone to that point, and as I said earlier, 7 one of the things that weighed heavily with me when 8 I came in was the fact that the police hadn't 9 interviewed anybody else other than Goodman in their 10 enquiries. 11 Q. But in order to say that the Guardian's allegations were 12 unsubstantiated and irresponsible, you really needed to 13 have positive evidence which contradicted what they were 14 saying and am I right in saying you didn't have such 15 evidence? 16 A. No I was relying on what the police said. 17 Q. But you weren't relying on any information you had 18 obtained by way of internal enquiries within your 19 newspaper, were you? 20 A. Other than the appeal that Mr Goodman -- I had to 21 conduct with the head of human resources and the 22 allegations that he made, and then talking to those 23 individuals who he made allegations against. There was 24 no evidence provided to me to support what the Guardian 25 had said at all.</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 Q. Can I ask you more specifically then, the first bullet 2 point which was put to you by the PCC on 27 July you 3 answer on page 40726. Do you see that? 4 A. The first response? 5 Q. Yes. 6 A. Yes. 7 Q. "Our internal enquiries have found no evidence of 8 involvement by News of the World staff other than 9 Clive Goodman in phone message interception beyond the 10 email transcript which emerged in April 2008 during the 11 Gordon Taylor litigation and which has since been 12 revealed in the original Guardian report." 13 Then you refer to the email and the inferences you 14 drew from it. I'm not going to read out some names, but 15 if you look at the next paragraph: 16 "Email searches of relevant people ... failed to 17 show any trace of the email being sent to or received by 18 any other News of the World staff member. Those who 19 might have been connected to the relevant story denied 20 ever having seen or knowing about the relevant email and 21 no evidence has been found which contradicts these 22 assertions." 23 That wasn't quite leading counsel's view, was it, in 24 paragraph 3 of his opinion? 25 A. Mr Silverleaf, you mean?</p> <p style="text-align: center;">Page 49</p>	<p>1 According to what you told me earlier today. 2 A. About the? 3 LORD JUSTICE LEVESON: About the rogue reporter defence. 4 A. Well, the rogue reporter defence failed to hold once the 5 "for Neville" email was discovered. And I made that 6 clear to the Select Committee I think in July of 2009, 7 I think it was, about its significance. 8 MR JAY: But I think it's being pointed out to you really 9 for the second time, because I did it, Lord Justice 10 Leveson has done it, that although it is true you are 11 referring to the email, you were effectively discounting 12 the evidence and saying that the single rogue reporter 13 defence is true, continues to be true. Do you see that? 14 A. But -- yes, and that clearly, perhaps, was an error, 15 because this letter was dated 5 August and I'd appeared 16 before the Select Committee in the month previously. So 17 I'm sure that the PCC were aware of that, if that -- 18 clearly that was following my evidence to the Select 19 Committee, which was very heavily covered. 20 Q. It might be said that the PCC were carrying out an 21 investigation and hoping for a full and frank answer 22 from you, and it might be said that you didn't give them 23 quite a full and frank answer. Can I suggest that? 24 A. Well, I had no reason not to give them a full and frank 25 answer.</p> <p style="text-align: center;">Page 51</p>
<p>1 Q. Yes. 2 A. No. Because he named the same people; correct? 3 Q. Mm. 4 A. Yes. 5 Q. I think you told us 45 minutes ago now that certainly 6 your state of mind after June 2008 is that you no longer 7 believed the single rogue reporter defence; that's 8 right, isn't it? 9 A. Yes, because the "for Neville" email was evidence of 10 that. I made that clear. 11 Q. You made that clear, you're right to say, to the PCC but 12 weren't you effectively saying that in your view there 13 was no evidence which went beyond Mr Goodman? 14 A. Other than before the discovery of the "for Neville" 15 email, yes. 16 Q. Okay. Then in the next bullet point -- 17 LORD JUSTICE LEVESON: But actually, that response to which 18 you've just referred, the junior reporter was merely 19 transcribing and the other two persons named denied ever 20 seeing or knowing about the relevant email, you 21 personally were concerned that it was no longer tenable, 22 but here you merely assert that it's the right answer. 23 A. I can only abide by what I wrote at the time. Or what 24 was written at the time. 25 LORD JUSTICE LEVESON: But it's not what you thought.</p> <p style="text-align: center;">Page 50</p>	<p>1 Q. Okay, Mr Myler. 2 A. For that, I apologise. 3 Q. The second bullet point covers matters we know about 4 including the Burton Copeland investigation. The third 5 bullet point is the royal journalist point. Again you 6 give a rather emollient answer to that question: 7 "At trial, the prosecution neither produced nor 8 referred to any evidence that others at 9 News International, apart from Clive Goodman, knew of or 10 were involved in Glenn Mulcaire or Clive Goodman's 11 illegal activities. We do not know what evidence, if 12 any, there may have been to support the judge's 13 reference to others, nor do we know who he was referring 14 to." 15 Not merely emollient, but may I suggest slightly 16 disingenuous, Mr Myler. Would you agree? 17 A. Well, first and foremost, Mr Jay, I wasn't here for the 18 trial, I didn't attend the trial, and I had to rely on 19 those who did attend the trial. And however way you 20 describe the flowery or emollient language that was 21 used, I had to rely on the people who were there to 22 provide me with the information. Again, I apologise for 23 the use of language, if you don't think it's 24 appropriate, but I had to rely on those who were there. 25 LORD JUSTICE LEVESON: I can understand that, Mr Myler, but</p> <p style="text-align: center;">Page 52</p>

<p>1 this was a devastating indictment of News of the World. 2 Did you ever read the transcript which had been obtained 3 just as a matter of interest? 4 A. I don't think I did. 5 MR JAY: Okay. And then the final letter from the PCC to 6 you -- 7 A. Is this 33, sorry? 8 Q. It is 33. 3 September 2009, 40741. The PCC are, if 9 I may say so, on the point, because Mr Toulmin -- yes, 10 he writes to you and says: 11 "Thanking you for the letter, I'm just writing to 12 ask for two small points of clarification. I've now 13 obtained a copy of the judge's sentencing remarks in the 14 Mulcaire/Goodman case. These include the reference to 15 Mulcaire dealing with others at News International, 16 which was highlighted by Paul Farrelly MP during your 17 appearance before the Select Committee. 18 "Confronted with the same point at the Select 19 Committee on 2 September, Assistant Commissioner 20 John Yates said it did not seem extraordinary for 21 Mulcaire to have had dealings with a number of different 22 people at the paper, given his role as a private 23 investigator. The key point therefore seems to be not 24 whether he had contact with other people but whether 25 these people were aware that the information that he had</p> <p style="text-align: center;">Page 53</p>	<p>1 in the Guardian not quite amounting to their billing or 2 words to that effect. You know the one we mean. 3 I mean, do you feel that you were entirely frank and 4 open with the PCC in this correspondence? 5 A. Absolutely. I had no reason not to be full and frank 6 and open with them. And I had no belief that they 7 didn't think that I was not being anything other than 8 full and frank with them. 9 Q. Some more general questions, Mr Myler. Can I ask you, 10 please, to comment, if you will, on a piece of evidence 11 Mr Neil Wallis gave on Monday. It's at page 98 of the 12 afternoon's transcript. 13 A. Is it in this tab? 14 Q. It isn't. If you need to look at it I will give you my 15 copy, but the point is quite a simple one. It's not 16 going to come up on the screen because I've only just 17 thought about it. 18 A. Okay. 19 Q. The question was in relation to tips. This is from 20 sources. The question was: 21 "How does it work? The tip is provided, the 22 material is offered up, however you want to describe it, 23 and then the staff journalist would write up the story; 24 is that correct?" 25 And the answer was:</p> <p style="text-align: center;">Page 55</p>
<p>1 passed to them had been obtained illegally. Anything 2 that you can do to clarify this point would be welcome. 3 Would it be correct to assume that your internal 4 enquiries would in any event have sought to establish 5 whether others at the paper were aware of Mulcaire's 6 illegal activities. 7 "Secondly, I just wanted to tie down the point about 8 Clive Goodman being the royal editor while most of the 9 targets were nothing to do with the Royal Family, 10 because only the charges to which he rather than 11 Mulcaire pleaded guilty relate to individuals who were 12 nothing to do with the Royal Family. Might he in any 13 case have been expected to suggest other stories in his 14 capacity as editor of the Blackadder column? It would 15 be helpful if you could confirm whether or not he held 16 this position at the relevant point." 17 The bundle doesn't unfortunately contain your reply 18 to the letter, but we will dig it out in due course, but 19 do you remember whether you replied to it? 20 A. I'm sure I did, yes. I'm sure I did. 21 Q. The PCC are certainly on the point, but unfortunately 22 based perhaps in part on what you told them, they then, 23 as we know, promulgated a report in 2009, which was 24 subsequently withdrawn. This is at tab 21, just refer 25 to it, dated 9 November 2009. They refer to the claims</p> <p style="text-align: center;">Page 54</p>	<p>1 "No, I wouldn't have thought so. You offer me 2 a tip, I decide I'm interested in it. I then task 3 a reporter to go and make that story work, see if that 4 story will work." 5 Do you agree with Mr Wallis' description of the 6 process? 7 A. No. You see if the story is true. 8 Q. Rather than whether it will work? 9 A. You establish if it's accurate, yes. 10 Q. Because it might be -- it's true I didn't pick this up 11 with Mr Wallis after he gave that answer. It might be 12 said, well, the way it works is that we see whether the 13 story fits into our conception of what it might look 14 like. 15 A. No. 16 Q. And then we proceed to see whether the story can be 17 written that way. Is that the process? 18 A. That might have been Mr Wallis' process, but the reality 19 is that, you know, you don't just take a phone call from 20 somebody and say "This is happening". You say, "Thank 21 you very much, we'll establish whether or not it's true 22 and accurate". 23 Q. Can I just test that with you a little bit further? I'm 24 sorry to go back to Mr Mosley's case, but it might be 25 said that the thought process which went on there was</p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

<p>1 that the story looks to us as if it's probably true, and 2 after all we know all about Sir Oswald Mosley and who he 3 was, so we won't bother with the fine detail, we just 4 proceed with publishing it on that basis. So what 5 drives the story is a certain preconception of what 6 ought to be the truth.</p> <p>7 We see how that played out in Mr Mosley's case. But 8 that might just be a microcosm of a general tendency in 9 your newspaper as to how to proceed. Would you accept 10 that?</p> <p>11 A. Absolutely not. There's no suggestion that anybody 12 works on the basis that a story ought to be true. You 13 establish if the story is true. And that and only that 14 will decide whether or not it's a contender to be 15 published.</p> <p>16 Q. So you very robustly reject that proposition; is that 17 correct?</p> <p>18 A. I reject absolutely a proposition that, you know, we sat 19 down and thought about a certain subject and how it 20 should be and then set about trying to fit that recipe. 21 It wasn't like that at all.</p> <p>22 Q. Thank you.</p> <p>23 LORD JUSTICE LEVESON: It's not enough that it sounds to be 24 true?</p> <p>25 A. Not at all. It has to be true.</p> <p style="text-align: center;">Page 57</p>	<p>1 I sent one of our best reporters out there. Within 2 hours he found out that we had been fooled, totally 3 fooled, taken in. It didn't happen.</p> <p>4 The celebrity's lawyer called me after I'd called 5 him, and said, "The story isn't true and we are 6 immediately going to apologise and can we sit and talk 7 about a donation to whichever charity you want or to the 8 person himself?"</p> <p>9 The response that I had was, "The only condition 10 that he will agree to not proceeding to trial is if, in 11 the apology, you accept that you knew the story not to 12 be true before you published", and I said, "I can't 13 agree to that because that's not true"; and it went to 14 trial and we lost, there were significant damages, we 15 did appeal and it changed the law of judge's directions 16 on libel.</p> <p>17 So the point of -- forgive me for taking the time, 18 but the reason why I explain that story is because any 19 editor who would publish something knowing before he 20 published that it wasn't true would be foolish and 21 reckless.</p> <p>22 LORD JUSTICE LEVESON: With great respect, that wasn't quite 23 what I was asking about. There are different states of 24 mind.</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 59</p>
<p>1 LORD JUSTICE LEVESON: I'm just bearing in mind some rather 2 colourful illustration that was given in one of the 3 seminars by a former editor, not, I understand, an 4 editor for a very long time, who took the view that you 5 looked at the story and if it sounded right, then 6 I think the phrase was "you lob it in".</p> <p>7 A. Mm. In which part of the library of fiction did that 8 appear?</p> <p>9 LORD JUSTICE LEVESON: Well, I'm merely saying what he said.</p> <p>10 A. Perhaps I could recount --</p> <p>11 LORD JUSTICE LEVESON: I wouldn't -- I am not going to hold 12 it against him or anybody, because I said I wouldn't, 13 but in the light of your emphatic answer, it allows me 14 at least to ask --</p> <p>15 A. Thank you.</p> <p>16 LORD JUSTICE LEVESON: -- what you say about that 17 proposition.</p> <p>18 A. Yesterday you took me back to the example of the 19 Sunday Mirror story and the footballers, and a few years 20 ago I was involved in another case that resulted in the 21 High Court involving a very well-known pop celebrity. 22 We had run a story that alleged that he had gone back to 23 a very significant problem of bulimia. Very quickly the 24 story wasn't true. It came from America, from a very 25 distinguished freelancer we hadn't had any trouble with.</p> <p style="text-align: center;">Page 58</p>	<p>1 LORD JUSTICE LEVESON: Obviously if you know something, 2 knowing it not to be true, then you are being extremely 3 foolish.</p> <p>4 A. Yes.</p> <p>5 LORD JUSTICE LEVESON: At the other end of the spectrum is 6 knowing something that you know is true or that you're 7 satisfied on a full analysis of the evidence is true.</p> <p>8 A. Yes.</p> <p>9 LORD JUSTICE LEVESON: But there are two intermediate 10 stages. The nearest to knowing it's not true is being 11 reckless: don't care whether it's true or not, it sounds 12 right, lob it in.</p> <p>13 A. Yes.</p> <p>14 LORD JUSTICE LEVESON: And the next one is being negligent, 15 not doing enough to check.</p> <p>16 A. Yes.</p> <p>17 LORD JUSTICE LEVESON: I only ask you to comment upon it 18 because it was something that was said which certainly 19 achieved a certain amount of publicity at the time.</p> <p>20 A. Yes. Well, I've never been of the "lob it in" school of 21 journalism, and I may have been accused of being 22 negligent, but I haven't gone into a situation intending 23 to be negligent.</p> <p>24 LORD JUSTICE LEVESON: Is there a "lob it in" school of 25 journalism?</p> <p style="text-align: center;">Page 60</p>

<p>1 A. I don't think there is. I think that there were some 2 aspects through particularly the McCann era, the early 3 days when Madeleine went missing, that were truly 4 appalling, and by any standards of journalism they 5 should never have appeared in stories in this country. 6 And I think that the industry did not like what those 7 newspapers were doing, those newspapers were held to 8 account publicly, and I think most journalists that 9 I know today, and certainly editors that I know, have 10 incredibly high standards of ethics, of professional 11 ability, and total understanding and respect for the law 12 and certainly the PCC. And yes, we get it wrong. 13 Editors make decisions daily and they will not get them 14 right. But the manner in which we are perhaps all 15 tarnished as being reckless and negligent, it's a Wild 16 West out there, that if a story sounds right, lob it in, 17 it's just not there. In my experience. 18 LORD JUSTICE LEVESON: Well, I ask you because it was 19 a journalist that said it. It wasn't me. 20 A. No, of course not, sir. Of course not. And thank you 21 for allowing me to explain. 22 MR JAY: Can I ask you this, another general question, about 23 photographs. 24 A. Yes. 25 Q. Which of course are extremely powerful, as the</p> <p style="text-align: center;">Page 61</p>	<p>1 Q. We've heard evidence of paparazzi photographs which were 2 obtained in intrusive, indeed sometimes threatening 3 circumstances. That's something which is not unfamiliar 4 to you, is it? 5 A. No. 6 Q. Wouldn't you know from looking at the photograph, quite 7 often, that it might have been obtained in such a way? 8 A. That it was in breach of the privacy? 9 Q. Yes. 10 A. Yes. Yes. 11 Q. And are you saying that in all cases when confronted 12 with such a photograph and a decision whether or not to 13 publish it, you would say no if you felt that it was -- 14 A. If it was in breach of an individual's reasonable 15 expectation of privacy, in other words if a celebrity, 16 for example, had gone to a specific resort or an island 17 where, as a result of doing that, it was abundantly 18 clear that that expectation was reasonable, and it was 19 private, you would be in breach immediately if you used 20 those photographs. 21 Q. Yes. You're giving us the same clear case to 22 demonstrate the point, but we've heard evidence of cases 23 where the photograph was obtained either intrusively or 24 certainly insensitively, or in worst cases as a result 25 of harassment of the subject. Those would be matters</p> <p style="text-align: center;">Page 63</p>
<p>1 House of Lords explained in the Campbell case, and 2 indeed as an editor you would fully empathise with that 3 view. Is this right, that the majority of photographs 4 of celebrities will be obtained from freelancers? 5 A. Mostly. A lot of them, yes. Not all, but most, yes. 6 Q. What steps, if any, are taken to ascertain whether such 7 photographs were obtained in breach of the PCC code or 8 the privacy of the subject of the photograph? 9 A. I can only speak from the way I dealt with my picture 10 desk and the picture editor, and that was that before he 11 would bring them to me, he would have made sure that the 12 photographs were taken properly, not in breach of the 13 code, and if they were some kind of a sensational set, 14 that he would just want me to see knowing that maybe 15 they'd go to another newspaper that might use them. If 16 they were in breach of those conditions, we wouldn't use 17 them. 18 Q. Have there been occasions, then, when you have as it 19 were rejected photographs because you've believed, known 20 or suspected that they were in breach of the code? 21 A. Yes, I have. 22 Q. How would you know that they were in breach of the code, 23 taken in breach of the code? 24 A. Because an individual was, on this particular occasion, 25 was on a private beach.</p> <p style="text-align: center;">Page 62</p>	<p>1 which you, as an experienced editor, would know about, 2 isn't that correct? 3 A. Yes. 4 Q. Is it your position that you would reject the 5 publication of such photographs if you knew or suspected 6 that the photographs had been obtained in such a way? 7 A. Unless there was a public interest defence in using 8 photographs that had been taken under subterfuge or 9 whatever, but that were evidence of supporting the story 10 that met the criteria legally, lawfully and within the 11 PCC code, I wouldn't be interested in them, no. 12 Q. The ultimate responsibility for the publication of these 13 photographs would be the editor's, wouldn't they? 14 A. Yes. 15 Q. Have there been cases -- we've seen one in relation to 16 a different newspaper, I should make it clear, in the 17 evidence we heard about four weeks ago now from 18 Sienna Miller -- where you've been given photographs 19 which have been doctored in some way? 20 A. Doctored? 21 Q. You know the Sienna Miller example which we heard 22 evidence about. 23 A. No. Forgive me. 24 Q. When she was playing with a disabled child and the 25 photograph was presented in such a way that she appeared</p> <p style="text-align: center;">Page 64</p>

<p>1 inebriated and that was the caption.</p> <p>2 A. I have never, to my knowledge, been involved with any</p> <p>3 set of photographs that have been doctored.</p> <p>4 Q. Okay. Can I ask you a more general question, and this</p> <p>5 is the final question I have: it's clear, isn't it, that</p> <p>6 the editor of a newspaper has enormous power and</p> <p>7 enormous responsibility in relation to decisions which</p> <p>8 can affect the private lives of individuals; would you</p> <p>9 agree?</p> <p>10 A. Absolutely.</p> <p>11 Q. Would you also agree that sometimes those decisions have</p> <p>12 to be made swiftly and are hard decisions?</p> <p>13 A. Yes.</p> <p>14 Q. What improvements, if any, in the system might you</p> <p>15 suggest to enable those decisions to be taken better?</p> <p>16 A. Emollient language, Mr Jay. I think it's all about --</p> <p>17 it's all about personal standards, really, and I think</p> <p>18 that, you know, you don't learn on the job, as it were,</p> <p>19 as an editor, but certainly experience is probably the</p> <p>20 most important factor in it.</p> <p>21 I think one of the lessons that I've learned over</p> <p>22 the years is that you do, if you can, take time out.</p> <p>23 That you discuss, that you broaden the debate, and</p> <p>24 listen to other people's views. And perhaps I can put</p> <p>25 it another way: that you make decisions sometimes that</p> <p style="text-align: center;">Page 65</p>	<p>1 A. Unacceptable, yes.</p> <p>2 LORD JUSTICE LEVESON: Hounding a house to get a reaction</p> <p>3 from somebody who it was felt had a useful story?</p> <p>4 A. No, absolutely. I do think, sir, it is important to try</p> <p>5 to -- some of the stories that have been put before this</p> <p>6 place really do belong in a place that was a long time</p> <p>7 ago. Those actions were perhaps regarded at the time as</p> <p>8 being it's okay. There's no place for that now, and</p> <p>9 I think the industry has understood that, reflected and</p> <p>10 changed its attitudes to that. Indeed, I think if you</p> <p>11 look and talk to any major proprietor of a freelance</p> <p>12 picture agency, most of them are going out of business</p> <p>13 pretty fast.</p> <p>14 LORD JUSTICE LEVESON: The reason I'm asking you about these</p> <p>15 is because I think you're the first editor who's given</p> <p>16 evidence and I'm anxious to test certain propositions</p> <p>17 and I'll do it with others as well. Some of the</p> <p>18 examples are much, much more recent than that. You</p> <p>19 mentioned the McCanns.</p> <p>20 A. Mm.</p> <p>21 LORD JUSTICE LEVESON: How about the complaint made by</p> <p>22 Mr Grant about the approach to the mother of his</p> <p>23 recently born child?</p> <p>24 A. Mm.</p> <p>25 LORD JUSTICE LEVESON: Is that acceptable or not acceptable?</p> <p style="text-align: center;">Page 67</p>
<p>1 disappoint your executives about why you don't want to</p> <p>2 publish a certain story, and then you hope that the</p> <p>3 experience that follows from not publishing a story</p> <p>4 explains to them why you chose not to publish it. In</p> <p>5 other words, it was the right decision not to do so.</p> <p>6 So you have to take -- you have to reflect and you</p> <p>7 have to take advice from people whose counsel you value.</p> <p>8 MR JAY: Thank you, Mr Myler.</p> <p>9 LORD JUSTICE LEVESON: Could I just go back to the</p> <p>10 photographs example?</p> <p>11 A. Yes.</p> <p>12 LORD JUSTICE LEVESON: You may not have seen or heard the</p> <p>13 evidence that I listened to some weeks ago, you may have</p> <p>14 read about some of it. There were examples, Mr Jay</p> <p>15 mentioned Sienna Miller, I think she spoke of being spat</p> <p>16 at to get a reaction.</p> <p>17 A. Mm.</p> <p>18 LORD JUSTICE LEVESON: Presumably that is not something of</p> <p>19 which you would approve?</p> <p>20 A. Totally. Absolutely not.</p> <p>21 LORD JUSTICE LEVESON: Jumping out of bushes to take</p> <p>22 photographs when a famous person is with his or her</p> <p>23 children?</p> <p>24 A. No.</p> <p>25 LORD JUSTICE LEVESON: Unacceptable?</p> <p style="text-align: center;">Page 66</p>	<p>1 A. Is this where there was harassment outside the house?</p> <p>2 LORD JUSTICE LEVESON: Correct.</p> <p>3 A. Unacceptable, yes. I think that if you make an approach</p> <p>4 to ask somebody to be photographed and they make it</p> <p>5 clear that they're not interested, they don't want it,</p> <p>6 increasingly my experience has been that the public's</p> <p>7 knowledge of how to deal with that, if they feel that</p> <p>8 that request from them to the individual photographer</p> <p>9 outside their premises is not going very far, the</p> <p>10 knowledge now of phoning the PCC and asking the PCC to</p> <p>11 put a cease and desist order out there is far more</p> <p>12 commonplace than people realise, and it is effective,</p> <p>13 because the cease and desist does go to the editor and</p> <p>14 that then tends to be passed around to the relevant</p> <p>15 desks.</p> <p>16 LORD JUSTICE LEVESON: It's a pity that it's necessary --</p> <p>17 A. Yes, perhaps it is.</p> <p>18 LORD JUSTICE LEVESON: -- if everybody actually appreciated</p> <p>19 the rules.</p> <p>20 A. Yes, it is, and maybe it's a time for the industry to</p> <p>21 reflect on certain matters of decency. I know there</p> <p>22 might be some guffaws of moral indignation that the</p> <p>23 former editor of the News of the World can be talking in</p> <p>24 these terms, but that actually is what I believe and</p> <p>25 I think we might, as an industry, be a better industry</p> <p style="text-align: center;">Page 68</p>

<p>1 for that reflection. And I do believe that reflection, 2 actually, has taken place. 3 LORD JUSTICE LEVESON: I have no doubt at all that the 4 events of the last five months have caused many to 5 reflect. 6 A. Yes. 7 LORD JUSTICE LEVESON: And, again to prove that I do read 8 the newspapers, the recent observations of Mr Clifford 9 go some way to that effect. The real question is: will 10 it last? And how we should go about creating a system 11 that ensures that it does last? 12 A. Absolutely. It's fundamental to whether or not the 13 industry survives. 14 LORD JUSTICE LEVESON: Well, the industry has other problems 15 as well, and I well understand that. 16 A. Yes, it does. It does have commercial and economical 17 issues. But I think one of the things that this Inquiry 18 so far has brought to the public's attention is the 19 despicable way, in many respects, or in some respects, 20 that some members of this profession have behaved, and 21 it would be desperately unfair for the public to believe 22 that everybody behaved in that way, because they do not. 23 But it is true to say, I think, that there are huge 24 challenges facing this industry. We are an industry 25 historically that is quite dysfunctional. The</p> <p style="text-align: center;">Page 69</p>	<p>1 Kate were talking about, count how many television 2 cameras were there. It's as if they're not part of this 3 issue, they're not part of this problem. They are. And 4 unless the industry really does come together and unite 5 and engage with courts, with the judiciary, with 6 politicians and agree that things do have to change, 7 from both sides and all sides, not just on ours, I think 8 it's a pretty gloomy and grim future, but I hope that 9 doesn't happen and I hope that through this Inquiry they 10 will be able to unite and come together on common ground 11 where they can change many things for the better. 12 LORD JUSTICE LEVESON: I have made it abundantly clear, and 13 I think I've said it publicly in this Inquiry, in fact 14 I know I have, that this is a problem for the press. 15 It's not my problem. 16 A. Yes. Precisely. 17 LORD JUSTICE LEVESON: But their solution has to be 18 a solution that satisfies the legitimate needs and 19 requirements of others. 20 So let me give you a simple example of something 21 that might be suggested. And I'm not saying it will be, 22 I'm just postulating a possibility. That whether or not 23 an editor knows where a photograph came from and how it 24 was taken, he is responsible, even notwithstanding his 25 best efforts to ensure that it is entirely compliant and</p> <p style="text-align: center;">Page 71</p>
<p>1 competition between us, not just commercial but in terms 2 of getting the most, the best story, is such that we're 3 not very good at even coming together to agree on 4 saluting the great and the good. We can't agree on 5 a system for the British Press Awards, we can't agree 6 where it should be held. You go into a judging session 7 sometimes, which I did many times, and it's also almost 8 like a war zone. You have the broadsheets on one side 9 and the tabloids on the other and they say, "We should 10 win" and they say, "We should win". 11 The saddest thing is that the collective brain power 12 amongst those who produce newspapers is pretty 13 magnificent, and if only they could drop some of that 14 commercial rivalry, understand and face the problems and 15 issues that affect all of them. This is not about 16 broadsheet, broadcast media against the red tops. These 17 are issues that effect all of them. 18 I mean, I've found it quite extraordinary that the 19 way in which TV was reporting Gerry McCann's and Kate's 20 testimony, where they quite rightly talked about what 21 they regarded as intrusive behaviour by photographers, 22 particularly when they were in the car, the TV 23 broadcasters were reporting this as if it was in the 24 third person. 25 If you look back at the occasions that Gerry and</p> <p style="text-align: center;">Page 70</p>	<p>1 doesn't intrusively affect somebody's rights, he is 2 responsible if he publishes it. If he has some right 3 back against the photographer, that's a matter for him, 4 but he's responsible for it. 5 A. Yes. 6 LORD JUSTICE LEVESON: And that responsibility has to be met 7 with a potential sanction, I don't know how, I'm not 8 pretending to have solved it, but if that's what's 9 established, then he carries the can. Or she. 10 A. I think there's an acceptance, an acknowledgment that 11 that definitely needs to happen. I mean, my experience 12 of the PCC is that self-regulation does work. I hope 13 that through this Inquiry you can see that 14 self-regulation is and continues to be the way forward. 15 LORD JUSTICE LEVESON: Mr Myler, the PCC doesn't regulate 16 anybody. 17 A. No, no, I'm talking about self-regulation works, but the 18 current manner in which it works needs to be 19 strengthened. 20 LORD JUSTICE LEVESON: Oh, well -- 21 A. Considerably so. 22 LORD JUSTICE LEVESON: If you have some thoughts upon that 23 you can put them into writing and I'd be pleased to read 24 them. 25 A. Thank you.</p> <p style="text-align: center;">Page 72</p>

<p>1 LORD JUSTICE LEVESON: I won't ask you to elaborate at this 2 stage. 3 A. Thank you. 4 LORD JUSTICE LEVESON: Right, thank you very much indeed. 5 A. Thank you. 6 MR JAY: Thank you, Mr Myler. 7 The next witness is Mr Sanderson. 8 MR DANIEL SANDERSON (affirmed) 9 Questions by MR JAY 10 MR JAY: First of all, make yourself comfortable, 11 Mr Sanderson, and provide us with your full name. 12 A. My name is Daniel Mark Sanderson. 13 Q. Thank you. You have provided a witness statement which 14 starts at our page [5]2723, which extends over four 15 pages. Have you now signed a copy of that statement? 16 A. I have. 17 Q. And is that the evidence that you give to this Inquiry? 18 A. Yes. 19 Q. Can I ask you first about your career and about 20 yourself? You started, I believe, at a regional 21 newspaper; is that right? 22 A. That's right, yeah. 23 Q. Just tell us in your own words your career path until 24 the News of the World? 25 A. I started my journalistic career as a local newspaper</p> <p style="text-align: center;">Page 73</p>	<p>1 of Kate McCann's diary had emerged in Portugal; is that 2 correct? 3 A. That's correct. 4 Q. Did Mr Edmondson ask you to track down the person who 5 was in possession of the diary and was leaking extracts 6 of it in Portugal? 7 A. That's correct. 8 Q. What did you do to track down the diary, as it were? 9 A. I phoned -- I made contact with two newspapers in 10 Portugal. I was advised that one particular journalist 11 was in possession of a copy of the diary and made 12 contact with that person. 13 Q. Was that person a Portuguese journalist? 14 A. That's correct. 15 Q. Was there a discussion then about how much it might cost 16 to obtain the diary from -- I think it was a woman, from 17 her? 18 A. I believe that formed part of the conversation, yes. 19 Q. Yes. But you, of course, did not go out to Portugal 20 yourself, did you? 21 A. No. 22 Q. You say in your statement that you liaised with 23 Mr Edmondson, who was the news editor, was he? 24 A. That's correct. 25 Q. And were told to ask a freelance journalist called</p> <p style="text-align: center;">Page 75</p>
<p>1 called the Worthing Herald. From there I went to 2 a company called Kent News and Pictures. I was at Kent 3 News and Pictures for about eight months and then 4 I moved to a company called Ferrari Press Agency. From 5 Ferrari Press Agency, I was -- I started work at the 6 News of the World on a Saturday. I worked on a Saturday 7 for about a year, and then was offered a full-time job 8 at the News of the World. 9 Q. Yes. And the year you're referring to is that the 10 Saturday job started, I think, towards the latter part 11 of 2006; is that correct? 12 A. That's correct. 13 Q. And then the contract job in 2007, is that also correct? 14 A. That's correct. 15 Q. When did you become a staff reporter at the 16 News of the World? 17 A. That was in 2009, I believe. 18 Q. So in 2008, when the McCann diaries story came out in 19 September, you were in a very junior position; is that 20 correct? 21 A. I was. I was probably the most junior reporter at the 22 newspaper. 23 Q. Right. You tell us something about the background to 24 this McCann diary story, that on 28 July 2008, the story 25 appeared in the Sun newspaper which said that extracts</p> <p style="text-align: center;">Page 74</p>	<p>1 Gerard Cousins, who was based in Spain, to travel to 2 Portugal to meet the journalist and collect the diary; 3 is that right? 4 A. That's correct. 5 Q. And it's at that point that your involvement, as it 6 were, ceased until the diary arrived in the News of the 7 World's offices on Saturday, 6 September 2008; is that 8 correct? 9 A. That's correct. 10 Q. Can I ask you this, though, in relation to the diary: 11 were you aware that the ultimate source of the diary was 12 the Portuguese police? 13 A. I wasn't aware at the time, no. 14 Q. When, if at all, did you become aware of that fact? 15 A. I haven't -- I didn't speculate as to where the diary 16 came from at the time. Yeah. 17 Q. So is your evidence you didn't know from where the diary 18 came at the time? 19 A. All I knew at the time was that I'd read in the Sun 20 newspaper that there were extracts being circulated 21 around Portugal, and obviously somebody was responsible 22 for circulating those extracts, so I was then asked to 23 make enquiries as to how that was the case and who was 24 in possession of a copy of the diary. 25 Q. But you didn't believe, did you, that the McCanns had</p> <p style="text-align: center;">Page 76</p>

<p>1 put out the diary in some way?</p> <p>2 A. No, but I didn't speculate at the time where the diary</p> <p>3 had come from. It's the point I'm trying to make.</p> <p>4 LORD JUSTICE LEVESON: You may not have speculated, but it's</p> <p>5 quite an interesting question. Were you at all</p> <p>6 concerned about the provenance of the diary? We now</p> <p>7 know that the Portuguese law does not permit all this</p> <p>8 and that this diary was obtained quite wrongfully. I'm</p> <p>9 not suggesting you knew that at the time, but</p> <p>10 I appreciate you were doing the bidding of the news</p> <p>11 editor, but were you concerned about the provenance of</p> <p>12 the diary and the propriety of doing what you were being</p> <p>13 asked to do, or not; was it just a question of being</p> <p>14 told what to do and you did it?</p> <p>15 A. I don't want to give the impression that I just</p> <p>16 flippantly, you know, was told to find out the source of</p> <p>17 the diary and so I did that. You know, a diary is</p> <p>18 clearly a private document, but at the time, as I say,</p> <p>19 this was being publicly circulated around Portugal.</p> <p>20 What the newspaper planned to do with the diary once we</p> <p>21 were in possession of it I didn't know at the time.</p> <p>22 Does that answer your question?</p> <p>23 LORD JUSTICE LEVESON: I understand that, and it may be that</p> <p>24 copies are going around Portugal. But you did not</p> <p>25 concern yourself, you were simply doing the job that you</p> <p style="text-align: center;">Page 77</p>	<p>1 we know to have been Saturday, 6 September 2008, that</p> <p>2 there was no intention of publishing a story based on</p> <p>3 the diary until the McCanns' express consent had been</p> <p>4 contained?</p> <p>5 A. That was my understanding, that there would be</p> <p>6 a conversation between the News of the World and the</p> <p>7 McCanns to obtain their permission to publish the diary.</p> <p>8 Q. Were you told that by Mr Edmondson in those terms?</p> <p>9 A. Yes.</p> <p>10 Q. You said that you weren't going to speculate as to the</p> <p>11 source of the diary. You also said it was a private</p> <p>12 document. Did you think at all about the provenance of</p> <p>13 the diary?</p> <p>14 A. My understanding was that we were going to -- the</p> <p>15 News of the World was going to obtain permission from</p> <p>16 the McCanns.</p> <p>17 Q. But that's a separate issue, Mr Sanderson. There's the</p> <p>18 issue of obtaining consent and there's the issue of the</p> <p>19 provenance of the diary. Were you thinking at all about</p> <p>20 the possible provenance of the diary?</p> <p>21 A. Of course I was. My understanding of the situation was</p> <p>22 that -- at the time -- it's very, very difficult to</p> <p>23 speculate about the provenance of the diary until it was</p> <p>24 actually in the office, and, you know, I was a junior</p> <p>25 reporter at the time.</p> <p style="text-align: center;">Page 79</p>
<p>1 were asked to do?</p> <p>2 A. No, it's not -- every story I ever embarked on with the</p> <p>3 News of the World I considered things like privacy,</p> <p>4 public interest and, you know, whether I was adhering to</p> <p>5 the PCC code. It was clearly a private document,</p> <p>6 I understand that. But the reality of the situation is</p> <p>7 that at that stage we weren't in possession of the</p> <p>8 diary, so we didn't know what we were dealing with.</p> <p>9 The other point that I think it's very important to</p> <p>10 make is that as I understand it, the News of the World</p> <p>11 had no intention of publishing that diary --</p> <p>12 LORD JUSTICE LEVESON: I'm only interested -- now you're</p> <p>13 going to -- were you told this at the time or is this</p> <p>14 something again you learned later?</p> <p>15 A. Was I told what at the time?</p> <p>16 LORD JUSTICE LEVESON: About the intentions of the</p> <p>17 News of the World?</p> <p>18 A. No, no, I was told at the time that we would not be</p> <p>19 publishing the diary unless we had the specific express</p> <p>20 permission from the McCanns.</p> <p>21 LORD JUSTICE LEVESON: I see. We'll come back to some of</p> <p>22 those questions, I'm sure Mr Jay will, when you've</p> <p>23 actually read the translation of the diary.</p> <p>24 MR JAY: Were you told by Mr Edmondson before the diary</p> <p>25 arrived in the offices of the News of the World, which</p> <p style="text-align: center;">Page 78</p>	<p>1 LORD JUSTICE LEVESON: Mr Sanderson, I'm not going to be</p> <p>2 critical of you in relation to the decisions you've made</p> <p>3 about this. You were asked to do a job and you did it.</p> <p>4 A. Yes.</p> <p>5 LORD JUSTICE LEVESON: But one of the things I am required</p> <p>6 to think about is the culture, practice and ethics of</p> <p>7 the press, as I'm sure you are very, very aware.</p> <p>8 A. Yes.</p> <p>9 LORD JUSTICE LEVESON: Therefore, what junior members of</p> <p>10 staff are thinking about is actually not unimportant,</p> <p>11 and that's why you're being asked the questions.</p> <p>12 A. I know, and I fully appreciate that.</p> <p>13 MR JAY: Can you assist us then with your answer? Because</p> <p>14 we have a private diary and that diary has somehow</p> <p>15 entered the public domain. Those are the facts which</p> <p>16 you know.</p> <p>17 A. Yes, absolutely, but as I've said before, they were</p> <p>18 already in the public domain circulating in Portugal and</p> <p>19 I have to say I wasn't aware of the judge's comments</p> <p>20 that you're referring to at the time about it being, you</p> <p>21 know, a private document. I wasn't aware of that at the</p> <p>22 time.</p> <p>23 Q. I think you said earlier that you were aware that it was</p> <p>24 a private diary --</p> <p>25 A. I was aware it was a private diary. A diary is by</p> <p style="text-align: center;">Page 80</p>

<p>1 definition a private document. I accept that, and, you 2 know, with hindsight it was clearly the wrong decision 3 to publish. 4 Q. When you come back to the office after the weekend on 5 Tuesday, 9 September 2008, Mr Edmondson shows you a copy 6 of the diary. It's all in Portuguese, so it's been 7 translated evidently from the original? 8 A. That's correct. 9 Q. Was there anything about the diary which caused you to 10 speculate as to its source or was your state of mind the 11 same as it had been previously? 12 A. Thinking back, I mean it had obviously been translated 13 from English to Portuguese. I mean, the source was -- 14 I suppose, thinking back, it must have come from the 15 Portuguese police, absolutely. 16 Q. Why do you say that? 17 A. From memory, when I was looking through the documents, 18 I believe there were comments on certain pages, I think. 19 I can't remember. 20 Q. Which -- obviously you don't speak Portuguese -- 21 A. No, but there were notes and comments, and I don't know, 22 it looked like some kind of official document, if that 23 makes any sense. 24 Q. So was it at that point that you realised that the 25 source was probably the Portuguese police?</p> <p style="text-align: center;">Page 81</p>	<p>1 A. That's right. I arranged for the diary to be translated 2 from Portuguese back into English, and as you can 3 probably imagine, that was quite a laborious task. 4 Q. Indeed. And when the translation comes back, do you 5 start writing up the story? 6 A. That's right, yeah, yeah. The translation was coming 7 through in sections and I was writing the story during 8 the week. 9 Q. I think it was your concern also to ascertain that the 10 diary was not a fake, so you were checking the 11 translation against Internet sources; is that right? 12 A. That's right. We looked at the diary and for every 13 entry we would cross-check that, we would 14 cross-reference that with stories that may have appeared 15 in the newspapers. 16 So, for example, I think there was an entry -- there 17 was one entry about the McCanns planning to visit the 18 Pope on a certain date, and we -- I cross-checked that 19 with reports that they had seen the Pope on that date. 20 Q. Yes. In relation to obtaining the agreement of the 21 McCanns, your evidence is, and this is page 52725, under 22 question 6, just above the lower hole punch: 23 "My understanding of the situation was that 24 Mr Edmondson had sought permission to publish the diary 25 from Mr Mitchell. I acquired this understanding because</p> <p style="text-align: center;">Page 83</p>
<p>1 A. Oh yes, no absolutely, absolutely. 2 Q. Did that cause you any concerns? 3 A. The whole thing caused me concern. The whole thing 4 caused me concern. 5 Q. Did you share those concerns with Mr Edmondson? 6 A. Did I share them with Mr Edmondson? It's very, very 7 difficult for me to try and explain, but essentially my 8 thinking throughout this whole process was that this 9 story was going to be published with the co-operation of 10 the McCanns. Does that make any sense? 11 Q. Yes. 12 A. So, you know, we were translating the document, we were 13 writing the story, we were checking with the McCanns 14 that they were happy with the story, it would be 15 published, the McCanns would know all about it. That 16 was my understanding of the situation throughout. 17 Because, don't forget, I wasn't aware necessarily of 18 what the newspaper planned to do with the diary once it 19 was in the News of the World offices. 20 Q. But once it was in the News of the World offices, the 21 position was that it was translated on a piecemeal 22 basis? 23 A. That's right. 24 Q. And the English translation came back to you; is that 25 correct?</p> <p style="text-align: center;">Page 82</p>	<p>1 Mr Edmondson told me he was going to speak to 2 Mr Mitchell about the story at the end of the week." 3 So the conversation was likely to take place, if it 4 was going to take place, on the Friday, 12 September; is 5 that right? 6 A. That's my understanding, yes. 7 Q. But it's not your understanding, is it, that there was 8 any earlier conversation between Mr Edmondson and 9 Mr Mitchell? 10 A. No. No. 11 Q. Had you completed the story, at least from your end, by 12 the end of the week? 13 A. Yes. 14 Q. So it follows, does it, that by the time the story was 15 given up by you to Mr Edmondson, you didn't know one way 16 or the other whether the McCanns' consent had been 17 obtained? 18 A. No, my understanding was that the McCanns' consent would 19 be obtained. 20 Q. Well, your understanding, at its highest, was that the 21 McCanns would be asked through their agent whether they 22 consented. Is that not the true position? 23 A. Sorry, can you repeat that? 24 Q. Your understanding was, at its highest, that the 25 McCanns' agent would be asked for consent at the end of</p> <p style="text-align: center;">Page 84</p>

<p>1 the week. Is that not correct? 2 A. That's correct, yeah. 3 Q. But you didn't know one way or the other whether the 4 McCanns would give the green light to the publication of 5 this story, did you? 6 A. No, but my understanding was that if they hadn't given 7 the green light, then the story wouldn't have been 8 published. 9 Q. Your understanding was that if they didn't give the 10 green light, at a point after you provided the story to 11 Mr Edmondson, then the story wouldn't be published? 12 A. That was my understanding, yes. 13 Q. Was the story, once you'd given it to Mr Edmondson, in 14 other words your copy, between then and its publication, 15 how at all was it changed by editors? 16 A. How was the story changed? 17 Q. Yes. Well, your copy, how was it changed? 18 A. Well, from memory, I wrote a story based on the extracts 19 from the diary and it was changed -- it was changed -- 20 what essentially happened was that all of my pieces were 21 taken out, and the diary was just published in its 22 entirety, or extracts of the diary were published in 23 their entirety without any -- without any writing from 24 me at all. Does that make sense? 25 LORD JUSTICE LEVESON: So it wasn't a story that you'd</p> <p style="text-align: center;">Page 85</p>	<p>1 story to him before he'd had any conversation with 2 Mr Mitchell; is that correct? 3 A. That's true. Yeah, that's the case. 4 Q. You also say in your statement under paragraph 5, but 5 still on page 52725, you say: 6 "However, with hindsight, the decision to publish 7 Mrs McCann's diary was clearly the wrong one. Having 8 read how the article made Mrs McCann feel, I intend to 9 apologise to her for writing the story once I have given 10 evidence." 11 So you're giving that apology publicly and we 12 understand that. But can you explain why it was clearly 13 the wrong decision, in your own words? 14 A. Yes, I have every intention of apologising to the 15 McCanns for my involvement in the story. I know it's 16 not your question but that is my intention. I felt -- 17 I did feel very bad that my involvement in the story -- 18 my involvement had made Mrs McCann feel the way that it 19 had. So that's the first thing. 20 Why was it the wrong decision to publish? Because 21 they didn't have the permission to. They didn't have 22 Mrs McCann's permission to publish that story. 23 LORD JUSTICE LEVESON: Can we unpick that a bit, too? You 24 read this diary? 25 A. I did.</p> <p style="text-align: center;">Page 87</p>
<p>1 written at all. It just became the diary? 2 A. Basically, yeah. 3 LORD JUSTICE LEVESON: And was that the bits that you'd 4 taken out of the diary or other bits? 5 A. No, no, that -- so I filed this very long story that had 6 explanations of bits of the extracts in, and the story 7 that appeared in the paper, all of those explanations 8 were taken out and it was just the diary. There was 9 a bit on the front page that I'd written, but ... 10 MR JAY: I see. So the front page contained your -- 11 A. It was like an introduction. It was an introduction. 12 Q. And then the rest of it were just extracts from the 13 diary; is that right? 14 A. Yes. 15 Q. So your story, as it were, was somewhat mutilated, if 16 I can -- 17 A. It was changed, yes. 18 Q. It was changed. Of course, as your statement makes 19 clear, and this is in relation to Mr Edmondson speaking 20 to Mr Mitchell, you say: 21 "I didn't actually ever have the conversation with 22 Mr Edmondson specifically that he had received 23 permission to publish from the McCanns." 24 A. No. 25 Q. So this was because, presumably, you'd handed over the</p> <p style="text-align: center;">Page 86</p>	<p>1 LORD JUSTICE LEVESON: Some of it is factual. 2 A. What do you mean -- 3 LORD JUSTICE LEVESON: Some of it is factual, she's 4 describing events that have happened? 5 A. Yes. 6 LORD JUSTICE LEVESON: But it's also an intensely personal 7 document. 8 A. Yes. 9 LORD JUSTICE LEVESON: As you read it for the first time, 10 did you think you had any business writing a word of it 11 without making sure that this truly was what they 12 wanted? 13 A. Seeking their permission, seeking the McCanns' 14 permission wasn't in my sphere of responsibility. 15 LORD JUSTICE LEVESON: You see, it's all very well having 16 a conversation with somebody saying, "Is it all right?" 17 but a lot depends upon the tenor, and what's actually 18 happening, what's being done. 19 A. Mm. 20 LORD JUSTICE LEVESON: And one can visualise somebody 21 saying, "Yes, well, if you're simply going to say I kept 22 a diary, that's fine". 23 A. Sure. 24 LORD JUSTICE LEVESON: But to reveal the most intimate 25 moments may actually give rise to other considerations</p> <p style="text-align: center;">Page 88</p>

1 which require a rather more careful consent.
 2 A. Absolutely. My understanding of the situation was that
 3 the news editor spoke to the McCanns' press secretary on
 4 a daily basis, so in terms of getting the McCanns'
 5 consent or having those conversations, that really was
 6 a job for the news editor. I didn't have the McCanns'
 7 mobile number, I didn't have the McCanns' press
 8 secretary's mobile number. The first time I spoke to
 9 the McCanns' press secretary was about three weeks ago,
 10 when I heard how the story had made Mrs McCann feel and
 11 I phoned him to tell him my intention to apologise.
 12 That's not just for this Inquiry, that's because I'm
 13 genuinely sorry.
 14 LORD JUSTICE LEVESON: I'm sure it is, but did you expect --
 15 I appreciate that the word copy approval is never given,
 16 but did you expect that in order to get a fully informed
 17 consent, effectively the McCanns would be shown what you
 18 had written?
 19 A. You would have expected that, yes.
 20 MR JAY: Can I ask you some general questions about culture
 21 in the News of the World? How would you define the
 22 culture in the News of the World when you were there,
 23 Mr Sanderson?
 24 A. It was a high pressure environment to work in.
 25 Q. Yes? Anything more that you could tell us?

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1 A. What would you like to know?
 2 Q. Well --
 3 LORD JUSTICE LEVESON: How it manifested itself. How the
 4 high pressure manifested itself.
 5 A. In order to work at the News of the World, you have to
 6 give a certain part of your life over to it. It's very,
 7 very hard work. The phone is constantly -- the phone is
 8 constantly on. You can be called evenings, weekends.
 9 There's no point making any plans with friends because
 10 if you do, they're likely to be cancelled because the
 11 news editor wants you to go on a job. It was very hard
 12 work. It was very hard work.
 13 MR JAY: Did you feel you had to buy into that, as it were?
 14 A. Yeah. I mean, you can't work at the News of the World
 15 if you're not prepared to work hard.
 16 Q. Was there a culture of bullying in your view?
 17 A. No. I didn't experience that.
 18 Q. You heard the question I asked Mr Myler based on
 19 Mr Wallis' evidence about a certain conception of the
 20 story driving the direction into which it's going to go
 21 and be written.
 22 A. Mm.
 23 Q. Do you feel that that was the position or not?
 24 A. No, I think that's nonsense.
 25 Q. Why do you say that?

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1 A. Because, it's like Mr Myler pointed out earlier on,
 2 a story only ever appeared in the News of the World
 3 if -- well, stories that I worked on, the first thing
 4 you did was you made sure it was true.
 5 Q. Is that the first thing you did and the last thing you
 6 did, or were there other things you did before
 7 considering whether it was appropriate to proceed with
 8 a story?
 9 A. You talked about -- you talked about picking up the
 10 phone and receiving a tip. To take you through the
 11 process, you know, the first thing you did when you
 12 received the tip was ascertain whether the tip was true.
 13 I mean, there were other things, like, for example,
 14 you picked up the phone and you saw -- you worked out
 15 whether the story was appropriate for the
 16 News of the World, so you used your values and
 17 experience of the newspaper to see whether that story
 18 that the person is phoning in with is appropriate to the
 19 News of the World. And then you went about proving that
 20 it was true. It was never that you sat there thinking,
 21 "Oh, well, you know, let's make up this story about this
 22 person". The story had to be true.
 23 Q. How did you go about verifying its truth?
 24 A. Well, there were numerous processes that you went
 25 through to prove a story was true. Do you want to know

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1 them or --
 2 Q. Yes.
 3 A. I mean, for example, with any story, if you met somebody
 4 with a story for the News of the World, the first thing
 5 that you did was you sit down and say, "Okay, you're
 6 telling me this story. What evidence have you got that
 7 what you're telling me is the truth?" Okay? So there
 8 would be things like text messages. You're telling me
 9 something, how can you then prove that that's true? Can
 10 you show me text messages that prove what you're saying
 11 is true? Can you show me credit card bills? You said
 12 you were somewhere, can you prove that for me? Are
 13 there other people who will back up your story? Will
 14 you sign an affidavit saying that what you're telling me
 15 is the truth?
 16 There were so many levels that you went through to
 17 prove that a story's true, because you're the first
 18 gatekeeper, if you like, and then that story that you've
 19 managed to establish is true then goes to the news
 20 editor and then goes up to the editor.
 21 Q. And then in terms of compliance with the PCC code, in
 22 particular privacy issues, but that's not the only
 23 issue, what process, if any, do you go through to
 24 satisfy yourself that those matters are being addressed?
 25 A. Well, the whole time that you're operating as

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<p>1 a journalist, you have the PCC code -- you're 2 considering the PCC code at every level. 3 Q. You've given us a very precise process, if I may say so, 4 in terms of verifying fact or verifying evidence. 5 A. I'm just trying to explain to somebody who might not 6 know the intricacies of the operation, that's generally 7 how you work. 8 Q. But in relation to the code, very often it's a balancing 9 exercise between rights of individuals and the public 10 interest. 11 A. Yes. 12 Q. Is that a process you were familiar with? 13 A. It's something that you have to think about as 14 a journalist every day. You have to consider the PCC 15 code, and I think Colin -- Mr Myler said earlier it's 16 about personal standards, and you have to maintain those 17 personal standards while you're operating as 18 a journalist. 19 Q. Were there occasions when, apart from the case we've 20 been discussing, when you felt uncomfortable in relation 21 to your obligations under the code on the one hand and 22 what you were being tasked to do in relation to 23 a particular story on the other? 24 A. No. 25 MR JAY: Okay. Thank you, Mr Sanderson.</p> <p style="text-align: center;">Page 93</p>	<p>1 But, you know. 2 LORD JUSTICE LEVESON: But not in any sense to change the 3 slant of the story? 4 A. Not in my experience. 5 LORD JUSTICE LEVESON: I see. All right. Thank you. 6 MR JAY: Thank you, Mr Sanderson. 7 I think the next witness is due to start at 2.00, so 8 we can have a slight longer -- 9 LORD JUSTICE LEVESON: Very good. All right, thank you. 10 Thank you very much indeed. 11 (12.45 pm) 12 (The luncheon adjournment) 13 (2.00 pm) 14 MS PATRY HOSKINS: Good afternoon, sir. The only witness 15 this afternoon is Mr Derek Webb. 16 LORD JUSTICE LEVESON: Certainly. 17 MR DEREK WEBB (sworn) 18 Questions by MS PATRY HOSKINS 19 MS PATRY HOSKINS: Mr Webb, if you would sit down and make 20 yourself comfortable. Do you have a bundle in front of 21 you with a number of tabs? 22 A. Yes, I have. 23 Q. First of all, could you state your full name to the 24 Inquiry, please? 25 A. Yes, Derek Frank Webb.</p> <p style="text-align: center;">Page 95</p>
<p>1 LORD JUSTICE LEVESON: Facts are one thing. What about 2 comment? 3 A. What about comment? 4 LORD JUSTICE LEVESON: Yes. Newspaper stories do not merely 5 consist of a recitation of facts. They are then the 6 subject of comment, which actually then provides the 7 focus of the story, doesn't it? 8 A. Yes. 9 LORD JUSTICE LEVESON: Would that comment be yours or one of 10 your more senior manager's? 11 A. I'm sorry, I don't follow. 12 LORD JUSTICE LEVESON: I want to know to what extent did you 13 include within your stories comment and context which 14 was yours rather than the facts that you'd actually 15 simply been given. 16 A. You got the facts and then you wrote the story. 17 LORD JUSTICE LEVESON: With your own comments to it? 18 A. I was quite factual when I wrote my stories. I didn't 19 really add comment. 20 LORD JUSTICE LEVESON: You didn't add comment? Did you ever 21 see that comment was added? 22 A. Stories are sometimes changed by subeditors, so you'd 23 write a story, you'd send that through to the news 24 editor, they'd send it through to the subeditors, and it 25 would be changed to fit with the space of the page.</p> <p style="text-align: center;">Page 94</p>	<p>1 Q. You've provided us with a witness statement to the 2 Inquiry. For the technician, it's 515506. You've 3 signed it at the end. We can see that. Can you confirm 4 that the contents of it are true to the best of your 5 knowledge and belief? 6 A. That is correct. 7 Q. Can I say this before I ask you any questions: your 8 exhibits to your statement contain the names of a large 9 number of people that you placed under surveillance 10 whilst you worked for News of the World. It is really 11 important, Mr Webb, that you don't mention any of their 12 names when you answer my questions. On some occasions 13 I will refer to a person by name, and then it's fine for 14 you to answer my questions, but for legal reasons, 15 I'd rather you didn't mention any individual by name 16 unless I have. 17 A. I agree. 18 Q. Do you understand? 19 A. Yes. 20 Q. I'm going to start, please, by asking you about your 21 career and your background. This is set out at 22 paragraph 1 of your statement, which you can open. It 23 should be behind tab 2, in fact. Do you see that? You 24 explain that you worked for many years in the police 25 force, that you were a detective with the Hertfordshire</p> <p style="text-align: center;">Page 96</p>

<p>1 constabulary and you retired after 30 years' service; is 2 that correct? 3 A. That's correct. 4 Q. You tell us there that you retired from the police force 5 on 12 November. You don't tell us which year that was? 6 A. That is 12 November 19 -- sorry, 2003. 7 Q. 2003. You tell us that during your years with the 8 police force, you were mainly a detective constable, but 9 for a period of over 15 years you were attached to 10 various squads where you were engaged in the 11 investigation of serious crime, specifically conducting 12 surveillance on major criminals. 13 A. That is correct. 14 Q. For this work, you say that you've been trained to 15 a very high level of competency and you'd completed 16 several specialist surveillance courses? 17 A. That is correct. 18 Q. Would you say, then, that you were someone who had 19 a specialist knowledge of surveillance techniques? 20 A. Yes. 21 Q. This was one of your specialisms? 22 A. Yes. 23 Q. Let me ask you this: you worked in the police force for 24 almost all of your professional life. I know you went 25 on to work for News of the World and I'll ask you about</p> <p style="text-align: center;">Page 97</p>	<p>1 Q. You'll have to accept the dates from me unless they're 2 within your personal knowledge. I just want to 3 understand the eras of the News of the World that you 4 were working in. Between 2003 and January 2007, 5 Mr Coulson was editor? 6 A. Yes. 7 Q. Did you know that? 8 A. Yes. 9 Q. Good. Mr Myler became editor at the end of January 2007 10 and you were still there because you didn't have your 11 break until November 2007? 12 A. That is correct. 13 Q. Then from 2009 to 2011, Mr Myler was the editor? 14 A. That is correct. 15 Q. So those are the editors that you worked under, if I can 16 put it that way. 17 A. Yes. 18 Q. You tell us also in general terms that during this time, 19 the period spanning eight years, you placed 20 approximately 150 different people under surveillance on 21 instruction from the News of the World; is that correct? 22 A. That is correct. 23 Q. Okay. Let me take your time at News of the World 24 chronologically, if I can. Let's start back at 2003 25 when you first came to be instructed to do work for</p> <p style="text-align: center;">Page 99</p>
<p>1 that in a moment, but prior to working for the 2 News of the World, had you ever worked as a journalist? 3 A. No. 4 Q. Had you ever worked as a freelance journalist? 5 A. No. 6 Q. Had you published any stories in newspapers in any 7 capacity? 8 A. No. 9 Q. So your only specialism, am I right, was being a police 10 officer? 11 A. That is correct. 12 Q. And one who specialised, amongst other things, in 13 surveillance? 14 A. That is correct. 15 Q. Okay. You then tell us that you went on to undertake 16 surveillance for News of the World, spanning a period of 17 over eight years, from 17 December 2003 until the 18 newspaper closed in July 2011; yes? With a break in the 19 middle of about 15 or 16 months? 20 A. That's correct. 21 Q. Which I'll come back to. Is that all correct? 22 A. Yes. 23 Q. The break, you tell us, was between 20 November 2007 and 24 20 March 2009. 25 A. That's correct.</p> <p style="text-align: center;">Page 98</p>	<p>1 News of the World. I want to the understand how you 2 came to work for News of the World. You set this out at 3 paragraph 3 of your statement in some detail, and you 4 explain that while you were still employed by 5 Hertfordshire constabulary and working as a detective in 6 the CID department at Watford police station, you were 7 instructed by your supervisor to execute a warrant on 8 an address where a man was allegedly making section 1 9 firearms. Your brief, you say, contained the fact that 10 the intelligence had originated from Neville Thurlbeck, 11 a reporter for News of the World. 12 A. That is correct. 13 Q. Do you remember that? 14 A. Yes, I do. 15 Q. And that the story of the arrest was going to appear in 16 the Sunday edition the newspaper. You were additionally 17 told that Mr Thurlbeck had worked undercover on the 18 case. Do you remember that? 19 A. Yes. 20 Q. You say following the arrest you met with Thurlbeck on 21 several occasions regarding the preparation of the case 22 papers. What I want you to do is tell me in your own 23 words the conversations you had about what your 24 intentions for the future were. 25 A. Yes, just had a conversation with Neville Thurlbeck.</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 He'd asked me what I'd been doing in the police force 2 and I told him, and told him that I specialised in 3 undercover as well as surveillance, but mainly 4 surveillance, and I told him when I was going to retire 5 and he actually said, "Well, look me up when you retire. 6 We might have some work for you in relation to the 7 surveillance side." 8 Q. You don't give us a date for this conversation. 9 A. No, I don't. This went over probably a period of about 10 six months while I was doing the -- preparing the case 11 papers and whatever. So it would have been -- I don't 12 have the exact date for that. 13 Q. That's fine? 14 A. It's sometime at the back end of 1999/2000, somewhere 15 around about that particular period, but I can't be 16 certain on the dates. 17 Q. All right. You told us earlier that you retired on 18 12 November 2003? 19 A. 3. 20 Q. So presumably then you made contact with him when you 21 retired; is that correct? 22 A. That's correct. 23 Q. How did you do that? 24 A. I contacted -- he left me his card, and I contacted him. 25 He was one of several persons I contacted, not from</p> <p style="text-align: center;">Page 101</p>	<p>1 Q. I understand. So that was the name that appeared on 2 your invoices? 3 A. That's right. 4 Q. It's the name you traded under? 5 A. Yes. 6 Q. For the purposes of the work you were doing? 7 A. Yes, and for tax purposes as well. 8 Q. Did you have a private investigator's licence at this 9 time? 10 A. I did get a private investigator's licence, and it 11 wasn't straight away. I applied for that through 12 a company, and I filled in a number of forms, giving 13 details and everything, police service and whatever, and 14 I got a private investigator's licence. 15 Q. Was that a requirement of News of the World? 16 A. No. 17 Q. Was that something that you yourself -- 18 A. That's something I done. 19 LORD JUSTICE LEVESON: Did it give you any advantage? 20 A. It was only that if I was doing surveillance and I got 21 stopped by the police, I would have some sort of 22 authority in relation to doing private investigations 23 licence, in case people phoned up on suspicion there was 24 somebody in the street acting suspiciously. 25 LORD JUSTICE LEVESON: So it was not so much as giving you</p> <p style="text-align: center;">Page 103</p>
<p>1 News of the World but contacts I'd made through setting 2 up my own business, that I was going to set up my own 3 business. 4 Q. Can you recall what he said to you when you did make 5 contact with him? 6 A. Yes, I do. He says, "We have got work for you", and he 7 says, "If you bear with us for a week or so, or a few 8 weeks, I'll get a back to you on that with some work for 9 you", which he did. 10 Q. Did he ask you to enter into a written contract with 11 News of the World at that stage? 12 A. No. 13 Q. You explain to us that when you began to work for 14 News of the World, you operated under the company name 15 of Silent Shadow Services? 16 A. That is correct. 17 Q. Was that a company that you had set up for the purpose? 18 A. I set it up only by name. It wasn't set up through 19 Companies House or anything like that at that stage. 20 I was going to, and everything was going to be set up as 21 a proper business, but having had the phone call from 22 Mr Thurlbeck and started work, it developed from there, 23 so it only went under a company name for the sole 24 purpose of the invoice that I sent in to 25 News of the World.</p> <p style="text-align: center;">Page 102</p>	<p>1 authority to at least provide some evidential support 2 for what you told the police officer? 3 A. Yes, that's it. 4 LORD JUSTICE LEVESON: Yes. 5 MS PATRY HOSKINS: So you've told us you got a PI licence, 6 you set up this company, you started work for 7 News of the World. No written contract. 8 If you look behind tab 11, please, you will see 9 a document that you have prepared, "Working schedule 10 from December 2003 to December 2004". Do you see that? 11 A. Yes, I do. 12 Q. Technician, it's 51548 on the screen. December 2003 13 to December 2004. As I said before, please don't 14 mention any names. There are names on this. Please 15 don't mention any. 16 A. No. 17 Q. We can see your work took off quite quickly. If we look 18 at the range of dates, you start December 2003. 19 Wednesday 17 December to the 19th, you were put on a job 20 in London. You're then called upon again, number 2, 21 30 December. Then 6 January, 7 January, 11 January, 22 22 January. I don't want to read through every single 23 date, but it's obvious they got you to work quickly. 24 Would that be a fair assessment? 25 A. That is correct.</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

<p>1 LORD JUSTICE LEVESON: It probably needs a bit more picking 2 out, doesn't it? What's a shift? 3 A. A shift is eight hours. 4 LORD JUSTICE LEVESON: Thank you. 5 MS PATRY HOSKINS: Yes. The invoice only states three 6 shifts, so a shift was -- 7 A. A shift was 8 hours. A shift and a half was 12 hours, 8 and there was always a grey area in between which 9 I didn't get paid for. 10 Q. What do you mean by a grey area in between? 11 A. A lot of times, they asked me to do 8 o'clock to 4, so 12 the shift would finish at 4 and there was something 13 happening and the surveillance was continuing, or the 14 news desk would say, "Can you stay on for another couple 15 of hours", and I'd stay on for 6 o'clock, but I could 16 only book for the eight hours, the one shift, until the 17 shift and a half arrived at 12 hours. And then again -- 18 so there was another grey area between 13, 14 and 15, 19 until 16 appeared for the two shifts. 20 Q. I understand. 21 LORD JUSTICE LEVESON: So your shifts were rounded down? 22 A. Yes. 23 LORD JUSTICE LEVESON: All right. I understand that. 24 MS PATRY HOSKINS: If we look at the final page of this 25 particular exhibit, you'll see that between the</p> <p style="text-align: center;">Page 105</p>	<p>1 MS PATRY HOSKINS: Mr Webb has a version -- 2 A. These are not greyed out. 3 LORD JUSTICE LEVESON: I think it might be better if he 4 sees -- I mean, can you read the names? 5 A. Yes, I can. 6 LORD JUSTICE LEVESON: That's fair enough. I don't want you 7 to say the names, as Ms Patry Hoskins has said. 8 MS PATRY HOSKINS: Just for your information, there are 9 three different versions: the version he has that is 10 unredacted, the version you have where you can still 11 read the names, and the version which, I'm delighted to 12 say, is on the screen, where there are no names. That 13 was deliberate. 14 LORD JUSTICE LEVESON: Yes. 15 MS PATRY HOSKINS: We can agree, can't we, it's 16 a combination of politicians, celebrities and sports 17 stars in the main? 18 A. In the main, yes. 19 Q. I'll come back to the breakdown of exactly the type of 20 people you were placing under surveillance a bit later, 21 if I can. 22 Now, I want to ask you about how you would be 23 instructed, so how a job would come in, how you would 24 find out about it. You handed to the Inquiry yesterday 25 an email which should look like this.</p> <p style="text-align: center;">Page 107</p>
<p>1 period December 2003 and December 2004, you worked 2 a total of 207 shifts, totalling 1,656 hours worked. 3 Grey area never paid: 99 hours. 4 A. Correct. 5 Q. I mention that for the purpose of the judge. You 6 assessed that to be a total of 12 days with no pay at 7 all. Total hours away from home: 101 hours, 30 minutes, 8 for which no additional payment for working away was 9 authorised. 10 A. That is correct. 11 Q. And you explain just under the heading to that section: 12 "Between 17 December 2003 and 22 December 2004, 13 I worked 42 weeks as outlined." 14 A. That is correct. 15 Q. Would it be fair to say that you felt that you were 16 working for News of the World right from the outset 17 pretty much full-time? 18 A. Yes, employed by them, yes. 19 Q. Now, no names, but if we cast our eye over the three 20 pages of that exhibit, we can see the types of jobs that 21 you were put on from the start. Unfortunately those who 22 only have redacted versions won't, but can you agree 23 with me, please, Mr Webb, that it's a combination of -- 24 LORD JUSTICE LEVESON: I have a version where they're greyed 25 out.</p> <p style="text-align: center;">Page 106</p>	<p>1 Sir, we just handed it to you now. 2 LORD JUSTICE LEVESON: Yes, I've seen it. 3 MS PATRY HOSKINS: It's heavily redacted, for obvious 4 reasons, but it appears to be an email to you from 5 someone at the News of the World? 6 A. That is correct. 7 Q. Giving you the job: 8 "Hi mate, the story is this: X is having an affair 9 with a woman called Y. She is the wife of X's best 10 mate. They live at [an address] ... I don't have 11 pictures of her husband. I have pictures of her." 12 Then it gives you a short email from a researcher 13 and says: 14 "All the best and call if needed." 15 A. That's correct. 16 Q. Now, am I right in saying that this is an email 17 instruction to you to carry out a job? 18 A. Yes. 19 Q. This one is dated 6 May 2011, but can you tell us 20 whether it is representative of the type of instruction 21 that you would get to carry out a job? 22 A. Yes. The instructions would be -- I'd normally get 23 a phone call from someone from the news desk. 24 Q. Yes. 25 A. Or from journalists that might have been elsewhere but</p> <p style="text-align: center;">Page 108</p>

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<p>1 he was connected to the news desk and he'd been asked by 2 the news desk to give me a call. They would instruct me 3 on a job and say, "Could you go to this location and 4 follow X, Y and Z?" They'd give me the address. Not all 5 the time they would follow it up with an email. On 6 occasions, they would follow it up with an email with 7 other details. If there was no other email to forward 8 out, I'd just be getting the details of the address and 9 that would be it. So I'd write the address down and 10 head there.</p> <p>11 Q. Okay. So to summarise, over the course of the years, 12 you would receive instructions by phone call, text 13 message, email?</p> <p>14 A. Yes.</p> <p>15 Q. Any other means?</p> <p>16 A. No, they were the main --</p> <p>17 Q. But in terms of the instructions that you received by 18 email, is this email fairly typical of the type of email 19 that you would receive?</p> <p>20 A. Yes, it is.</p> <p>21 Q. I want to pick you up on one thing. You said the call 22 or the message would come through from the news desk. 23 Was it always the news desk?</p> <p>24 A. It was always -- the news desk was the hub of 25 everything, and that was where all the information came</p> <p style="text-align: center;">Page 109</p>	<p>1 A. I was aware.</p> <p>2 Q. At that time, you were aware?</p> <p>3 A. I was aware, yes.</p> <p>4 Q. Did you notice, in terms of the work that you were 5 given, any difference after Mr Coulson left and Mr Myler 6 started? In terms of the work you were given or the 7 types of assignments you were given, how regularly you 8 were instructed, anything like that? Was there any 9 appreciable difference between Mr Coulson's reign and 10 Mr Myler's reign?</p> <p>11 A. No, no.</p> <p>12 Q. Did you suddenly, for example, get fewer types of 13 certain assignments, fewer celebrity assignments, or was 14 the language used by journalists any different when they 15 were instructing you?</p> <p>16 A. No, no. The journalists would change. There would be 17 journalists come in and journalists go out and go to 18 other newspapers.</p> <p>19 Q. So journalists came and went?</p> <p>20 A. That's right.</p> <p>21 Q. But no appreciable difference in the type of work you 22 were given?</p> <p>23 A. No, it was the same type of work.</p> <p>24 Q. Any change in the tips that you were given?</p> <p>25 A. No.</p> <p style="text-align: center;">Page 111</p>
<p>1 from, but I would get calls from different journalists. 2 So it wouldn't be from a journalist that might be at the 3 news desk at that particular point, he might be 4 somewhere else in the country, but he might have been 5 asked by the news desk to give me a call. But he would 6 always refer: "We have had a tip", or: "The news desk 7 want you to do this particular job."</p> <p>8 Q. So your understanding was the instructions pretty much 9 always came from or through the news desk?</p> <p>10 A. Yes.</p> <p>11 Q. Can I ask you this: did you ever receive an instruction 12 which contained within it the transcript of a text 13 message or a phone conversation or a voicemail message?</p> <p>14 A. No.</p> <p>15 Q. So that's 2003. I've taken you through how you were 16 instructed and the types of jobs that you did. We know 17 that you then worked until November 2007 before you had 18 this break. Can I move on to 2007? Remember we 19 discussed the periods when the different editors worked? 20 By the time that Colin Myler was appointed editor at the 21 end of January 2007, you'd been working for 22 News of the World for about three years?</p> <p>23 A. That is correct.</p> <p>24 Q. What I want to understand is: did you know there had 25 been a change of editor at News of the World?</p> <p style="text-align: center;">Page 110</p>	<p>1 Q. You may not know this, but Mr Myler sent a letter to all 2 staff on 7 February 2007 referring to the use of private 3 investigators. Were you aware of that letter?</p> <p>4 A. No, I wasn't.</p> <p>5 Q. Did any of the staff instructing you ever refer to that 6 letter?</p> <p>7 A. No.</p> <p>8 Q. Did you receive a copy of the PCC code at this time?</p> <p>9 A. No.</p> <p>10 Q. We're talking early 2007.</p> <p>11 A. No.</p> <p>12 Q. Were you ever given a copy of the PCC code?</p> <p>13 A. No.</p> <p>14 Q. Still on 2007, please, I need to ask you about something 15 Mr Crone said in evidence to this Inquiry. Did you hear 16 or watch Mr Crone's evidence to this Inquiry at all?</p> <p>17 A. No, not all. Not all of it.</p> <p>18 Q. Okay, I'm going to read out relevant parts. For your 19 note, sir, and for the note of those who were here, it's 20 the 13 December transcript, it's behind tab 20 in your 21 bundle, and it's pages 42 to 43. It might be behind 20 22 in your bundle, but it doesn't matter because I'm going 23 to read it out.</p> <p>24 I'm going to start on page 41 of the transcript.</p> <p>25 LORD JUSTICE LEVESON: 41, line ...?</p> <p style="text-align: center;">Page 112</p>

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<p>1 MS PATRY HOSKINS: Right at the bottom, line 23. 2 LORD JUSTICE LEVESON: Thank you. 3 MS PATRY HOSKINS: Mr Jay is asking Mr Crone some questions 4 and I'm going to read them out to you because you don't 5 have it in front of you and you may not have seen this 6 particular part. Mr Jay is asking Mr Crone about 7 something that he has said already: 8 "After the arrest and conviction of Clive Goodman, 9 a new editor, Colin Myler, came to the News of the World 10 and introduced a number of measures to tighten controls 11 and procedures in order to eliminate illegal or 12 unethical practices." 13 Now, he then refers, on page 42, first to a number 14 of others things and at the top of page 43, Mr Jay 15 continues on in the statement of Mr Crone: 16 "I'm aware that all editorial staff were written to, 17 cash payments were virtually eliminated, a fresh 18 programme and training days were initiated and the use 19 of private detectives was forbidden." 20 Then Mr Jay goes on to ask him about cash payment, 21 which doesn't concern us and I'm going to ignore. At 22 the bottom of page 44, Mr Jay comes back to the issue of 23 private detectives and says this at line 17: 24 "The use of private detectives was forbidden. Was 25 that really the case?"</p> <p style="text-align: center;">Page 113</p>	<p>1 your activity or the activity of other private 2 investigators? 3 A. I didn't know about any other private investigators. 4 Q. I'll come back to that, I promise. 5 You then stopped working for the News of the World 6 in November 2007, so what I want to do is ask you about 7 that. I want to ascertain whether your departure from 8 News of the World in November 2007 had anything to do 9 with Mr Crone's belief that Mr Myler may have banned or 10 forbidden the use of private investigators, or indeed 11 anything to do with Mr Myler's clean-up operation at the 12 News of the World. 13 Can I take you back to your witness statement, 14 please, which is behind tab 2. 15 A. Yes. 16 Q. Can we look, please, at paragraph 2 of your statement. 17 You indicate there the dates that, for a period of 15 18 months between 2000 and 2009, the News of the World 19 didn't employ your services. Can you just tell the 20 Inquiry in your own words what happened that led to that 21 departure in November 2007? 22 A. I was arrested -- I was arrested with a serving police 23 officer on the strength of a voicemail message, and 24 having been arrested, there was no strength in the 25 voicemail message, but I was subsequently interviewed by</p> <p style="text-align: center;">Page 115</p>
<p>1 Mr Crone answers: 2 "Well, as I understand, that was the case. I mean, 3 I didn't issue the edict. It came from Mr Myler, 4 I believe, or from the managing editor via originally 5 from Mr Myler. 6 "Question: I think my question was more: were 7 private detectives used after 2007? 8 "Answer: Not to my knowledge, no." 9 So we'll pause there. Can I be absolutely clear: 10 you were clearly operating as a private investigator for 11 News of the World during almost all of 2007, weren't 12 you, until November 2007? 13 A. Yes. 14 Q. At no stage were you told, were you: "Stop working"? 15 A. No. 16 Q. Did they suspend your services during that period? 17 A. No. 18 Q. Or say anything to you that might have caused you to 19 believe that they were worrying about the use of your 20 services? 21 A. No. 22 Q. I've already asked you about whether things changed 23 in January or February 2007. Prior to your arrest, 24 which I'm going to come onto in a moment, were you aware 25 of any steps taken by the News of the World to regulate</p> <p style="text-align: center;">Page 114</p>	<p>1 the professional standards at Thames Valley, and having 2 gone through a all my paperwork, they charged me with 3 five offences of aiding and abetting misconduct in 4 public office. One of the charges related to an email 5 connected with News of the World. 6 Q. Right. Okay. What I want to understand is what 7 happened. When News of the World found out about 8 this -- it doesn't matter how they found out. What 9 happened when they found out about this? 10 A. They told me I can continue working until and unless 11 charges are brought against me. If charges are brought 12 against me, then they will have to terminate my 13 employment. 14 Q. And were charges brought against you? 15 A. Yes, they were. 16 Q. There are documents, Mr Webb, behind tabs 3 and 4 which 17 are confidential documents. They include 18 a confidentiality agreement between you and 19 News of the World, so I'm not going to ask you about 20 them in any detail and they haven't been disclosed to 21 the core participants for that very reason. But what 22 I want to know is this: what's your understanding of why 23 News of the World terminated the use of your services at 24 this time? 25 A. I think it's because obviously I was arrested and</p> <p style="text-align: center;">Page 116</p>

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<p>1 charged with the offences outlined, that they felt that 2 I couldn't be involved in the News International 3 procedures in relation to that, and so the compromise 4 agreement was basically for me not to disclose any 5 information that I'd done for News of the World. 6 Q. You'd probably better stop there and not say anything 7 more about the compromise agreement. Right. Did they 8 speak to you about what the position would be if the 9 charges were either dropped or you were acquitted? 10 A. Yes. 11 Q. Did they ever discuss that with you? 12 A. Yes, they did. 13 Q. What did they say about that? 14 A. They said if the charges are dropped or I'm acquitted, 15 then to contact the News of the World and they will 16 reemploy me. 17 Q. To the best of your knowledge and understanding, did the 18 fact that they terminated your services have anything to 19 do with the fact that you were a private investigator or 20 was it solely on the basis that you had been charged 21 with criminal offences? 22 A. Solely the charges. 23 Q. You tell us in your witness statement, paragraph 7, that 24 Mr Crone and Mr Kuttner arranged the compromise 25 agreement.</p> <p style="text-align: center;">Page 117</p>	<p>1 with. It was dropped. 2 Q. It was dropped, okay. You tell us that you then went 3 back to work for News of the World again? 4 A. That is correct. 5 Q. Who made the approach this time, you or them? 6 A. I phoned up. I phoned up Neville Thurlbeck and told him 7 the result of what had taken place but I wanted some 8 time out until Christmas and that was it, and he told me 9 to contact him early in the new year. 10 Q. So I presume you did contact him? 11 A. I contacted him in the early part of the new year, 12 I think it was either first or second week in January of 13 that -- 2009, and he told me that there's been a little 14 bit of a hiccup, we need you to actually terminate your 15 private investigator's licence and that the bosses 16 require you to get -- join the NUJ. 17 Q. Right. So two things. You had to relinquish your 18 licence? 19 A. In fact, can I just say that -- I say "relinquish my 20 licence". I'd actually let it drop throughout -- when 21 I was -- the previous year when I was actually on bail. 22 So it had actually dropped from the system anyway. 23 Q. But did Mr Thurlbeck know that? 24 A. No. 25 Q. Okay. So am I right in saying he said two things had to</p> <p style="text-align: center;">Page 119</p>
<p>1 A. That is correct. 2 Q. It's important: how do you know that? 3 A. I went into the News of the World building and met up 4 with them, and we sat -- 5 Q. When you say "them", do you mean Mr Kuttner and 6 Mr Crone? 7 A. Yes. 8 Q. Was Mr Crone present at this meeting? 9 A. Mr Crone was there as well, and there was another lady 10 there, yes. 11 Q. Sorry, I spoke over you. Are you absolutely sure that 12 Mr Crone was at the meeting? 13 A. I'm certain as can be. 14 Q. What happened then in respect of the criminal charges? 15 A. They advised me that because I'd been charged, that 16 I wasn't allowed to work for the News of the World, and 17 I am entitled to go and work for any other newspaper. 18 Q. Pausing there, leaving aside News of the World, what 19 happened in respect of the criminal charges that had 20 been brought against you? 21 A. Um ... 22 Q. Did they proceed? 23 A. No, they -- it went to legal -- I was on bail for 18 24 months. It went to legal arguments and it was -- the 25 judge at that particular time -- it was never proceeded</p> <p style="text-align: center;">Page 118</p>	<p>1 happen before you came back: you had to relinquish or no 2 longer have a licence? 3 A. Three things. 4 Q. Okay, I'll tell you the two and then you can tell me the 5 third. Secondly, had you to get an NUJ card. And 6 thirdly? 7 A. Yes. Thirdly, I had to change my email address. 8 Q. Right. Which was at the time? 9 A. I'd changed it from Silent Shadow Services to Shadow 10 Watch. So it was Shadow Watch, and I needed to change 11 it -- they wanted it changed from Shadow Watch. 12 Q. Right. To what? 13 A. To Derek Webb Media. 14 Q. So no reference to shadow? 15 A. [redacted] 16 Q. Sorry, I didn't mean for you to have to tell me the 17 exact address. 18 A. I thought you asked for that. 19 Q. Sorry. I understand. 20 Three things, then. What I want to know is this: 21 can you tell me what your understanding was of why 22 News of the World were asking you to do these three 23 things? What did Mr Thurlbeck say to you? 24 A. He told me it's in relation to the Clive Goodman affair, 25 in relation to that matter, that because of the use of</p> <p style="text-align: center;">Page 120</p>

<p>1 private investigators, ie Glenn Mulcaire, that they 2 didn't want to be tied up with private investigators. 3 Q. Can you remember any of the exact words in the 4 conversation or is it too long ago? 5 A. It's too long ago, but they were basically the words. 6 It was definitely to do with Clive Goodman that I was 7 told to -- that that was the reason. 8 Q. All right. Why did you agree to do these things? 9 A. For employment. 10 Q. You've already told us that you had no experience of 11 being a journalist, but yet you were being asked to 12 obtain an NUJ card. First of all, what was the process? 13 How did you obtain an NUJ card? 14 A. I contacted another journalist who I knew that didn't 15 work for News of the World and that person signed and 16 got a counter-signature and I sent the form off and it 17 was approved and that was it. 18 Q. You got your NUJ card through the post? 19 A. That's right, and it referred to me -- because I'd put 20 it down as a researcher. 21 LORD JUSTICE LEVESON: Hang on. Did you have to provide any 22 details of qualification to get an NUJ card? 23 A. Nothing. I just basically went through the details that 24 were on the form that I was a police officer -- 25 LORD JUSTICE LEVESON: What sort of details?</p> <p style="text-align: center;">Page 121</p>	<p>1 A. No. 2 Q. Did anything change at all from the time you'd been 3 a private investigator from 2003 to 2007? 4 A. Nothing. 5 Q. Did the News of the World give you a copy of the PCC 6 code then? 7 A. No. 8 Q. Did they give you any training on the code? 9 A. No. 10 Q. Were you paid in a different way? 11 A. The same amount. 12 Q. Were your tips any different? 13 A. The same -- when you say the tips, what do you mean? 14 Q. The tips that you were given which would then lead to an 15 assignment. 16 A. Yes -- no, exactly the same. 17 Q. Did they ever discuss with you the public interest in 18 obtaining the information that you were obtaining? 19 A. No. 20 LORD JUSTICE LEVESON: But I rather gather from what you 21 were saying before that most of the time you were just 22 going there to look and report. You weren't given any 23 information? 24 A. I was given certain bits of information in relation that 25 A was having an affair with B or to do with drugs or to</p> <p style="text-align: center;">Page 123</p>
<p>1 A. It was just basic details about whether I had got any 2 experience in various things, various matters, and 3 I couldn't put any -- that I'd got any experience, but 4 it was accepted. 5 LORD JUSTICE LEVESON: Because you hadn't? 6 A. I hadn't. 7 LORD JUSTICE LEVESON: Yes. All right. 8 MS PATRY HOSKINS: Right. What I want to understand is 9 whether things changed. After you complied with their 10 wishes, gave up the licence, got the NUJ card and 11 changed the email address, did anything change in terms 12 of the work that you were undertaking, the assignments 13 you were given? 14 A. No. 15 Q. And so on? Did you suddenly become a journalist? 16 A. No. 17 Q. If someone had asked you at the time what you did, what 18 would you have said? 19 A. Freelance researcher-cum-journalist. 20 Q. What were you doing in your own mind, Mr Webb? 21 A. Surveillance. 22 Q. Let me ask you these questions: did you ever write any 23 articles for the paper post-2009? 24 A. No. 25 Q. Did you have any bylines published?</p> <p style="text-align: center;">Page 122</p>	<p>1 do with an addiction, so it was very limited sort of 2 information, but given all the details of the people. 3 MS PATRY HOSKINS: Did you even ever know exactly which 4 story it was that you were working on? 5 A. Oh yes, yes. 6 Q. Mr Myler said this in evidence to the Inquiry. I'll 7 read it back to you: 8 "Getting an NUJ card made Mr Webb more aware of his 9 responsibilities whilst working for the 10 News of the World." 11 Is that right? Did it? 12 A. It's a very difficult question. It's a very difficult 13 question to actually answer. 14 Q. Try and answer it, if that's possible. 15 A. I don't think there was any -- there was no difference. 16 I didn't feel different. 17 Q. Perhaps we can agree on the one change that did happen, 18 apart from the change to your email address. You 19 started billing them as Derek Webb, freelance journalist 20 and not as Silent Shadow? 21 A. That is correct. 22 Q. So in terms of the paper trail, you weren't identifying 23 yourself as a private investigator? 24 A. That's right. 25 Q. Nor referring to yourself as Silent Shadow?</p> <p style="text-align: center;">Page 124</p>

<p>1 A. Mm.</p> <p>2 Q. We can see that, can't we, from tab 5?</p> <p>3 A. Yes.</p> <p>4 Q. Just for the sake of completeness, right at the back of</p> <p>5 tab 5, we can see the invoices that you were submitting</p> <p>6 after this time. 51529 onwards.</p> <p>7 A. That is correct.</p> <p>8 Q. You're now headed as freelance journalist --</p> <p>9 A. That is correct.</p> <p>10 Q. -- on your billing.</p> <p>11 You'll have no knowledge of what I'm about to refer</p> <p>12 to, but you can take it from me that Mr Kuttner sent an</p> <p>13 email to, amongst other, Colin Myler and Tom Crone on</p> <p>14 29 July 2009 which referred to you as Derek Webb, Silent</p> <p>15 Shadow. Now, the date is important. 29 July 2009. It</p> <p>16 doesn't matter why that was, but it's right to say,</p> <p>17 wasn't it, that by July 2009 that company had stopped</p> <p>18 trading completely? You didn't refer to yourself as</p> <p>19 Silent Shadow any more?</p> <p>20 A. That company went out of business on the date of my</p> <p>21 arrest, when the police took possession of everything.</p> <p>22 Q. Thank you. I'm going to ask you some general questions</p> <p>23 now about --</p> <p>24 LORD JUSTICE LEVESON: Just before we move from the invoice.</p> <p>25 They don't identify who you are supposed to be watching;</p> <p style="text-align: center;">Page 125</p>	<p>1 Q. You tell us in your statement that a very large number</p> <p>2 of journalists at News of the World instructed you over</p> <p>3 the course of your time there?</p> <p>4 A. That is correct.</p> <p>5 Q. They're all in the statement. I'm not going to read</p> <p>6 them out, but out of fairness to something Mr Myler said</p> <p>7 in evidence yesterday, he never personally instructed</p> <p>8 you, did he?</p> <p>9 A. No.</p> <p>10 Q. I'm coming on to ask you about payment now. How were</p> <p>11 you paid by News of the World?</p> <p>12 A. I sent my invoice in.</p> <p>13 Q. Yes.</p> <p>14 A. And then what they would do is they would raise their</p> <p>15 own invoice, of which there is copies in the file.</p> <p>16 Q. Yes.</p> <p>17 A. And they would send those invoices out to me. In the</p> <p>18 initial stages, it was all done by -- sent through the</p> <p>19 post, but obviously in the last six months, it's been</p> <p>20 done electronically. But they would send those out and</p> <p>21 within a couple of days the money would be in my bank.</p> <p>22 Q. If you turn to paragraph 8 of your statement -- so</p> <p>23 that's back behind tab 2 -- you explain this and you say</p> <p>24 on page 51509, halfway down the page -- this is the</p> <p>25 point that Lord Justice Leveson was referring to</p> <p style="text-align: center;">Page 127</p>
<p>1 they merely identify where you were?</p> <p>2 A. They asked me to do that. In the initial stages in</p> <p>3 2003, I did in fact put the name of the person. There</p> <p>4 is a number of invoices that refer to this. But they</p> <p>5 asked me to change, and the reason why they asked me to</p> <p>6 change, to put a name or anything different, is so that</p> <p>7 the invoice, when it goes through their finance</p> <p>8 department, wouldn't identify who I was following and it</p> <p>9 wouldn't be common knowledge.</p> <p>10 MS PATRY HOSKINS: Is that what they told you, Mr Webb?</p> <p>11 A. That's what they told me.</p> <p>12 Q. Can I ask you some general questions about your</p> <p>13 employment? Were you aware of any other private</p> <p>14 investigators employed by News of the World?</p> <p>15 A. I wasn't aware of them. I'd heard rumours.</p> <p>16 Q. From?</p> <p>17 A. From photographers that said that other people are</p> <p>18 working -- other private investigators are working.</p> <p>19 Q. Can you give us a time period for that?</p> <p>20 A. The time period was mainly between 2003 and 2007.</p> <p>21 Q. All right. After 2009, were you aware of any private</p> <p>22 investigators working for the News of the World?</p> <p>23 A. No.</p> <p>24 Q. Apart from you?</p> <p>25 A. No.</p> <p style="text-align: center;">Page 126</p>	<p>1 a moment ago:</p> <p>2 "In the early days, I would title my invoice with</p> <p>3 the name of the subject of the surveillance but this</p> <p>4 changed in order that the identity of the subject was</p> <p>5 not disclosed to the staff within the accounts</p> <p>6 department. I cannot remember who gave me this</p> <p>7 instruction but from that point forward, I identified</p> <p>8 each invoice simply by location."</p> <p>9 When you say "in the early days", when did this</p> <p>10 change?</p> <p>11 A. This changed by 2004, within a matter of several jobs.</p> <p>12 Q. Were you always paid in this way? Were you ever paid in</p> <p>13 cash?</p> <p>14 A. No, always paid this way.</p> <p>15 Q. I want to ask you now a bit more about the scope and the</p> <p>16 quality of the work that you were instructed to do.</p> <p>17 You've explained to us that you would get instructions</p> <p>18 in different ways: by phone, by email, by text message.</p> <p>19 To what extent would you be given specific information</p> <p>20 about the people that you were going to place under</p> <p>21 surveillance?</p> <p>22 Let me give you an example. To what extent were you</p> <p>23 told something like: "We think X is having an affair.</p> <p>24 Could you please go up to Y address and place that</p> <p>25 person under surveillance with a view to finding out</p> <p style="text-align: center;">Page 128</p>

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<p>1 whether that's true"? How often was the tip a specific 2 one with specific pieces of information? 3 A. Yes, there was always specific information. There was 4 never a fishing expedition. 5 Q. Right. That's my question. 6 LORD JUSTICE LEVESON: That depends how you define "fishing 7 expedition", doesn't it? 8 A. I presume that is correct, because obviously if I'm 9 given information that A is having an affair with B, 10 that could be classed as a fishing expedition to find 11 out whether that is correct. 12 LORD JUSTICE LEVESON: Exactly. 13 A. But it wasn't a fishing expedition that they instructed 14 me and said, "Could you go and have a look at A and see 15 whether anything's happening with A and whether they're 16 having an affair"; it was always that they were having 17 an affair and they would always say a little bit extra, 18 that: "We think they're having an affair with B." 19 LORD JUSTICE LEVESON: But the answer to that is, isn't it, 20 to be accurate, you're not fishing. Whether they are, 21 you can't say? 22 A. That is probably correct. 23 MS PATRY HOSKINS: Let me put it another way: did you ever 24 get an instruction that said, "Follow X about for 25 a while, see if you can find anything out"?</p> <p style="text-align: center;">Page 129</p>	<p>1 quite lengthy? 2 A. Yes. 3 Q. On some occasions you were there for a very short time, 4 on one occasion, and other times up to two weeks I have 5 seen in some cases. 6 A. That's correct. 7 Q. Is that correct? 8 A. Yes. 9 Q. Typically, would it be a matter of a few days or 10 a longer period? 11 A. Well, it varied. It depended upon whether the person 12 was actually on the move or where they were going or 13 whether they were -- on occasions, people would go on 14 holiday in the UK and they would send me and say, "Keep 15 an eye on them on holiday", so I'd be away for a week, 16 two weeks, or whatever. They would say to me, "Follow 17 A", and I might follow A that starts off in Kent and we 18 don't know where the person's going -- when I say "we", 19 I mean referring to the news desk -- but the person 20 would then end up -- I would end up in Liverpool later 21 that day. So it would transpire is that they wouldn't 22 knock the job on the head when I'm up in Liverpool, 23 although it might be a job that they'd only given 24 a couple of days, but things might develop on that job. 25 But equally, there's jobs you go on where you're sitting</p> <p style="text-align: center;">Page 131</p>
<p>1 A. No. 2 Q. Were the instructions ever vague -- 3 A. No, they weren't -- 4 Q. -- in terms of what you were trying to achieve? 5 A. No, they were not vague, but obviously you would -- you 6 might have to chase things by going to A to get to B. 7 Q. Can you explain that? 8 A. I'll explain that. That you'd have to follow A, 9 although A wasn't the person that the job is interested 10 in, because they're interested in B and C, but you'd 11 have to follow A to find out where A is going to meet 12 up with B and then follow on from B. I know that sounds 13 awkward in relation to certain jobs. Not all jobs, but 14 there were some jobs where it was -- specifically where 15 they asked me to go and follow a mother, where the -- to 16 hope that she meets up with the son, to then carry on 17 with the son. 18 Q. I understand. So you were asked to place under 19 surveillance people who might be connected to a famous 20 person, for example? 21 A. That's right. 22 Q. So that they would then maybe lead to you that famous 23 person? 24 A. That's right. 25 Q. I understand. Some of the periods of surveillance were</p> <p style="text-align: center;">Page 130</p>	<p>1 there for a week and nothing happens, where in your own 2 mind you're thinking: "This is not going to happen", but 3 you continue because just in case it does. 4 Q. Mr Thurlbeck said that there were occasions which he 5 found very frustrating where you would be on the job for 6 a couple of days and you wouldn't really have had 7 a chance to find out the information you were being 8 tasked to found out, and then you'd have to be pulled 9 off the job because someone else on the news desk might 10 need your services for something else. Was that 11 accurate? 12 A. It's very frustrating when you know something is 13 definitely happening. What I mean by that is you know 14 someone's using a phone -- when I say "using", I'm 15 seeing them, observing them using a phone and they're 16 obviously speaking to someone. They've come out their 17 house and wandered around the side of their house to use 18 a mobile phone, which could be considered suspicious in 19 relation to me, because obviously I'd be thinking 20 there's something more than meets the eye to this. 21 You'd relay that back, that information, but because of 22 the budget restraints on certain jobs -- certain jobs 23 would get a certain amount of budget and others would 24 get more priority with budgets. So that -- and there 25 might be a more important job. So you'd be taken off</p> <p style="text-align: center;">Page 132</p>

<p>1 and put on another job, thinking you might go back to 2 that job but a lots of times you didn't go back to that 3 same job. 4 Q. So he was right to say that there would be occasions 5 where you'd start a job and never get to finish it 6 because you'd be pulled off it and put on something 7 else? 8 A. Mm. 9 Q. I want to ask you about the type of the work that you 10 carried out for News of the World. I'm going to do that 11 by reference to the work schedules you've put in. You 12 said right at the outset that you placed about 150 13 people under surveillance over the eight-year period. 14 Let me ask you this: in terms of how you did it, I'm 15 assuming -- and I'd like you to correct me if I'm 16 wrong -- that it was all surveillance from public 17 places. You didn't try to infiltrate people's homes or 18 private places anything? 19 A. No. They instructed me that from the very outset. 20 Q. What did they say to you about that? 21 A. They said that I do not go on private land, any private 22 property, do not go hunting through rubbish bins and do 23 not take pictures of -- photographs of children or 24 follow children connected to families. So if the child 25 walks up the road, don't follow the child.</p> <p style="text-align: center;">Page 133</p>	<p>1 Q. Including MPs? 2 A. Yes, including MPs. So MPs and celebrities, 3 85 per cent. 4 Q. All right. And the other 15 per cent? What were they 5 made up of? 6 A. Yes, they were made up of drugs offences, addictions, or 7 crime. 8 Q. All right. So people who were not well-known, but who 9 were connected to those areas? 10 A. Connected to them areas, and obviously lawyers as well. 11 LORD JUSTICE LEVESON: I'm not so sure about "obviously". 12 Does that link them with drug dealers? 13 MS PATRY HOSKINS: Let me ask you no you about the type of 14 instructions that you were given in relation to those 15 people. I have looked through the names and the sorts 16 of tips you were given. Most of these instructions were 17 tips about sexual relationships, affairs, intimate 18 relationships. That's correct, isn't it? 19 A. Yes. 20 Q. Given that you've told us that this was all public 21 surveillance, in the sense that you didn't go into 22 private homes or onto private property, how often was 23 this about uncovering crime, so uncovering drug dealing 24 or corruption or something else? 25 A. That comes into the other 15 per cent.</p> <p style="text-align: center;">Page 135</p>
<p>1 Q. And they told you this from the outset? 2 A. This was from the outset. 3 Q. From 2003 onwards? 4 A. Yes, this was from the very outset. 5 Q. Thank you. We've done here a bit of an analysis of the 6 work schedules. I actually counted 197 people over the 7 schedules that I've seen, but that's because some people 8 appear twice. Again, I don't want any reference to 9 names, but it's clear to me from that analysis that I've 10 done that you mainly followed celebrities, politicians, 11 sportsmen or people with a connection to a celebrity. 12 Would that accord with your recollection? 13 A. Yes, that's correct. 14 Q. And in fact, if you counted sportsmen and families of 15 celebrities as celebrities and put them all in the same 16 category, it's overwhelming. That's overwhelmingly the 17 job that you were given to do, following celebrities? 18 A. Yes. 19 Q. If you were trying to give me a percentage of the time 20 you spent on celebrities as opposed to anyone else, what 21 percentage figure would you put on it? 22 A. I would say celebrities -- but you have to put 23 celebrities with MPs. 24 Q. Okay. 25 A. So I would say 85 per cent.</p> <p style="text-align: center;">Page 134</p>	<p>1 Q. That comes into the other 15 per cent. Okay. What 2 about people who were accused or suspected of 3 fraternising with criminals? Did that form any part of 4 the surveillance you undertook? 5 A. No. 6 Q. None at all? Okay. Bearing that in mind, I'd like to 7 go back to -- I'm going to read you parts of 8 Mr Thurlbeck's evidence. Did you watch or -- 9 A. No. 10 Q. -- listen to Mr Thurlbeck's evidence? 11 Sir, you'll find a transcript of his evidence behind 12 tab 18. 13 LORD JUSTICE LEVESON: Thank you. 14 MS PATRY HOSKINS: For everyone else, it's the transcript 15 from 12 December 2011, and we're starting at page 28, 16 please. You don't have to turn this up. It is in your 17 bundle, but I will read it out. 18 He's asked at the bottom of page 26 about the use of 19 private investigators and he says this, top of page 27: 20 "Can I ask you about Mr Derek Webb? [This is Mr Jay 21 speaking] What was your involvement, if any, with him?" 22 And he says: 23 "He would be employed to observe people, report back 24 to journalists on activities that we might be 25 investigating for the paper. He would compile a report,</p> <p style="text-align: center;">Page 136</p>

<p>1 a journalist would then act on that report and 2 investigate further with him or alone." 3 Pausing there, that's right, isn't it? 4 A. That's correct. 5 Q. "The question was what was your involvement with him and 6 the answer was he would be employed? 7 "Answer: Yes. 8 "Question: I think the question was more directed 9 to you. Did you employ him? 10 "Answer: I did, yes." 11 That's right, isn't it? 12 A. Yes. 13 Q. Mr Thurlbeck was one of the people who regularly 14 instructed you? 15 A. Yes. 16 Q. "Do you remember approximately when you first started 17 engaging him? 18 "Answer: I think it was at the beginning of 19 2002/2003, something like that. I'm not the quite 20 sure." 21 Q. Well, we know when it was. 22 "Can you remember approximately how many assignments 23 you gave him?" 24 He says: 25 "Dozens. I can't put a number of it, but several</p> <p style="text-align: center;">Page 137</p>	<p>1 about their private lives?" 2 And he says this: 3 "Only if their private life came into conflict with 4 their public life." 5 I'm not going to ask you to comment on that. It's 6 not a matter for you. 7 "That wasn't the question. Did the assignments in 8 the main relate to their private lives? 9 "Answer: Yes. 10 "Question: In other words -- 11 "Answer: Their activities. 12 "Question: -- their intimate relationships? 13 "Answer: Not always. 14 "Question: But usually, is that right? 15 "Answer: I wouldn't say 'usually'. Sometimes it 16 could be their intimate relationships or sometimes it 17 could be drug-taking or sometimes it would be maybe 18 fraternising with undesirables, but it was right across 19 the spectrum." 20 You've told us, I think, that surveillance of people 21 who were accused or suspected of fraternising with 22 undesirables or criminals -- 23 A. Unless you're classing A meeting B, if they're having 24 a relationship, that is classing -- unless they are 25 classing that as undesirables.</p> <p style="text-align: center;">Page 139</p>
<p>1 dozen, I would think." 2 A. I couldn't put a number on it either. 3 Q. "Can you assist us with the type of assignments in 4 general terms?" 5 He says: 6 "Yes, we would -- the newspapers for decades had 7 been involved in observing human behaviour and reporting 8 on it. Derek Webb was especially good at observing, and 9 he would observe and he would compile evidence of all 10 sorts of activities, illegal or otherwise, and he would 11 come back to us and we would act upon whatever he was 12 reporting on." 13 So far so good? 14 A. Yes. 15 Q. "Were your primary surveillance targets politicians and 16 celebrities? 17 "Answer: I would say they formed a large 18 percentage, yes." 19 A. Yes. 20 Q. You have told us it was 85 per cent celebrities and 21 politicians? 22 A. Yes. 23 Q. So you'd agree with him there. 24 " In relation to celebrities -- take them first -- 25 were the assignments in the main directed to finding out</p> <p style="text-align: center;">Page 138</p>	<p>1 Q. You weren't specifically asked to place anyone under 2 surveillance for the sole reason that they were 3 fraternising with someone undesirable such as 4 a criminal; is that right? 5 A. No, that's right. 6 Q. Okay. 7 A. Not that I can remember, anyway. 8 Q. What about drug taking? 9 A. Yes, the drug taking, that's -- that did come into play. 10 Q. Within the 15 per cent? 11 A. That's within the 15 per cent. 12 Q. And within that 15 per cent, how many cases did you 13 investigate or how many people did you place under 14 surveillance for the purpose of that topic? 15 A. I think there was only two or three. 16 Q. All right. I think I can pause there with 17 Mr Thurlbeck's evidence. 18 I said that I would come back to placing certain 19 persons under surveillance for longer periods. We've 20 seen -- I'll turn it up if you would like, but on some 21 occasions you kept certain public figures under 22 surveillance for a period of up to two weeks. 23 A. That is correct. 24 Q. Without naming any names, give us an example of what you 25 would be doing for two weeks.</p> <p style="text-align: center;">Page 140</p>

<p>1 A. I would actually be following them, whether it be on 2 foot or whether it be in a car, and solely watching them 3 day in, day out.</p> <p>4 Q. All with the purpose of trying to establish the 5 information that you'd been given?</p> <p>6 A. Yes. So on a day, you don't know whether you're going 7 to be on the move the whole of the day or part of a day. 8 If you were following an MP and an MP would go into the 9 House of Commons, then it would be very difficult. He 10 might be there all day before they come out. So it's 11 very, very difficult to analyse exactly how long you'd 12 do the surveillance for because obviously you might be 13 called off at 5 o'clock -- they'd say, "No, knock it on 14 the head" -- or carry on, going into the evening when 15 they come out. So it's very, very difficult. It 16 depends if the person is actually on the move or where 17 they're going.</p> <p>18 Q. Okay. In respect of one job you were given -- I think 19 I can say this -- you kept the wife of a famous 20 footballer under surveillance for a month?</p> <p>21 A. Yes.</p> <p>22 Q. What did that entail?</p> <p>23 A. A lot of hard work.</p> <p>24 Q. I'm sure that's right.</p> <p>25 A. She went everywhere.</p> <p style="text-align: center;">Page 141</p>	<p>1 back to that. You were asked about this at 2 paragraph 11, 51510. You explain at the third 3 paragraph, under the heading 11, that were asked on two 4 separate occasions to follow two solicitors. Do you see 5 that?</p> <p>6 A. That is correct.</p> <p>7 Q. Can I ask you --</p> <p>8 A. Can I actually say on the first occasion I was asked to 9 follow one solicitor to see whether he'd meet up with 10 the other solicitor.</p> <p>11 Q. Let's start right at the at the beginning. Who 12 instructed you on this particular job? Can you 13 remember?</p> <p>14 A. I can't remember. It came from the news desk. I was on 15 a job in Surrey and I was asked -- the person who gave 16 me the job in Surrey said, "You have been knocked on the 17 head on that. Can you make your way to Manchester? The 18 news desk want you to do another job in Manchester." So 19 I made my way to Manchester --</p> <p>20 Q. At that stage, did you know anything being why you were 21 going to Manchester?</p> <p>22 A. No, I didn't know anything about the job and 23 I remember -- I vaguely remember texting the journalist 24 that was dealing with the Surrey job and said to him -- 25 because I was not far off of Manchester and it was</p> <p style="text-align: center;">Page 143</p>
<p>1 Q. All right. I won't ask you anything more about the 2 specifics of that job.</p> <p>3 I am coming on to ask you about some specific 4 examples of some of the investigations you were asked to 5 undertake. The first relates to Mr Watson MP. It's 6 very important I'm not going to ask you about what you 7 found out, if anything, about Mr Watson, but I do want 8 to understand: were you given specific instructions to 9 place Mr Watson under surveillance?</p> <p>10 A. Yes, I was.</p> <p>11 Q. Were you given a specific instruction as to what you 12 were to find out about Mr Watson?</p> <p>13 A. Yes.</p> <p>14 Q. So was it a fishing expedition in any sense?</p> <p>15 A. No.</p> <p>16 Q. Were you told who he was or what his role was in public 17 life?</p> <p>18 A. Yes, I was. I was aware.</p> <p>19 Q. Were you aware that he sat on a Select Committee?</p> <p>20 A. No, not at that particular time when I carried out the 21 surveillance.</p> <p>22 Q. All right, I'm going to park it there. I'm going to 23 turn on now, please, to the surveillance of Ms Harris 24 and a gentleman called Mr Mark Lewis, if I can. You 25 deal with this in your witness statement, so if we turn</p> <p style="text-align: center;">Page 142</p>	<p>1 getting late in the day, and I said, "I've not had any 2 instructions", and then I understand -- I can't be 3 100 per cent on this, whether it came through from 4 somebody from the news desk or whether it came through 5 on a text. I've got the vaguest feeling that it came 6 through a start-off on a text: "Can you go to this 7 address?"</p> <p>8 Q. Right.</p> <p>9 A. So I headed for that address.</p> <p>10 Q. At that stage, that's all you knew, an address?</p> <p>11 A. Yes, and then when I arrived at that address, I was 12 instructed -- I had a phone call from the news desk 13 saying, "We want you to place this solicitor under 14 observations, but can you start tomorrow?" So because 15 it was late in the day -- on that first day.</p> <p>16 Q. Can you recall the names of anyone that you spoke to on 17 that day on the news desk?</p> <p>18 A. I can't remember -- because the trouble is a lot of the 19 people from the news desk I don't know in person, so 20 it's names. So I can't put a name to a face. Some of 21 them I can do, but others I can't. It's only over 22 a period of time. I cannot remember precisely who gave 23 me that information at that particular time, that first 24 initial details.</p> <p>25 Q. Okay. So you were told to place the person, the man who</p> <p style="text-align: center;">Page 144</p>

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<p>1 lived at that address, under surveillance; is that 2 correct? 3 A. A person, yes. 4 Q. Were you given a reason why? What were you trying to 5 find out? 6 A. Yes, that he was having an affair with another person. 7 Q. Okay. I don't want you to say anything else. I don't 8 know if you were told anything else, but I don't want 9 you to say anything else, please. 10 Now, you said that you were called off that night. 11 Did you undertake that surveillance the next day? 12 A. I carried on that night for actually a little while and 13 watched, just to get the feeling of where I could sit, 14 where the locations are for the following day. 15 Q. And then what happened the next day? 16 A. The following day I -- from my memory -- and I know that 17 no male appeared from that address, and I can't remember 18 whether it was -- what time of the day, but I contacted 19 the news desk and said, "There's no male here at the 20 address." And somebody from the news desk said, "Can 21 you describe the woman?" and I said, "She's got dark 22 hair." So they said, "Can you follow her to see -- can 23 you follow her and take a picture of her?" So 24 I followed her and took a picture of her. 25 Q. All right. At that stage, had you been given the name</p> <p style="text-align: center;">Page 145</p>	<p>1 A. Yes, I have. I only saw this on 5 November via someone 2 else. 3 Q. First of all, let's start with the basics. Is this your 4 handwriting? 5 A. Yes, it is. 6 Q. Is this a note that you prepared? 7 A. Yes. 8 Q. If you cast your eye over it, it's addressed to Ian. 9 Who would that be? 10 A. That would be Ian Edmondson. 11 Q. I'm going to read it for the benefit of those who don't 12 have it in front of them: 13 "The video is a bit up and down in the beginning. 14 Then there is close up shots of her. She kept moving 15 around, as you can see. You may think it's finished at 16 one stage but let it run. Its total is about five to 17 six minutes. Any questions need answering, call me. 18 Phone on all time except a few hours during wedding on 19 Tuesday, 12 to 4-ish. I am back on first flight Monday, 20 week 12 April if you need me to go back up there. 21 Cheers, Derek." 22 Is that note self-explanatory? 23 A. That is. 24 Q. Is there anything that's you want to say about it? 25 A. No.</p> <p style="text-align: center;">Page 147</p>
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<p>1 of the man that you were supposed to be finding? 2 A. I'd been given a name of a man, yes. 3 Q. Let's not mention it. Was it Mark Lewis? 4 A. No. 5 Q. Right. How did you obtain photographic evidence of the 6 woman that you had described to the news desk? 7 A. I followed her into a garden centre and then I had my 8 video bag and I had it on. So I was zooming in here, 9 there and everywhere. 10 Q. How long did you survey her for? How long did this 11 period of surveillance take place? 12 A. I can't honestly say. 13 Q. Okay. 14 A. I followed her all day, obviously, but I can't honestly 15 say how long the video took. The video was just 16 a picture. 17 Q. What did you do with the footage that you had obtained? 18 A. I was told that it would be collected from my hotel that 19 night. 20 Q. So did you prepare it for collection? 21 A. I put it in an envelope and -- 22 Q. With a note? 23 A. I've only seen the note very recently. 24 Q. Sir, it should have been -- I think everybody has been 25 given a copy. Do you have a copy in front of you?</p> <p style="text-align: center;">Page 146</p>	<p>1 Q. Was this the note that you sent down with video 2 footage -- 3 A. That's is it. 4 Q. -- to Mr Edmondson? Was it collected from your hotel as 5 planned? 6 A. Yes, it was. 7 Q. Did you stay in Manchester that evening? 8 A. Yes, I did. 9 Q. Did you speak with either Mr Edmondson or someone else 10 from the news desk the next day? 11 A. I was told by someone from the news desk to stand down, 12 it's not the woman. 13 Q. You were told to stand down, that it was not the right 14 woman? 15 A. That it was not the woman in question. 16 Q. Did you prepare any note or report as a result of that 17 short period of investigation? 18 A. I believe not. I would have known -- I didn't have 19 a laptop up there and I wouldn't have prepared a note -- 20 unless I prepared a note inside with this saying that -- 21 the name and address of the garden centre, but I can't 22 remember 100 per cent. But that would have only been 23 that. 24 Q. Were you ever instructed to go back up to Manchester and 25 carry on this particular assignment?</p> <p style="text-align: center;">Page 148</p>
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<p>1 A. Yes.</p> <p>2 Q. When was that?</p> <p>3 A. I was contacted on the 10th -- and I know it was the</p> <p>4 10th --</p> <p>5 Q. The 10th of ...?</p> <p>6 A. 10 April. I know it was the 10th because I printed out</p> <p>7 copies of two photographs and I was told to go up there</p> <p>8 on the 12th and I would have had a phone call from the</p> <p>9 news desk on the 10th because they're printed out on</p> <p>10 10 April.</p> <p>11 Q. What were these photographs that you printed out?</p> <p>12 A. The photographs were two photographs. It was one of the</p> <p>13 original male that I was told to follow.</p> <p>14 Q. Pause there. Not Mark Lewis?</p> <p>15 A. Not Mark Lewis.</p> <p>16 Q. And the other person?</p> <p>17 A. The other person -- do you want me to name this person?</p> <p>18 Q. Yes.</p> <p>19 A. Charlotte -- Charlotte Lewis. No, sorry -- yes.</p> <p>20 Q. And what were you asked to do on the 10th?</p> <p>21 A. I was asked to follow these solicitors around to see</p> <p>22 where they'd meet up, and I wasn't given instructions on</p> <p>23 how I wanted to do it. They basically said, "We will</p> <p>24 leave it to you to go on whichever solicitor's office</p> <p>25 you want to go on."</p> <p style="text-align: center;">Page 149</p>	<p>1 A. No.</p> <p>2 Q. Did you produce any report or log of that particular</p> <p>3 week of surveillance?</p> <p>4 A. No.</p> <p>5 Q. Did you ever deal, in connection with this surveillance,</p> <p>6 with a gentleman called Julian Pike?</p> <p>7 A. No.</p> <p>8 Q. I'm going to ask you now, finally, please, about the</p> <p>9 time when the News of the World closed, obviously,</p> <p>10 in July 2011. Presumably you then stopped receiving</p> <p>11 instructions when it closed?</p> <p>12 A. Yes.</p> <p>13 Q. Can I ask you this? Why did you decide to speak out</p> <p>14 publicly about the work that you had undertaken for</p> <p>15 them?</p> <p>16 A. It's -- during the three months after the closure, I was</p> <p>17 in communication with News of the World,</p> <p>18 News International, because I was aware that other</p> <p>19 freelance people up and down the country had received</p> <p>20 loyalty payments for the three months and everyone</p> <p>21 I spoke to had had these payments, except me. So</p> <p>22 I contacted the News International team and informed</p> <p>23 them and they said to me I hadn't worked enough days for</p> <p>24 them. So I thought, well, this is strange that they</p> <p>25 were distancing themselves from me, so I compiled the</p> <p style="text-align: center;">Page 151</p>
<p>1 Q. Were you given details then of their particular</p> <p>2 solicitors offices that they worked at?</p> <p>3 A. Yes, I was, and reason why -- because I was given that</p> <p>4 on the Saturday. That's the reason why I printed out,</p> <p>5 knowing full well there would be numerous people going</p> <p>6 in and out of the solicitors' offices. That's why</p> <p>7 I printed them out on the 10th, where I never printed</p> <p>8 them out on the 1st because I'm going to a specific</p> <p>9 address.</p> <p>10 Q. So when did the job commence? When did you start the</p> <p>11 surveillance again?</p> <p>12 A. On the 12th I started.</p> <p>13 Q. How many days did that particular job last?</p> <p>14 A. It lasted till the Friday, from the Monday to the</p> <p>15 Friday.</p> <p>16 Q. Did you ever catch sight of either Ms Harris or the</p> <p>17 other gentleman?</p> <p>18 A. No.</p> <p>19 Q. Did you obtain any video footage of either of them?</p> <p>20 A. No.</p> <p>21 Q. Why did you stop the job on the Friday?</p> <p>22 A. I was informed by the news desk that they'd found out</p> <p>23 that they were in London.</p> <p>24 Q. Were you ever asked to place them under surveillance</p> <p>25 again?</p> <p style="text-align: center;">Page 150</p>	<p>1 schedule solely for that, not for this. This schedule</p> <p>2 was compiled solely to show them how many days I'd</p> <p>3 worked and obviously the grey areas and everything like</p> <p>4 this. Sent them in, and they advised me to take the</p> <p>5 schedules to the police, which I thought was very</p> <p>6 strange, because what I was trying to do was get loyalty</p> <p>7 payments from them, rather than going to the police.</p> <p>8 I was then told -- the next thing is that I was --</p> <p>9 then had communication with a particular journalist, who</p> <p>10 told me that there was going to be certain things</p> <p>11 published in the paper, that I had done the surveillance</p> <p>12 and the surveillance logs and various other things in</p> <p>13 relation to the solicitors which we'd mentioned, knowing</p> <p>14 full well I hadn't. I was going to be connected to that</p> <p>15 and linked in that way.</p> <p>16 I was then -- this was on -- I believe it was</p> <p>17 4 November. It was before the 5th. On 5 November,</p> <p>18 I was then informed by Newsnight and they showed me the</p> <p>19 document which we referred to, which is my note to</p> <p>20 Ian Edmondson.</p> <p>21 Q. Yes?</p> <p>22 A. Together with some other documentation that put me into</p> <p>23 a job which was all to do with surveillance of the two</p> <p>24 solicitors in question.</p> <p>25 I was then aware of all of this information, coupled</p> <p style="text-align: center;">Page 152</p>

38 (Pages 149 to 152)

<p>1 with what News International were saying. So they were 2 distancing themselves from me and I thought: "I'm being 3 linked in here to something I'm not involved in", and 4 I was not involved in it in any shape or form. 5 So I had an option to either speak up or to let the 6 media take its toll in relation to accusing me of all 7 sorts of things that I hadn't done. So that is the 8 reason why I spoke out, and this was solely that reason. 9 This was not to do with loyalty payments, as what was 10 published in every paper. 11 Q. I was going to say: some might say that you hold 12 a grudge against News of the World -- 13 A. I've got no grudge. 14 Q. -- because of the fact they didn't give you any loyalty 15 payment. Would that be right? 16 A. I've got no grudge against them. I was just trying to 17 get loyalty payments, which everyone else had, to keep 18 me tied over for three months for work until I found 19 other work. 20 Q. I understand. Perhaps I can ask you it this way: has 21 anyone at News International ever identified to you any 22 part of your statement or anything that you said that 23 might simply be untruthful or incorrect? 24 A. No, they haven't. 25 MS PATRY HOSKINS: Sir, those are my questions for Mr Webb.</p> <p style="text-align: center;">Page 153</p>	<p>1 There's no other dates to be added in there. 2 Q. I understand. 3 A. It's only a gap of where I can't remember the name of 4 the person or I haven't got the invoice, because certain 5 other ones -- my diaries are still held by the Thames 6 Valley police in relation to 2006 and I've never had 7 them returned, so there's gaps where I can't identify 8 them with the invoices. 9 MR SHERBORNE: I understand. Obviously I don't have the 10 list of names, in the sense I don't have the unredacted 11 list, but can I ask you this -- and I just want a "yes" 12 or "no" at this stage: were you ever asked by the 13 News of the World to carry out surveillance on my 14 client, the core participant Sienna Miller, or Jude Law 15 between 2003 and 2005? 16 A. On one occasion. 17 Q. You were. 18 A. I think it was one day. 19 Q. I'm not going to ask you anything more. I just wanted 20 to -- 21 A. But I was pulled off immediately. 22 Q. Thank you, Mr Webb. 23 A. It's very important to emphasise that, because there was 24 a reason why I was pulled off immediately. 25 Q. I'm not going to ask you that reason, for reasons which</p> <p style="text-align: center;">Page 155</p>
<p>1 Thank you very much indeed. 2 Thank you, Mr Webb. There may be some more 3 questions. 4 LORD JUSTICE LEVESON: No. Oh, yes? 5 MR SHERBORNE: Sir, I have two questions, if I may. I've 6 mentioned them to Ms Patry Hoskins and she said she 7 wasn't intending to deal with those matters, for reasons 8 which -- 9 LORD JUSTICE LEVESON: On what topic? 10 MR SHERBORNE: One relates to one of the core participants 11 and the other relates to the surveillance of the two 12 lawyers. 13 LORD JUSTICE LEVESON: All right. 14 MR SHERBORNE: I'm grateful. 15 Questions by MR SHERBORNE 16 MR SHERBORNE: Mr Webb, you say, perfectly fairly, in your 17 witness statement that the schedule of targets that you 18 were asked to carry out surveillance on by the 19 News of the World that you've reconstructed is 20 incomplete. Is that right? 21 A. The schedule has got a few gaps in. 22 Q. Yes. I think we all understand why, but I just wanted 23 to check that it's not a complete list of all the people 24 you were asked to carry out surveillance on? 25 A. If I can say that the dates are precisely the dates.</p> <p style="text-align: center;">Page 154</p>	<p>1 I'm sure are obvious. That's all I wanted to ask you, 2 Mr Webb. Thank you. 3 Then finally this, Mr Webb. You said you were asked 4 not to follow children. We now know from the police 5 that -- I understand at the time that you weren't 6 meaning to, but we now know that you did film Mr Lewis's 7 14-year-old daughter. Mr Lewis is at the back of the 8 court here. Is there anything you would like to say to 9 him as a result? 10 A. All I can say is that it's most important -- because in 11 his statement to the Leveson Inquiry, he actually said 12 that the police had spoke to him on the 4th and that 13 they showed him a video. They showed him a video and 14 they said there's documentation that relates to me in 15 relation to that. I have never been shown a copy of 16 this video, so I'm assuming that we're talking -- if 17 we're talking about the same video. 18 MR SHERBORNE: As I understand it, we're talking about the 19 video that you referred to in this document. 20 A. But I've not seen that video to confirm that we are 21 talking about the same person. 22 Q. So you're saying, Mr Webb, that as far as you're aware, 23 you don't know whether the person you filmed was 24 Mr Lewis's 14-year-old daughter or not? 25 A. Exactly.</p> <p style="text-align: center;">Page 156</p>

<p>1 MR SHERBORNE: Thank you, Mr Webb.</p> <p>2 LORD JUSTICE LEVESON: Thank you very much indeed, Mr Webb.</p> <p>3 MS PATRY HOSKINS: Sir, Mr Webb was our only witness this</p> <p>4 afternoon. I don't know if there's any other matter</p> <p>5 that needs to be dealt with.</p> <p>6 MR SHERBORNE: Sir, yes. If we've completed today's</p> <p>7 evidence, there are a few matters I need to raise.</p> <p>8 LORD JUSTICE LEVESON: Yes. I would like -- we'll let</p> <p>9 Mr Webb go.</p> <p>10 MR SHERBORNE: Certainly, sir. (Pause)</p> <p>11 LORD JUSTICE LEVESON: I'm not saying it's not appropriate,</p> <p>12 but I would like somebody to think about whether it is</p> <p>13 appropriate that question are used for the purpose of</p> <p>14 what might be thought to be fishing.</p> <p>15 MR SHERBORNE: It wasn't intending to be a fishing</p> <p>16 expedition, and, sir, the answer proved that indeed it</p> <p>17 wasn't a fishing expedition.</p> <p>18 LORD JUSTICE LEVESON: I'll think about that. Okay, yes.</p> <p>19 What can I do for you?</p> <p>20 Discussion</p> <p>21 MR SHERBORNE: There are three matters I want to raise, sir.</p> <p>22 Two relate to Mr Grant.</p> <p>23 The first one follows on from a letter last week</p> <p>24 that was sent to the Inquiry on his behalf relating to</p> <p>25 Operation Motorman. Sir, as you will recall, Mr Grant</p> <p style="text-align: center;">Page 157</p>	<p>1 documents.</p> <p>2 But what I'd like to know is why it is appropriate</p> <p>3 for this Inquiry to be used as a vehicle to obtain this</p> <p>4 information, given that what I'm looking is not the</p> <p>5 micro but the macro position. In other words -- and</p> <p>6 I am deliberately dealing with it generally -- I'd like</p> <p>7 to know why I will be assisted by further material in</p> <p>8 relation to that aspect of the case.</p> <p>9 There is no doubt that inferentially, it seems to</p> <p>10 me, subject to hearing argument to the contrary, the</p> <p>11 evidence from Mr Thomas and Mr Owens as to the likely</p> <p>12 breaches of Section 55 is extremely strong. Once that</p> <p>13 is established, what more do I need for the purposes of</p> <p>14 my Inquiry? I'm not talking about anything else, which</p> <p>15 of course is very different.</p> <p>16 MR SHERBORNE: Sir, can I begin by answering that in this</p> <p>17 way?</p> <p>18 LORD JUSTICE LEVESON: Yes.</p> <p>19 MR SHERBORNE: Because I detect from what you're saying that</p> <p>20 there is a concern that this material, if provided, will</p> <p>21 be used for another purpose. Can I say immediately it</p> <p>22 is not intended to be used for any other purpose.</p> <p>23 LORD JUSTICE LEVESON: I don't mind whether it is or it</p> <p>24 isn't, actually. I raise the point. What I am</p> <p>25 concerned about is why it is of value to me.</p> <p style="text-align: center;">Page 159</p>
<p>1 gave evidence --</p> <p>2 LORD JUSTICE LEVESON: I don't think I've seen this letter.</p> <p>3 MR SHERBORNE: Can I hand up a copy then? Sorry, I'd</p> <p>4 understood that you'd seen it, sir. I have a marked</p> <p>5 copy, but I don't think there's anything in the</p> <p>6 markings. (Handed)</p> <p>7 LORD JUSTICE LEVESON: Let me read it. Please sit down.</p> <p>8 (Pause) I haven't seen this letter.</p> <p>9 MR SHERBORNE: Sir, I'm sorry. I had understood that you</p> <p>10 had.</p> <p>11 LORD JUSTICE LEVESON: I'm not --</p> <p>12 MR SHERBORNE: Can I deal with the two parts of it</p> <p>13 separately?</p> <p>14 LORD JUSTICE LEVESON: Well, until I've thought about it,</p> <p>15 I don't think I wanted you to deal with either of them.</p> <p>16 (Pause) Before I'm going to listen to you,</p> <p>17 Mr Sherborne, I'm going to rise for a few minutes.</p> <p>18 Thank you.</p> <p>19 (3.23 pm)</p> <p>20 (A short break)</p> <p>21 (3.28 pm)</p> <p>22 LORD JUSTICE LEVESON: Mr Sherborne, there are two matters</p> <p>23 in this letter. The first relates to documentation</p> <p>24 arising out of Operation Motorman, which in the main is</p> <p>25 not in the possession of the Inquiry, the underlying</p> <p style="text-align: center;">Page 158</p>	<p>1 MR SHERBORNE: I understand that, sir. Can I put it this</p> <p>2 way? My instructions are that Mr Grant would like to</p> <p>3 see the underlying material, because as you recall, he</p> <p>4 gave evidence on 21 November about his belief as to the</p> <p>5 material that he was shown by officers dealing with</p> <p>6 Operation Motorman. That evidence was challenged by</p> <p>7 Mr Jay at the request, as I recall, of one of the core</p> <p>8 participants. We understand why it was challenged in</p> <p>9 that way, but it was challenged.</p> <p>10 As we know, since Mr Owens' produced the</p> <p>11 spreadsheets that were prepared for that investigation,</p> <p>12 it appears that various details about Mr Grant and his</p> <p>13 personal information were in fact obtained by</p> <p>14 Mr Whittamore at the request of various newspapers, and</p> <p>15 Mr Grant would like, therefore, to see the underlying</p> <p>16 material because if necessary, he may want to provide</p> <p>17 a supplemental witness statement dealing with that</p> <p>18 point. It really is that simple, in my submission.</p> <p>19 Sir, I understand you may say from --</p> <p>20 LORD JUSTICE LEVESON: But to what effect?</p> <p>21 MR SHERBORNE: Well, to the effect that his evidence is</p> <p>22 complete in relation to Operation Motorman. You may say</p> <p>23 that there is no remains to is in terms of the macro</p> <p>24 picture, and I understand that, but a number of</p> <p>25 witnesses have given their evidence about the</p> <p style="text-align: center;">Page 160</p>

<p>1 micropictures. 2 LORD JUSTICE LEVESON: I understand that. 3 MR SHERBORNE: And it's the series of micropictures which 4 make up the macro. 5 LORD JUSTICE LEVESON: I understand that, in cases where 6 we've been actually able to look at them and they 7 generally have been very, very much more recent in time. 8 Of course, one of the things I have to address is 9 whether the whole Information Commissioner exercise 10 altered the custom, practices and ethics of the press to 11 any or any meaningful extent, and therefore looking at 12 some of the post-2006 stories is particularly 13 significant. Going to the 2003 stories is perhaps not 14 as valuable. 15 I'm not trying to shut out legitimate and 16 appropriate enquiry, but I am concerned that about where 17 it's going. The Yellow Book we do have. 18 MR SHERBORNE: Sir, yes. 19 LORD JUSTICE LEVESON: And given that the Yellow Book was 20 intended be summarised in the schedules, I see no reason 21 why you shouldn't see the Yellow Book, but I'm not sure 22 we have the underlying material that is within the other 23 paragraphs of your request and I'm just not sure how far 24 it would take me. I recognise -- and indeed, Mr Jay was 25 very careful to make it clear as soon as we saw</p> <p style="text-align: center;">Page 161</p>	<p>1 in circumstances which might well have constituted 2 a criminal offence. We simply don't know if the 3 telephone numbers and other pieces of information which 4 may have been obtained in breach of the Data Protection 5 Act were stored and continued to be stored on the 6 databases of various newspapers. 7 LORD JUSTICE LEVESON: I take that point. That's an 8 entirely fair point. 9 MR SHERBORNE: Can I turn then to the second point in my 10 letter? 11 LORD JUSTICE LEVESON: Yes. 12 MR SHERBORNE: It's one obviously that I've mentioned before 13 several times and it relates to the plummy-voiced 14 executive story, for which Associated Newspapers very 15 publicly accused Mr Grant of making mendacious smears. 16 LORD JUSTICE LEVESON: There are two points here, aren't 17 there? The language in the subsequent report we have 18 discussed but the underlying point, as I understand -- 19 and I don't see that there's any more on that. The 20 underlying point is whether Associated Newspapers 21 intends to produce evidence to back up their assertion 22 in the newspaper as to how they came about the material 23 for the story, particularly given that you have 24 submitted evidence -- which I have not forgotten about 25 and which will undeniably be deployed at some stage --</p> <p style="text-align: center;">Page 163</p>
<p>1 Mr Grant's name in the Motorman documentation, that 2 having challenged him and wondered whether he was 3 referring to Mulcaire rather than Whittamore, he 4 immediately, through the witness, made it clear that 5 Mr Grant was absolutely right, and therefore to that 6 extent Mr Grant's evidence stands, not merely 7 uncontradicted but positively supported. I am just not 8 sure how much further it's necessary to go. But by all 9 means, look at the Yellow Book, if it helps. I won't 10 stop you providing me with anything but I'm not sure 11 whether it's going to be necessary to go into that. 12 MR SHERBORNE: Sir, indeed it may not and of course it's 13 only Mr Grant who will realise the significance of the 14 underlying material. I certainly won't and Mr Crossley 15 won't. That's why we've asked for it. I'm certainly 16 not asking for anything that the Inquiry doesn't have. 17 LORD JUSTICE LEVESON: Right. 18 MR SHERBORNE: So I would take you up on that. 19 Can I make this points? It's one that I have made 20 before and it may be a hare that I set running, but of 21 course one has to remember that all of this information 22 was obtained, yes, in 2003, but we have no idea whether, 23 after 2003, this material, these private details about 24 people, were kept by newspapers or whether they were 25 deleted once it was realised that they'd been obtained</p> <p style="text-align: center;">Page 162</p>	<p>1 to rebut that allegation from Jemima Khan. So I'm aware 2 of that and I'm equally aware that -- I think I invited 3 Mr Caplan to move it up the agenda. 4 MR SHERBORNE: Sir, yes. 5 LORD JUSTICE LEVESON: Let me find out. Let me find out. 6 What's the policy, Mr Caplan? 7 MR CAPLAN: Sir, it is all in preparation. It would help if 8 in fact I was spoken to directly. I had no knowledge 9 this was going to be raised this afternoon, but if this 10 is the way they propose to ask, indirectly through you, 11 sir, that's fine. 12 The fact of the matter is that it is in preparation. 13 I'm afraid we are giving evidence, as I understand it, 14 just before the middle of January. Such evidence as we 15 serve will be served in very good time. I have two key 16 people, I'm afraid, who are away on leave at the moment 17 and I can't advance the evidence at this point in time. 18 All I can say is that it is being developed, it is under 19 consideration and it will come as soon as possible. 20 LORD JUSTICE LEVESON: All right. 21 MR CAPLAN: But I can't take it further than that. 22 LORD JUSTICE LEVESON: One thing is important, Mr Caplan. 23 It's clearly becoming more important -- 24 MR CAPLAN: Yes, I understand. 25 LORD JUSTICE LEVESON: -- as an allegation, because it's</p> <p style="text-align: center;">Page 164</p>

<p>1 relevant to the overall question that I have to think 2 about. 3 MR CAPLAN: I understand. 4 MR SHERBORNE: Sir, yes. I needn't remind you, sir, the 5 allegation was made the day Mr Grant gave evidence. 6 Mr Caplan said two weeks ago this evidence was in 7 preparation -- 8 LORD JUSTICE LEVESON: Mr Sherborne, I understand, and 9 I equally understand your concern and the legitimate 10 concern of your client. I also understand that the 11 response was very quick and the evidence is taking 12 rather longer. I'm just going to wait and see. You 13 have made your point. I've made my point. We shall see 14 what we shall see, but I assure you that this particular 15 topic is very much alive in my mind, not merely for the 16 protection of Mr Grant's reputation, about which I have 17 no doubt he feels very strongly, but also because of 18 where else it might take me. 19 MR SHERBORNE: Sir, I'm grateful. 20 LORD JUSTICE LEVESON: You are, of course, as are all the 21 core participants, able to bring before me anything you 22 want, but I do hope that relationships at the bar are 23 sufficiently good that actually some of these matters 24 might just be capable of explanation. You'll always be 25 able to make the point, Mr Sherborne, but you don't need</p> <p style="text-align: center;">Page 165</p>	<p>1 have heard it, although I haven't. 2 MR SHERBORNE: Sorry, there is a transcript and there was an 3 article which referred to it as well -- in which he 4 proceeded to deal with the issue of hacking and he 5 volunteered not only his views on the practice and 6 knowledge about it within the newspaper, but he also 7 expressly protested his innocence in relation in 8 particular to the Gordon Taylor story and the infamous 9 "for Neville" email. 10 It is right to point out that yesterday's interview 11 was not the first time Mr Thurlbeck had protested his 12 innocence publicly. He had, for example, done so in an 13 interview in the Press Gazette and also in his letter to 14 the Select Committee, but that was before he appeared 15 before you, sir, in this Inquiry. 16 So we say to come here and refuse to answer any 17 questions at all on this topic, but instead to go 18 straight to the studios of the BBC and to give an 19 interview, a transcript of which I have here and I can 20 hand up, sir -- 21 LORD JUSTICE LEVESON: I would be very grateful if I could 22 see that. 23 MR SHERBORNE: Sir, it's particularly, as you'll appreciate, 24 a matter of concern for my clients. I'm sure for this 25 Inquiry too. (Handed)</p> <p style="text-align: center;">Page 167</p>
<p>1 to make it every fortnight. I understand the point. 2 I understand the point and I have no doubt that in due 3 course, whenever we get what we get, you will make the 4 consequential point as forcefully as you are able, but 5 there it is. 6 MR SHERBORNE: I'll resist the temptation to say anything 7 more on that matter, sir. 8 LORD JUSTICE LEVESON: I think that, with great respect, is 9 exceedingly wise. 10 MR SHERBORNE: The third point relates to Mr Thurlbeck. 11 LORD JUSTICE LEVESON: Yes? 12 MR SHERBORNE: Sir, it's a matter of real concern. You'll 13 recall that when he appeared before you, Mr Thurlbeck 14 made it clear that he did not want to be asked any 15 questions about his involvement or knowledge about phone 16 hacking within the News of the World. The Inquiry 17 accepted that position and of course we understand why. 18 Instead, he was asked a number of questions by Mr Jay 19 and yourself in response to which he was clearly seeking 20 to demonstrate the credibility not just of himself but 21 of the newspaper and its journalists. 22 However, fresh from giving evidence before this 23 Inquiry, Mr Thurlbeck gave an interview to Radio 4. 24 I don't know whether you've seen this, sir. 25 LORD JUSTICE LEVESON: I wouldn't have seen it but I might</p> <p style="text-align: center;">Page 166</p>	<p>1 Sir, the particular section that you may want to 2 focus on is on page 2 of the transcript. 3 LORD JUSTICE LEVESON: Thank you. 4 MR SHERBORNE: It starts just below the first punch hole. 5 If I can leave you to read that, sir, and then over to 6 the top of page 3. (Pause) 7 LORD JUSTICE LEVESON: Yes. 8 MR SHERBORNE: Sir, I don't need to point out that whilst 9 Mr Thurlbeck gives a very partial account in this 10 interview of himself as an innocent scapegoat, if he had 11 given evidence to this Inquiry, he could have been 12 tested about such matters, and in particular I have 13 a document in my hand which I would like to have asked 14 him a few questions about. 15 Sir, I do invite you to consider what is the most 16 appropriate way to deal with this, if I can put it this 17 way, unfortunate situation, or at the very least to 18 reflect it in your conclusions about the practices and 19 culture of the press. 20 LORD JUSTICE LEVESON: The inference from this document is 21 that Mr Thurlbeck had information or documentation which 22 was relevant to the issue of knowledge. You will, of 23 course, appreciate that any investigation into the 24 circumstances of phone hacking at the News of the World 25 can pick up any evidence that's made available,</p> <p style="text-align: center;">Page 168</p>

<p>1 including this volunteered material. The difference in 2 my position is that given that Mr Thurlbeck attends the 3 Inquiry under compulsion, not only does he have 4 specifically the constitutional right not to incriminate 5 himself but also the very fact of the compulsion and 6 asking him questions might cause prejudice of which 7 Mr Garnham speaks and which I think you have previously 8 recognised is the very last thing you would want. 9 MR SHERBORNE: Sir, indeed. 10 LORD JUSTICE LEVESON: The problem is this: I could invite 11 Mr Thurlbeck to provide the material, or whatever 12 material he has, but I'm not minded to provide 13 a platform for what would be clearly a one-sided view 14 which could not then be the subject of cross-examination 15 for fear of causing the very prejudice that I am 16 required to avoid and want to avoid. 17 MR SHERBORNE: Of course. It is, sir, as I say, a very 18 unfortunate situation which has been created. 19 LORD JUSTICE LEVESON: It was always -- 20 MR SHERBORNE: It was always thus. 21 LORD JUSTICE LEVESON: -- thus. I am very conscious that 22 Mr Thurlbeck was perfectly prepared roundly to criticise 23 one judicial decision, namely Mr Justice Eady's 24 decision, but not prepared even to speak about the facts 25 of another incident on the basis that he had been</p> <p style="text-align: center;">Page 169</p>	<p>1 MR SHERBORNE: Indeed. 2 LORD JUSTICE LEVESON: Show it to Mr Jay, could you? 3 MR SHERBORNE: Mr Jay has seen it before, as have the 4 police. 5 LORD JUSTICE LEVESON: What about Mr Rhodri Davies? 6 MR SHERBORNE: It's his client's document. 7 LORD JUSTICE LEVESON: Even more so. 8 MR SHERBORNE: I'm happy to show it to him for that reason, 9 if nothing else. (Handed) I didn't come armed with 10 enough copies. 11 MR DAVIES: I'm not going to make any objection to that 12 being passed to the Inquiry. 13 LORD JUSTICE LEVESON: Thank you. 14 MR DAVIES: It may be it already has. I don't know. 15 MR SHERBORNE: Sir, I've handed my only copy to Mr Garnham. 16 LORD JUSTICE LEVESON: Let Mr Garnham see it. I'll wait in 17 my place. 18 MR SHERBORNE: It's worth waiting for. 19 MR GARNHAM: I have seen it before. 20 MR SHERBORNE: Looks like everyone has seen it, sir, apart 21 from you. Can I then make good that? 22 LORD JUSTICE LEVESON: You say Mr Jay's seen it. Let him 23 confirm that. You don't need to be the usher. We have 24 somebody who will do that for me. 25 MR SHERBORNE: Sir, there are a number of abbreviations on</p> <p style="text-align: center;">Page 171</p>
<p>1 acquitted of breach of the code by the PCC. That fact 2 is not unnoticed. 3 MR SHERBORNE: Sir. 4 LORD JUSTICE LEVESON: I will, if you will be prepared to 5 allow me, keep this. 6 MR SHERBORNE: Of course. 7 LORD JUSTICE LEVESON: And I will decide whether it should 8 be allowed to be formally put into the record of the 9 Inquiry. 10 MR SHERBORNE: I'm grateful. Sir, just in the context, as 11 you say, with respect rightly -- and I use the words 12 "with respect" in the true sense -- this was a very 13 one-sided account that Mr Thurlbeck gives. Can I hand 14 up what I might call the other side of the picture? I'm 15 not going to refer to it openly, but you'll appreciate 16 the significance of it when I provide it to you, sir. 17 LORD JUSTICE LEVESON: Please. I'll see whether it's 18 appropriate to put that into the public domain. 19 MR SHERBORNE: I doubt it is. I doubt it is. 20 LORD JUSTICE LEVESON: Well, I can -- 21 MR SHERBORNE: It is material that the Inquiry should have, 22 in fact should have had, but may not have received, 23 given the volume of material that has been quite rightly 24 asked for but may not have been provided. 25 LORD JUSTICE LEVESON: Spotted?</p> <p style="text-align: center;">Page 170</p>	<p>1 it which I hope are self-explanatory, but if not, I can 2 provide them to you on a piece of paper. In fact, I can 3 do that now. 4 LORD JUSTICE LEVESON: Well, I can assure you I have not 5 seen this document. 6 MR SHERBORNE: Can I hand up a code, cyphers for the 7 abbreviations. (Handed) 8 I'll be very careful as to what I say, but you'll 9 appreciate, sir, that in the context of what 10 Mr Thurlbeck talked about in the interview, and in 11 particular a certain document, you'll see why I say that 12 completes the picture. 13 LORD JUSTICE LEVESON: Thank you. You probably want this 14 copy back? 15 MR SHERBORNE: I can provide you with another copy, sir. 16 LORD JUSTICE LEVESON: Well, you might as well, yes. Thank 17 you very much indeed. 18 MR SHERBORNE: Thank you, sir. 19 LORD JUSTICE LEVESON: Right, we'll consider what we'll do 20 with that. Thank you. Mr Jay? You've made sure that 21 we have had a full day, Mr Sherborne. I'm very 22 grateful. Thank you very much. Monday next week. 23 (3.55 pm) 24 (The hearing adjourned until 10 o'clock on Monday, 25 19 December 2011)</p> <p style="text-align: center;">Page 172</p>

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