

<p>1 2 (2.00 pm) 3 LORD JUSTICE LEVESON: Yes, Mr Jay. 4 MR JAY: Mr Paddick, may I turn to the issue of phone 5 hacking and the background to the judicial review 6 proceedings? In 2006, you were, I think, a commander or 7 were you Deputy Assistant Commissioner in the police? 8 A. Deputy Assistant Commissioner. 9 Q. Is this right: that you had no involvement into the 10 investigation into phone hacking in News of the World; 11 is that right? 12 A. None at all. 13 Q. Because the investigation was firmly located within 14 SO13, which is the anti-terrorist unit, which has 15 special responsibility for royal security; is that 16 right? 17 A. Yes. On recollection, I think SO14 is royalty 18 protection, but I think probably SO13 took 19 responsibility for the investigation because of the 20 terrorist threat to the Royal Family. But I could be 21 corrected on that. 22 Q. Thank you. Did you have any direct dealings with 23 Mr Andy Hayman, who was then Assistant Commissioner for 24 specialist operations? 25 A. I knew him from dealings I'd had with him before when he Page 1</p>	<p>1 Glenn Mulcaire went to several hundred names. Of these 2 there were a small number, perhaps a handful, where 3 there was evidence that the phones had actually been 4 tampered with." 5 That sentence may need to be considered with 6 Mr Hayman in due course. 7 "Had there been evidence of tampering in the other 8 cases, they would have been investigated, as would the 9 slightest hint that others were involved." 10 Again that's something which may have to be 11 considered. 12 "As is so often the case in the storm of allegation 13 and denials, the facts get lost. Well-known figures 14 such as John Prescott are said to have been the victims 15 of the hacking without any clear evidence that their 16 phones were in fact hacked." 17 Then it continues, but you draw this to our 18 attention, for which we are grateful. 19 Paragraph 31, you take the story forward to the 20 judicial review proceedings, and the first step there 21 was 26 November 2009, when you instructed your 22 solicitors, Bindmans, to write to the MPS with 23 a specific Inquiry. This is at the first page of your 24 exhibit, which is going to be about page 05518, I think, 25 of our numbering. You'll have it as page 1 of the Page 3</p>
<p>1 was head of internal investigation, before he left the 2 Met and became Chief Constable of Norfolk and then came 3 back again, but otherwise it was just at meetings where 4 I was standing in for my boss. Because we knew each 5 other, we used to have informal conversations, but 6 nothing formal. 7 Q. You draw attention in paragraph 30 of your statement to 8 a piece Mr Hayman wrote in the Times on 11 July 2009 9 under the caption "News of the World investigation was 10 no half-hearted affair". I have a copy. I don't know 11 whether you've seen this. (Handed) 12 LORD JUSTICE LEVESON: Thank you. Thank you very much. 13 MR JAY: This was three days after the Guardian article of 14 8 July. I'll just read one or two bits out. Five lines 15 down: 16 "This was not the time for a half-hearted 17 investigation. We put our best detectives on the case 18 and left no stone unturned, as officials breathed down 19 our neck. The Guardian has said it understands that the 20 police file shows that between 2,000 and 3,000 21 individuals had their mobile phones hacked into, far 22 more than was ever officially admitted during the 23 investigation and prosecution of Clive Goodman. Yet my 24 recollection is different, as I recall the list of those 25 targeted which was put together from records kept by Page 2</p>	<p>1 exhibit bundle: 2 "We are instructed to ask you for the following 3 information on behalf of our client: is the Met police 4 aware of or in possession of any evidence to suggest 5 that our client was the subject of unlawful 6 investigative activities ..." 7 You, I suppose, would wish to draw attention to the 8 breadth of that request, Mr Paddick? 9 A. Indeed. 10 Q. "... by Goodman or Mulcaire or other News of the World 11 or News International journalists? 12 "2. If so, what was the exact nature of those 13 activities? 14 "3. Is the Metropolitan Police in possession of any 15 personal information about our client obtained by 16 Mulcaire or others?" 17 Then there's a standard DPA request. 18 The answer came back at page 2. This is nine days 19 later, 12 February: 20 "We have now completed a search of all the material 21 that was seized as part of our investigation into the 22 intercept activity of Mulcaire and Goodman in 2005/2006. 23 I can confirm that we have no documentation to suggest 24 that your client was subjected to unlawful monitoring or 25 interception of his mobile telephone." Page 4</p>

<p>1 Do you have any comment at all to make about that 2 answer?</p> <p>3 A. Well, it didn't seem to answer the question. It seemed 4 to be very specific about unlawful monitoring or 5 interception, and it specifically didn't -- for example, 6 it didn't answer the question as to whether or not there 7 was personal information about me contained in 8 Mulcaire's documents, for example.</p> <p>9 Q. Yes. Then there was a further requests by Bindmans, 10 which made that point. We don't have it, but it doesn't 11 matter because page 3 is the answer from the police on 12 12 April:</p> <p>13 "Material we seized as part of our investigation was 14 obtained as part of a criminal investigation and is 15 therefore confidential. Disclosure of this material can 16 only be made pursuant to a court order. However, I can 17 confirm that your client's name appeared on one piece of 18 paper, together with an address which appears to have 19 been attributed to your client by Mr Mulcaire, and the 20 words 'police commander'."</p> <p>21 Of course, at the relevant time, you were 22 a commander; is that right?</p> <p>23 A. That's right, yes.</p> <p>24 Q. "However, as set out in my letter dated 12 February 25 2010, we have no documentation to suggest that your Page 5</p>	<p>1 Mulcaire's computer, which shows me as a "project", and 2 so I think it was reasonable for us to -- for there to 3 at least be a prima facie case that I was the target of 4 Mulcaire for the purposes of phone hacking.</p> <p>5 Q. We're going to look at the project document in a moment. 6 This is when you're one of 320 names on a list. It's 7 tab 157 in the judicial review bundle, which we're going 8 to come to in due course.</p> <p>9 At paragraph 33 of your statement, you refer to the 10 victims' charter, and you say there was, at the very 11 least, the strong possibility that confidential personal 12 information had been unlawfully obtained.</p> <p>13 There were then judicial review proceedings which 14 were instituted. Can we move forward to paragraph 34. 15 That locks into, or dovetails with, page 4 of the 16 exhibit bundle, which is the Metropolitan Police's 17 response to the pre-action protocol letter which started 18 the judicial review, where they make really the same 19 point as has been made in the previous letter we looked 20 at.</p> <p>21 Page 5, under the heading "Mr Bryant Paddick", they 22 refer to the correspondence. We've seen the 23 correspondence.</p> <p>24 Then at page 7 on the internal numbering, they refer 25 to the press statement of Assistant Commissioner Page 7</p>
<p>1 client was subjected to unlawful monitoring or 2 interception of his mobile telephone. Although much of 3 the material that was seized during our investigation 4 could be classed as personal data, it is reasonable to 5 expect that some of this, eg addresses, was in the 6 legitimate possession of Mr Mulcaire and Mr Goodman due 7 to their respective jobs. It is not necessarily correct 8 to assume that their possession of all this material was 9 for the purposes of interception alone and it is not 10 known what their intentions were or how they intended to 11 use it."</p> <p>12 So they're saying there that because it might have 13 been for a lawful purpose, you can't infer that it was 14 part of an unlawful conspiracy?</p> <p>15 A. Yes.</p> <p>16 Q. When in fact -- well, I don't want to put words in your 17 mouth, but do you have any comment at all on that 18 suggestion?</p> <p>19 A. It appeared to us that Mulcaire was mainly, if not 20 solely, employed by News International to hack into 21 people's phones, and therefore the fact that -- I think 22 the one piece of paper they're talking about -- in fact, 23 there are more than -- we subsequently discovered 24 there's more than one piece of paper with my name on it, 25 but that piece of paper is from the printout from Page 6</p>	<p>1 John Yates dated 10 July, which -- I think it's the same 2 statement which I quoted parts from in my opening 3 submissions.</p> <p>4 A. Indeed.</p> <p>5 Q. At the top of page 9: 6 "The claimants are not victims of crime in relation 7 to telephone tapping activities." 8 And I think it just says: 9 "There is no new evidence to justify reopening or 10 reviewing the original police investigation." 11 Well, "victims of crime" looked at broadly to cover 12 victims of a conspiracy, that statement would be 13 incorrect. But if "victims of criminal" is interpreted 14 to mean specifically you were the subject of unlawful 15 activity under section 1 of RIPA, would you say that 16 that was accurate or inaccurate, Mr Paddick?</p> <p>17 A. I still don't know, is the frank answer, because we 18 haven't got access to all the material that we would 19 need in order to make a judgment on that. There is 20 certainly prima facie evidence -- for example, in 21 Mulcaire's notebook, my mobile phone number is recorded, 22 for example -- to indicate that at least it is worth 23 further investigation to establish whether or not I was 24 a victim under section 1 of RIPA.</p> <p>25 Q. Thank you. To be clear then, your position is there's Page 8</p>

<p>1 prima facie evidence to suggest that you were, but not 2 necessarily proof to the criminal standard.</p> <p>3 A. Indeed.</p> <p>4 Q. Is that how you would summarise it?</p> <p>5 The formal defence to the JR application you refer 6 to at paragraph 35 of your statement and in the exhibit 7 bundle, it's between pages 10 and 27. Just one 8 statement perhaps I'd ask you to comment on. Kindly go 9 to page 13 of the exhibit bundle, and six lines down, 10 the sentence beginning:</p> <p>11 "Therefore it was not possible for the defendant to 12 surmise that interception of voicemail messages had 13 occurred simply because a name and associated mobile 14 telephone number and a remote retrieval PIN number was 15 present within the seized documents. It would have been 16 for the mobile telephone network providers to have 17 provided evidence as to whether there had been unusual 18 activity occurring with regard to that particular 19 account."</p> <p>20 You see the point that's being made there. Do you 21 agree with it or disagree with it?</p> <p>22 A. I think if the police have a record in Mulcaire's 23 notebook of people's identities, that there's 24 a journalist in the top left-hand corner of the page who 25 has instructed Mulcaire to carry out this activity, that</p> <p style="text-align: center;">Page 9</p>	<p>1 reference to a unique voicemail number and/or a PIN 2 number?</p> <p>3 A. In my case, no, from what I can recall.</p> <p>4 Q. Without that information -- have I understood this 5 correctly -- Mr Mulcaire could not have hacked into your 6 phone? Or it would depend whether he'd written down 7 those numbers in a different place? How are we to 8 interpret the absence of this information?</p> <p>9 A. From my understanding, one of the methods that Mulcaire 10 used was posing as a member of the telecoms company, 11 would phone the telecom service centre posing as an 12 employee, and getting the telephone company to reset the 13 PIN to the default. So even if I had put my own unique 14 PIN number to protect my voicemails, potentially he 15 could have reset it to the default number by phoning the 16 help desk at the telephone company.</p> <p>17 Q. You're --</p> <p>18 A. Therefore he did not need my PIN in order necessarily to 19 access my voicemails.</p> <p>20 Q. So the missing piece of the jigsaw, to make up my 12 21 pieces, he would have had to have phoned in to customer 22 services and reset it to default. Had he done that -- 23 we don't know whether he did or did not -- then 24 everything would have been in place to get access to 25 your voicemail?</p> <p style="text-align: center;">Page 11</p>
<p>1 there is a phone number and a PIN number -- I think that 2 there is sufficient evidence there for the police to at 3 least ask the telephone provider to investigate whether 4 there was any unusual activity, rather than it being 5 incumbent -- as is suggested here, that it's incumbent 6 on the telephone company to complain to the police, 7 albeit, remembering, of course, that the actual user of 8 the telephone would have had no knowledge that any of 9 this was going on at all.</p> <p>10 Q. Yes. One might liken this to a form of jigsaw puzzle 11 where you need to have 12 pieces in case to prove your 12 case of interception according to the criminal standard. 13 You have about 10 of the pieces in place, you're missing 14 two, and then you're asking, "What do we need to do to 15 get the last two?"</p> <p>16 A. Indeed.</p> <p>17 Q. It may be the last two are very difficult piece to 18 obtain?</p> <p>19 A. Indeed.</p> <p>20 Q. Paragraph 36 of your statement. You move forward to 21 Operation Weeting and you tell us that you were shown 22 documents which related specifically to you; is that 23 right, Mr Paddick?</p> <p>24 A. Yes.</p> <p>25 Q. For the purposes of clarity, did the documents include</p> <p style="text-align: center;">Page 10</p>	<p>1 A. Indeed.</p> <p>2 Q. Have I correctly understood it?</p> <p>3 A. Yes.</p> <p>4 Q. Thank you.</p> <p>5 LORD JUSTICE LEVESON: So there's plenty of activity 6 preparatory to the commission of an offence. Whether 7 he's actually got that far, who knows?</p> <p>8 A. Exactly so, sir. Exactly so.</p> <p>9 Q. But plenty sufficient, on my understanding of criminal 10 law -- and yours is going to be larger than mine -- to 11 prove a conspiracy; is that right or not?</p> <p>12 A. That's my understanding.</p> <p>13 Q. Thank you. The section which begins at paragraph 38 of 14 your statement deals with the investigation itself, and 15 here, to be fair to you, you are commenting, but with 16 your considerable experience, on documents which are or 17 were made available to you in the judicial review 18 proceedings on 30 September 2011, when disclosure was 19 given in those proceedings. But have I correctly 20 understood this: you're not giving evidence from your 21 own knowledge; you're just providing a commentary?</p> <p>22 A. Indeed, that's the case.</p> <p>23 Q. Your commentary has proved to be extremely helpful in 24 our analysis of the documents, which will be undertaken 25 with the officers starting on Wednesday, but are there</p> <p style="text-align: center;">Page 12</p>

<p>1 any specific matters which you would wish to draw to our 2 attention or you are prepared to leave it to me to raise 3 these points and various other points with Mr Williams 4 and his colleagues on Wednesday? 5 A. I'm reasonably content to allow you to probe these 6 things. 7 LORD JUSTICE LEVESON: I like the word "reasonably". 8 A. Well, you know, I'm very concerned about the aspects 9 concerning the witness protection scheme. I don't know 10 whether we're going on come on to that. 11 MR JAY: Let's come on to that specific document. Maybe not 12 in the version that Lord Justice Leveson has, but 13 certainly in the version I've seen as from this morning, 14 paragraph 48, Mr Paddick, the original version of your 15 statement made reference to nearly 800 victims. 16 A. Yes. 17 Q. Which was a deciphering -- and I must say, your 18 deciphering was the same as mine, but that might not 19 amount to very much -- of the handwriting of an officer 20 in a conference note at the meeting with counsel on 21 21 August 2006. That officer -- it's Detective 22 Superintendent Williams -- has confirmed that what looks 23 like 800 is in fact 200 victims. 24 A. Yes. We both appear to have mistaken the 2 for an 8. 25 Q. Everybody has.</p> <p style="text-align: center;">Page 13</p>	<p>1 obtaining details of mobile phone voicemail messages 2 from prominent individuals, including members of the 3 royal household and senior politicians. Attempts have 4 been made to obtain personal details of [and then the 5 politician has been redacted; we know who it is actually 6 in this case] and Commander Brian Paddick. It is also 7 believed attempts may have been made to corrupt serving 8 police officers and misuse the police national 9 computer." 10 That, we think, is a reference to obtaining access 11 to the witness protection scheme; is that right? Have 12 I correctly understood that reference in the document? 13 A. I'm -- yes. From what I can see now, that appears to be 14 talking about the same thing. 15 Q. Yes. To the uninitiated, Mr Paddick, can you explain 16 this in clear terms? The attempts which are being 17 referred to, to corrupt serving police officers and 18 misuse the police national computer, how at all does 19 that relate to the witness protection scheme? 20 A. Well, I don't quite see the direct connection, but it's 21 the reference to the DPS, the Department of Professional 22 Standards Hi-Tech unit, who have done an analysis of the 23 computer, and it is the result of that analysis, 24 a printout from Mulcaire's computer, when shown to 25 a member of the witness -- somebody who was working on</p> <p style="text-align: center;">Page 15</p>
<p>1 A. Everybody has, yes. 2 Q. He's corrected that, and given that he'll confirm that 3 on Wednesday, we will certainly correct that. 4 The specific document, though, that you are 5 concerned about is dealt with at paragraph 50 of your 6 statement, which, in your bundle, is page 102 but in the 7 master judicial review bundle we're working from is in 8 file 3, tab 157. It starts at page 911. You don't, 9 I think, have page 911. 10 A. No. 11 Q. I can read it out and if you do need to see t we can get 12 you the page. 13 LORD JUSTICE LEVESON: 911, did you say? Page 5 internal 14 numbering? 15 MR JAY: Yes. 16 LORD JUSTICE LEVESON: Right. 17 MR JAY: Or perhaps, to make it even clearer, if you don't 18 mind turning back to 908, please. 19 The document you've exhibited is part of a printout 20 of an analysis which a computer expert has made of one 21 of Mr Mulcaire's computers; is that correct? 22 A. That's correct. 23 Q. At page 908, under the heading "Tasking", it explains 24 the circumstances and then carries on to say: 25 "This case relates to two individuals who were</p> <p style="text-align: center;">Page 14</p>	<p>1 the witness protection programme, that it appeared to 2 that officer and to the detective sergeant working on 3 the phone-hacking investigation that included in that 4 printout from Mulcaire's computer were the details of 5 people under the witness protection programme of the 6 police. 7 LORD JUSTICE LEVESON: Does it say that here? 8 MR JAY: It doesn't but if you cross-reference it, I think, 9 with Mr Williams' witness statement. 10 A. It's the Detective Sergeant's witness statement. 11 Q. Oh, it's Maberly's? 12 A. Maberly's. 13 LORD JUSTICE LEVESON: All right. 14 A. What Maberly says is he got the printout from DPS of 15 what was on the computer, and as a result of what he 16 saw, he brought in an officer from the witness 17 protection programme and the detective sergeant says 18 something to -- words to the effect that it was quite 19 clear to -- that there were names of interest to the 20 officer from the witness protection programme. 21 So I read from that that what Mulcaire was in 22 possession of was the identities of people -- the new 23 identities of people under the witness protection 24 programme, and these would have included people like the 25 people who were convicted of Jamie Bulger's murder, for</p> <p style="text-align: center;">Page 16</p>

<p>1 example, giving them a new identity, and also similar to 2 the case we heard of a few weeks ago, of a 16-year-old 3 who gave evidence against a violent gang, who was given 4 a new identity to protect him and the new identity was 5 appearing in Mulcaire's computer when they examined it. 6 Clearly, people are only put into the witness 7 protection programme when the police believe that their 8 lives potentially are at risk or they're in serious 9 danger, and therefore, for this information to be in the 10 hands of Mulcaire and, by implication, potentially in 11 the hands of the News of the World, is clearly worrying. 12 MR JAY: And certainly worthy of further investigation, to 13 put it as low as it can be put; is that right? 14 A. Well, both in terms of further investigation to 15 establish who was putting these people's lives in 16 danger, but also in terms of taking further steps to 17 protect those people whose new identities had become 18 compromised. 19 Q. Thank you. You feature in this documentation, either at 20 page 102 of your exhibit bundle or at page 966 of the 21 bundle we're just looking at, and you're described as 22 a "project name". 23 A. Yes. 24 Q. Whatever inferences one can draw from that I think are 25 pretty obvious.</p> <p style="text-align: center;">Page 17</p>	<p>1 general -- this is paragraph 3 -- that the MPS adopted 2 a difference stance in relation to the Mail on Sunday, 3 because they provided them with the names of journalists 4 which were discovered in Mulcaire's notebooks. That's 5 page 105 of your exhibit bundle, or page 852 of the 6 judicial review bundle we've been looking at. 7 A. Indeed. 8 Q. At paragraph 54, you draw attention to meetings which 9 took place between those in a high level in the police 10 and the News of the World. The meeting, Hayman, the 11 Deputy Commissioner, Fedorcio and Wallis in April 12 2006 -- again, that's reference to a diary entry, is it? 13 A. That's my understanding, yes. 14 Q. And a further meeting in 2006. There certainly was, to 15 my recollection, a dinner in April 2006, but we'll be 16 looking at those documents probably on Thursday. 17 We've covered paragraph 57 and 58 is the witness 18 protection programme issue. I think we can move forward 19 to your concluding remarks and recommendations, unless 20 there's something en passant which I've missed which 21 you'd like to cover specifically? 22 A. No, not that I can see. 23 Q. Thank you very much. 24 You do say in paragraph 63 -- and you've heard 25 DAC Akers give her evidence this morning, really seeking Page 19</p>
<p>1 A. Indeed. But, of course, I was never told about it. 2 Q. No. The consequences of this are set out in 3 paragraph 51 of your statement: 4 "With public knowledge of the scale of the voicemail 5 interception conspiracy, it would have been very obvious 6 that numerous journalists were also involved. There 7 would no doubt have been a thorough investigation. At 8 that time, evidence would have been available which has 9 now been lost, such as data from phone companies, which 10 is only kept for a certain period of time." 11 That is an evidential problem which 12 Operation Weeting is either encountering or surmounting, 13 we don't know. 14 "However, that did not happen and at the time the 15 public were left with an impression this was a small 16 scale operation involving two rogues." 17 You also make the point that that was the public 18 position which News of the World promulgated from 2006 19 onwards. 20 A. Indeed. 21 Q. Paragraph 52, Mr Paddick. We've seen that email now and 22 there are certain issues which arise from it which will 23 need to be addressed. 24 You do say, in contradistinction to the arguably 25 secret position which was adopted vis-a-vis victims in Page 18</p>	<p>1 to contradict you -- that you don't have confidence in 2 the current investigations. Could you expand on that, 3 please? 4 A. I think the important thing here is about perceptions. 5 It's about, you know, does the public really believe 6 that this is being thoroughly investigated? With the 7 best will in the world -- Sue Akers I have the utmost 8 respect for. I worked with her. She investigated me on 9 occasions and I have no doubt about her integrity at 10 all. But where you have the Metropolitan Police Service 11 investigating corruption, payments to 12 Metropolitan Police officers, and -- I don't quite 13 understand -- my understanding is that the committee 14 in -- under -- that is working with the police -- 15 Q. Lord Grabiner's committee, yes. 16 A. Yes -- still comes under the same umbrella organisation, 17 News Corp, as News International, so whilst it's maybe 18 not in -- it is independent of News International, it's 19 not independent of the parent company, as it were, and 20 my understanding is -- and even from what Sue Akers said 21 this morning -- that requests are put in to this 22 committee by the police. If that committee decides that 23 actually, as far as they're concerned, there's no 24 criminal implications, that it is subject to 25 journalistic privilege, then that committee does not Page 20</p>

<p>1 reveal the information that the police are asking for. 2 Now, bearing in mind the Metropolitan Police is 3 heavily implicated, both in terms of allegedly not 4 perhaps going as far as they should have done with the 5 original investigation as well as officers from the Met 6 receiving payments, then it's difficult to see how 7 everybody could have complete confidence that the 8 things -- we're getting to the bottom of what's going 9 on. And I think about this -- or I talk about this 10 hypothetical case where perhaps somebody very senior in 11 the Metropolitan Police is seen to be having received 12 inappropriate payments from somebody very senior in 13 News International, how it might be in the interests of 14 Rupert Murdoch or News Corp and in the interests of the 15 Metropolitan Police for that not to be made public. 16 LORD JUSTICE LEVESON: But your view of the integrity of the 17 Deputy Assistant Commissioner demonstrates that if she 18 thought she was being brushed off, she'd probably do 19 something about it. 20 A. I do. I do believe that Sue Akers would say something. 21 The difficulty is -- and as she is saying, for example, 22 all the issues that we've had around the Sun newspaper 23 she never asked for. It's been volunteered by this 24 committee. What information are they not volunteering 25 that Sue Akers is not aware of?</p> <p style="text-align: center;">Page 21</p>	<p>1 current arrangements and it may be better if it was an 2 outside force who were investigating, purely from 3 a public perception point of view. But I am not in any 4 way casting doubt on either Sue Akers' integrity, nor 5 the head of the MSC, I think it's called, is it? 6 LORD JUSTICE LEVESON: You see, if you say that, you could 7 say, "Well, you could go to Greater Manchester", but of 8 course Mike Todd, who was the Chief Constable of Greater 9 Manchester, was indeed himself at the Met, I think if 10 he's the same person you referred to before. 11 A. Yes. 12 LORD JUSTICE LEVESON: So the Met is a comparatively 13 small -- I mean, the police force is comparatively 14 small. 15 A. Yes, but it is possible to find ACPO officers who have 16 no previous history with the Metropolitan Police who 17 could lead up this investigation. Whether they would be 18 better at it, I don't know, but in terms of public 19 perception, I'm saying that it might be better. In my 20 opinion. 21 MR JAY: Looking forward, Mr Paddick, in your 22 recommendations for changes, paragraph 66, first of all: 23 "A thorough revision of the rules so that they are 24 clear and all police officers are aware of what is and 25 is not permitted."</p> <p style="text-align: center;">Page 23</p>
<p>1 LORD JUSTICE LEVESON: Sorry? 2 MR JAY: Sorry, something was set to me sotto voce. 3 4 MR WHITE: What was said sotto voce was a reminder about 5 Lord Grabiner's integrity. 6 LORD JUSTICE LEVESON: Yes, I'm aware of that. So there's 7 her, there is Lord Grabiner himself, as Mr White is 8 saying, who is a very distinguished Queen's Counsel. 9 There is the fact that the present Commissioner and the 10 Deputy Commissioner are not recently of the Met, as 11 I understand it. 12 A. Well, I think -- I don't remember the exact timing, but 13 Bernard Hogan-Howe may have been a senior officer in the 14 Met at the time this was happening. 15 LORD JUSTICE LEVESON: He spent at fair amount of time in 16 Merseyside, didn't he? 17 A. Yes, but he was an Assistant Commissioner in the 18 Metropolitan Police. 19 LORD JUSTICE LEVESON: I know, I know, I know. The other 20 problem I'm sure you appreciate is that obtaining 21 a warrant under PACE in relation to journalists' 22 material has its own complication. I put it no higher 23 than that. 24 A. I understand. All I am saying is in terms of public 25 perception, some people may not be convinced by the</p> <p style="text-align: center;">Page 22</p>	<p>1 How would you define in the rules what is and is not 2 permitted? 3 A. I think that's fairly complicated, but certainly in 4 terms of meetings between very senior officers and 5 editors and other senior officials from newspapers, 6 those meetings should all be formal meetings, they 7 should all be minuted and those minutes should all be 8 published, for example. 9 Clearly there are, as with all of the -- this -- you 10 know, the whole purpose of the Inquiry -- there's a lot 11 of complexity and it's very difficult to actually make 12 hard and fast rules, but certainly it needs to be made 13 explicit as far as that sort of thing is concerned, 14 simply on the basis that -- one of the first things that 15 I was told when I went to initial training at Hendon was 16 you shouldn't take free kebabs from the local kebab shop 17 owner because you never know, in a couple of months' 18 time, it might be that you catch him drink driving and 19 that will compromise you. And a similar problem appears 20 to have happened here, where senior police officers are 21 entertaining people in a senior position at the 22 News of the World and then end up having to investigate 23 them, which puts them in a difficult position. 24 Q. Perhaps part of the difficulty is they never thought for 25 one moment that they would be investigating</p> <p style="text-align: center;">Page 24</p>

<p>1 News International, that unlike your kebab owner who 2 might be done for drink driving, this was an area which 3 was outside possible scope of investigation. Is that 4 possible? I don't know.</p> <p>5 A. Well, it's possible, but I don't think journalists enjoy 6 the highest of reputations, and therefore the 7 possibility that some of them might be involved in some 8 sort of criminality shouldn't be beyond the wisest 9 imaginations of senior police officers.</p> <p>10 Q. Thank you.</p> <p>11 Then a change in culture led from above. That's 12 obviously a very important point. How do you change 13 culture from above? I appreciate it has to change from 14 above, because that's where culture comes from, but how 15 do you do it, do you think?</p> <p>16 A. You start by setting the right example, and therefore 17 accepting lavish hospitality, for example, if you are 18 the Commissioner of the Metropolitan Police, does not 19 set a good example in terms of the conduct that you 20 expect from all junior officers.</p> <p>21 Also, going back to what I was saying this morning, 22 if there is evidence that there is a culture of covering 23 up inappropriate behaviour, then clearly officers who 24 were engaged in that sort of activity will feel more 25 confident that they can get away with it, bearing in</p> <p style="text-align: center;">Page 25</p>	<p>1 a very young and immature police constable, in answer to 2 a leading question from Bob Wellings about where did 3 I see myself at the end of my career, I said, 4 "Commissioner."</p> <p>5 I became far more realistic within a very short 6 space of time as to what my ambitions were, and in fact 7 at the end of two years, I told my then boss, my chief 8 superintendent, that I wanted to be a commander, and he 9 looked rather aghast at me and said, "When I was in your 10 position, I wanted to be a sergeant." But being 11 a commander was the limit of my ambitions, and when 12 I became a commander in charge of Brixton, I did not 13 feel that I wanted to progress any further. It was only 14 when people in the press tried to derail my career that 15 I felt it incumbent on me to prove that they hadn't done 16 that by seeking one more promotion.</p> <p>17 And I have to say, my whole purpose for being here 18 is because there are thousands of honest, decent police 19 officers who, like me, are horrified by the sort of 20 conduct that Sue Akers was talking about this morning, 21 albeit a very limited number of people, and a lot of 22 junior officers feel very let down by their senior 23 officers, and I want and they want 24 a Metropolitan Police Service that they can be proud of, 25 and I think that's what the public want as well.</p> <p style="text-align: center;">Page 27</p>
<p>1 mind if there was such a culture of cover-up, as 2 I suggest that there certainly was when I was in the 3 Metropolitan Police, that -- you know, that encourages 4 or could encourage people to engage in inappropriate 5 behaviour, as opposed to being completely open and 6 honest, and justice being seen to be done when there's 7 misbehaviour by the police would send a message to the 8 junior ranks that such behaviour would not be tolerated 9 under any circumstances.</p> <p>10 So there are various things that can be done from 11 the top, and I have to say Bernard Hogan-Howe, in 12 inviting in an independent person to look at culture and 13 ethics within the police, is a very positive step 14 forward along that path.</p> <p>15 Q. Thank you.</p> <p>16 The final question I have, and this really comes 17 from another source, as it were: it might be suggested 18 that you have a hostile animus towards the Metropolitan 19 Police Service, given the circumstances of your 20 departure, and maybe ambitions were thwarted and this 21 has coloured the evidence you've given to this Inquiry. 22 Is that a fair observation or not?</p> <p>23 A. It's quite interesting because I think people were 24 referring to an interview I did with Bob Wellings on 25 a programme called Nationwide in about 1978 where, as</p> <p style="text-align: center;">Page 26</p>	<p>1 The whole reason for me coming here and giving this 2 evidence is to try and improve things, rather than to 3 run the police down.</p> <p>4 MR JAY: Sorry, there's one question I've missed out on the 5 list that others have put to me. You've mentioned 6 Mr Ken Hyder, who was a journalistic contact of yours. 7 Is this right: that you, together with him, decided to 8 develop a campaign to not arrest people for cannabis use 9 and part of that campaign was to organise 10 a front-page splash in the Evening Standard? Is that, 11 broadly speaking, right?</p> <p>12 A. I wouldn't put that spin on it. What happened was 13 I became the commander in Brixton. Ken Hyder came to 14 interview me as the new police commander, and he said, 15 "All of your predecessors have failed. How are you 16 going to succeed? What are you going to do different?" 17 And I said, "One of the things I'm thinking of doing is 18 not arresting people for cannabis."</p> <p>19 For three months, Ken Hyder and I worked on all the 20 arguments that could possibly be put against it. We did 21 research into whether or not it was a waste of police 22 time to do that as opposed to what I thought we should 23 be doing, which was concentrating on more serious drugs, 24 and after that three-month period -- and bearing in mind 25 how conservative, with a small C, I thought Mike Todd</p> <p style="text-align: center;">Page 28</p>

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<p>1 was -- I felt the only way to get the debate of this 2 issue going was to allow Ken Hyder to publish a story in 3 the newspaper that I was thinking about the possibility 4 of police officers not arresting people for cannabis. 5 Some years later, I came up with a policy to deal 6 with stop-and-search. Instead of taking that 7 potentially career-limiting route to get the debate 8 going, I instead put it through the proper channels to 9 my boss, and it never went further than him. So bearing 10 in mind that that policy on cannabis is now national 11 policy and bearing in mind that very little has happened 12 on stop-and-search, I think I was justified in taking 13 that rather unorthodox approach to getting the debate on 14 cannabis rolling. 15 LORD JUSTICE LEVESON: That actually identifies an enormous 16 problem, doesn't it? Let me explain what I mean by 17 that. 18 You've made a significant point, with which 19 I entirely agree, that policing is consensual and 20 requires the buy-in of the public. Therefore, it is 21 absolutely essential that the public are on side. The 22 example of which I have spoken publicly and made 23 speeches concerns witnesses to crime. 24 A. Mm-hm. 25 LORD JUSTICE LEVESON: It's all too easy to say, "Well, the</p> <p style="text-align: center;">Page 29</p>	<p>1 the world in a different way and then try to convince 2 other people that your way of seeing things is the right 3 way of seeing things, and therefore, as an ACPO officer, 4 I believed it was my duty to try and get people to see 5 the world in a different way around the policing of 6 cannabis, and therefore it was legitimate for me to 7 provoke that debate. 8 It would not have been appropriate for me to provide 9 details of an ongoing investigation or to do something 10 else that was detrimental to the delivery of justice, 11 but in those circumstances, at the level that I was at, 12 I understood that that was part of my job. 13 LORD JUSTICE LEVESON: I quite understand that, but if you 14 unpick that, then maybe at that level or maybe at 15 different levels, is it not equally important that the 16 police have a relationship with the press so that they 17 can, as it were, rely on that to encourage the public to 18 assist in investigation of crime? If you say there is 19 going to be a piece of plate glass between the press and 20 the police, for the reasons which I quite understand -- 21 and I'm not being critical of what you've said at all -- 22 then do you risk undermining the opportunity to obtain 23 that critical assistance which you will always require 24 in order to detect crime? 25 A. I think it's very important for there to be a close and</p> <p style="text-align: center;">Page 31</p>
<p>1 forensics will solve it and therefore we don't need to 2 help", whereas in fact forensics are only available in 3 a limited number of cases because of their expense. 4 A. Absolutely. 5 LORD JUSTICE LEVESON: So one has to get the public involved 6 and participating. 7 A. Mm. 8 LORD JUSTICE LEVESON: If that is so, isn't a relationship 9 with the press, who are or can be a medium through which 10 you can communicate with the public, going to be 11 critical, as you found in relation to drugs? And once 12 you've made that an exception, and said, "I can decide 13 to do that in relation to a policy which I want to 14 implement", you've created a blur to the -- I was going 15 to say the blue line, but I'll say the red line that you 16 were drawing which is essential to establish cultural 17 probity. Do you see the point I'm making? 18 A. Yes, I do. On the strategic command course at the 19 police staff college, which is a course you have to 20 do -- you have to qualify to get onto it and then you 21 have to do it and succeed it at before you can become an 22 ACPO officer -- one of the important lessons that I paid 23 perhaps rather too much attention to was the fact that 24 as lower ranks you have to work within the existing 25 paradigm, but it is your job as an ACPO officer to see</p> <p style="text-align: center;">Page 30</p>	<p>1 healthy and above-board relationship between the press 2 and the police, and that's what I tried to maintain. So 3 not giving away secrets, but on the other hand having 4 a good working relationship, particularly with those 5 journalists who shared a common interest, whether it was 6 to deal with racism in the police as far as Jimmy Burns 7 was concerned, or around the reform of drugs laws, as 8 far as Ken Hyder was concerned. 9 I'm not saying at all that there shouldn't be, at 10 every level, good, healthy communication between the 11 press and the police. What I'm saying is that we have 12 to draw a line when it comes to police officers being 13 paid for information. I do not accept -- you know, 14 I might be old-fashioned in this, but I do not accept 15 that if a story is in the public interest, you can pay 16 a public official to disclose confidential information. 17 I think it is an acid test of whether or not it is 18 genuinely in the public interest that a public servant 19 is prepared to put their job on the line for no money to 20 put something which is in the public interest into the 21 public domain. 22 So I'm not at all saying that there should not be 23 a good working relationship between the two. 24 LORD JUSTICE LEVESON: No, I can follow that, but let's just 25 pursue it a bit. You develop a relationship. Once you</p> <p style="text-align: center;">Page 32</p>

<p>1 allow that to involve favours -- I'm not talking about 2 money and I understand what you're saying about money 3 entirely -- but meeting for a coffee, buying him a pint 4 or a meal, you blur the line which you have identified 5 and you run the risk of running into your kebab owner 6 problem, don't you?</p> <p>7 A. Exactly, exactly, and that's why -- you know, I'm not 8 saying that I was not putting myself in a potentially 9 difficult position if, you know, I stumbled across 10 Mr Hyder when he was drunk in charge of his car, except 11 that he never took me for a coffee or for lunch. But 12 no, I accept completely your point, and that's why 13 I think there needs to be a resetting of the rules 14 around the relationship between the press and the 15 police.</p> <p>16 LORD JUSTICE LEVESON: So it is much more nuanced? 17 A. Absolutely.</p> <p>18 LORD JUSTICE LEVESON: And I'm sure you're right. So how 19 you would -- and you don't need to answer this question 20 now -- reset that relationship, using your experience, 21 having reached the rank of deputy assistant 22 commissioner? You don't need to answer that now -- 23 A. But I will, if you would allow me.</p> <p>24 LORD JUSTICE LEVESON: By all means. 25 A. And that is to say, both in terms of setting a good</p> <p style="text-align: center;">Page 33</p>	<p>1 the expertise and the diligence of the anti-terrorist 2 branch without needing to tip off the media in advance 3 that that's where it's going to happen and what's going 4 to happen.</p> <p>5 LORD JUSTICE LEVESON: So you would draw a line there? 6 A. I would.</p> <p>7 LORD JUSTICE LEVESON: No prior tip-offs of any sort? 8 Information that comes into the police about specific 9 incidents must be retained purely within the police?</p> <p>10 A. There is a real danger, in tipping off before that sort 11 of raid, that somebody tips off the suspects and they 12 escape.</p> <p>13 LORD JUSTICE LEVESON: All right. 14 MR JAY: Yes, thank you. 15 LORD JUSTICE LEVESON: Thank you very much indeed, 16 Mr Paddick. Thank you. 17 Yes, Mr Garnham?</p> <p>18 MR GARNHAM: Sir, I gave my questions to Mr Jay. He was not 19 able to ask all the questions which were suggested, and 20 I'm grateful to him that he's asked many of them, but 21 I would make an application under Regulation 10 -- 22 LORD JUSTICE LEVESON: And the topics are? 23 MR GARNHAM: The topics are these: the present 24 investigation, the allegations of a culture of cover-up 25 and the propriety of contact with the press, something</p> <p style="text-align: center;">Page 35</p>
<p>1 example to rank and file officers but also to avoid the 2 kebab shop scenario, relationships between the police -- 3 between police officers and journalists should be on the 4 basis of formal meetings, not on the basis of gossiping 5 over dinner or booze.</p> <p>6 LORD JUSTICE LEVESON: Would you say the same about the 7 remarkable fact that when famous people are being 8 arrested, there is a photographer present? Sometimes.</p> <p>9 A. Well, not only that, but we saw when one or two of the 10 suspects for the 21 July failed bombings in London -- 11 when the police were going into the premises to arrest 12 those people, it was broadcast live on television. How 13 on earth does that happen without inappropriate 14 collusion between the press and the police?</p> <p>15 LORD JUSTICE LEVESON: It may be considered appropriate, 16 because it may be said by senior police officers: "This 17 is a wonderful opportunity for us to demonstrate how 18 effective the police are in connection with the 19 investigation and detection of crime." 20 Now, that may work for that. It may not work if 21 it's a celebrity whose house has been burgled; I take 22 that point.</p> <p>23 A. Yes. I suppose that could be argued, but the fact that 24 these people were arrested within days of the incident 25 taking place I would have thought is enough testimony to</p> <p style="text-align: center;">Page 34</p>	<p>1 you've touched on, sir.</p> <p>2 LORD JUSTICE LEVESON: All right, I don't think that's 3 unreasonable.</p> <p>4 Questions by MR GARNHAM</p> <p>5 MR GARNHAM: Can I begin by asking you about paragraph 63 of 6 your statement, Mr Paddick, about which you've already 7 been asked questions by Mr Jay and by the chairman, and 8 that is your comments about the current investigation 9 under DAC Akers.</p> <p>10 In answer to Mr Jay, just a few moments ago, you 11 said that your concern was whether the public would have 12 confidence in that investigation. Your statement 13 actually says that you have difficulty having 14 confidence. Do you?</p> <p>15 A. I do, for the reasons that I explained.</p> <p>16 Q. You do have confidence or you do have difficulty having 17 confidence?</p> <p>18 A. I have difficulty in having complete confidence.</p> <p>19 Q. And that is despite the view you take of the competence 20 and integrity of the officer in charge of that 21 investigation, is it?</p> <p>22 A. Yes, it is.</p> <p>23 Q. And it's despite the confidence you've expressed today 24 in the integrity of the man in charge of the committee 25 at News International?</p> <p style="text-align: center;">Page 36</p>

<p>1 A. Yes, it is.</p> <p>2 Q. Have you also taken into account the fact that for the</p> <p>3 Operation Elveden element of this investigation, which</p> <p>4 is the matter that attracted particular criticism from</p> <p>5 you a moment ago, that investigation is subject to IPCC</p> <p>6 review?</p> <p>7 A. I have concerns about the independence of the</p> <p>8 Independent Police Complaints Commission.</p> <p>9 Q. And it is also despite the fact that investigation</p> <p>10 Weeting has been the subject of a review by the County</p> <p>11 Durham police?</p> <p>12 A. I wasn't aware of that.</p> <p>13 Q. Do you not think that those four factors, Mr Paddick,</p> <p>14 justify complete confidence in the integrity of this</p> <p>15 investigation? You have an officer of the highest</p> <p>16 reputation, with whom you have confidence, you have</p> <p>17 provision of documentation by a committee headed by</p> <p>18 Lord Grabiner, you have jurisdiction being supervised by</p> <p>19 the IPCC and you have a review by an outside force?</p> <p>20 What more would it take to satisfy you, Mr Paddick?</p> <p>21 A. I think it should be led by a senior officer from</p> <p>22 another force who has had no previous service with the</p> <p>23 Metropolitan Police.</p> <p>24 Q. Yes, thank you.</p> <p>25 LORD JUSTICE LEVESON: If Durham have reviewed it and found</p> <p style="text-align: center;">Page 37</p>	<p>1 Met?</p> <p>2 A. John Stevens was given the specific job of improving</p> <p>3 morale in the Met police and therefore he developed good</p> <p>4 relationships with the media in order to try and ensure</p> <p>5 that the best possible image of the Metropolitan Police</p> <p>6 was put forward, but --</p> <p>7 Q. Do you criticise him for that?</p> <p>8 A. -- as I have indicated, he also was apparently not very</p> <p>9 happy were anything critical to be said or published,</p> <p>10 and I know that that's his job, but it depends how close</p> <p>11 that relationship is and whatever the press are</p> <p>12 therefore fairly reporting on police activity or not.</p> <p>13 Q. Do you criticise him for attempting to engage with the</p> <p>14 press in the way he did, in the circumstances he came</p> <p>15 into the commissionership?</p> <p>16 A. I think I've just said that I think that the</p> <p>17 relationship between newspaper editors and very senior</p> <p>18 officers should be limited to formal meetings that are</p> <p>19 minuted.</p> <p>20 Q. You observe in your statement what a bad press</p> <p>21 Sir Ian Blair received when he took over that job. Do</p> <p>22 you think he was wrong to attempt to engage with the</p> <p>23 press?</p> <p>24 A. Again, it depends on the circumstances in which he</p> <p>25 engaged with them, but clearly it's important for the</p> <p style="text-align: center;">Page 39</p>
<p>1 it to be in keeping, then that at least deals with that</p> <p>2 aspect.</p> <p>3 A. It's reassuring, sir, yes.</p> <p>4 LORD JUSTICE LEVESON: Yes. Right.</p> <p>5 MR GARNHAM: Thank you.</p> <p>6 You use an expression in your statement in</p> <p>7 describing the approach of other commissioners in the</p> <p>8 past to the press of being engaging in "a charm</p> <p>9 offensive".</p> <p>10 A. Yes.</p> <p>11 Q. That sounds something of a pejorative expression. Do</p> <p>12 you mean it so?</p> <p>13 A. I mean that the Commissioners tried to develop good</p> <p>14 relationships with editors.</p> <p>15 Q. Are you critical of that?</p> <p>16 A. I think it depends how far that goes and in what</p> <p>17 circumstances it's done.</p> <p>18 Q. Let's test it with the two examples you gave. First of</p> <p>19 all, John Stevens, who took over the commissionership at</p> <p>20 a difficult time for the Met, didn't he? The report</p> <p>21 into the Stephen Lawrence Inquiry had just been</p> <p>22 published. Morale was at a low ebb. Do you think there</p> <p>23 was anything wrong in John Stevens embarking on a charm</p> <p>24 offensive to better present the Met to the press and to</p> <p>25 better understand what the press were saying about the</p> <p style="text-align: center;">Page 38</p>	<p>1 Commissioner to try to ensure that the Met is seen in</p> <p>2 the best possible light.</p> <p>3 Q. You had a relationship with a number of journalists</p> <p>4 during your time at the Met. You've told us that you</p> <p>5 spoke to, on a number of occasions, three in particular</p> <p>6 I made a note of that you mentioned: Margaret Gilmore,</p> <p>7 Mr -- is it Hyder? -- and Piers Morgan. You had contact</p> <p>8 with journalists?</p> <p>9 A. I didn't have relationships with them. I had contact</p> <p>10 with them.</p> <p>11 Q. I'm happy to take your word, that word, "contact". You</p> <p>12 did so because you thought it was appropriate in each</p> <p>13 case?</p> <p>14 A. They were mainly approaches to me by them rather than</p> <p>15 the other way around.</p> <p>16 Q. Yes, but you didn't simply snub them?</p> <p>17 A. No, of course not, no.</p> <p>18 Q. You responded?</p> <p>19 A. Yes.</p> <p>20 Q. And you spoke to them?</p> <p>21 A. Yes.</p> <p>22 Q. You did so in circumstances which you regarded as</p> <p>23 appropriate?</p> <p>24 A. Yes.</p> <p>25 Q. What was your objective in view in having that contact</p> <p style="text-align: center;">Page 40</p>

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<p>1 with them?</p> <p>2 A. To try and improve things in the Metropolitan Police,</p> <p>3 for example, around the way that drugs were dealt with,</p> <p>4 in terms of improving the police race relations, that</p> <p>5 sort of things.</p> <p>6 Q. Legitimate MPS objectives?</p> <p>7 A. Absolutely.</p> <p>8 Q. If that is the test, Mr Paddick, if the test that senior</p> <p>9 officers apply in deciding whether or not to have</p> <p>10 contact with the producer, is "am I pursuing</p> <p>11 a legitimate MPS objective", is that acceptable?</p> <p>12 A. Again, depends on the circumstances, but generally</p> <p>13 speaking, yes.</p> <p>14 Q. Thank you. You talk about the receipt of excessive</p> <p>15 hospitality and receiving gifts or payments. Putting</p> <p>16 aside what is frank corruption of paying a police</p> <p>17 officer for information, what do you have in mind when</p> <p>18 you talk about inappropriate hospitality?</p> <p>19 A. Three weeks' residential at a health farm at the expense</p> <p>20 of somebody else who has a connection with a company</p> <p>21 that's under investigation.</p> <p>22 Q. You're talking about Sir Paul Stephenson?</p> <p>23 A. Yes, and his wife as well.</p> <p>24 LORD JUSTICE LEVESON: I'm not sure that's entirely fair,</p> <p>25 given the fact that I think the person who ran that</p> <p style="text-align: center;">Page 41</p>	<p>1 inappropriate -- tell us which -- for a commissioner to</p> <p>2 entertain a newspaper journalist or editor for dinner?</p> <p>3 A. In the light of what's happened, with the benefit of</p> <p>4 hindsight, maybe not, but it's certainly not appropriate</p> <p>5 for that to take place when that editor's newspaper is</p> <p>6 currently under investigation by the police.</p> <p>7 Q. And in circumstances where the editor is not under</p> <p>8 investigation, would you regard it as appropriate?</p> <p>9 A. As I say, from now onwards, I would say that it was</p> <p>10 inappropriate, but that wasn't the case then.</p> <p>11 Q. Without that hindsight, looking at your state of mind</p> <p>12 before this had happened, would you have regarded it as</p> <p>13 inappropriate?</p> <p>14 A. If that newspaper was under investigation, then it was</p> <p>15 entirely inappropriate.</p> <p>16 Q. If they were not under investigation at the time, would</p> <p>17 you have objected to a Commissioner having dinner with</p> <p>18 an editor?</p> <p>19 A. No.</p> <p>20 Q. Can I ask you about Jean Charles de Menezes? Mr Jay has</p> <p>21 asked you a good deal about that already. I only want</p> <p>22 to ask you this: there was criticism in the press of</p> <p>23 Sir Ian Blair for the interview he gave that Mr Jay</p> <p>24 referred you to.</p> <p>25 A. Was there?</p> <p style="text-align: center;">Page 43</p>
<p>1 organisation was his daughter's father-in-law, but</p> <p>2 that's doubtless something that we'll discuss with him.</p> <p>3 MR GARNHAM: Let me ask at a more prosaic level, Mr Paddick:</p> <p>4 when is it acceptable for a policeman to accept a drink</p> <p>5 from a journalist? Never? A cup of coffee?</p> <p>6 A. In the light of the discussion that we've had today, and</p> <p>7 bearing in mind the example that is -- well, the conduct</p> <p>8 that is expected of patrol officers, for example,</p> <p>9 I would hope that the same applies throughout all levels</p> <p>10 of the organisation.</p> <p>11 Q. So where do you draw the line?</p> <p>12 A. I guess having coffee over -- in a formal meeting, it</p> <p>13 doesn't really matter who pays for it, but when it comes</p> <p>14 to wining and dining, then I think that puts people</p> <p>15 under obligations.</p> <p>16 Q. Would you say it's never acceptable for, for example,</p> <p>17 the Commissioner to entertain a journalist, an editor,</p> <p>18 at a formal dinner?</p> <p>19 A. I think it raises --</p> <p>20 Q. Sorry, I think Mr Prescott has something to say. Sorry,</p> <p>21 I was interrupted. Mr Prescott appeared to want to say</p> <p>22 something.</p> <p>23 LORD JUSTICE LEVESON: No, carry on.</p> <p>24 A. Could you repeat the question?</p> <p>25 MR GARNHAM: Yes. Would you say it's ever appropriate or</p> <p style="text-align: center;">Page 42</p>	<p>1 Q. It was said, in the criticism that was taken and</p> <p>2 considered by the IPCC -- the question they were</p> <p>3 investigating was whether he told the truth when he said</p> <p>4 that at 5 o'clock that evening, he did not know that</p> <p>5 Jean Charles de Menezes was an innocent tourist,</p> <p>6 a Brazilian visitor.</p> <p>7 A. Sure.</p> <p>8 Q. Is that right?</p> <p>9 A. Yes.</p> <p>10 Q. When did you know that?</p> <p>11 A. About five hours after the shooting.</p> <p>12 Q. The shooting was about 10 o'clock in the morning?</p> <p>13 A. Yes, so it was about 3 o'clock in the afternoon.</p> <p>14 Q. Did you attend the meeting at 5 o'clock that evening</p> <p>15 when the case was discussed with Sir Ian Blair?</p> <p>16 A. Yes.</p> <p>17 Q. Did you tell him that you knew that the suspect was an</p> <p>18 innocent Brazilian tourist?</p> <p>19 A. No, because the person who confirmed the identity of</p> <p>20 Jean Charles de Menezes in a meeting that I attended</p> <p>21 that afternoon, before the 5 o'clock meeting, was</p> <p>22 Andy Hayman. He was of higher rank than me. He was the</p> <p>23 head of counter-terrorism. He did not choose to raise</p> <p>24 that with the Commissioner in that meeting, and I felt</p> <p>25 it was not my place to contradict Andy Hayman and to</p> <p style="text-align: center;">Page 44</p>

<p>1 raise that issue when Andy Hayman quite clearly did not 2 want the Commissioner to know.</p> <p>3 Q. Why not? Why did you let the Commissioner go on and 4 make that incorrect assertion if you knew it wasn't the 5 case? Why didn't you say, "I'm sorry, I don't think 6 that's right"?</p> <p>7 A. I've just told you why.</p> <p>8 Q. What, because of rank?</p> <p>9 A. Yes, and it's very difficult for anybody who has not 10 been a police officer, as I was for 30 years, to 11 understand the hierarchical nature of the police service 12 and how it would be a career-limiting thing to go 13 against a more senior officer who was present in the 14 same room.</p> <p>15 Q. You would simply be pointing out a fact that you knew 16 that in fact --</p> <p>17 A. No, if I did, I would be pointing out a fact that 18 Andy Hayman, a more senior officer, had pointed out to 19 me, and therefore I felt that it was his responsibility 20 and not mine to tell the Commissioner.</p> <p>21 Q. Did you say to him afterwards --</p> <p>22 A. In addition, the two people who initially told me that 23 we had shot an innocent Brazilian were the 24 Commissioner's staff officer and his chief of staff --</p> <p>25 LORD JUSTICE LEVESON: I'm sorry, can I just understand</p> <p style="text-align: center;">Page 45</p>	<p>1 than I have done about how the hierarchy in the 2 Metropolitan Police works.</p> <p>3 Q. Yes, I see.</p> <p>4 A. But that's something that perhaps you don't understand.</p> <p>5 Q. You commented about an incident in, I think, 2001 in 6 Brixton during the course of the riot, and you told the 7 chairman how you had heard second-hand that the 8 Commissioner, then Sir John Stevens, was furious at the 9 way you proposed to deal with it. Sir John Stevens had 10 quite a reputation for wanting these matters dealt with 11 openly and frankly, didn't he? That was his repeated 12 mantra?</p> <p>13 A. I don't recall that.</p> <p>14 LORD JUSTICE LEVESON: All right.</p> <p>15 MR GARNHAM: Were you suggesting that evidence of assaults 16 was being suppressed or simply that it was being dealt 17 with in a different way?</p> <p>18 A. All I'm saying is I informed members of the community 19 because I thought that it was my duty to do so, and 20 I was told by my immediate boss that the Commissioner 21 was unhappy with that.</p> <p>22 Q. Was that not entirely inconsistent with the way Sir John 23 Stevens went about his business?</p> <p>24 A. I'm afraid I can't comment on that. All I can tell you 25 were the facts.</p> <p style="text-align: center;">Page 47</p>
<p>1 this. Did this come up in this meeting? In the meeting 2 to which you've been referred that you were present --</p> <p>3 A. Yes. Yes, it did come up. Alan Brown was the assistant 4 commissioner in overall charge of the operation. He 5 started to talk about the fact that this person had been 6 shot, and Andy Hayman interrupted him and said, "Yes, 7 but we don't know -- we haven't established definitely 8 what his identity is, we need to get DNA and other 9 things", and that gave a very clear signal to me that 10 Andy Hayman did not want that issue discussed further.</p> <p>11 But the other point in terms of informing the 12 Commissioner was it was the Commissioner's chief of 13 staff and staff officer who told me, at an earlier 14 meeting, five hours after the shooting, that the person 15 was innocent. I could not believe in my wildest dreams 16 that they would have told me that information and not 17 told the Commissioner. So I also assumed that the 18 Commissioner knew, at least what his staff officer and 19 chief of staff had said.</p> <p>20 LORD JUSTICE LEVESON: All right.</p> <p>21 MR GARNHAM: But you let the discussion continue on the 22 misapprehension, on this vital question of this 23 important case, that the man was potentially the 24 suspect, when you knew he wasn't?</p> <p>25 A. I told you -- I'm afraid I can't explain any further</p> <p style="text-align: center;">Page 46</p>	<p>1 Q. All you can tell us is what you were told by somebody 2 else?</p> <p>3 A. Yes, who was an assistant commissioner, Mike Todd.</p> <p>4 Q. Thank you. Can I just, sir, to finish --</p> <p>5 LORD JUSTICE LEVESON: Well, you can certainly do that.</p> <p>6 MR GARNHAM: I thought that might be enthusiastically 7 received.</p> <p>8 Can I suggest a correction is made to your 9 statement? Look at paragraph 40. You quote or purport 10 to quote from the witness statement of police officer 11 Mark Maberly.</p> <p>12 A. Yes. That other person is actually a pseudonym used 13 by -- is that what you're going to point out?</p> <p>14 Q. No. I'm going to suggest -- and I'm sure it's an 15 innocent error, but your quotation misses a word out in 16 the first sentence. You put in inverted commas, in 17 italics, as if you are quoting exactly from that 18 paragraph. The word "tangible" is missing. Would you 19 accept that from me?</p> <p>20 A. I'll accept that, certainly.</p> <p>21 LORD JUSTICE LEVESON: So it's "the first tangible 22 indication", is it?</p> <p>23 MR GARNHAM: Yes.</p> <p>24 LORD JUSTICE LEVESON: Thank you very much, Mr Paddick.</p> <p>25 We'll have just a few minutes off, then we'll go to</p> <p style="text-align: center;">Page 48</p>

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<p>1 your next witness. Thank you. 2 (3.13 pm) 3 (A short break) 4 MR JAY: Sir, the next witness is Baron Prescott, please. 5 JOHN LESLIE PRESCOTT, BARON PRESCOTT (affirmed) 6 Questions by MR JAY 7 MR JAY: Thank you, Lord Prescott. Your full name, please, 8 for the Inquiry. 9 A. John Leslie Prescott. 10 Q. Thank you. You provided us with a witness statement 11 dated 17 February this year, underneath a statement of 12 truth. Is this your formal evidence to the Inquiry? 13 A. It is. 14 LORD JUSTICE LEVESON: Thank you very much for the effort 15 you've obviously put into this statement. I'm grateful. 16 MR JAY: You, of course, were a Member of Parliament for 40 17 years, Deputy Prime Minister for ten years, and you're 18 now a life peer; is that correct? 19 A. Yes. 20 Q. In paragraph 36 your statement, you touch on one aspect 21 of press intrusion into your personal life. Do you 22 consider it was appropriate at all for the Daily Mirror 23 to publish information relating to your personal life? 24 A. I didn't object; I didn't like it. 25 Q. Is the implied objection that you make in your statement</p> <p style="text-align: center;">Page 49</p>	<p>1 revealed that your name and the names of other 2 politicians were referred to in the documents obtained 3 by the Metropolitan Police in 2006. 4 So you, as a result of that the information, wrote 5 to Mr Yates on 9 July 2009? 6 A. I did. 7 Q. Your personal assistant at the relevant time was Joan 8 Hammell -- 9 A. She was. 10 Q. -- and she features significantly in this story. 11 The letter you wrote, exhibit JP1, which I hope you 12 have in front of you, this was to the Commissioner, 13 dated 9 July 2009, referring to the allegations in the 14 Guardian. It also states that: 15 "The Metropolitan Police have in their possession 16 the names of all those whose phones were targeted. 17 I would like to know if you have such information and, 18 if so, why we were not informed and why no action was 19 taken. It's important that you make the police's 20 position on this issue clear." 21 A. Yes, I think he did it in a few hours. He gave me 22 a telephone call and he said, "I've done an 23 investigation and there's no evidence against you at all 24 in phone tapping." 25 I thought it was a rather quick inquiry, but that's</p> <p style="text-align: center;">Page 51</p>
<p>1 in paragraphs 3 and 4 to the extent and nature of the 2 publications rather than the fact of the extramarital 3 affair to, as it were, cut to the quick? 4 A. No, I recognise I'm a public person and it would be of 5 interest in the way the press define what is the public 6 interest. I didn't complain about that at all. The 7 other person involved had gone to the story, had clearly 8 been paid for it, and I just admitted to it immediately 9 and tried to deal with the difficulties obviously 10 personally. 11 Q. Thank you. Paragraph 6, please, of your statement and 12 paragraph 7. We're about now 2006, when of course you 13 were deputy prime minister. Did you have some concern 14 at that point that your voicemails may have been hacked 15 into, Lord Prescott? 16 A. No. I think I'm a figure of attention to a lot of the 17 press over a lot of my lifetime, so I had to deal with 18 many stories. Some I thought: "Where did they get the 19 information from?", but I never thought for a moment it 20 was anything like phone hacking. 21 Q. Thank you. Paragraph 8, the reports in the Guardian on 22 8 July 2009, the claim that a large amount of 23 information was obtained about a large number of 24 individuals, many of whom were public figures who had 25 been targeted by Goodman and Mulcaire. Guardian sources</p> <p style="text-align: center;">Page 50</p>	<p>1 what I got (inaudible). 2 Q. So that was a conclusion that you had with Mr Yates on 3 9 July when you were in your car; is that correct? 4 A. Yeah. He rang me and told me he was doing a press 5 conference this afternoon, going to announce that there 6 was no evidence. I thought it's a rather unusual way 7 but accepted it but did ask him to put it in writing to 8 me. It took him seven weeks and another reminder before 9 I got a reply in writing. 10 Q. Can we be clear, because this may be important in terms 11 of what happened on 9 July, when exactly was that 12 conversation with Mr Yates? Was it the morning or the 13 afternoon? 14 A. I think it was the afternoon. It was 15 minutes before 15 he was going to make his -- do his press conference. 16 Q. So it was probably about 5 in the afternoon? 17 A. I thought it was earlier than that, because I think I've 18 got in my mind something like 2 or 3 o'clock. 19 Q. Thank you. You say in paragraph 11 of your statement, 20 Lord Prescott, that he gave the press conference he'd 21 referred to in his conversation with you and he made the 22 following comment: 23 "There's been a lot of media comment today about the 24 then deputy prime minister John Prescott. This 25 investigation has not uncovered any evidence to suggest</p> <p style="text-align: center;">Page 52</p>

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<p>1 that John Prescott's telephone had been tapped." 2 Then he later said: 3 "Where there was clear evidence that people had 4 potentially been the subject of tapping, they were all 5 contacted by the police." 6 Were you, at the time, concerned by that statement? 7 A. Yes. I mean, they were reluctant to give me any 8 information. What they were suggesting there's no 9 evidence at all, but I think the play of the word is on 10 "tapped". They would say, properly so, that my phone 11 wasn't tapped because I never took messages on it and 12 they didn't have my phone number. That comes from the 13 evidence that has taken place. So they got the number 14 of my chief exec, or chief of office, and followed all 15 my messages, which they did not admit to at all, not 16 even that. 17 Q. This is the Joan Hammell we've been speaking of a few 18 moments ago? 19 A. Yes. 20 Q. To be clear, did you use the voicemail on your own 21 mobile phone for any purpose or not? 22 A. No. Means you have to reply to them if they leave you 23 a message. 24 Q. Okay. Your solicitors were then involved, and on 25 10 July they wrote -- we shouldn't pass over the letter Page 53</p>	<p>1 Q. A letter also went to the DPP by your solicitors at 2 page 9. 3 A. This is under the appendices, is it? 4 Q. Yes, your exhibit. 5 LORD JUSTICE LEVESON: Do you have these, Lord Prescott? 6 A. I have it, yeah. Sorry. 7 LORD JUSTICE LEVESON: Thank you. 8 MR JAY: Mr Starmer, Queen's Counsel, was the DPP. Of 9 course, he still is the DPP. A copy of the letter is 10 enclosed. 11 A. Yes. 12 Q. You're seeking, at that stage, access to the material 13 allegedly sealed in the Taylor case; is that right? 14 A. Partly, yes. I did enquire with the Data Commissioner 15 as to whether I could get this information via that 16 route, and he said probably not, but try and write to 17 the public prosecutor. Failing that, as we come to 18 later, he advised me to write to the legal officer of 19 the Metropolitan Police. 20 Q. Thank you. The CPS write to you at page 11 on 16 July 21 and we can see from the first page reference to the 22 DPP's statement on 9 July. 23 A. Yes. 24 Q. Last paragraph: 25 "You have asked the director give consideration to Page 55</p>
<p>1 at page 2 of the exhibit bundle. This is a letter back 2 from the Commissioner's office. The letter which you 3 sent on 9 July, which I think your statement suggests 4 you wrote to the Assistant Commissioner Mr Yates, was in 5 fact to the Commissioner, and what happened was the 6 Commissioner passed it on -- 7 A. He did. 8 Q. To -- to Mr Yates. But then on 10 July, your then 9 solicitors were involved and wrote to the editor of the 10 News of the World, Mr Myler. 11 A. Yes. 12 Q. And this contained a standard request under the Data 13 Protection Act. 14 A. Yes. 15 Q. The essence of the request at page 4: 16 "Would you therefore please inform us whether any 17 personal data of which John Prescott is the data subject 18 is being held by or on behalf of the News of the World." 19 So that was a request to the News of the World, not, 20 of course, to the police? 21 A. Yes. It was an attempt to find out if they were 22 prepared to tell us whether they had information or not. 23 By then, I believed that these acts had occurred. 24 I just wanted to hear whether they would admit it or not 25 because I knew that eventually it would come out. Page 54</p>	<p>1 making the appropriate application to gain access to 2 material allegedly sealed in a civil case involving 3 Mr Gordon Taylor." 4 A. Yes. 5 Q. Then on the next page: 6 "The CPS was not a party to any litigation that may 7 have been conducted by Mr Taylor. Your letter is also 8 vague as to the details of what may or may not have 9 happened in the course of the litigation. Additionally, 10 the CPS does not have any powers of investigation." 11 All that may or may not have been technically 12 correct -- 13 A. But it was part of the agreement in the civil case that 14 no information be given to anyone about the settlement, 15 which is quite normal with these people. 16 Q. Thank you. Then, at page 17 -- we needn't look at the 17 DPP's statement, we can look at that with him in due 18 course -- solicitors acting for News International write 19 to your solicitors on 7 August. Do you have that? 20 A. Yes. 21 Q. Where reference it is made to the Assistant Commissioner 22 Mr Yates' statement on 9 July. That's referred to at 23 the bottom of page 17. Then, the middle of page 18: 24 "In the circumstances, your client was, in July, 25 acting under the misapprehension that his mobile Page 56</p>

14 (Pages 53 to 56)

<p>1 telephone had previously been tapped on behalf of the 2 News of the World. The police have corrected this in 3 clear terms." 4 Was that denial, as it were, correct or not? 5 A. My concern with the public prosecutor is that I got the 6 view they were working very closely with Mr Yates in 7 their common description of what had happened to me; 8 namely: "Your phone has not been tapped and that's all." 9 Now, is it an offence for your messages from your phone 10 to on one of your own staff -- is that illegal? I would 11 have thought it was illegal for the person who has the 12 phone, but tapping into my messages -- I was trying to 13 get them to tell me what the position was, and then we 14 got that silly nonsense: "If you've heard it first, it's 15 not illegal." 16 Now, the police wrote to me with that excuse and so 17 did the public prosecutor, which was unsatisfactory and 18 was evidence of them working together on it. 19 Q. Okay. Paragraph 15 of your statement. You say: 20 "John Yates had still not responded in writing to my 21 letter of 9 July." 22 Well, that was the letter to Paul Stephenson which 23 was passed on to -- 24 A. Yes. 25 Q. -- Mr Yates. On 21 August, you wrote to him again,</p> <p style="text-align: center;">Page 57</p>	<p>1 words, because there may be a distinction between your 2 phone and a phone of a member of your staff. 3 A. But is it an offence to tap a member of (inaudible) with 4 my messages? 5 LORD JUSTICE LEVESON: I understand that. 6 A. No, is it? I'm asking, because that's what I was trying 7 to get at. 8 LORD JUSTICE LEVESON: Yes. 9 A. So they always use "your phone", and in that sense you 10 could probably say that's right, but the offence was 11 committed with the messages between, interception. 12 MR JAY: In terms of what Mr Yates said -- because I'll 13 probably have to ask him about this on Thursday when 14 I come to question him. 15 A. Good. I hope you do. 16 Q. He might say, "If you look very carefully at what I said 17 at page 21, there's a reference to" -- do you see the 18 fourth line of the second paragraph? 19 A. On the -- sorry? 20 Q. Page 21. 21 A. From the Met police, yeah. 22 Q. This is the business about informing royal household, 23 et cetera. 24 A. Yeah. 25 Q. "... who we knew and could evidence had had their</p> <p style="text-align: center;">Page 59</p>
<p>1 enclosing a copy of your previous letter and asking for 2 a response. That's page 20. You get a response on 3 11 September 2009 at page 21. 4 A. Seven weeks later. 5 Q. He apologised, at page 21, for not replying to your 6 letter of 9 July. He says this: 7 "... but I'd assumed that your enquiry had been 8 answered by my telephone to you on that day ..." 9 A. Nonsense. The first thing I said to him: "You don't 10 give me that sort of information over the telephone. 11 Put it to me in writing." "Right," he said. Now he's 12 ducking behind that. 13 Q. Thank you. I read on: 14 "... when I informed you that our investigation in 15 '05/06 did not uncover any evidence to suggest that 16 your phone had been tapped. For your information, at 17 the time of our investigation, police did inform and 18 provide briefings to those individuals who fell into the 19 category of royal household, MPs, cabinet office, police 20 and military." 21 A. Am I in those categories? I was a bit confused about 22 that. Perhaps they didn't like me being the Deputy 23 Prime Minister. I would have thought I'm supposed to be 24 in those categories. 25 LORD JUSTICE LEVESON: I suppose one goes back to the use of</p> <p style="text-align: center;">Page 58</p>	<p>1 voicemail ..." 2 You see that personal pronoun, "their"? 3 A. Yes. 4 Q. So he might say that although you fall into at least one 5 of the foregoing categories, it wasn't your voicemail; 6 it was your agent's voicemail. 7 A. Well, it's interesting. Later, they were to change 8 their position and say I'd been -- that I had been 9 offended. An offence had been -- certainly, 10 Commissioner Akers actually made that clear and gave me 11 that apology when we changed. But I think what's 12 happened with Mr Yates, he had one position and didn't 13 want to change from it. So he kept it and kept narrowly 14 to that. But we now know all the evidence and clearly 15 they had all the evidence. He just didn't want to look 16 in the bag. 17 Q. Whatever emphasis is put on the personal pronoun 18 "their", it might be said that that surely includes an 19 agent of yours. 20 LORD JUSTICE LEVESON: It requires them to have made the 21 link, doesn't it, between the lady whose voicemail was 22 the subject of interest and Lord Prescott? 23 A. But there was more than that because they were later to 24 tell me -- when I wrote to the legal department of the 25 Metropolitan Police, I asked them, did they have any</p> <p style="text-align: center;">Page 60</p>

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<p>1 evidence at all that payments concerned myself? And 2 then she told me, despite what Yates had been saying, 3 they'd found two envelopes with my name on and payments 4 of £250. 5 Q. We're going to come to the evidence as it unfolds in 6 your statement, but that was Mr Yates' position as at 7 11 September 2009. On 24 November 2009, you wrote to 8 the director of illegal services at the Met police, so 9 that's page 22. 10 A. Yes. 11 Q. You have that. You say: 12 "I understand that Scotland Yard has now analysed 13 and logged the contents of all the material which was 14 seized by Metropolitan Police officers from Mulcaire and 15 Goodman in the course of enquiries into the interception 16 of voicemail messages. This is a formal request for you 17 to notify me of any reference of any kind to myself in 18 the material, including but not limited to references in 19 computer records, paperwork, audio or video recordings 20 dealing with any and all instructions, actions, 21 recordings, notes, messages and payments concerning 22 myself." 23 But the point was made later on -- 24 LORD JUSTICE LEVESON: That's pretty clear. You've put 25 everything in.</p> <p style="text-align: center;">Page 61</p>	<p>1 documentation in our possession to suggest that Mulcaire 2 attempted to intercept any of your voicemail messages. 3 The only documentation in our possession to suggest that 4 you may have been a 'person of interest' to Mulcaire is, 5 firstly, one piece of paper, on which is written the 6 name John Prescott. The only other legible word on this 7 document is 'Hull'. Secondly, the name 'Prescott' 8 appears on two self-billing tax invoices, which we 9 believe are from News International Supply Company 10 Limited to Mulcaire's company, Nine Consultancy Limited. 11 One appears to be for a single payment of £250,000 on 12 7 May 2006 with a reference containing the words: 13 ""Story: other Prescott ..."" 14 I think that must be "assistant"? 15 A. "Assist", yeah. 16 Q. But that's short for "assistant", is that? 17 A. Yeah. 18 Q. And that again is your PA, Joan Hammell, or it might be. 19 Then it says: 20 ""-txt."" 21 A. Yeah. I did suspect at first they meant my son, because 22 the Murdoch press and the Times had done a couple of 23 number stories on him, so I was wondering whether that 24 was the connection. I think I've since been assured 25 it's probably not. Same Murdoch group.</p> <p style="text-align: center;">Page 63</p>
<p>1 A. Yes. It was -- because I thought a legal would not lie 2 but the police probably would. 3 MR JAY: It's certainly pellucidly clear. I think the point 4 was made later on, as we'll see, that you're broadening 5 your request here. You hadn't been quite as clear and 6 as broad before. Do you accept that or not? 7 A. I do, because the story was coming out all the time. 8 I mean, the Guardian particularly was bringing out every 9 day different parts of the stories, so that was 10 reflected in the requests we were making. But there was 11 one good reason why I did it this way. The Data 12 Commissioner told me that he couldn't do anything, had 13 no power. "Why don't you write to the legal arm of the 14 Metropolitan Police?" So I did. 15 Q. So at this time you were in contact behind the scenes, 16 as it were, with the Information Commissioner, who 17 I think now had become Sir Christopher Graham; is that 18 correct? 19 A. Yes. I'm sorry, it is the Information Commissioner. 20 Q. Page 23, more and different information comes back from 21 the police on 15 December 2009, where they say -- this 22 is the second paragraph: 23 "Having now done a further search of all the 24 material that was seized as part of the investigation 25 into Mulcaire and Goodman, I can confirm that we have no</p> <p style="text-align: center;">Page 62</p>	<p>1 Q. "... and the other, again, appears to be for a single 2 payment of £250 on 25 May with a reference containing 3 the words: 4 ""Story: other Prescott assist-txt urgent." 5 "We do not know what this means or what it is 6 referring to." 7 A. It would have been a good clue to any policeman that 8 perhaps there is something there. 9 Q. Thank you. You say in paragraph 19 of your statement -- 10 A. Paragraph, sorry? 11 Q. Paragraph 19. Sorry to dart around from your statement 12 to the exhibit: 13 "To my mind, it is perfectly clear that this 14 documentation alone shows that the Met police were in 15 possession of some evidence that my phone could have 16 been compromised in some way and my privacy might have 17 been invaded." 18 That, of course, may be correct, although we know 19 that the compromise related more specifically to the 20 phone of your personal assistant. 21 A. Yes. 22 Q. Not that it makes that much difference, you would say? 23 A. By then I had accepted that as probably what was 24 probably true, as I said at the time. 25 Q. You would say it was also clear that by then you had</p> <p style="text-align: center;">Page 64</p>

16 (Pages 61 to 64)

<p>1 become, in evidential terms, at least, a person of 2 interest to Mr Mulcaire; is that right, Lord Prescott? 3 A. Yeah, I think that's right, yeah. 4 Q. Okay. A pre-action protocol letter, as it's formally 5 called in the judicial review proceedings, was sent to 6 the then Commissioner on 5 August 2010. We're now back 7 to page 256 the exhibit bundle. This sets out the 8 relevant history, most of which we have looked at. The 9 rest of it is in the public domain. The basic point 10 that was made at the top of page 28, really: 11 "Our client, even on Mr Yates' analysis, was and 12 remains entitled to know how his privacy had been 13 invaded so that he can protect himself from further 14 violations and seek remedies in respect of past 15 violations. The information our client requires would 16 include not only the documents naming our client or 17 containing his mobile telephone numbers but the 18 documents showing how and when those numbers were 19 accessed, by way of information such as Mr Mulcaire's 20 telephone records and those of his contacts at the 21 various newspapers. Our client would also require 22 information to assess whether his contacts were also 23 targeted, as he suspects from the behaviour of the press 24 at the time, in order to listen to messages left by him 25 or to ascertain information about him. Your failure to</p> <p style="text-align: center;">Page 65</p>	<p>1 hacked and messages then received, the type of messages 2 I was receiving between the two parties, it's quite 3 proper to do that. It's that kind of thinking, I think, 4 that gave us -- you know, you don't prosecute if you've 5 heard the message first. 6 So I've got all this in my background, looking at 7 this, and you're not in this -- this is the category 8 you're in but you're not going to be named or given the 9 information. I have a further one with Mr Hayman. 10 I mean, I was working with this man in the cabinet 11 office when Tony Blair was away and we had the problem 12 of the 7/11 difficulties that came from that, of course, 13 terrorist difficulty. But he was the man I was working 14 with, and they might have just said to me: "Watch your 15 phone." 16 So I was beginning to feel they were hiding things, 17 not telling me the truth, and as we'll see later, 18 conspiring with the press to conspire to hide the truth. 19 Q. Thank you. Then you refer in your statement to the 20 evidence Mr Yates gave to the Home Affairs Select 21 Committee, this time on 7 September 2010? 22 A. Sorry, can you give me the number? 23 Q. Paragraph 22, Lord Prescott? 24 A. Oh, I'm sorry. Got it. 25 Q. His statements -- obviously they're in the public domain</p> <p style="text-align: center;">Page 67</p>
<p>1 provide this information represents an ongoing breach." 2 A. Correct. 3 Q. The police, or their solicitors, rather, wrote back, 4 page 30 on 15 September, where they make a number of 5 points. The first point that is made on page 30, in the 6 first paragraph. Under the heading "Previous 7 correspondence", they say: 8 "The MPS investigation in 2005/2006 did not uncover 9 any evidence to suggest that the claimant's mobile 10 telephone had been unlawfully intercepted. This remains 11 the position today. The MPS does not have in its 12 possess any information to suggest that the claimant's 13 mobile telephone voicemail had been unlawfully 14 intercepted by anyone, or that any attempt was made to 15 intercept the claimant's mobile voicemail messages." 16 I think, strictly speaking, that's right, isn't it, 17 lord Prescott? Or is it right? 18 A. Well, I suppose the way I look at it, in a simple way, 19 is they found an envelope on which there's payments made 20 to me, actually billed through an international company. 21 My assistant, Joan Hammell, clearly they had 22 information. It's now known, in the information -- and 23 it's said today between 2006 and '7 -- that the messages 24 from me to her were intercepted. If you're sticking on 25 the strict interpretation that you must have the phone</p> <p style="text-align: center;">Page 66</p>	<p>1 and may have to be considered when he comes to give 2 evidence. You say in paragraph 24: 3 "These misleading statements and the continuing 4 failure of the police to investigate this matter fully 5 and provide me with the information I was entitled to 6 left me deeply dissatisfied, so I decided to join the 7 judicial review of the Metropolitan Police and 8 instructed Bindmans to make an application." 9 So that's what happened. But initially, the 10 application for permission to apply for a judicial 11 review was refused by Mr Justice Foskett, I think, on 12 4 February 2011? 13 A. On the withholding of information about the Metropolitan 14 Police. This just all fed my suspicions constantly. 15 The first judicial review was refused. 16 Q. Yes. 17 A. The second judicial review was granted simply because 18 the police had not given them the information about the 19 Inquiry that was underway, and the second judge in the 20 judicial review accepted that was wrong. 21 Q. Yes. Sorry, I've got the wrong judge. It was 22 Mr Justice Foskett on the second occasion which you just 23 referred to and I think Mr White is right; he's 24 reminding me it was Mr Justice Mitting on the first 25 occasion.</p> <p style="text-align: center;">Page 68</p>

<p>1 But part of the developing picture -- we can see 2 this now from the exhibit bundle, if you don't mind at 3 page 34A. There's a reference to reopening the 4 investigation. Now, of course, Operation Weeting has 5 started, Lord Prescott, there are new and continuing 6 enquiries, I quote from the letter. 7 About four paragraphs in, Page 34A: 8 "Leading counsel has advised that in his opinion, 9 the new material does not affect the decision made by 10 Mr Justice Mitting in relation to the relief sought in 11 grounds one and two of your claim for judicial review. 12 However, owing to the new investigation, we can make the 13 following additional disclosure in relation to your 14 client, which we were not aware of previously. In the 15 recent material supplied to the MPS by 16 News International, there's an email dated 28 April 2006 17 which contains the subject line 'Joan Hammell (adviser 18 for Prescott) [the name wrongly spelt there]'. In the 19 body of the email that contains the information, there's 20 a mobile number, there's a mailbox number and then 21 there's reference to a PIN number." 22 So this is all information -- do I have this 23 right -- which would lead one to suggest that the mobile 24 of Joan Hammell could have been hacked into. Is that 25 right?</p> <p style="text-align: center;">Page 69</p>	<p>1 inference is that it probably was part of that material 2 but they had re-examined it and had noticed something 3 which, by implication, had not been noticed before? 4 A. Let me be clear what they have. There's all sorts of 5 evidence we know is there. There's a blue book with all 6 the names on, we've already heard. It wasn't just one 7 rogue; it's hundreds of them. So they have all this 8 information. 9 Now they're saying, "We only got it through another 10 source", and as late as that, and that's having told the 11 courts basically, I think in the misleading of the first 12 judicial inquiry. So I think that the information was 13 there. Whether it's payments to be made, names to be 14 used -- I mean, how much evidence do you want unless you 15 don't want to look for it? 16 Q. Thank you. We're now back to paragraph 27 of your 17 witness statement. 18 A. 37 or 27? 19 Q. 27. 20 A. Sorry. 21 Q. You had a meeting with officers from 22 Operation Weeting -- 23 A. Yes. 24 Q. -- on I think two occasions, you say, both the 9th and 25 11 February 2011.</p> <p style="text-align: center;">Page 71</p>
<p>1 A. I would have thought it's a fair interpretation, yeah. 2 Q. It's then said on the bottom, on page 34B, the 3 conclusion of the letter: 4 "The situation remains the same, in that at present, 5 to the best of our knowledge and belief, the MPS have no 6 other material indicating that your client's voicemail 7 messages were intercepted, but obviously there's now 8 material that your client's adviser may have had her 9 messages intercepted. This is being investigated by the 10 new investigation team." 11 So we have the first recognition there that your 12 agent, as it were, her voicemails may have been 13 intercepted. Is that correct? 14 A. It is, but what is the date of that letter? 15 Q. It's 9 February 2011. It's five days after -- 16 A. 2011? 17 Q. It's five days after the judicial review application had 18 been refused. 19 A. Well, I think there's already been evidence that that 20 information was known before. It didn't simply come in 21 an email from the News of the World. It just wasn't 22 acted on. 23 Q. Mm. This is documentary evidence which may or may not 24 have been part of the original seizures from Mulcaire 25 and News International on 8 August 2006, but I think the</p> <p style="text-align: center;">Page 70</p>	<p>1 A. Yeah. 2 Q. They showed you various materials -- 3 A. Yeah. 4 Q. -- and one of those materials was one of the 11,000 5 pages, is this right, in the Mulcaire notebook? 6 A. Yes. 7 Q. Which had Prescott adviser Joan Hammell and her mobile 8 number. Have I correctly understood what you're saying 9 there? 10 A. You're right, and the extent of the messages. 11 Q. But the material which is referred to in the letter at 12 34A and 34B, that was material which they were stating 13 had only been recently provided to Operation Weeting by 14 News Group; is that correct? 15 A. I'm not sure. Can you take me through that again? From 16 the date that she came to see my, Assistant Commissioner 17 Aker -- 18 Q. The letter we've just been looking at, 34A and 34B -- 19 A. Yeah, got it. That was dated the ...? 20 Q. 9 February. 21 A. Yeah. 22 Q. It was sent by fax, so you may or may not have known 23 about this when you had your first meeting with 24 Operation Weeting officers, Lord Prescott, because it 25 bears the same date.</p> <p style="text-align: center;">Page 72</p>

18 (Pages 69 to 72)

<p>1 A. You're absolutely right, that may well have been the 2 case because this is almost admitting -- until I saw 3 Assistant Commissioner Aker, that was the first time 4 I realised that they were saying, "We got it wrong." 5 Q. You don't say this in your statement, but was it 6 DAC Akers who attended one or both of the meetings 7 in February 2011 with you? 8 A. She said to me: "We want to tell you we're going to make 9 an announcement tomorrow about an Inquiry", I think it 10 was. "A new Inquiry is being set up and I wanted to tell 11 you personally that we now have information that it was 12 44 times that the messages were tapped into. We're 13 going to do an Inquiry," she said, "we have the 14 evidence." She showed me one or two papers but I didn't 15 take too much notice of the papers because I made 16 a judgment about the lady. I thought she'll do a good 17 job and I frankly think she has. She said to me at that 18 time: "You'll have to trust us to get on with the job, 19 we want to do it properly", and I said, "Fine", and 20 I think I went on the radio the next day, Radio 4, to 21 say I had faith in this woman, that she'll get on with 22 the job, and I think she's proved it. 23 Q. Thank you. Then to go back to your statement, at 24 paragraph 28, you refer to Mr Yates' evidence, this time 25 to the DCMS Select Committee in March 2011. Again, this</p> <p style="text-align: center;">Page 73</p>	<p>1 that information and the information about the 36, 40, 2 who's making a decision who should be contacted? We've 3 already been told who the categories are. Clearly, 4 I fit in the categories, but I don't appear as a name, 5 except to simply use this narrow interpretation whether 6 it was my phone but not my messages that were 7 intercepted. 8 By the way, I think that enquiry was also about the 9 dispute between the prosecuting and the police about 10 whether -- who gave advice under what piece of 11 legislation you can prosecute on, which seemed absurd to 12 me, and we've already heard the comments about it today. 13 Q. Yes. This is advice on the true interpretation of 14 section 2 of RIPA as to which arguably there isn't 15 a consistent position as between the CPS and the MPS, 16 but it's not something that we need go into. 17 Mr Yates gives other quite interesting information 18 about his dining activities with the editor of the 19 News of the World at page 45. Went to a restaurant, 20 well-known restaurant, the third bullet point. Again, 21 that's something picked up on to ask him about on 22 Thursday. 23 A. That was probably what was taken as an interjection by 24 myself, for which I apologise. I thought it was, just 25 mention it, quite common, but it was really about: if</p> <p style="text-align: center;">Page 75</p>
<p>1 evidence will be considered with Mr Yates, or the key 2 points will, when he gives his evidence on Thursday. 3 Then you draw attention to the fact, paragraph 30, that 4 Mr Yates sent a letter to the Select Committee on 5 13 April 2011 which confirmed that only 36 people were 6 told about the way in which their private information 7 was unlawfully accessed. 8 I think it might be helpful to turn up this letter, 9 because it's at the very end of the exhibit bundle at 10 page 45, dated 13 April. If you go to page 46, four 11 lines down, we get to the 36 people: 12 "28 people were notified in 2006/2007 that they may 13 have been affected. In 2009, we revisited this issue, 14 resulted in an additional eight people being contacted 15 and a number of attempts being made to contact others." 16 It's quite interesting there, the formulation "may 17 have been affected". 18 A. Well, those formulations clearly didn't involve my name. 19 Q. No. 20 A. Am I right -- I think I'm right in saying that, and 21 given the dates we have, it wouldn't have been possible 22 to include me when they say they first got the 23 information. So those amount of people there -- that 24 makes me believe on a number of these things: "What the 25 hell have they got against me?" I mean, if you've got</p> <p style="text-align: center;">Page 74</p>	<p>1 you're investigating somebody, do you have a meal? But 2 I think that was answered by Mr Paddick later. 3 Q. Again, I'm just putting a marker down. It's arguably of 4 some note. 5 A. May I just give you one other point which began to 6 influence my mind at this, which it wasn't right? 7 Q. Of course. 8 A. As I go to each body -- and I went to the prosecuting 9 office. They sent a letter to me, and I think it's not 10 Mr Starmer, but one before, Mr Macdonald -- 11 Q. Ken Macdonald, yes. 12 A. -- to comment on. The same answers coming from the 13 police were coming from the public prosecutors. If it's 14 right, I can understand that, but they gave me one 15 answer, which they tried to say, "Look, there's an 16 understanding between us" -- and I think it's been 17 referred to today -- "that if we prosecute two and we do 18 six more, we don't have to do anymore, because that's 19 common practice." They only get a few of them and leave 20 the rest on the side, and I just found that very 21 difficult to accept. 22 LORD JUSTICE LEVESON: Well, you can -- 23 A. I know it does happen. 24 LORD JUSTICE LEVESON: One could visualise: if somebody has 25 been stealing money from a company for five years, you</p> <p style="text-align: center;">Page 76</p>

<p>1 may very well get all the evidence for one at the 2 beginning, one after one year, one after two years, 3 three years, four years. To get all the documents 4 together for every single instance of theft would be 5 extremely expensive, very time-consuming, so one can 6 understand people taking a view about the overall 7 position.</p> <p>8 What is more interesting is the question that 9 I asked this morning about what you do, first of all to 10 demonstrate to the person who can control this what 11 you're doing about this, and secondly to-make sure you 12 have got the four corners.</p> <p>13 A. It's the four corners that concern me. Everything has 14 to be in the perspective of that time. We all knew 15 there was a blue book with all the names in. That's 16 what the Guardian was really referring to. So we knew 17 there were more than just a few. So when I asked of 18 that, with my suspicious mind wondering -- you know, 19 we're getting no response, et cetera, things we've been 20 dealing with -- I actually accepted your interpretation 21 that that was probably right, that in some of these mass 22 cases, then you deal with those at the top and perhaps 23 have to leave the rest. But what we have to answer in 24 this case: didn't they think this there was anything in 25 the sacks of evidence? Didn't they open the blue book</p> <p style="text-align: center;">Page 77</p>	<p>1 believe it's not straight talking.</p> <p>2 LORD JUSTICE LEVESON: I'm sure you've heard the phrase 3 "cock up and conspiracy" before.</p> <p>4 A. You sound more charitable than me.</p> <p>5 LORD JUSTICE LEVESON: No, I've not reached any conclusions, 6 Lord Prescott.</p> <p>7 A. Yeah, I'm just saying I don't call it a cock up. These 8 are highly paid, highly intelligent people. I think 9 there's more a conspiracy of silence to hide the facts 10 and frankly I'm stronger of that view in the last few 11 months.</p> <p>12 MR JAY: Let's go back to the JR proceedings. They were 13 renewed on the basis of that further information?</p> <p>14 A. Yeah.</p> <p>15 Q. Mr Justice Foskett granted permission. There was 16 disclosure in the judicial review proceedings on 17 30 September last year and you began to see some 18 documents.</p> <p>19 There is one very interesting document at 20 paragraph 33 of your statement, you refer to it. This 21 is the interview of Mr Mulcaire on 8 August 2006.</p> <p>22 A. Sorry, paragraph? I missed you.</p> <p>23 Q. Paragraph 33. We needn't turn it up, but it's on 24 page 660 of our bundle. Mr Mulcaire gave a "no comment" 25 interview, but a document was put to him and you've</p> <p style="text-align: center;">Page 79</p>
<p>1 and say, "Well, this is bigger than one or two"? The 2 story from the police, from the useless Press Complaints 3 Commission, all of them accepted the argument it was 4 a rogue company -- a rogue individual.</p> <p>5 LORD JUSTICE LEVESON: Yes, and that's why I made the fact 6 that there were two points. First of all, those who 7 might have been affected needed to know so they could 8 make appropriate arrangements.</p> <p>9 A. Yeah.</p> <p>10 LORD JUSTICE LEVESON: Secondly, the company that was 11 employing those that were involved in this activity 12 needed to know that actually there was far more to it 13 than, on the face of it, it appeared.</p> <p>14 A. I agree.</p> <p>15 LORD JUSTICE LEVESON: Those were the two points --</p> <p>16 A. I think that was the proper way they could have done it. 17 They chose not to, and it's when you don't take these 18 other avenues that you get a bit suspicious about it. 19 It's like when we had to have an extra interview with 20 Yates and the public prosecutor over who gave advice 21 about what legislation can be used, both of them writing 22 to me, saying, "This is possible", and then the other 23 one blaming -- "Well, I acted on the advice I received", 24 and then the other party saying, "I didn't give it." So 25 I mean, when you hear these things going on, you just</p> <p style="text-align: center;">Page 78</p>	<p>1 correctly quoted from it verbatim in paragraph 33 of 2 your statement.</p> <p>3 LORD JUSTICE LEVESON: Where is this? Page 660?</p> <p>4 MR JAY: At tab 123.</p> <p>5 LORD JUSTICE LEVESON: One second.</p> <p>6 MR JAY: You don't have this, Lord Prescott.</p> <p>7 A. I know.</p> <p>8 MR JAY: It's within one of the interviews which took place. 9 You've got the date wrong, Lord Prescott; it's 9 August, 10 not 8 August.</p> <p>11 LORD JUSTICE LEVESON: Well, assuming it's this. 6...?</p> <p>12 MR JAY: The top of page 660. Do you see "DC Gallagher"?</p> <p>13 DC Gallagher is putting a page of the notebook to 14 Mulcaire. He, DC Gallagher, says: 15 "Another page here, this has got the name John 16 Prescott. There's another name underneath. First of 17 all it says 'adviser' and then the name 'Joan Hammell'. 18 You've got her telephone numbers and DM1 numbers, 19 password numbers and Vodafone passwords that I've 20 already mentioned, and an address [in a London 21 postcode]. Have you got that information to access John 22 Prescott's network or that of his advisers? 23 "[Answer]: No comment." 24 A. With "no comment"?</p> <p>25 LORD JUSTICE LEVESON: Yes, well, he's entitled to say "no</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 comment", because ---</p> <p>2 A. No, no, but I'm saying I'm a bit surprised at the "no</p> <p>3 comment" because in the evidence I was reading recently</p> <p>4 he'd actually said that they'd got the number -- they</p> <p>5 hadn't got Prescott's number and couldn't get it, and</p> <p>6 then -- so I think the papers -- was given to me, and</p> <p>7 they couldn't get it, but one of the reporters</p> <p>8 apparently said that, "I've got Joan Hammell's number",</p> <p>9 and that's how they broke into it.</p> <p>10 LORD JUSTICE LEVESON: What this is, this is the formal</p> <p>11 police interview under caution, so "no comment" simply</p> <p>12 means he's exercising his right to silence.</p> <p>13 A. Yeah.</p> <p>14 LORD JUSTICE LEVESON: But you're entitled to make the point</p> <p>15 that they've joined the dots --</p> <p>16 A. Absolutely.</p> <p>17 LORD JUSTICE LEVESON: -- as early as 9 August 2006.</p> <p>18 That's entirely a fair point.</p> <p>19 MR JAY: Yes, and equally importantly, paragraph 33, with</p> <p>20 respect, doesn't do full justice to the citation of the</p> <p>21 question from DC Gallagher, because you need all of it.</p> <p>22 Well, we have all of it now.</p> <p>23 A. Yes.</p> <p>24 Q. Paragraph 35 now, Lord Prescott. You brought a claim</p> <p>25 for damages for breach of privacy, and you've referred</p> <p style="text-align: center;">Page 81</p>	<p>1 A. I assume that's the assumption they came to. They gave</p> <p>2 me the same damages as they gave the press(?) so perhaps</p> <p>3 they even --</p> <p>4 Q. It's a point of law which --</p> <p>5 A. -- saw a connection between it.</p> <p>6 Q. -- might or might not have been tested with interesting</p> <p>7 results, but fortunately for you it wasn't,</p> <p>8 Lord Prescott. I'm not suggesting that the settlement</p> <p>9 was on any wrong legal basis; all I'm suggesting is that</p> <p>10 it's not wholly clearcut.</p> <p>11 Your paragraph 42, if I can move forward to that,</p> <p>12 Lord Prescott, you set out in bullet point form the</p> <p>13 matters which arise subsequent upon the MPS's failure to</p> <p>14 warn victims or properly to investigate. All of these</p> <p>15 are in the public domain, but you're right to highlight</p> <p>16 them: a public statement made by Mr Hinton, for example,</p> <p>17 on 6 March 2007; what the managing editor said in 2008,</p> <p>18 which is, in effect, the one rogue reporter; what</p> <p>19 Mr Yates said in July 2009; News International's own</p> <p>20 statement in July 2009; and then the Andy Hayman</p> <p>21 statement in the Times newspaper, which we've seen with</p> <p>22 Mr Paddick.</p> <p>23 A. I don't know if it was the same article in which he</p> <p>24 attacked me in saying there's no truth in this. Having</p> <p>25 left the investigation and joined the Murdoch press,</p> <p style="text-align: center;">Page 83</p>
<p>1 to a draft application for a warrant which referred</p> <p>2 specifically to you, and that's correct, and this is at</p> <p>3 tab 139, which is this time in file 3 at page 716.</p> <p>4 Whether it's necessary to turn it up, I'm not sure, but</p> <p>5 this is the draft application for a warrant under case.</p> <p>6 LORD JUSTICE LEVESON: What paragraph am I looking at?</p> <p>7 MR JAY: It's the paragraph 16 at the bottom of 716. The</p> <p>8 reference to Lord Prescott is the top of page 717.</p> <p>9 The result of the High Court action for damages was</p> <p>10 that settled and you received damages and cost?</p> <p>11 A. I joined the group, they were already in the process of</p> <p>12 doing it, a little later, but yes, it was concluded</p> <p>13 against the News of the World, or News International.</p> <p>14 My concern all that time, and why I was late in joining</p> <p>15 in the action, was I thought the most important thing</p> <p>16 was the role of the police and they hadn't carried out</p> <p>17 their responsibilities and that's why I pursued that as</p> <p>18 the main course of action.</p> <p>19 Q. And the point wasn't taken in the privacy claim that</p> <p>20 your breach of privacy hadn't been proved because it was</p> <p>21 your assistant's voicemail that was hacked; is that</p> <p>22 correct?</p> <p>23 A. Yes. Yes, that was -- yeah. In the News International</p> <p>24 case.</p> <p>25 Q. That raises --</p> <p style="text-align: center;">Page 82</p>	<p>1 writes for the Times and said, "If there's any truth in</p> <p>2 these accusations that Prescott is making, I'll eat my</p> <p>3 paper", so when he appeared before the Select Committee,</p> <p>4 they asked him to do that. I don't know whether he did.</p> <p>5 LORD JUSTICE LEVESON: I think you probably do,</p> <p>6 Lord Prescott.</p> <p>7 A. But it was really scandalous, that here's the guy in</p> <p>8 charge of the investigation joins the Murdoch press and</p> <p>9 then writes constantly attacking you. I haven't heard</p> <p>10 from him since, but up till then it was.</p> <p>11 MR JAY: It's not in the Times piece, but there is a piece</p> <p>12 in the News of the World which Mr Hayman wrote, which we</p> <p>13 haven't managed to get hold of, but your recollection is</p> <p>14 write about the offer made to the Select Committee to</p> <p>15 eat the piece of paper.</p> <p>16 A. Sounds like the News of the World offered a better deal.</p> <p>17 Q. And then you refer to other similar matters in relation</p> <p>18 to the editors.</p> <p>19 It's intending now -- there may be some questions</p> <p>20 from others which relate to that which your witness</p> <p>21 statement covers, but I was intending now to ask you</p> <p>22 a few general questions which bear on the relationship</p> <p>23 between the politicians and the press; in other words,</p> <p>24 what we're calling module three of our Inquiry.</p> <p>25 Do you think there was too close a relationship</p> <p style="text-align: center;">Page 84</p>

1 between, in particular, News International and, let's
 2 take that which directly concerns you, if I can put it
 3 in those terms, the Labour government in 1997 and 2010?
 4 **A. Well, Murdoch operated with all governments, but if**
 5 **I can just make this first point: I'm not the best to**
 6 **ask about the relations with the press, because mine's**
 7 **never been good, but I'll give you my opinion.**
 8 **In regard to Murdoch press, I always thought it was**
 9 **wrong that politicians at the highest level were just**
 10 **too close to Murdoch, because Murdoch asks the price.**
 11 **It might be about Sky, it might be about, "Will you**
 12 **reduce legal aid?" which he's just convinced this**
 13 **government to do, about the costs of legal aid for the**
 14 **press. I think that's wrong, so there's always a price.**
 15 **And I did used to say it in my case, in the circus I**
 16 **had, to say it was wrong. Politicians always argued --**
 17 **and indeed if you look at Coulson and Cameron, that**
 18 **there's always a price. It's not exactly corruption and**
 19 **I'm not confusing them of that, but they do have**
 20 **interests, they do have power, they do have -- and in**
 21 **the Murdoch press it's particularly organised to achieve**
 22 **that, so they have good relations. It's all the social**
 23 **dos. I never ever went to one. I thought you paid too**
 24 **much of a price for it. But all the leaders of**
 25 **parties -- and it's the present one as well, Mr Cameron**
 Page 85

1 and others -- they believe you have to have access to
 2 all the editors that he controls, as if somehow those
 3 editors would act independently. I don't think the
 4 evidence is that.
 5 **But then it was like the paper might say, "We won**
 6 **it." I don't know the exact term; you know, the Sun**
 7 **used to claim which government they put in. I thought**
 8 **it gave a kind of corrupting influence, not in the**
 9 **payment sense, but in the political sense, that they had**
 10 **too much influence and power and I think it corrupted**
 11 **the relationship between the press and indeed the**
 12 **leaders.**
 13 **But I might say, when it was asked in earlier**
 14 **evidence being given, what about the relation at the**
 15 **top, it didn't take much to encourage the journalists**
 16 **below to work within that framework, because they buy**
 17 **papers. I mean just look at the Telegraph, bought by**
 18 **those brothers and they changed it from the Telegraph**
 19 **into the Daily Mail 2. They do politically act and**
 20 **politicians look at this and say, "We're not going to**
 21 **get a fair crack from them", and I can give you a dozen**
 22 **instances in the last six months which has happened,**
 23 **that's particularly with me. They give you apologies or**
 24 **they might put something on page 2, but it sours the**
 25 **relationship when they're not fair in any way, and then**
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1 **you're invited either to sue them -- sue them? For**
 2 **God's sake, unless you've got a lot of money, be very**
 3 **careful, you go down that road, because they will carry**
 4 **that story, might put it on page 2 if it's an apology,**
 5 **and then you go to the PCC and you think that might --**
 6 **the Press Complaints Commission, go to them and you**
 7 **think, well, perhaps they will deal with it. Well, as**
 8 **you know, as evidence has been given, they were lying to**
 9 **her anyway, Baroness Buscombe, and quite frankly the**
 10 **whole damn thing is useless and I hope you'll give some**
 11 **indications of change with the framework as you have**
 12 **said and which I agree with, Mr Leveson.**
 13 **Q. You said there was always a price. Can you be more**
 14 **specific about the consideration?**
 15 **A. Yeah. Well, look at -- let's take Murdoch, because**
 16 **that's the one we're actually considering particularly,**
 17 **though most of them would agree. One was whether**
 18 **Murdoch should buy -- have more than 50 per cent of**
 19 **control of the press. Everybody basically went along**
 20 **with it, because they were too scared to say no, quite**
 21 **frankly.**
 22 **Secondly, if you want another one, the evidence**
 23 **we've just received from every newspaper about the legal**
 24 **aid, there's a proposal now, which we rejected as**
 25 **a government, but this one has accepted it, that they**
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1 will --
 2 **Q. Tiny bit slower.**
 3 **A. I'm sorry, I'm sorry.**
 4 **Q. Sorry to cut you off in full flow.**
 5 **A. No, I can feel the sympathy for the Hansard writer.**
 6 **LORD JUSTICE LEVESON: We have one here as well.**
 7 **A. I went to see it before, and that's it. I hope -- they**
 8 **always tidy up my grammar because I never get it right.**
 9 **Allows the press to have something to write about.**
 10 **But anyway, if you look at the case of the legal aid**
 11 **bill that we have in the House of Commons today, they**
 12 **asked the Labour government, we said no, they're asking**
 13 **this government and we're dealing with it in the House**
 14 **of -- in Parliament. That is, they believe the legal**
 15 **costs should be cut. And what we're going to reduce is**
 16 **limit the damages on risk (inaudible), which I won't go**
 17 **into all the details, to those who the papers who say**
 18 **have got a complaint against them. What they're going**
 19 **to do is put the costs on the person who wins the case**
 20 **in complaint against them. Now, you've got to have**
 21 **influence to get that. One government refuses it,**
 22 **another gives it. I've got to tell you, there is an**
 23 **indication, it depends how you fit out with the Murdoch**
 24 **organisation.**
 25 **The other one is Sky. We have to fight in**
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<p>1 Parliament to say they're not fit and proper person -- 2 this is publicly a big debate that went on -- and 3 whether they should increase their share of Sky. 4 It's that kind of relationship and power that 5 influences the relationships between the parties and the 6 press. It's not limited to Murdoch, but in the main 7 he's the one that uses it most effectively. 8 Q. Could you give examples, though, of inappropriate 9 influence exerted by the presses on the workings of the 10 government in which you were directly involved? 11 A. Well, I could give you Coulson on the other one, but 12 I'll leave that, but if it comes to my own government 13 you're talking about, they did ask particularly -- the 14 competition one, I think, was involved with us as well, 15 but we believed that they could have a greater share -- 16 monopoly usually was defined as 30 per cent -- they can 17 is have a greater proportion of that in the regions and 18 the centre, and it was given to him. That was the 19 Murdoch press, because that was important to them. 20 Now, he could legitimately argue, and I would 21 accept, he's going to ask the government, the government 22 of the time, "I want this", and if -- they can say "yes" 23 or "no". I don't think that's corruption; it's just 24 political influence of a considerable kind to get what 25 is a legislative requirement.</p> <p style="text-align: center;">Page 89</p>	<p>1 That's the lot of them. 2 Q. Sorry to go back to 1997 to 2010, if I can focus on 3 that. You've explained what happened in relation to the 4 Communications Act of 2003, but did the Murdoch press in 5 particular, in your view, give anything in exchange 6 for -- 7 A. No. 8 Q. -- what might have happened? 9 A. No, to be honest, I can't think they gave them an 10 exchange, but they will be hoping that the paper comes 11 for them in the election. That papers actually believe 12 they win the elections, and so I think the politicians 13 get to think it best to have them on your side than 14 against you. That's proper political influence. 15 I can't argue about it, but I should say you should 16 resist it and not accept it. 17 Q. But was news, for example, reported in a certain way -- 18 take the Murdoch press -- to reflect the fact that 19 favours may have been given in the commercial field, for 20 example in the context of the Communications Act 2003, 21 or whatever other context one might choose to -- 22 A. If you take the debate that's occurred over this, about 23 Sky. There was a very vigorous debate, both in the 24 Commons and in the House of Lords, where we made clear 25 that -- what evidence we had that this man wasn't a fit</p> <p style="text-align: center;">Page 91</p>
<p>1 And so that and other ones that I've mentioned are 2 obvious. Why do they have these relationships? I mean, 3 he's not interested in the dinners, is he? He just 4 wants what he wants. That's: selling newspapers and 5 influence over political parties and play a part in 6 influencing the politics. 7 8 Q. The example that you referred to, I think, is the 9 Communications Act of 2003. 10 A. Yeah. 11 Q. The effect of which you've summarised, but was there 12 direct evidence -- evidence that you yourself have 13 received or heard -- of improper influence being -- 14 A. No, I can't say it's improper. I think it's an exercise 15 of political power over an interest group which I don't 16 like and argue against and did do at that time. 17 But I have to -- the one I've given you is before 18 what we are voting in Parliament today. Why is it now 19 that we want to actually strengthen the strong party in 20 such deals over the legal aid changes and weaken those 21 who win the case but have to pay more of the costs? 22 Now, you can't say that's corruption, but every 23 newspaper and every television have sent a petition to 24 the House of Commons with exactly the same words, 25 exactly asking the same thing. That's not just Murdoch.</p> <p style="text-align: center;">Page 90</p>	<p>1 and proper person to have majority control of SkyB. 2 Now, that is an argument about Murdoch. He's not 3 offering us any favours. I don't think he should be 4 given that, although frankly some might say what was 5 also wanted for Sky Television was some of the jewels we 6 talk of: the National, the football. These are all part 7 of Sky Sport. 8 Now, these are arguments in the political field. 9 I can't say that that is what you get if you do that, 10 but politicians are very sensitive, I think, about what 11 the papers think. I think that's unfortunate. It's 12 never troubled me, quite frankly, but it is the 13 a problem. 14 LORD JUSTICE LEVESON: Is the difference between genuine 15 lobbying -- all businesses and all interests will come 16 to you, as a minister or you as an MP, and say, "Please 17 take on board my arguments for my industry or my 18 business" -- is the problem that actually politicians 19 might see that the press can give them something back in 20 return? 21 A. I think -- 22 LORD JUSTICE LEVESON: Whereas for the normal lobbying, 23 there is no possibility of getting something, except you 24 might say, "I'll build a factory in your constituency" 25 or whatever. I'm just trying to get to grips with</p> <p style="text-align: center;">Page 92</p>

23 (Pages 89 to 92)

<p>1 whether there's a difference here, because I'm not going 2 to be able to affect the way in which interest groups 3 work across the piece, am I?</p> <p>4 A. In a democracy, it's absolutely essential that interest 5 groups work that way. Take the health bill we've got at 6 the moment. The doctors may be against it, others may 7 be for it. There are debates going on. We have them in 8 Parliament, we'll get it again today and we'll deal with 9 controversial bills, and that's quite proper. Trade 10 unions, I come from -- basically will come and ask for 11 certain things they want to do and the politicians have 12 to make up their mind what they want to do.</p> <p>13 Now, it's from the unions -- there are people who 14 accuse us that we do it because the unions are lined up 15 with us. It might be the businessmen with Tories. That 16 is the rhetoric and the debate that goes on, but you 17 have to connect the corruption direct. When I say the 18 corruption of press, not money. I don't think there's 19 in any way an exchange of money.</p> <p>20 LORD JUSTICE LEVESON: It's influence.</p> <p>21 A. There is influence. It's different from a few 22 constituents getting together or even the doctors' 23 organisation, and a big media operation like Murdoch, 24 who will then say, for example, whether this government 25 is worth supporting or not -- and it happens. You can</p> <p style="text-align: center;">Page 93</p>	<p>1 proper balance is, but if it's solely because you're 2 scared you're going to offend Murdoch and his press, 3 then I think it gets a little bit of corrupting in the 4 political influence.</p> <p>5 LORD JUSTICE LEVESON: So what's the answer?</p> <p>6 A. A proper balance, which you're going to have to address 7 yourself to anyway. I think we will be quite happy -- 8 you see, I hear the arguments going on about the PCC at 9 the moment, press complaints people as if somehow it's 10 about statutory. I don't want to see a statutory 11 control of the press. I have as much reason as anyone 12 to have a go at the press. But basically what we need 13 is a regulated framework, not for the politicians to 14 decide -- and you might have to find where that balance 15 is. And I think from what you said before, there's an 16 awful lot of common sense. It must be common sense that 17 applies.</p> <p>18 But if they go beyond what the definition of "public 19 interest" -- I do believe it's a judge that should make 20 that judgment and the judges have been attacked by Dacre 21 and the Mail simply because they exercise the function 22 we've given them in Parliament, and then attack them as 23 a judiciary for defining what the public interest is, 24 and I'll leave out the human rights argument, but just 25 public interest.</p> <p style="text-align: center;">Page 95</p>
<p>1 see it with the Coalition at the moment. They're 2 picking different sides. That's politics. But they 3 have excessive -- if you give them the right to reduce 4 their costs when they're very a wealthy organisation and 5 put the burden, this legal aid, onto those that have won 6 the case but still get penalised in it under the no win, 7 no pay, which is an effective way of pursuing an action 8 against the press, that's a different kettle of fish to 9 ordinary interest groups. That's giving them something 10 they want. You could say the health people are getting 11 what they want if you scrap the bill, but that is 12 particular to that interest. But the press go much 13 further. They actually give a judgment, very often 14 against Labour Party. Some did once, regretted that but 15 it did do it, and every paper acts politically and the 16 statements throughout -- the statements -- you only have 17 to read out a paper to see what side they're on and see 18 how they present the stories, and that's why politicians 19 get annoyed. There's no appeal. There's no fairness 20 you can go to. I'm not on about whether a fellow hits 21 somebody in a bar or -- perhaps I should keep off 22 that -- or kind of salacious things that we're talking 23 about. I'm really talking about real political 24 influence used to their interests.</p> <p>25 Now, politicians have to make the judgment what the</p> <p style="text-align: center;">Page 94</p>	<p>1 So you have to find a balance that people think is 2 fair. It's not fair at the moment and it doesn't apply 3 to every paper in the press complaints thing. See, 4 you've got to find a framework -- they either come in 5 because they're willing -- and there's got to be a form 6 of sanctions if you get it wrong. Why should I have to 7 decide -- or ordinary citizens have to decide -- that 8 the only way I can get the truth out is to sue the 9 press? They're quite contemptuous of you. What's made 10 the difference now is no win, no cost. I mean, in that 11 sense, people can do that and it's causing alarm now and 12 the expenditure through that in the legal aid framework. 13 Now, I just think if you can't get redress -- and I know 14 people have given evidence here and I might even take 15 the opportunity you offered us this morning to put some 16 of my own ideas into what it could be, but you have to 17 have a sanction.</p> <p>18 Let me give you an example. If you look at the 19 business secretary --</p> <p>20 LORD JUSTICE LEVESON: Mr Cable?</p> <p>21 A. Vince Cable. The two people were sent in to take 22 a recording, quite against the Editors' Code, no doubt 23 about it, and then the apology given by the Daily 24 Telegraph put in the paper actually says, "Yes, we knew 25 the Editors' Code didn't allow it", but it had not been</p> <p style="text-align: center;">Page 96</p>

<p>1 used against anyone so they went ahead. But what the 2 hell is the Editors' Code if it's all on a voluntary 3 position like that, with useless people chairing it like 4 Baroness Buscombe and Redssocks before her? I can't 5 remember what his name was.</p> <p>6 So you have to have an authority, really, in the 7 press complaints and I think I can't just moan about it. 8 I'll give you my thoughts on the matter, as you've 9 invited us to do so.</p> <p>10 LORD JUSTICE LEVESON: I'd be very interested to receive 11 them because you bring to the issue an enormous amount 12 of experience, both political experience and practical 13 experience, and you may have heard that I've said to 14 many people that it's critical for me that I develop 15 a suggestion -- it will be for Parliament to decided 16 whether they adopt it or not -- that works. It has to 17 work --</p> <p>18 A. It has to work.</p> <p>19 LORD JUSTICE LEVESON: -- for the press, but it has to work 20 for everybody else as well. It has to work for the 21 public.</p> <p>22 A. Yes.</p> <p>23 LORD JUSTICE LEVESON: And that, to my mind, is extremely 24 important.</p> <p>25 A. I talked to a number of people about that, and I've been</p> <p style="text-align: center;">Page 97</p>	<p>1 the problem.</p> <p>2 MR JAY: Thank you very much.</p> <p>3 LORD JUSTICE LEVESON: Just one moment.</p> <p>4 MR GARNHAM: Sir, I don't apply to cross-examine, but there 5 are two matters. The first is Lord Prescott referred to 6 the blue book as if that was a document produced by 7 Mulcaire, whereas it was a document produced by Met 8 police.</p> <p>9 LORD JUSTICE LEVESON: Right.</p> <p>10 MR GARNHAM: The second is that Lord Prescott appeared to 11 say at one stage that Mr Yates was lying. For the 12 record, that's not accepted.</p> <p>13 LORD JUSTICE LEVESON: I understand that. Mr Yates will 14 come and give evidence and we'll go through it all.</p> <p>15 A. Oh yes. I won't say that he's lying, just withholding 16 the truth.</p> <p>17 The second one is that on the blue book, I thought 18 I heard when evidence was given that it was the police 19 who decided to lock away the book. They may have got it 20 from Mulcaire, but they had information in that book 21 that told them.</p> <p>22 LORD JUSTICE LEVESON: We'll look at all that.</p> <p>23 One of the advantages of this Inquiry is that I'm 24 looking at culture, practice and ethics, so to make 25 decisions of fact about every single detail, which would</p> <p style="text-align: center;">Page 99</p>
<p>1 thinking, and then this morning you sparked me off to 2 say so long as you get it in before May, we could give 3 some comments too, and I'd like to take that 4 opportunity.</p> <p>5 LORD JUSTICE LEVESON: I'd be very interested to read them.</p> <p>6 A. Thank you.</p> <p>7 MR JAY: I've been asked to put this to you: in your view, 8 did the press, in particular the Murdoch press, report 9 the true extent of the dysfunctional relationship 10 between Mr Blair and Mr Brown?</p> <p>11 A. I acted as a kind of bed and breakfast from time to 12 time, you know, get another story in the journalism, but 13 I mean, look, these were two brilliant men who had 14 different agreements about certain aspects of policy. 15 Of course they disagree, and I would look at the record 16 and say it was very good, but when they had 17 a disagreement -- I'm a trade union negotiator from my 18 past and I'd like to see the party going forward, the 19 government balancing, and these two guys, you know, have 20 got a disagreement, so --</p> <p>21 LORD JUSTICE LEVESON: I won't ask which one was the 22 employer and which one was the employee.</p> <p>23 A. I think you could say the one who became the master 24 thought he would be the pupil, and the man who became 25 the pupil thought he would be the master, and that was</p> <p style="text-align: center;">Page 98</p>	<p>1 take me literally years and years, is not going to be 2 necessary.</p> <p>3 Lord Prescott, I'm very grateful to you for your 4 assistance, and I'll be even more grateful if you have 5 some very clever ideas.</p> <p>6 A. I can't promise the clever. I'll certainly give the 7 contributions.</p> <p>8 LORD JUSTICE LEVESON: Thank you very much indeed. Thank 9 you.</p> <p>10 Right. Is there anything else?</p> <p>11 MR JAY: There were some statements we're taking as read, 12 tail end of module one, which will be on the website 13 from the very near future.</p> <p>14 LORD JUSTICE LEVESON: Do I gather, from the fact that you 15 are asserting that fact, that you're not now in 16 a position to identify the names of the witnesses?</p> <p>17 MR JAY: You're correct, yes.</p> <p>18 LORD JUSTICE LEVESON: Right, well, doubtless you will. 19 Thank you very much. 10 o'clock tomorrow. 20 (4.30 pm) 21 (The hearing adjourned until 10 o'clock the following day)</p> <p style="text-align: center;">Page 100</p>

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