

<p>1 2 (2.00 pm) 3 MR JAY: Mr Starmer, we're now on paragraph 62 of your 4 statement. It's Mr Davies again. 5 A. Yes. 6 Q. Asking whether or not you'd called for the two 7 documents, this is the contract between the executive of 8 News of the World and Mr Mulcaire and the "for Neville" 9 email. You said: 10 "At about 10 o'clock that evening, I emailed Simon 11 Clements to ask him whether he had looked at the 12 documents." 13 That's tab 36, which speaks for itself. 14 A. Yes. 15 Q. It's quite crisply worded by you. 16 A. Yes. 17 Q. This might have something to do with the time of day. 18 A. Yes. 19 Q. At two minutes to midnight, Mr Clements is back to you. 20 LORD JUSTICE LEVESON: I think you've given the CPS enough 21 support for their devotion to duty, Mr Jay. 22 MR JAY: "... neither he [this is Mr Husain] nor I have 23 looked at material extraneous to the case papers we had 24 at the time. We do not understand that to be the 25 purpose of your examination. I have spoken to</p> <p style="text-align: center;">Page 1</p>	<p>1 was not the reason that the investigation didn't look at 2 other defendants, for all the reasons that I've set out 3 in my letter to the Select Committee, I think in 2010. 4 Q. Yes. That clearly identifies the issue. I move on to 5 paragraph 67, Mr Starmer, and the investigation into the 6 "for Neville" email. As you rightly say, paragraph 68, 7 the contract for the £7,000 bonus for Mr Mulcaire was in 8 the exhibits bundle. 9 A. Yes. 10 Q. Indeed it was referred to in the course of Mr Perry's 11 opening to Mr Justice Gross on 26 January 2007. 12 A. Yes. 13 Q. But no trace of the "for Neville" email has been found 14 in the CPS papers. 15 A. Yes. 16 Q. And indeed, this is paragraph 70, following contact with 17 DCI Surtees, the email formed part of the unused 18 material. 19 A. Yes. 20 Q. Paragraph 71, you are more precise about it there, 21 Mr Clements' lawyers were informed by DCI Surtees that 22 the "for Neville" email formed part of the unused 23 material, it was listed on the sensitive schedule as 24 item WAB/107, described as "black bin bag containing 25 various notepads".</p> <p style="text-align: center;">Page 3</p>
<p>1 John Yates tonight and we will speak again in the 2 morning to clarify the issue." 3 A. Yes. 4 Q. And so the following day Mr Clements, as you say, began 5 to look into the matter. Then you say: 6 "Later that day, also on 17 July, Mr Clements was 7 sent a copy of the MPS response to the CMS committee." 8 This is the first suggestion to your mind that the 9 MPS investigation might have been curbed by a belief 10 that the narrow view of the law may be correct? 11 A. Yes. 12 Q. That's tab 39, the second page of it. 13 A. Yes. 14 Q. The reference is 18599. It's fair to say it's hinted at 15 in the third paragraph. That's where it appears, isn't 16 it, Mr Starmer? 17 A. Yes. The issue that was -- the only real concern I've 18 ever had about the history of the advice on RIPA is that 19 it's quite clear from the documentations that the police 20 were concerned that they might have to prove that the 21 message had been listened to before it had been 22 intercepted, and I don't dispute that. 23 The issue I had in relation to all this was whether 24 that was the reason why the investigation never looked 25 at other defendants, and I took a clear view that that</p> <p style="text-align: center;">Page 2</p>	<p>1 A. Yes. 2 Q. Presumably there were also bits of the Mulcaire 3 so-called notebook there as well. 4 A. I think that's right. Yes. 5 Q. In paragraph 72, you deal with the review of the unused 6 material, which was under the 1996 Act as amended, and 7 Mr Mably's recollection never having seen it. 8 A. I've ascertained that it wasn't on our premises, and 9 therefore we'd not physically had possession of it, but 10 I was aware that a disclosure exercise would have taken 11 place, and by then I think I was aware that Mr Mably had 12 conducted that exercise, and therefore he looked at some 13 of the documents as part of the unused material. But 14 I don't know what, and as I set out there, I don't think 15 he recollects precisely what either. 16 Q. The Met view of the email was that it didn't have the 17 significance that the Guardian attributed to it. That's 18 paragraph 73. But there came a time, I think on 17 or 19 18 July, when you yourself saw the email; is that right? 20 A. Yes. On that Friday, once I was told that we didn't 21 have it, the police did have it, I asked for it to be 22 sent over as quickly as possible and I think it was 23 faxed through to my office and then I obviously looked 24 at it. 25 Q. We're obviously going to have to be careful, given the</p> <p style="text-align: center;">Page 4</p>

<p>1 ongoing investigation, as to exactly what your reaction 2 was to it, but indeed, to be fair, you are careful in 3 the last sentence of paragraph 74 that it suggested that 4 there were other possible suspects, and that's really as 5 high as one need put it? 6 A. Exactly. As I said before lunch, I was concerned as to 7 whether there had been other suspects. I'd got the 8 reassurance I'd got from the police and David Perry, and 9 when I saw the email, I was a little concerned that that 10 didn't correspond with what I'd understood to be the 11 position only two or three days before. 12 LORD JUSTICE LEVESON: There are two possible values to such 13 a document, and if I take an analogy which Mr Jay might 14 like, one is that it could be -- and I'm not talking 15 about this document, but in these circumstances -- 16 a smoking gun which led directly to a target; another is 17 that it is a flag saying, "Look here", or, "Dig more". 18 A. I thought it was probably the second, but even if it was 19 the second, it didn't correspond with what I'd thought 20 I'd got a reasonably firm assurance about, namely that 21 there hadn't been thought to be other suspects. 22 LORD JUSTICE LEVESON: And that's the point. 23 A. Yes. 24 LORD JUSTICE LEVESON: And that's probably the long and the 25 short of this email, isn't it? It's not whether it is</p> <p style="text-align: center;">Page 5</p>	<p>1 email before and what he'd made of it. 2 Q. Yes. What was his answer to that, to the best of your 3 recollection? 4 A. He didn't recall the Neville email. He wasn't 5 100 per cent sure, and I wouldn't have expected him to 6 have been 100 per cent sure. He'd been asked by me to 7 come in at very short notice and to discuss this, but he 8 didn't recollect having seen it. 9 Q. Thank you. Later that afternoon, you issued a press 10 statement. 11 A. Well, no. Yes, I did, but my -- 12 Q. Sorry, yes, you're right. 13 A. My first -- having discussed it with Mr Perry, I was 14 concerned that there really ought to be some further 15 investigation of the "for Neville" email, because 16 I didn't for myself see how it sat with what I had 17 understood to be the situation. And whilst I couldn't 18 direct the police to investigate anything, I obviously 19 did have the option of writing to Mr Yates to invite him 20 to at least consider whether he should have a further 21 look at the Neville email, and that was what I thought 22 was probably the best thing to do in the circumstances 23 as I saw them that afternoon. 24 A press statement was issued to that effect, but 25 then I had a series of phone calls, first with the</p> <p style="text-align: center;">Page 7</p>
<p>1 significant in itself as demonstrative material, but 2 whether it should have alerted somebody to carry on. 3 A. I would agree with that. 4 LORD JUSTICE LEVESON: I'm putting it quite carefully 5 because I don't want to go too far. I don't know what 6 use will be made of it, but I'm simply trying to provide 7 a context for this Inquiry as to the value that can be 8 taken from it. Is that a fair reflection of the 9 position? 10 A. That's how I viewed it at the time. 11 MR JAY: You had a meeting with Mr Perry on the afternoon of 12 17 July. At the meeting he, I infer, brought along his 13 notes of the conference. He annotated his agenda of 14 21 August 2006, which we have under tab 41 and we've 15 looked at earlier today with Mr Perry. 16 A. I can't actually remember whether he had that document. 17 I certainly had before me his document of 14 July 2009, 18 where he'd said -- where he'd indicated the answers that 19 he'd got to various questions. Whether he had his own 20 document, I don't remember, but we did obviously talk 21 about that conference and the answer he was given, 22 because I was simply at that stage, as it were, laying 23 the Neville email alongside his notes of 14 July 2009 24 recalling the 2006 conference, and asking him in the 25 first instance whether he had ever seen the Neville</p> <p style="text-align: center;">Page 6</p>	<p>1 Commissioner and then with John Yates later that 2 evening, and as a result of that I agreed to meet 3 John Yates on the following Monday morning to discuss 4 the "for Neville" email. 5 Q. Yes, and you issued a press statement which was, if 6 I may say so, deliberately plus it was temporising. You 7 said that the DPP was now considering whether any 8 further action was necessary, pending your meeting with 9 Mr Yates that Monday following; is that correct? 10 A. Precisely. My instinct was that there ought to be 11 a further investigation of the "for Neville" email. I'd 12 had my discussion with John Yates and he had put various 13 points to me and I had agreed that we would therefore 14 have a meeting on the Monday morning to further discuss 15 the email, rather than me issuing anything of substance 16 that evening. 17 Q. When you had those discussions with Mr Yates in the 18 early evening of 17 July, did he give you the impression 19 that he was unwilling to investigate this further or 20 not? 21 A. There was a degree of pushback against my suggestion 22 that there should be a reinvestigation or further 23 examination of the "for Neville" email. To the best of 24 my recollection, Mr Yates said that it was not new, it 25 had been seen before, and thus I took from that that he</p> <p style="text-align: center;">Page 8</p>

<p>1 didn't consider at that stage there was any point for 2 investigating the "for Neville" email. 3 But, to be fair to him, it was the Friday evening. 4 He did not think -- there was a degree of pushback to my 5 initial suggested course of action, but he agreed to 6 a meeting on the Monday morning so we could discuss it 7 further. And that seemed to be sensible. We were by 8 then quite late into a long Friday, and so we agreed to 9 meet on the Monday morning.</p> <p>10 Q. Yes, and you did meet at 11 o'clock. The notes are 11 under tab 47, but the version we have, the notes of the 12 document have come out very badly in the photocopy, but 13 we do, as it happens, have a much clearer version. Do 14 you have one?</p> <p>15 A. I have one. Whether it's as clear as the version you 16 have, I don't know. I've done my best to decipher 17 what's in it.</p> <p>18 Q. Thank you. (Handed).</p> <p>19 LORD JUSTICE LEVESON: Thank you.</p> <p>20 MR JAY: I'll provide one to the technician. I don't think 21 there's anything here that's going to be problematic. 22 You summarise this in your statement.</p> <p>23 A. Yes.</p> <p>24 Q. Can I ask, first of all, whose notes these are, if you 25 know?</p> <p style="text-align: center;">Page 9</p>	<p>1 A. I do.</p> <p>2 Q. You say you understood no other suspects. The email now 3 tends to suggest possibly something else.</p> <p>4 A. Yes.</p> <p>5 Q. I think that's as far as we need take it.</p> <p>6 A. I mean, I was simply really expressing to that meeting 7 what I've just expressed to this Inquiry, that what I'd 8 understood to be the position didn't on the face of it 9 sit very well with this email.</p> <p>10 Q. Mr Williams then made his contribution towards the 11 bottom of the second page. There's a reference to 12 Mulcaire, "June/July, bigger due to victims MPs, 13 et cetera", I think it says. "Case conference 21 14 August". And then it says, "Discussion other 15 defendants. Lots of material. Names, et cetera. 16 Scope, production order, discussion."</p> <p>17 So it's possible that Mr Williams was saying that at 18 the conference on 21 August there was some discussion 19 about the possibility of bringing in other defendants, 20 because there was lots of material, but that would all 21 depend on the production order. Is that right?</p> <p>22 A. I think I can't remember precisely, but I certainly 23 wouldn't quarrel that that's what he said. It makes 24 sense, not least because once I'd heard what he said, 25 I then said -- I then said, as it were, to the meeting,</p> <p style="text-align: center;">Page 11</p>
<p>1 A. These are notes that I think came from the Metropolitan 2 Police of this meeting. I'm not sure who amongst the 3 Metropolitan Police team kept the notes but they're 4 notes that came from them. Or that one of their team 5 made.</p> <p>6 Q. Can we just alight on a few points. You can see the 7 reference to the email being part of the sensitive 8 material, about six lines down, do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. "David Perry on Friday, Louis Mably spoke --" 11 It's not altogether clear. I think it says: 12 "Carmen Dowd on unused material and old [something] 13 review of our documents."</p> <p>14 A. I think from memory, and having tried to analyse these 15 minutes, I think I was outlining the history as I saw 16 it, and I was then explaining to those present there 17 that I had spoken to David Perry and that he didn't 18 recall seeing it, and so the first thing I wanted to 19 know was: did the police have a note of the "for 20 Neville" email having been considered in 2006/2007, 21 because it seemed to me that might short-circuit the 22 issue, so that was the first thing.</p> <p>23 Q. Yes. And on the second page, but perhaps this page 24 shouldn't go up on the screen, because you do say 25 something specific about the email.</p> <p style="text-align: center;">Page 10</p>	<p>1 "David Perry and Louis Mably asked if evidence of other 2 journalists, told not and saw no evidence to support." 3 So having heard from Mr Williams, I said, well, as 4 I understood it, something had been said by way of an 5 answer in that conference which suggested there wasn't, 6 and David Perry had said there wasn't further evidence, 7 so that was my response to him, so that makes perfect 8 sense.</p> <p>9 Q. On the top of the fourth page, this is an important 10 point, what you say: 11 "David and Louis asked if evidence."</p> <p>12 A. Yes.</p> <p>13 Q. Can you read the next bit? It relates to other 14 journalists.</p> <p>15 A. "[Something] of other journalists."</p> <p>16 Q. Right. So you are?</p> <p>17 A. "Told not. Saw no evidence to support".</p> <p>18 LORD JUSTICE LEVESON: I'll tell you. It's: 19 "Does the evidence", and the arrow means "lead to", 20 "editor and other journalists."</p> <p>21 MR JAY: Thank you.</p> <p>22 A. What was happening was Mr Williams was saying -- I had 23 said, look, I understood the position that there were no 24 other suspects. I've now seen this email. For me, just 25 laying the two things side by side, they don't appear to</p> <p style="text-align: center;">Page 12</p>

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<p>1 correlate, and then was there any consideration of it?</p> <p>2 Mr Williams explained to the meeting that there had been</p> <p>3 this discussion about other defendants on 21 August, to</p> <p>4 which I responded, well, I had understood at the</p> <p>5 21 August conference that David Perry had asked</p> <p>6 questions as to whether there was anything that led to</p> <p>7 the editor or other journalists and was told not, and</p> <p>8 nothing to support it. And nobody's ever contradicted</p> <p>9 that to me.</p> <p>10 Q. That was the key question I had.</p> <p>11 A. I'm sorry.</p> <p>12 Q. Once you said that, did Mr Williams or anybody else say,</p> <p>13 "No, that's not what happened at the conference on</p> <p>14 21 August"?</p> <p>15 A. No, they didn't say it then and nobody's ever said it to</p> <p>16 me.</p> <p>17 Q. Okay. It doesn't appear from this note --</p> <p>18 A. No.</p> <p>19 Q. -- that you were contradicted.</p> <p>20 A. No.</p> <p>21 Q. And that is -- or is possibly a key point.</p> <p>22 A. Yes.</p> <p>23 Q. When it says "KS does not recall Neville", that's</p> <p>24 David Perry?</p> <p>25 A. I think I'm reciting what David had told me on the</p> <p style="text-align: center;">Page 13</p>	<p>1 meeting that in and of itself, the email didn't prove</p> <p>2 anything.</p> <p>3 LORD JUSTICE LEVESON: But again, it's the first few words</p> <p>4 of that sentence that matter.</p> <p>5 A. Yes.</p> <p>6 MR JAY: Yes. And if you link it with other evidence, query</p> <p>7 where that might go.</p> <p>8 A. Well, precisely.</p> <p>9 Q. Then it says:</p> <p>10 "Context, bin liner [this is still Mr Williams</p> <p>11 talking probably], lots of material with names,</p> <p>12 et cetera, could be journalists."</p> <p>13 A. Yes.</p> <p>14 Q. Then Mr Yates chips in:</p> <p>15 "No new material seen by counsel."</p> <p>16 LORD JUSTICE LEVESON: No, it's not -- what he's saying is:</p> <p>17 "This is not [underline not] new material."</p> <p>18 MR JAY: Yes, "seen by counsel". So presumably he's not</p> <p>19 accepting that leading counsel had said he hadn't seen</p> <p>20 the email; is that right?</p> <p>21 A. His view was none of this was new material. I was</p> <p>22 concerning myself with stuff which had been seen at the</p> <p>23 time and, in his view, seen by counsel. I can't now</p> <p>24 recall whether he meant leading counsel or junior</p> <p>25 counsel, and he may not have been specific.</p> <p style="text-align: center;">Page 15</p>
<p>1 Friday.</p> <p>2 Q. But Mr Williams' response is more or less in the middle</p> <p>3 of the page.</p> <p>4 A. Yes.</p> <p>5 Q. "Lots of --" is that "names seized"? "Email dated 2005.</p> <p>6 Prosecution strategy."</p> <p>7 Again I'm sorry --</p> <p>8 LORD JUSTICE LEVESON: "Lots of names seized."</p> <p>9 That's the first point. The second point is that</p> <p>10 the email was dated 2005, which didn't fit with the</p> <p>11 timing of the then current charges. And there was the</p> <p>12 prosecution strategy which he described. Gordon Taylor</p> <p>13 charge. Or change network.</p> <p>14 MR JAY: Yes. This is the mobile network changing, I think.</p> <p>15 LORD JUSTICE LEVESON: Yes.</p> <p>16 MR JAY: "Only keep 186 days' data. Can never go back and</p> <p>17 get data."</p> <p>18 And then something about disproving calls.</p> <p>19 A. I do remember being told that there would be a problem</p> <p>20 with an email dating back to 2005, in that I think I was</p> <p>21 being told that the data would only be held for</p> <p>22 a certain period of time, and therefore it would at</p> <p>23 least be very difficult to investigate.</p> <p>24 Q. Yes.</p> <p>25 A. I think, to be fair, two lines down, I accepted at that</p> <p style="text-align: center;">Page 14</p>	<p>1 Q. Yes.</p> <p>2 A. Then he said "seen by" something else, and I'm not sure</p> <p>3 I can decipher the next -- "seen by team"?</p> <p>4 Q. Yes.</p> <p>5 A. Focus on -- we focus -- I recall we focused on the set</p> <p>6 parameters, which was an operational matter for the</p> <p>7 police, and then he expressed the view the email will go</p> <p>8 nowhere.</p> <p>9 Q. "PW can construct [is it?] rationale from ..."</p> <p>10 Is that "time"?</p> <p>11 A. "... the time".</p> <p>12 Q. That's going back to the 2005 point. Then he's saying</p> <p>13 on behalf of the police:</p> <p>14 "Would we consider -- yes -- is it ..."</p> <p>15 And then the reference to police resources.</p> <p>16 "No."</p> <p>17 A. I think Mr Yates was saying we can construct the</p> <p>18 rationale at the time, but if you ask the question</p> <p>19 whether it was good use of police resources, he at that</p> <p>20 stage was not of the view that it was.</p> <p>21 Q. I don't think we need read the rest of it, but one of</p> <p>22 the upshots of the meeting was that you were going to go</p> <p>23 back to Mr Perry for advice as to the evidential</p> <p>24 significance of the email?</p> <p>25 A. I have to say, I wasn't entirely comfortable with the</p> <p style="text-align: center;">Page 16</p>

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<p>1 position we were reaching in the meeting, because 2 I wasn't -- Mr Perry told me he didn't think he'd seen 3 the email. Mr Yates was telling me that it wasn't new, 4 it had been, as it were, considered at the time, which 5 would then perhaps answer all the concerns I had. And 6 I wasn't inclined to leave it there. It seemed to me 7 that what I -- the sensible thing for me to do in those 8 circumstances was to formally ask David Perry the 9 questions: did you see it at the time? If so, what did 10 you make of it? If you didn't see it at the time and 11 now looking at it in 2009, what do you make of it now? 12 That would close down my concerns one way or the other. 13 So, rather than pursue, as I'd intended on Friday, 14 the invitation to Mr Yates to reopen the investigation 15 at least to that extent, to which he was pushing back to 16 some extent, I'd thought the next best option, as far as 17 I was concerned, was to go to David Perry for some 18 further advice. 19 Q. Yes. So two things were happening, really 20 contemporaneously. One, you were instructing 21 David Perry to answer your questions in the form of 22 a further advice -- 23 A. Yes. 24 Q. -- and the police officer, Mr Williams, was preparing 25 a note which would assist in provide some of the</p> <p style="text-align: center;">Page 17</p>	<p>1 mean it was me asking David Perry to do this as quickly 2 as possible. 3 Q. Sorry, please continue. 4 A. I'm sorry? 5 Q. Sorry, there was a problem with our machine, but I think 6 it's now come back to life. 7 A. I was simply indicating that it was certainly me. I was 8 asking for this to be done as swiftly as possible, and 9 David was doing his best to help me with the exercise 10 that I was engaged in. 11 Q. We know that Mr Perry, because he said so, based himself 12 heavily on a note which Mr Williams prepared, which is 13 our tab 49. 14 A. Yes. 15 Q. Which was emailed at about 6 o'clock that evening. You 16 can see the view of the law that was set out in that 17 note on the second page, under the heading "Challenges". 18 A. Yes. 19 Q. It's pretty prescriptive: 20 "To prove the criminal offence of interception, the 21 prosecution must prove that the actual message was 22 intercepted prior to it being accessed by the intended 23 recipient." 24 So that's the narrow view of the law. 25 A. Yes.</p> <p style="text-align: center;">Page 19</p>
<p>1 background for Mr Perry writing that advice? Do I have 2 it -- 3 A. That's right. I said I was going to ask David Perry to 4 do the advice. There was no pushback against that, I 5 have to say straight away. On the contrary, it was 6 agreed that Mr Williams would assist in that process by 7 providing a background note so that Mr Perry could 8 advise as swiftly as possible, and that's what he did. 9 Q. The advice Mr Perry was being asked to give, in the 10 circumstances -- well, he was being asked to provide it 11 overnight. In the circumstances he was busy the 12 following day in the Court of Appeal, and you say in 13 paragraph 5 that you think that both he and you would 14 now agree that with the benefit of hindsight it would 15 have been better if he'd had a little more time, being 16 given the opportunity to check his papers before 17 committing himself? 18 A. Yes. I was under pressure to complete my exercise as 19 swiftly as possible. I was anxious for David to turn 20 this around as quickly as possible, but -- and he 21 willingly did what he could overnight, but given the 22 significance of this material I think, as I say, he and 23 I would now accept that they were not ideal 24 circumstances to be dealing with something which in the 25 event may be of some significance. But I don't -- I</p> <p style="text-align: center;">Page 18</p>	<p>1 Q. Then there is an analysis on page 5 of the "for Neville" 2 email. 3 A. Yes. 4 Q. Which again we possibly don't want to dwell on too 5 closely because it may or may not be considered by 6 a criminal court. 7 A. Yes. 8 Q. But we can see what is said there. 9 A. Yes. 10 Q. We can move on through your statement that the advice 11 from Mr Perry arrived the following morning, 21 July. 12 A. Yes. 13 Q. We've seen that advice with Mr Perry this morning. Of 14 course, in the meantime, you'd received a letter from 15 a Member of Parliament asking you to direct the police 16 to reopen their inquiries. 17 A. Yes. 18 Q. Of course, that's something that wouldn't have been 19 within your constitutional remit to do. 20 A. No, I have no power to direct the police to investigate 21 anything. 22 Q. We've looked at Mr Perry's advice. It speaks for 23 itself, I'm not going to ask you further questions about 24 it. But I can ask you this general question: what was 25 your reaction to it?</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 A. Well, I accepted Mr Perry's advice. I'd asked him 2 specific questions about the "for Neville" email. In 3 a sense, at that stage, the answer I was most interested 4 in was: what do you make of the email now? And he had 5 given an answer to that. He had far greater knowledge 6 of the case than I did. I'd asked him four very 7 specific questions, to which he'd given the answers, and 8 I accepted his advice.</p> <p>9 Q. Thank you. His view of the law was of course one he was 10 going to revise the following year, but it was perhaps 11 for you a subsidiary concern in the light of your 12 primary concern, being the significance of the email. 13 Have I correctly understood it?</p> <p>14 A. That's right. I think although -- I don't think at that 15 stage anybody was suggesting that legal advice from the 16 CPS was the reason why the investigation didn't go 17 further in 2006/2007. That only became an issue later 18 on.</p> <p>19 Q. Right. You wrote back to the Select Committee on 20 30 July.</p> <p>21 A. Yes.</p> <p>22 Q. It's tab 59. And you obviously based yourself heavily 23 on leading counsel's view and on Mr Williams' note, and 24 we can see on the second page of that document that in 25 relation to the law, you pithily summarised what</p> <p style="text-align: center;">Page 21</p>	<p>1 viable. I then decided to ask Mr Perry.</p> <p>2 In retrospect, it was -- to pose a set of questions 3 for Mr Perry was very difficult for him to answer when 4 only looking and bearing down on the "for Neville" 5 email. What I really wanted was some help on whether 6 this was a sensible basis for looking again at any of -- 7 for further investigation.</p> <p>8 But I certainly take the point. I was asking him to 9 bear down on one single email out of context, but that 10 was my secondary option at that stage. My first option 11 was the one that I'd wanted to pursue on the Friday 12 evening.</p> <p>13 LORD JUSTICE LEVESON: I understand entirely. The only 14 reason that it's important to try and unpick all this is 15 because of the concern about the time it took to get the 16 whole thing going again.</p> <p>17 A. Yes.</p> <p>18 LORD JUSTICE LEVESON: And the allegations that have been 19 made about why it wasn't got going.</p> <p>20 A. Yes.</p> <p>21 LORD JUSTICE LEVESON: I'm sure you understand.</p> <p>22 A. I do.</p> <p>23 MR JAY: The view of the law you express there, you tell us 24 in paragraph 106, was one that you were later to reflect 25 upon. Indeed, in 2010. Although it did form the basis</p> <p style="text-align: center;">Page 23</p>
<p>1 Mr Perry had said:</p> <p>2 "To prove the criminal offence of interception the 3 prosecution must prove that the actual message was 4 intercepted prior to it being accessed by the intended 5 recipient."</p> <p>6 A. That was prepared from Mr Perry's advice, yes.</p> <p>7 LORD JUSTICE LEVESON: Mr Starmer, could I just take you 8 back to the advice and ask you one question? In 9 retrospect, and I appreciate that it's very, very easy 10 to sit here years on and try and analyse everything 11 without cognisance of what happened subsequently, 12 I understand that, but do you think that the way that 13 you asked Mr Perry the question and perhaps the way that 14 he answered it was more directed to the "is this 15 a smoking gun" question rather than "is this a flag that 16 says dig here"? Do you see the question I'm asking?</p> <p>17 A. No, I do. I mean, I think I can only answer that by 18 reference to the history. My first instinct was flag, 19 as I've indicated, rather than smoking gun. It was for 20 that reason that I thought the sensible course was to 21 ask Mr Yates to consider investigating the email 22 further.</p> <p>23 It was clear to me from my discussions with Mr Yates 24 that that wasn't an invitation that at that stage he was 25 necessarily going to accept, so that option didn't seem</p> <p style="text-align: center;">Page 22</p>	<p>1 of your evidence to the Select Committee on 3 November 2 2009.</p> <p>3 A. Yes. Essentially, once David Perry had given me his 4 advice at the end of 2009, I felt that I'd completed the 5 exercise I'd set for myself. There were then some 6 exchanges with Select Committees on discrete issues, but 7 when I later came to look again at the law in 2010, 8 I was concerned that that way, that interpretation 9 certainly wasn't the only interpretation of those 10 provisions.</p> <p>11 Q. What happens through the rest of 2009 we can cover 12 reasonably briefly, Mr Starmer. You say in 13 paragraph 108 that Mr Yates gave evidence to the Select 14 Committee on 2 September 2009. It was on that occasion 15 that he said that he completed his assessment of the 16 case, his establishment of the fact exercise, in one 17 day. That wasn't a point, though, which resonated with 18 you until much later, was that right?</p> <p>19 A. No. To be honest, I hadn't particularly focused on how 20 long Mr Yates had taken. It's only recently I thought 21 about whether it would -- in relation to my exercise, 22 I asked the team to look at it. They came and presented 23 something to me and I took time to study it. I didn't 24 even know at that stage whether he meant that he spent 25 a day on his part of the job, which his team had already</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 prepared, or whether it was the start and the end of the</p> <p>2 exercise. I acknowledge that he said it in September</p> <p>3 2009. I didn't hear it. If I read it, I didn't read</p> <p>4 anything particularly into it. I had understood he'd</p> <p>5 looked at whatever he needed to look to, to come to the</p> <p>6 conclusions he had, and it was as simple as that.</p> <p>7 Q. Implicit in that, I think, by the time you did realise</p> <p>8 the significance of the brevity with which Mr Yates had</p> <p>9 considered this on 9 July 2009, you became somewhat</p> <p>10 concerned, is that --</p> <p>11 A. My concern then was that I had been told in July 2009,</p> <p>12 in confident terms by Mr Yates, that all of this had</p> <p>13 been looked at, it's nothing new. "Mr Starmer, you</p> <p>14 needn't concern yourself". When I really focused on the</p> <p>15 fact that this had all happened in a day, I became</p> <p>16 increasingly concerned about the confidence with which</p> <p>17 those answers had been given to me.</p> <p>18 Q. The only other relevant event, as it were, in 2009 is to</p> <p>19 be found under tab 66 which is our page 18657, which was</p> <p>20 your letter to the chair of the Select Committee.</p> <p>21 A. Yes.</p> <p>22 Q. Which gave the narrow view of the law. We know, because</p> <p>23 we saw it this morning, this was based almost word for</p> <p>24 word on Mr Mably's email which set out that narrow view,</p> <p>25 which we looked at with Mr Perry at tab 64.</p> <p style="text-align: center;">Page 25</p>	<p>1 I wasn't sure what else, as DPP, I could do. I couldn't</p> <p>2 direct anything to happen at that stage.</p> <p>3 But I do accept that I could then have gone in for</p> <p>4 another round of meetings with Mr Yates in the way that</p> <p>5 I had in 2009, but at that stage certainly so far as</p> <p>6 I was concerned as DPP, after the end of July 2009,</p> <p>7 I hadn't looked at it in great detail and no new live</p> <p>8 case had come on to the CPS radar.</p> <p>9 Q. Thank you. We can fast-forward to 1 September 2010.</p> <p>10 It's page 18142, page 34 of 63, which is the piece in</p> <p>11 the New York Times.</p> <p>12 A. Yes.</p> <p>13 Q. Further matters came out over the succeeding days which</p> <p>14 I'm going to gloss over because they may be relevant to</p> <p>15 later trials.</p> <p>16 What happened at paragraph 120 is Mr Yates, on</p> <p>17 6 September, made contact with the Crown Prosecution</p> <p>18 Service.</p> <p>19 A. Yes.</p> <p>20 Q. Telephoned the Chief Crown Prosecutor for London, who</p> <p>21 you say had had no dealings with the matter -- it's</p> <p>22 unclear why he did that.</p> <p>23 A. I don't know why he did that.</p> <p>24 Q. And she sent you an email the following morning to say</p> <p>25 that Mr Yates wanted to bring you up to date with what</p> <p style="text-align: center;">Page 27</p>
<p>1 A. Yes. I think it's fair to say that the team that were</p> <p>2 preparing my evidence for the Select Committees were</p> <p>3 drawing on the views that counsel had given them and</p> <p>4 double-checking them with counsel, and to that extent,</p> <p>5 whatever counsel recollected to be the position was then</p> <p>6 being put into my evidence to the Select Committees.</p> <p>7 I mean, I don't criticise them for that. In a sense,</p> <p>8 they didn't have very much else to go on.</p> <p>9 Q. Thank you. We're now into 2010, Mr Starmer. I've been</p> <p>10 asked to put to you a point on paragraph 114 of your</p> <p>11 statement, which is the reference to 24 February 2010</p> <p>12 and the CMS committee publishing its report, which</p> <p>13 stated that the police had been wrong not to investigate</p> <p>14 further the contract or the "for Neville" email.</p> <p>15 The question is this: given that the CMS committee's</p> <p>16 conclusion differed from yours, didn't that cause you to</p> <p>17 reconsider, and in particular cause the police to carry</p> <p>18 out further investigation?</p> <p>19 A. Well, I can't answer the second part of that. For my</p> <p>20 part, I think I felt that having gone through the</p> <p>21 exercise with Mr Perry, I'd exhausted any further work</p> <p>22 I could do on the "for Neville" email. I mean, I had</p> <p>23 suggested at the time it be further investigated, and</p> <p>24 was pushed back against that. I'd asked David Perry.</p> <p>25 He'd given me a series of answers. For me, that --</p> <p style="text-align: center;">Page 26</p>	<p>1 they were doing. Apparently he had told her that he did</p> <p>2 not intend to reopen the investigation, but merely</p> <p>3 intended to clarify what had been said.</p> <p>4 Now, the email is tab 75.</p> <p>5 A. Yes.</p> <p>6 Q. Given what it says, I think we probably should gloss</p> <p>7 over it, but it's clear that Mr Yates wasn't going to</p> <p>8 take the matter any further at that stage, was he?</p> <p>9 A. No. I was being told that he was not talking about</p> <p>10 a reinvestigation. This was coming, obviously,</p> <p>11 second-hand to me.</p> <p>12 Q. Yes.</p> <p>13 LORD JUSTICE LEVESON: It may be that it went to your</p> <p>14 colleague rather than to your office on the basis that</p> <p>15 she answered the telephone, because it says he was</p> <p>16 calling to speak to the director.</p> <p>17 A. No. Alison Saunders by then was Chief Crown Prosecutor</p> <p>18 for London.</p> <p>19 LORD JUSTICE LEVESON: I see, so in a different building?</p> <p>20 A. So she was heading up a different team in London, not</p> <p>21 the specialist division that had been dealing with it,</p> <p>22 and would not, I would have thought, been answering the</p> <p>23 phones, just in the ordinary way.</p> <p>24 LORD JUSTICE LEVESON: All right.</p> <p>25 A. To be fair, she may have been talking to him about</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 something else.</p> <p>2 LORD JUSTICE LEVESON: All right.</p> <p>3 MR JAY: I think I'd like to take you forward to</p> <p>4 paragraph 125, when you explain that you were beginning</p> <p>5 to have doubts, and you had been having doubts for some</p> <p>6 time, as to what you describe as the "emphatic view of</p> <p>7 the constructions of sections 1 and 2 of RIPA".</p> <p>8 A. The more I looked at the advice that Mr Perry had given</p> <p>9 me in 2009, the more I was concerned that whilst it was</p> <p>10 undoubtedly one view, it wasn't the only view, and the</p> <p>11 more I looked at it, the more I was concerned that there</p> <p>12 was a wider view which was at least a tenable</p> <p>13 alternative.</p> <p>14 Q. So perhaps unusually you sought now two pieces of</p> <p>15 written advice, first from the original counsel, Perry</p> <p>16 and Mably, but secondly from someone new altogether,</p> <p>17 Mark Heywood QC?</p> <p>18 A. Yes.</p> <p>19 Q. Is that something you've often done, get two pieces of</p> <p>20 advice on the same point, or was this an exceptional</p> <p>21 course?</p> <p>22 A. This was an exceptional course. I, looking backwards,</p> <p>23 was concerned at the way it had been put in emphatic</p> <p>24 terms in 2009. I was, looking forward, concerned that</p> <p>25 we once and for all really needed to have a clear view</p> <p style="text-align: center;">Page 29</p>	<p>1 unless I'd got some pretty solid advice. I didn't want</p> <p>2 to take that risk, rather.</p> <p>3 LORD JUSTICE LEVESON: Mr Jay, have you moved on from the</p> <p>4 New York Times article?</p> <p>5 MR JAY: I have.</p> <p>6 LORD JUSTICE LEVESON: Could I ask one question about that,</p> <p>7 if you don't mind, Mr Starmer. It's not the article</p> <p>8 itself, it's what happened thereafter. Because at</p> <p>9 paragraph 123 you make the point that one of the people</p> <p>10 who'd spoken to the New York Times was Mr Hoare.</p> <p>11 A. Yes.</p> <p>12 LORD JUSTICE LEVESON: Who'd made some admissions but also</p> <p>13 some serious allegations, and the question then arose as</p> <p>14 to whether he should be treated as a whistle-blower,</p> <p>15 a significant witness or a suspect.</p> <p>16 A. Yes.</p> <p>17 LORD JUSTICE LEVESON: And you make the point in your</p> <p>18 statement that Mr Husain didn't express a view and that</p> <p>19 it was an operational decision for the police.</p> <p>20 Would you ever be asked to advise about that sort of</p> <p>21 question? I ask for this reason, that here's somebody</p> <p>22 who's come out of the woodwork, as it were, and said</p> <p>23 this. If you're going to interview him as a suspect,</p> <p>24 there's a very real risk as to what will happen.</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 31</p>
<p>1 on this, because this was now September 2010 and</p> <p>2 I thought it likely that for the first time under my</p> <p>3 watch we would have to give a view on these provisions</p> <p>4 that others would rely on, and I wanted to make sure</p> <p>5 that I'd thought that through as carefully as I could</p> <p>6 before we gave advice.</p> <p>7 It was now becoming live to me. I was about to have</p> <p>8 to oversee advice on these provisions and I wanted to</p> <p>9 make sure I got it right, so I wanted the backward view</p> <p>10 and a forward view.</p> <p>11 I have to say, and this leads into further</p> <p>12 discussions, you would have noticed that Mr Heywood was</p> <p>13 jointly instructed by others, and in the background here</p> <p>14 was also a concern about the legislation. My view was:</p> <p>15 if it was unclear, that was extremely unhelpful, and at</p> <p>16 one stage I was of the view that that lack of clarity</p> <p>17 needed to be resolved and brought to the attention of</p> <p>18 others, and so Mark Heywood was really advising in</p> <p>19 a much broader sense on the legislation as a whole.</p> <p>20 Q. Yes.</p> <p>21 A. My concern was straightforward. If I said to any</p> <p>22 incoming investigative team, "Adopt the broad approach",</p> <p>23 they did that, built a case, and the court ruled that it</p> <p>24 was the narrow approach that applied, the case they'd</p> <p>25 built might not go very far. I didn't want to do that</p> <p style="text-align: center;">Page 30</p>	<p>1 LORD JUSTICE LEVESON: If you're not, then you're going to</p> <p>2 go rather further into what he might say, and so you</p> <p>3 might learn something.</p> <p>4 A. Yes.</p> <p>5 LORD JUSTICE LEVESON: I'm just interested to know --</p> <p>6 I appreciate it's an operational decision for the</p> <p>7 police, but where the CPS comes in all this and whether</p> <p>8 you'd expect to be asked, whether that's the sort of</p> <p>9 question you are asked, and I'm not asking you to give</p> <p>10 a view about this case, but just so that we understand.</p> <p>11 A. It varies from case to case, and in more sensitive and</p> <p>12 complicated cases we are asked, usually at an earlier</p> <p>13 stage, our views on usually the evidence. It may be in</p> <p>14 certain cases we would be asked whether it would be</p> <p>15 better to treat this witness in way A rather than way B,</p> <p>16 or at least what would the evidential ramifications be</p> <p>17 of treating the witness in way A rather than way B. So</p> <p>18 I wouldn't -- it wouldn't surprise me. It would be</p> <p>19 rare, but I wouldn't have any difficulty and it wouldn't</p> <p>20 surprise me if I saw that we'd been asked to give advice</p> <p>21 about whether it would be more sensible, if one was</p> <p>22 looking through a prosecutor's mind, to interview under</p> <p>23 caution or to treat the witness in some other way.</p> <p>24 I wouldn't -- I'd think it was rare but I wouldn't think</p> <p>25 it was strange and in an appropriate case I think it</p> <p style="text-align: center;">Page 32</p>

8 (Pages 29 to 32)

<p>1 would be a good thing to do.</p> <p>2 LORD JUSTICE LEVESON: But you weren't asked in this case?</p> <p>3 A. In this case, I think the police officer indicated,</p> <p>4 I believe in an email, that he might be interested in</p> <p>5 Mr Husain's view, but in the end, no view was ever</p> <p>6 expressed and the decision was taken to go ahead and</p> <p>7 interview under caution without any reference to us.</p> <p>8 MR JAY: You got advice from Mr Perry, which we've seen this</p> <p>9 morning, which, as it were, rowed back from the sort of</p> <p>10 adamant view he'd expressed the previous year and</p> <p>11 probably to the position where he was on 21 August 2006.</p> <p>12 A. Yes.</p> <p>13 Q. Now that he'd seen all the papers. He also made it</p> <p>14 clear that it wasn't necessary to resolve and be in the</p> <p>15 proceedings in the events which happened, whether the</p> <p>16 narrow view or the broad view was correct, for the</p> <p>17 I suppose simple reason that the point was never taken</p> <p>18 by Mr Mulcaire in relation to counts 16 to 20, he'd</p> <p>19 simply pleaded guilty?</p> <p>20 A. Yes.</p> <p>21 Q. Can I deal with this out of sequence in terms of your</p> <p>22 statement. Three days later, you got advice from</p> <p>23 Mr Heywood, who was, as it were, the fresh mind</p> <p>24 approaching this case.</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 33</p>	<p>1 So, really out of an abundance of caution, I asked</p> <p>2 Mr Perry to look again at his advice on the "for</p> <p>3 Neville" email and put it through his new -- the</p> <p>4 interpretation that he had set out in September 2010 to</p> <p>5 assure me that his view was still the same or, if not,</p> <p>6 to let me know.</p> <p>7 Q. Your concern was that it was at least possible that</p> <p>8 a particular view of the law might colour counsel's</p> <p>9 approach to the evaluation of the evidence in the case,</p> <p>10 was that it?</p> <p>11 A. Yes. He'd set out an emphatic view of the law in 2009</p> <p>12 in the middle of an advice on the "for Neville" email.</p> <p>13 He'd then, a year and several months later, provided</p> <p>14 a fuller advice, which didn't take the emphatic view in</p> <p>15 the same way, and I was concerned to know whether that</p> <p>16 affected the conclusion he had reached in July 2009, or</p> <p>17 whether his conclusion remained the same,</p> <p>18 notwithstanding, as it were, the slightly changed</p> <p>19 position on the interpretation.</p> <p>20 Q. Yes. But the police might want me to put the point to</p> <p>21 you in this way, that it was Carmen Dowd's view of the</p> <p>22 law expressed on 25 April 2006 which coloured the</p> <p>23 police's assessment of the evidence, and their approach</p> <p>24 to the investigation, because the narrow view of the law</p> <p>25 required them to do far more in terms of the</p> <p style="text-align: center;">Page 35</p>
<p>1 Q. His view, in a very detailed and thorough advice, which</p> <p>2 brought into play both underlying European directive and</p> <p>3 instructions to parliamentary counsel, was that on</p> <p>4 balance the broader view was correct. Have I correctly</p> <p>5 summarised it?</p> <p>6 A. That's correct, yes.</p> <p>7 Q. But I don't think we need look at his advice.</p> <p>8 A. No, no, no. There was another significance of</p> <p>9 Mr Perry's -- Mr Perry advised in exactly the way you'd</p> <p>10 set out and by then he'd had the opportunity to look</p> <p>11 more carefully with more material and set out in much</p> <p>12 fuller terms the approach that had been taken, and I was</p> <p>13 perfectly satisfied to accept that, the way in which he</p> <p>14 said it had been approached.</p> <p>15 But as I set out in paragraph 129, it occurred to</p> <p>16 me, because I had been concerned about the "for Neville"</p> <p>17 email back in July 2009, I was concerned to know</p> <p>18 whether, given that Mr Perry was now expressing</p> <p>19 a slightly different version of the interpretation to</p> <p>20 the one he expressed in July 2009, whether that affected</p> <p>21 his view of the "for Neville" email, because I was</p> <p>22 slightly concerned that it may have been the narrow</p> <p>23 approach that it articulated at the time that made him</p> <p>24 think that there was nothing, as it were, further to --</p> <p>25 the email would take us no further.</p> <p style="text-align: center;">Page 34</p>	<p>1 investigative choices they had to undertake. Do you see</p> <p>2 that point?</p> <p>3 A. I do see that, and let me deal with it. I don't doubt</p> <p>4 that the police thought that they might have to prove</p> <p>5 that a message had been intercepted before it was</p> <p>6 listened to and that's why they bothered to get the</p> <p>7 evidence they did, technical evidence, to try and prove</p> <p>8 that. The issue I've always had here is whether any of</p> <p>9 that affected the scope of the investigation, in other</p> <p>10 words whether advice from the CPS was the reason why the</p> <p>11 investigation didn't go further in 2006/2007.</p> <p>12 I do not think it did, not least because on my</p> <p>13 analysis of the advice at no point did Carmen Dowd ever</p> <p>14 suggest that RIPA alone was the offence that could be</p> <p>15 relied on. She initially said RIPA and the Computer</p> <p>16 Misuse Act. It's true to say the Computer Misuse Act</p> <p>17 option was considered and discarded later on, but by</p> <p>18 then the conspiracy option had been opened up, so at no</p> <p>19 stage could anybody have thought that the only basis for</p> <p>20 prosecuting is RIPA. That was my first point.</p> <p>21 My second point was that Carmen Dowd had always</p> <p>22 expressed herself in a pretty provisional way. She</p> <p>23 said, "This is my view, we're going to have to come back</p> <p>24 to it." It was obvious to me, from looking at the</p> <p>25 indictment, that the team as a whole could not have been</p> <p style="text-align: center;">Page 36</p>

<p>1 taking the narrow approach, for all the reasons that 2 were rehearsed with Mr Perry this morning, and beyond 3 all that, I couldn't see then and I can't see now how 4 the narrow interpretation of RIPA would stop you even 5 investigating other defendants. Because until you 6 investigate, you don't even know whether you're going to 7 get evidence which fits the narrow interpretation. 8 So there was all the analysis of the facts and the 9 history that led me to reject the suggestion that at one 10 stage was being put forward, that this investigation was 11 curtailed because of CPS advice, and there was the 12 common sense that you don't not investigate because of 13 a narrow legal -- even if you genuinely think there's 14 a narrow legal interpretation, because you just don't 15 know what you're going to turn up, and an investigation 16 could have turned up evidence which fitted the narrow 17 view. 18 So I don't think it accorded with the history and it 19 didn't accord with my commonsense approach. 20 Q. Yes. It might be said in addition that anybody who was 21 at the conference on 21 August 2006 would clearly have 22 understood that if other defendants were going to be 23 brought into the frame because the evidence demonstrated 24 that they might be guilty of offences, the perfect 25 vehicle for bringing them in was the offence of</p> <p style="text-align: center;">Page 37</p>	<p>1 and I was perhaps out of an abundance of caution asking 2 Mr Perry again just to look at it to assure me that 3 there was no change of position. 4 Q. To be fair, to add to the picture, Mr Heywood made the 5 point, as I've also made perhaps more laboriously than 6 he did, that the inchoate offences of conspiracy or 7 attempt would not depend on a narrow view of RIPA, and 8 he said that in terms in his advice, didn't he? 9 A. That's right. And from Mr Heywood, I was very concerned 10 if I was going to be asked at this stage to advise the 11 police, either in relation to the matters arising from 12 the New York Times or at any future stage, what was 13 going to be said, as it were, on my watch in my name. 14 Q. Thank you. On 1 October 2010, there was another meeting 15 between police officers and your officials, and we've 16 seen tab 89 already, which is the notes of the meeting. 17 A. Yes. 18 Q. I took Mr Perry to paragraphs 3.10 and 3.11 of that. 19 A. Yes. 20 Q. There are other parts of the notes which we can't look 21 at for present purposes because they might bear on an 22 investigation. 23 A. Yes. I wasn't at the meeting. I had always assumed 24 that that was Mr Husain and Mr Clements summarising what 25 they understood to be Mr Perry's position to those</p> <p style="text-align: center;">Page 39</p>
<p>1 conspiracy, which would not require the narrow view of 2 the law? 3 A. Yes. 4 Q. Okay. Mr Perry, to go back to September 2010, was asked 5 by you to review the "for Neville" email through the 6 prism of the broad view of the law and his answer was 7 the same, but he expressed himself -- tab 86 -- really 8 in terms of the further investigations approach rather 9 than the smoking gun approach? 10 A. Yes. 11 Q. He said in paragraph 8: 12 "I should also make clear that the conclusion 13 reached in my draft advice, namely it's unlikely I would 14 have advised the CPS/MPS that further investigations 15 should be undertaken in relation to the email of 29 June 16 2005, remains unchanged." 17 A. Yes. That was really my only concern at that stage in 18 relation to, as it were, double-checking Mr Perry's 19 advice. Or asking him to do so. 20 Q. It would have been extremely odd had he said it had 21 changed as a result of his reformulation of the law -- 22 A. No, I -- 23 Q. -- but you were certainly right to ask him. 24 A. I appreciate that. I had been concerned in 2009 about 25 the Neville email and I had remained concerned about it</p> <p style="text-align: center;">Page 38</p>	<p>1 present at that meeting; whether what's recorded is an 2 accurate summary or not, I simply don't know. 3 Q. There was another meeting later that month on 4 19 October. You refer to that in paragraph 136. 5 A. Yes. 6 Q. There appear to be some notes, what may be notes, of 7 that meeting at the back of the document in tab 92. 8 A. Tab 91 are the notes of the meeting. Tab 92 is 9 a document that Simon Clements had with him at the 10 meeting and some notes he made for himself, but the 11 minutes are at tab 91. 12 Q. Thank you. Tab 2 is a sort of aide-memoire, 18756. 13 There is an issue, I don't think you can really take it 14 further, but I should refer to it. You see the arrow 15 slap in the middle of the page? 16 A. Yes. 17 Q. "Alerting them to LE6 understanding." 18 And then: 19 "DPP [<u>underline that</u>] no one wants to reopen the 20 investigation." 21 A. Yes. 22 Q. I think the suggestion might be that you were expressing 23 a degree of frustration that no one in the police wanted 24 to reopen the investigation, but -- 25 A. I don't recall what I said. I've seen this and looked</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 at it carefully and asked Mr Clements what he was 2 recording and he recalls that I was expressing 3 a frustration that nobody appeared willing to reopen 4 this investigation.</p> <p>5 LORD JUSTICE LEVESON: In the light of your earlier evidence 6 from the previous year, that frustration might be an 7 accurate reflection of what you were saying a few 8 minutes ago.</p> <p>9 A. Precisely. It wouldn't -- I honestly can't remember 10 what I said at that meeting but I obviously said 11 something. Mr Clements does remember it and wrote it 12 down at the time and thought I was frustrated because it 13 appeared to me that others wouldn't reopen the 14 investigation.</p> <p>15 I'd had the meeting back in 2009 where a course of 16 action I thought was reasonably sensible didn't look as 17 if it was going to find favour, and I'd been told in 18 September 2010 that whatever else was going to happen, 19 this was not going to be reinvestigated. I think if 20 I was expressing any frustration, it was probably borne 21 of those two things.</p> <p>22 Q. Thank you. The more nuanced view of the law found its 23 way into the letter to the chairman of the Home Affairs 24 Committee this time.</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 41</p>	<p>1 didn't have sufficient evidence to reopen the 2 investigation at that stage, required or wanted advice 3 from the Crown Prosecution Service and advice was given.</p> <p>4 Q. You gave a press statement on 10 December 2010, which we 5 can look at under tab 97.</p> <p>6 A. Yes.</p> <p>7 Q. Which really sums up the then contemporary thinking. 8 It's page 18806.</p> <p>9 A. Yes.</p> <p>10 Q. You referred to the history, you referred to the 11 New York Times piece, the fact that Sean Hoare had been 12 interviewed but had not co-operated, and you said: 13 "The CPS and the MPS intend to convene a panel of 14 police officers and prosecutors to assess those 15 allegations with a view to determining whether or not 16 investigations should take place."</p> <p>17 LORD JUSTICE LEVESON: That's only in the event of further 18 allegations being made, isn't it?</p> <p>19 MR JAY: My apologies.</p> <p>20 A. That's precisely right. Allegations had been made in 21 September. A number of individuals had been interviewed 22 under caution. Pretty well all of them had said nothing 23 under caution, and therefore that didn't yield a great 24 deal. But it occurred to me and to others that there 25 might be other allegations and that we needed, going</p> <p style="text-align: center;">Page 43</p>
<p>1 Q. It's at tab 93, but you set out the relevant part at 2 paragraph 137 of your witness statement.</p> <p>3 A. Yes.</p> <p>4 Q. I don't think we need look at that, but it reflected the 5 view of two distinguished silks now that certainly one 6 of them was saying that the broad view on balance was 7 right, and the other was saying it's highly arguable 8 both ways?</p> <p>9 A. Yes. The reason -- it was set out in that letter, and 10 the version that's in paragraph 137, quoted, was the 11 version that I asked my prosecutors to use in any advice 12 they gave from then on, because I didn't want there to 13 be any lack of clarity at that stage as to the approach 14 that could be taken.</p> <p>15 Q. Now we move on to Operation Varec, paragraph 139. 16 We are, I'm afraid, going to have to skate over some 17 documents because in my view they can't be looked at now 18 because they could bear on the ongoing police 19 investigation. But can you without referring to those 20 documents summarise what Operation Varec was about?</p> <p>21 A. Yes. As I understand it, there was -- as a result of 22 what was published in the New York Times, various 23 individuals were approached and some were interviewed 24 under caution. At the end of that exercise, the 25 Metropolitan Police, although they considered that they</p> <p style="text-align: center;">Page 42</p>	<p>1 forward, to think of a sensible way of making sure that, 2 if possible, there was a joint approach from the outset 3 as to how they'd be handled and hence a panel.</p> <p>4 LORD JUSTICE LEVESON: So in short, the police had gone 5 through the New York Times article and picked up all the 6 witnesses named in that article and sought to get some 7 information from them --</p> <p>8 A. Yes.</p> <p>9 LORD JUSTICE LEVESON: -- without success.</p> <p>10 A. Yes.</p> <p>11 LORD JUSTICE LEVESON: What they hadn't done, and it's quite 12 clear they hadn't done, was open the room that was 13 marked "Caryatid", with all the evidence that was in the 14 room?</p> <p>15 A. Yes.</p> <p>16 MR JAY: We're going to move to tab 98 and therefore into 17 the events of 2011.</p> <p>18 A. Yes.</p> <p>19 Q. The year started with more questions from the Guardian 20 on 6 January and this was in consequence of documents 21 disclosed in the Sienna Miller litigation. You explain 22 in paragraph 148 that these weren't easy questions to 23 answer.</p> <p>24 A. Yes.</p> <p>25 Q. So there you had two openings. One was not to answer</p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

<p>1 them, or two, to ask for more wide-ranging examination 2 of all the materials available.</p> <p>3 A. Yes.</p> <p>4 Q. And you preferred the second option, notwithstanding the 5 resource consequences?</p> <p>6 A. Yes.</p> <p>7 Q. What was your thinking behind that?</p> <p>8 A. I was -- it was a combination, I suppose, of frustration 9 and concern, and what appeared to me to be emerging from 10 the Sienna Miller civil action cast some doubt on what 11 I'd understood to be the position, and I felt I'd been 12 in that place too many times and that at that stage, 13 even though it was -- would be more resource-intensive, 14 a more wide-ranging examination was necessary, at least 15 to reassure me about the position.</p> <p>16 What then happened, and I think this is 17 paragraph 149, was that as I understood it, some of the 18 information that was emerging from the Sienna Miller 19 civil action I was told had in fact been amongst the 20 unused material.</p> <p>21 Now, this was the second time this had occurred. 22 The first time was in relation to the Neville email, and 23 now it was happening again in relation to the 24 Sienna Miller material. And I'm afraid at that stage 25 I thought nothing less than a root and branch review of</p> <p style="text-align: center;">Page 45</p>	<p>1 "We're labelling the problem that Carmen Dowd is not 2 here, KM ..."</p> <p>3 That is?</p> <p>4 A. Ken MacDonald. I think I had spoken to Ken to see 5 whether he had any recollection and he had very little 6 recollection.</p> <p>7 Q. You say:</p> <p>8 "... now attempting to say case closed with pleas in 9 2007."</p> <p>10 Does that then say:</p> <p>11 "Won't go away (eg New York Times). Civil 12 litigation leading to disclosure of 2006 material."</p> <p>13 A. Yes.</p> <p>14 Q. I can't read the next bit very well.</p> <p>15 A. Mm.</p> <p>16 Q. Is it "altering"?</p> <p>17 A. I'm not sure. "Allowing"? I don't know.</p> <p>18 LORD JUSTICE LEVESON: It's "allowing" something.</p> <p>19 A. Yes.</p> <p>20 MR JAY: Then it says:</p> <p>21 "Hard to avoid questions and various committee 22 [something] one asking questions, therefore [you] and 23 John Yates may end up giving evidence."</p> <p>24 A. "And John Yates may end up giving evidence."</p> <p>25 Q. "Problem we have difficult to say what evidence we</p> <p style="text-align: center;">Page 47</p>
<p>1 all the material that we have and the police have is now 2 going to satisfy me about this case. And that's why 3 I indicated in fact to Tim Godwin, who I think was then 4 Acting Commissioner, that I had for my part reached the 5 view that we could no longer approach this on 6 a piecemeal basis looking at bits of material and we 7 really had to roll our sleeves up and look at 8 everything.</p> <p>9 Q. Yes. So there was a meeting then on Friday, 14 January. 10 You say in your statement Mr Yates was there, not 11 Mr Godwin.</p> <p>12 A. No, I don't think Mr Godwin came. I have a vague 13 recollection that he may have arrived at the very end of 14 the meeting, but that's -- it's not recorded and that 15 may not be right. It actually I don't think makes any 16 material difference, but he certainly wasn't at the main 17 part of the meeting.</p> <p>18 Q. Yes. Again the note of the meeting in the bundle could 19 be clearer, and to that end I've caused clearer copies 20 to be taken. Do you have a satisfactory copy?</p> <p>21 A. This is tab 101, I think.</p> <p>22 Q. It is indeed.</p> <p>23 A. I have a copy that is reasonable, I think, from my point 24 of view.</p> <p>25 Q. You kick off by setting out your thinking:</p> <p style="text-align: center;">Page 46</p>	<p>1 looked at despite the fact that Louis examined it. Need 2 to know what ..."</p> <p>3 A. "... assessment was made of the evidence of others and 4 impact of it." 5 I think.</p> <p>6 Q. Then you posed this as a question, really:</p> <p>7 "Time has come to reconsider everything that is/was 8 available therefore enabling us to give comprehensive 9 answer to current/future questions."</p> <p>10 A. I think I was not only concerned that the Guardian were 11 asking probing questions, but given the degree of 12 interest, I was mindful that I was likely to be called 13 before a Select Committee to give evidence, and for all 14 the reasons I've already stated, I took the view that 15 I needed a bit more assurance about all of this.</p> <p>16 Q. What Mr Yates said may be of interest to us. Can you 17 decipher what the next page starts off with?</p> <p>18 LORD JUSTICE LEVESON: "I have no problem but it's the 19 handling, that is why are we doing it now. John Yates 20 and I have always said that if there's new evidence 21 we'll examine it and I stand by the interview I gave in 22 2006."</p> <p>23 A. Yes.</p> <p>24 LORD JUSTICE LEVESON: "Is there anything to add on ..." 25 presumably Goodman and Mulcaire?</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 A. Goodman and Mulcaire. 2 LORD JUSTICE LEVESON: "Likely no". 3 MR JAY: I'm not sure what interview was given by him in 4 2006. 5 LORD JUSTICE LEVESON: Didn't he give a press interview at 6 the same time that he made the statement? 7 A. He was referring to 9 July. 8 MR JAY: That's 9 July 2009. 9 LORD JUSTICE LEVESON: Oh. Oh, "stands by the 10 investigation". 11 MR JAY: Sorry, it's "investigation". 12 A. Yes. 13 Q. I'd like to gloss over the next bit. Can we move on 14 to -- 15 A. I think there's then -- I think I was -- 16 LORD JUSTICE LEVESON: Can we just take that off, please. 17 A. One of the concerns I had was that some store was 18 being -- some weight was being placed on the fact that 19 Mr Mably had looked at the unused material, but knowing 20 what the disclosure exercise is, and how it's 21 approached, and knowing that Mr Mably had in fact no 22 recollection of some of the documents I discussed with 23 him, I don't think he'd looked at all that material, nor 24 in fact would he necessarily have needed to do so for 25 disclosure, and he was looking out for a disclosure</p> <p style="text-align: center;">Page 49</p>	<p>1 because parts of the next page have been highlighted in 2 my copy, possibly intentionally. Can you decipher what 3 is attributed to you, Mr Starmar, at the top of the next 4 page? 5 "It is only [something] for new material. The 6 answer is --" is that "not now"? 7 A. I think there was -- we were considering, one, do we 8 simply ask the panel to look at this, but the panel had 9 been set up to look at new allegations, and I was 10 concerned that I didn't so much want answers to the 11 question what does any new material show, I actually 12 wanted an answer to the question in relation to all of 13 the material. And so the debate was really at that 14 stage, I think, do we ask the panel to look at this or 15 should we do it some other way, and I think my view was 16 probably not the panel, because that had been set up for 17 new material and I didn't just want -- I was concerned 18 that we were looking at just bits of new materials that 19 came up or were missing the opportunity to look at the 20 whole lot. 21 Q. Yes. Then a police officer who is DH says: 22 "Operation Varec is the only new material. In terms 23 of Goodman/Mulcaire there's nothing new. All the stuff 24 is on the system." 25 A. Yes.</p> <p style="text-align: center;">Page 51</p>
<p>1 purpose, and therefore I was concerned that that hadn't 2 been looked at by a prosecutor with a view to 3 considering issues such as were there other defendants, 4 et cetera. 5 MR JAY: Certainly. Then the next page, the third page of 6 this starts off: 7 "The questions of civil case is difficult because 8 Louis Mably is the only one who can answer." 9 That might not say "civil". 10 Mr Yates then says: 11 "Queen v Blackburn may help in judicial review." 12 I think that's a very old decision of Lord Denning. 13 I'm not sure what that has to do with it, but never 14 mind. 15 LORD JUSTICE LEVESON: It's all about whether you can tell 16 the police to prosecute. 17 MR JAY: You can't judicially review prosecutorial 18 decisions. Okay. 19 A. I think he was contemplating whether, if anyone 20 judicially reviewed, what the prospects might be. 21 Q. You said we don't want to lose. 22 A. I was less concerned than Mr Yates on what might happen 23 on the prospect of judicial review. I just wanted an 24 answer to some of the questions at this stage. 25 Q. I think we can probably move on to the next page,</p> <p style="text-align: center;">Page 50</p>	<p>1 Q. Then Mr Yates says: 2 "Puts both organisations in difficult position. 3 What did we do in 2009?" 4 A. Yes. 5 Q. So he's concerned about reputational issues now and 6 suggesting you're in the same boat as he is. Then you 7 say -- I'm not quite sure what you then do say. Not 8 very clear. 9 A. I looked at the decisions made and whether they were 10 correct. So I was indicating to him what the scope of 11 my exercise was, because I, for my part, thought I was 12 in a different position to Mr Yates when it came to what 13 had happened in 2009. I for my part didn't have any 14 concern about looking at this material again. 15 Q. Then you made it clear that "this is a broader 16 examination to go before panel"? 17 A. Yes. 18 Q. That's 2006 and subsequent. So you're saying we're 19 going to look at everything? 20 A. Look at everything we had then, look at everything we 21 have now, put all of it together. 22 Q. Can I ask you this, without necessarily ploughing 23 through the text of all of this document now. What was 24 the mood like at this meeting? Was it all sweetness and 25 light between you and Mr Yates or was it something</p> <p style="text-align: center;">Page 52</p>

<p>1 different?</p> <p>2 A. I was absolutely clear in my mind at the beginning of</p> <p>3 that meeting I was going to settle for nothing less than</p> <p>4 a full review of all this material unless somebody</p> <p>5 blocked me access to it, and I approached it in that</p> <p>6 way. To be fair to Mr Yates, he did not seek to block</p> <p>7 that approach, and in the end agreed to it, but I have</p> <p>8 to say by then I had reached the stage where I really</p> <p>9 was not in the mood for being dissuaded from my then</p> <p>10 course of action, I'm afraid.</p> <p>11 Q. Yes, we understand. Matters then moved quite swiftly</p> <p>12 to --</p> <p>13 LORD JUSTICE LEVESON: I think we'd better give the</p> <p>14 shorthand writer a break.</p> <p>15 MR JAY: Yes.</p> <p>16 LORD JUSTICE LEVESON: So we'll move a little bit slower</p> <p>17 than swiftly.</p> <p>18 MR JAY: Right.</p> <p>19 (3.23 pm)</p> <p>20 (A short break)</p> <p>21 (3.32 pm)</p> <p>22 LORD JUSTICE LEVESON: During the course of the last session</p> <p>23 a document was put on the screen for those in this room</p> <p>24 and in the marquee to see. Mr Jay made it very clear</p> <p>25 that some care would have to be exercised in relation to</p> <p style="text-align: center;">Page 53</p>	<p>1 A. The review was begun, but 12 days later the</p> <p>2 investigation was reopened. My principal legal adviser,</p> <p>3 Alison Levitt, is in charge of the CPS team now advising</p> <p>4 the police in relation to the reopened and much wider</p> <p>5 investigation, and the view I formed is that the review</p> <p>6 can't be completed until we've reached decisions one way</p> <p>7 or the other whether anybody should be charged, and</p> <p>8 I certainly wouldn't want to be publishing any review</p> <p>9 before that stage has been reached. So to some extent,</p> <p>10 Alison Levitt QC is now conducting the review alongside</p> <p>11 all the other material that is now coming in on the new</p> <p>12 investigations.</p> <p>13 But I should make it clear I had intended the review</p> <p>14 to be completed and to have reported on it, but once the</p> <p>15 investigation reopened, it was obvious to me that it</p> <p>16 wasn't a good idea to publish the results of the review</p> <p>17 until we had completed whatever work we need to do in</p> <p>18 relation to whether or not there should be charges.</p> <p>19 LORD JUSTICE LEVESON: Although to some extent the very</p> <p>20 detailed chronology that you've provided to this Inquiry</p> <p>21 does put in the public domain the various steps the CPS</p> <p>22 have taken over the years.</p> <p>23 A. No, that's absolutely true, and to some extent, once</p> <p>24 this Inquiry was set up, it was obvious that most of the</p> <p>25 questions that I had any concerns about were going to be</p> <p style="text-align: center;">Page 55</p>
<p>1 references to the document, and I noticed that part of</p> <p>2 the document which should not have been displayed was in</p> <p>3 fact displayed. I do not criticise anybody for that,</p> <p>4 but there it is.</p> <p>5 To such extent as it is possible, no reference</p> <p>6 should be made to that document at all. I say to such</p> <p>7 extent as it is possible. I obviously cannot call back</p> <p>8 that which is already in the public domain, but I would</p> <p>9 be grateful if in the spirit that I have undertaken this</p> <p>10 entire Inquiry, those who are reporting what has been</p> <p>11 going on should have regard to the concern that I have</p> <p>12 just expressed.</p> <p>13 Is there anything else I can do, Mr Jay?</p> <p>14 MR JAY: Sir, no.</p> <p>15 LORD JUSTICE LEVESON: Thank you.</p> <p>16 MR JAY: Mr Starmer, to complete the chronology, because we</p> <p>17 are nearly there, you decided after this meeting that</p> <p>18 your principal legal adviser, Alison Levitt QC, should</p> <p>19 carry out the review you referred to.</p> <p>20 A. Yes.</p> <p>21 Q. Following discussions with the attorney, a press</p> <p>22 statement was released, but to some large measure it was</p> <p>23 superseded by the commencement of Operation Weeting, but</p> <p>24 may I ask you what's happened to the review in the light</p> <p>25 of Operation Weeting?</p> <p style="text-align: center;">Page 54</p>	<p>1 addressed through this process in any event.</p> <p>2 LORD JUSTICE LEVESON: I'm pleased somebody thinks that</p> <p>3 something's going to be addressed by this Inquiry. I'm</p> <p>4 not sure after yesterday that everybody does. All</p> <p>5 right, yes.</p> <p>6 MR JAY: Mr Starmer, we heard evidence from your</p> <p>7 predecessor, Lord MacDonald, this morning as to the</p> <p>8 DPP's approach to the press and media relations</p> <p>9 generally. Is there anything that you wish to add to or</p> <p>10 subtract from that, at least as regards your tenure of</p> <p>11 the position of Director of Public Prosecutions?</p> <p>12 A. No. I take the same approach as my predecessor. I've</p> <p>13 really built on the platform that he built, and I have</p> <p>14 approached it in much the same way for the same reason.</p> <p>15 Q. Yes. The only other matter -- I'm going to take the</p> <p>16 rest of your evidence as read, but one core participant</p> <p>17 had a couple of outstanding questions on your first</p> <p>18 statement. Unfortunately, I've mislaid them. You have</p> <p>19 been given advance notice of them. Are you able to deal</p> <p>20 with those questions?</p> <p>21 LORD JUSTICE LEVESON: In other words, do you have the</p> <p>22 questions?</p> <p>23 MR JAY: I have them now.</p> <p>24 A. From memory, I think one of them, at least, was: is it</p> <p>25 right that the CPS doesn't very often prosecute</p> <p style="text-align: center;">Page 56</p>

<p>1 journalists?</p> <p>2 Q. That certainly was the question.</p> <p>3 A. And the other was in relation to the Damian Green case,</p> <p>4 as to whether or not we considered any journalists in</p> <p>5 the course of deciding that case.</p> <p>6 If I could take them in reverse order, as far as the</p> <p>7 Damian Green case is concerned, the answer is no. It's</p> <p>8 true some of the material which it was alleged had been</p> <p>9 leaked found its way into at least two national</p> <p>10 newspapers, but so far as I'm aware, there wasn't</p> <p>11 a police investigation into the journalists, and I was</p> <p>12 certainly never called upon to make any decision in</p> <p>13 relation to the journalists.</p> <p>14 In relation to the rarity of prosecutions of</p> <p>15 journalists, it is true, they're rare. Certainly from</p> <p>16 memory I don't think I have had to look at a case since</p> <p>17 I've been in post where we've prosecuted a journalist.</p> <p>18 It is rare. It does happen on occasions, but it's rare.</p> <p>19 Q. I think the follow-up question was: is there a reason</p> <p>20 for that, apart from maybe the obvious ones?</p> <p>21 A. It's very difficult to give a reason for that. Rarely</p> <p>22 do cases involving journalists come to us for</p> <p>23 consideration, and therefore I think the issue is to do</p> <p>24 with the approach that's taken in the investigation.</p> <p>25 The broad view is that there's a public interest in</p> <p style="text-align: center;">Page 57</p>	<p>1 Right. The probability is that the Inquiry will</p> <p>2 resume with evidence on the week commencing 23 April.</p> <p>3 If in the meantime there is any aspect that needs to be</p> <p>4 addressed, I'm sure that we'll be informed. I'm content</p> <p>5 to allow core participants to deal with the additional</p> <p>6 questions of law that were discussed yesterday by the</p> <p>7 end of next week, but I do intend to provide a series of</p> <p>8 decisions comparatively shortly thereafter.</p> <p>9 Thank you very much. I trust everybody has</p> <p>10 a reasonable break.</p> <p>11 (3.45 pm)</p> <p>12 (The hearing adjourned until</p> <p>13 the week commencing 23 April 2012)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 59</p>
<p>1 freedom of expression and the free flow of information</p> <p>2 and for that reason, the conduct of most journalists is</p> <p>3 not considered by those conducting criminal</p> <p>4 investigations and rarely, if ever, are there clear</p> <p>5 examples of them breaking the law that have been brought</p> <p>6 to the attention of the CPS.</p> <p>7 I think that's the best I can do. I mean, we have</p> <p>8 not been called upon to consider many cases at all.</p> <p>9 MR JAY: Yes. Those are all the questions I have for you,</p> <p>10 Mr Starmer. Thank you very much.</p> <p>11 LORD JUSTICE LEVESON: Mr Starmer, I understand that you're</p> <p>12 still working on the matter that we discussed on the</p> <p>13 last occasion and I'm very grateful for the continued</p> <p>14 efforts that you're making in that regard.</p> <p>15 A. Thank you.</p> <p>16 LORD JUSTICE LEVESON: It only remains for me to thank you</p> <p>17 and your team for the obvious amount of work that's been</p> <p>18 put into the chronology and other assistance that you've</p> <p>19 provided the Inquiry with. Thank you.</p> <p>20 A. Not at all.</p> <p>21 LORD JUSTICE LEVESON: Right. Is that it, Mr Jay?</p> <p>22 MR JAY: It is. I've been asked to read into the Inquiry</p> <p>23 one statement. That's the evidence of Mr Wissgott,</p> <p>24 which I think relates to the Police National Computer.</p> <p>25 LORD JUSTICE LEVESON: Thank you very much indeed.</p> <p style="text-align: center;">Page 58</p>	

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