Day 30 - PM Leveson Inquiry 24 January 2012

Page 1

1 (2.05 pm) MR JAY: I call Mr Bunglawala, please.
2
3 MR JAY: First of all, please, make yourself comfortable,
4 Mr Bunglawala. Could you provide us with your full
5 name?
6 A. Sure. My name is Inayat Bunglawala.
7
8 Q. Thank you. You are representing an organisation called
9 Engage, which is a limited company by guarantee. Can
10 you tell us who Engage is and what its purposes and
11 objects are?
12 A. Sure. Engage was set up almost four years ago now and
13 it's a Muslim advocacy organisation which seeks to
14 encourage greater civic participation on the part of
15 British Muslims in our democracy.
16 So we try -- during election time, we encourage
17 voter registration drives, we encourage people to take
18 an interest in politics, if they have concerns, to raise
19 them with their MPs. We make this information available
20 on our website so people can easily identify who their
21 local politicians are.
22 In addition to that, we also seek to ensure a fairer
23 portrayal, a more balanced portrayal of the faith of Islam
24 in pursuing that we're often in contact with
25 the Press Complaints Commission and newspapers, with
26 a view to seeking a correction of misrepresentations
27 that we believe we have seen in newspapers.
28 Q. Thank you. You provided the Inquiry with a submission
29 in writing dated 31 October 2011. Do you have that?
30 A. Yes, I do.
31 Q. That submission, if you look at page 54254, third line,
32 refers to a parliamentary briefing page on Islamophobia,
33 which you enclose. It's not in the bundle which has
34 been made available to the Inquiry but I have downloaded
35 it from your website. It's an all-party parliamentary
36 group on Islamophobia briefing note, dated September of
37 2010.
38 I just touch on one or two points you make there in
39 relation to Islamophobia in the media. I know you don't
40 have the document in front of you but are there any
41 specific points there you could highlight, your concerns
42 about Islamophobia and the media?
43 A. Yes. At Engage we believe that as a society in recent
44 years we've moved away from overt racism. We recognise
45 that racism is wrong, we recognise that stereotypes of
46 people are generally wrong, you know, to propagate
47 these. We recognise it's important to be generally
48 polite in our discourse, and it's wrong to be
49 deliberately offensive.
50 The one exception, it seems to us -- the one glaring
51 exception, it seems to us, is that in recent years the
52 coverage of Muslims has not improved. Sometimes we come
53 across some very, very disturbing headlines which seem
54 to us to be aimed at fermenting prejudice against Muslims. Rather than reporting facts, it's aimed at
55 stirring up prejudice towards the British Muslim
56 community.
57 Q. Thank you. In relation to that, in the briefing paper,
58 although it's not in front of us now, you give some
59 examples of headlines: "Muslim schools ban our culture",
60 "Muslims tell us how to run our schools", "Britain has
61 85 [underlined] Sharia courts" and "BBC put Muslims
62 before you". Those are examples from certain sections of the
63 press which you draw attention to Parliament; is that
64 right?
65 A. That's right. We believe these headlines are -- we
66 believe these headlines only serve to increase prejudice
67 towards Muslims and they are designed to increase it,
68 which is actually the more disturbing fact.
69 Q. Can I put this general point to you before we look at
70 your submission to the Inquiry: we all believe in free
71 speech. How do you define or where do you see the
72 boundary between fair comment on the one hand and
73 unfair, unbalanced discriminatory comment on the other,
74 if the answer isn't already to be found in my question?
75 I apologise but it's defining the boundary, please.
76 A. I can fully accept that newspapers are there to report
77 stories and if Muslims are involved in those stories,
78 there will be facts about Muslims or the faith of Islam
79 which they need to touch upon, especially in a time when
80 we're facing a terror threat from Al Qaeda. It would be
81 impossible for newspapers to avoid the subject of Island
82 and Muslims.
83 Where I think a line needs to be drawn is on a clear
84 falsehood on -- where newspapers just tell plain
85 falsehoods in their headline, where they seem to be
86 fermenting prejudice, whereas if we replace the word
87 "Muslim" with another minority group, we would very
88 quickly recognise this is unacceptable.
89 So I think the same standards should be applied to
90 Muslims as to any other faith group or any other
91 minority group community.
92 Q. Thank you. You're entitled, of course, to refer to
93 clause 12 of the PCC code, which contains a general
94 anti-discrimination provision, both in terms of race and
95 religion.
<table>
<thead>
<tr>
<th>Q. Thank you. In your submission, you provide some specific examples, Mr Bunglawala. If you look at 54254, this was a piece in the Daily Star:</th>
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<tr>
<td>&quot;Poppies banned in terror hot spots.&quot;</td>
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<td>A. Yes.</td>
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<td>Q. Can you tell us about that?</td>
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<td>A. This was a piece in the Daily Star which claimed that the sale of poppies was banned in areas with large Muslim populations: Leeds, Bradford and elsewhere. We looked into this story -- it seemed incredible to us -- and very quickly found that there were no basis whatsoever. Just because poppies may not be on sale does not mean the poppies are banned. You know, poppies need to be sold by somebody in the first place.</td>
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<td>[Page 5]</td>
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<td>So we challenged the Daily Star to prove that a ban had been in place and they were unable to substantiate their story. It was taken up by the PCC and in the end a one-paragraph clarification was printed. It's not just that headline. If you look at the headline, &quot;Poppies banned in terror hot spots&quot;, and then the subheading is &quot;Muslim snub to forces&quot;. It's that headline which is very damaging. It's clearly meant to portray Muslims as being disrespectful of the armed forces, disrespectful of Remembrance Day and the sacrifices that soldiers have made in the past. The fact that the Star could not find any evidence to substantiate that story and responded with a one-paragraph clarification, I just find it -- it's almost -- you get -- you just get demoralised. You say, &quot;I've gone through the process of trying to get it corrected. We've been to the PCC, and what we're seeing is a little one paragraph response.&quot; We have no idea how many people -- who's going to see that and how that can undo the damage done by the original headline.</td>
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<td>LORD JUSTICE LEVESON: Could I ask two questions, please?</td>
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<td>The first is: did the PCC accept a complaint from Engage as opposed to from an individual?</td>
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<td>A. I believe in this case they did, sir. It is true that we've had an issue with third-party complaints in the past, but my understanding is that in recent years the PCC may have moved on a bit and may have been more willing to accept third-party complaints.</td>
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<td>LORD JUSTICE LEVESON: That's interesting.</td>
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<td>The second thing is I think there's a typographical error in your statement and I just -- because I was surprised to read it.</td>
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<tr>
<td>A. It yes, I saw that.</td>
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<td>LORD JUSTICE LEVESON: &quot;This complaint was successfully resolved by the commission and the publication of a clarification which we felt ...&quot;</td>
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<tr>
<td>It should have been &quot;inadequately&quot;?</td>
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<td>A. Yes.</td>
</tr>
<tr>
<td>LORD JUSTICE LEVESON: Could we make sure that the copy that goes online has the correction put in, because otherwise it's positively misleading.</td>
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<tr>
<td>A. We can resend that to you, most probably.</td>
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<td>LORD JUSTICE LEVESON: We might be able to do it -- I've just written in &quot;in&quot;.</td>
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<td>MR JAY: The second example, please, Mr Bunglawala. This relates to a story in December 2007 and a subsequent court case involving Lord Ahmed. Could you tell us about that?</td>
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<td>A. Yes. Lord Ahmed is a peer. He was involved in a car accident at the time, in December 2007.</td>
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<td>A newspaper, in covering this case of the accident, referred to him as a &quot;Muslim peer&quot;, and we wrote to the PCC because the PCC's code of practice says that a person's faith should not be mentioned in a story if it's irrelevant to the story, and we couldn't understand what Lord Ahmed's Islamic faith had to do with the fact that he'd been involved in a car accident. We thought it was fairly straightforward -- a fairly straightforward breach of the PCC code of practice. Unfortunately, the PCC did not uphold our complaint and said they believed that the fact that Lord Ahmed was Britain's first Muslim peer therefore made it relevant to the story of his car accident, which -- I mean, again, it just strikes us as totally contradicting their own code of practice.</td>
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<td>Q. Thank you. I understand you'd like to pass over the third example but you do want to talk about the fourth one, a complaint to the Daily Mail. Again, to be clear, was that Engage's complaint or an individual's --</td>
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| A. Yes, this was a complaint by Engage. The article actually mentioned Engage. It was an article by Melanie Page 8
1 Phillips.
2 Q. It was directed to your body, so of course you had the right to complain about it.
3 A. Yes.
4 Q. But the piece claimed that you were an extremist Islamist group funded by the government, statements of fact and/or opinion with which you strongly disagreed?
5 A. Yes. "Extremist Islamist group" -- I fear we might not get very far with that. Melanie Phillips, she has a particular world view in which quite a few groups seem to fall into that category, so I don't think we're going to get very far with that, but she made a clear error of fact in that story where she claimed that Engage was a body funded by the government. So we wrote to the managing editor at the Daily Mail and made clear that we've never applied for a penny from the government, we've never applied for a penny from the government. So we wanted, first, an acknowledgment of the factual error that was in their story, and secondly an apology for making that error. It's been seven months since this story appeared and since we first complained to the PCC and it's still in the process of being resolved. What happened is we complained to the PCC. The PCC then forwards our complaint on to the Mail. The Mail writes to the PCC.

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1 A. Yes. This was a headline in the Daily Express, a front-page story, actually, "Christmas is banned, it offends Muslims". I recall this story because it was seen that one before. It's a Daily Express front page.
2 LORD JUSTICE LEVESON: Maybe the sixth and seventh examples there:
3 MR JAY: Okay. Maybe the sixth and seventh examples there.
4 A. Unfortunately not.
5 LORD JUSTICE LEVESON: You don't know the sentence they said, do you?
6 A. No. My apologies, sir.
7 LORD JUSTICE LEVESON: All right.
8 MR JAY: Okay. Well, this was astonishing, Mr Jay, because this was a non-story. The police released all the people that had been arrested in connection with this incident, without charge, but the Express had done a front page and two full inside pages, pages 4 and 5, given over to this story of a so-called Muslim plot to kill the Pope. When it came to a redress for this story, they printed a one-sentence clarification on page 9. Again, I hope the Inquiry will consider the way newspapers seek to redress the mistakes they make and damage they cause and whether it is in any way commensurate with the harm they are doing --
9 LORD JUSTICE LEVESON: You don't know the sentence they said, do you?
10 A. Unfortunately not.
11 LORD JUSTICE LEVESON: It's not in the paper.
12 A. No. My apologies, sir.
13 LORD JUSTICE LEVESON: All right.
14 MR JAY: Okay. Maybe the sixth and seventh examples there.
15 A. Unfortunately not.
16 LORD JUSTICE LEVESON: All right.
17 MR JAY: Okay. This was a headline in the Daily Express, a front-page story, actually, "Christmas is banned, it offends Muslims". I recall this story because it was a non-story. The police released all the people that had been arrested in connection with this incident, without charge, but the Express had done a front page and two full inside pages, pages 4 and 5, given over to this story of a so-called Muslim plot to kill the Pope. When it came to a redress for this story, they printed a one-sentence clarification on page 9. Again, I hope the Inquiry will consider the way newspapers seek to redress the mistakes they make and damage they cause and whether it is in any way commensurate with the harm they are doing --
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Muslims” headline.

If I can just point out to the Inquiry that this particular front page was subsequently used by the far right, the British National Party, on their placards.

The actual front page of the Daily Express with what headline, “Christmas is banned, it offends Muslims”, appears on BNP placards now. It’s clear that the far right, in the shape of the BNP, are making use of this headline to try to generate support and try to appeal to a wider section of the public for their own agenda, which is clearly an anti-minority one.

MR JAY: I think we’ve actually found -- or rather, Ms Patry Hoskins has found -- the one line in the Daily Express in relation to the "Muslim plot to kill Pope" story. It does look as if it's hidden away. It says:

"Six men arrested and quizzed by counter-terrorism police probing a plot in London to attack the Pope were all were released without charge, Scotland Yard said yesterday."

That, I think, was the day after.

A. Yes. See, they were very keen to highlight the Muslim angle when they have arrested, but when they were released, no word mentioned that they were Muslim then.

Q. That's a very fair point, Mr Bunglawala.

Section 2 of your paper gives examples of successful legal challenges and third-party complaints to the PCC. Unless you specifically wish to, I don't think it's necessary to alight on any of those, but I think we would like to hear specifically from you, Mr Bunglawala, is your recommendations, your suggestion for the future, which deal with two matters: one, procedure, how complaints can be made by organisations such as yours, and secondly, the substance.

A. Yes. A couple of points, Mr Jay. One is we would hope that if the Press Complaints Commission is going to replaced or reformed, attention will be given to the speed with which the body will deal with complaints. I mentioned earlier that we've been in negotiation with the Daily Mail now for seven months for a simple apology for a clear factual error and we still haven't got an apology or a clarification for that story.

We question how valuable any correction will be months after the original story has appeared. So clearly there needs to be an improvement in the speed by which a body deals with complaints from individuals. Secondly, we have a concern about the make-up of the Press Complaints Commission and the fact that serving editors are often on the committee which adjudicates these complaints and it just seems to us -- there seems to be here a conflict of interest here, that when we're complaining about a story which may have appeared in their own newspapers, that they are sitting on the committee that adjudicates the value of these complaints. There must be a better answer.

I believe the Inquiry has heard suggestions that perhaps former journalists should be on such a committee. That seems to us to be an eminently sensible suggestion.

Just for -- another point we would like to make is that often the apologies that are made by these newspapers are very tiny. As you just saw, in one case it was one sentence -- LORD JUSTICE LEVESON: That wasn't even an apology; that was merely an update.

A. Yes, you're quite right, sir. There was an update on a front-page story that appeared, so we hope the Inquiry will, again, look at ensuring that when retractions and apologies are made, they are in some way commensurate to the prominence given to the original story and the damage done by the original story.

After a while, we have to question -- when a paper like the Daily Express or Daily Star keeps repeating the same mistakes in terms of inaccurate coverage of Muslims and keeps repeating one-sentence or
Q. Thank you. And you're the chief executive --
A. I am.
Q. -- of the Science Media Centre. The headline message which you wish to impart is probably to be found in the final paragraph on page 54258, a message which you then elaborate:
"While the media was not solely responsible for the MMR scare and lessons have been learned by all concerned, some of the underlying values still remain in parts of our newrooms -- the appetite for a great scare story, the desire to overstate a claim made by one expert in a single small study, the reluctance to put one alarming piece of research into a wider, more reassuring context, journalistic balance which conveys a scientific divide where there is none, the love of the maverick and so on."

Those are the key themes which you develop.

Is it also fair to say, if it's not putting it disparagingly, that the general public does not always apply a rigorous scientific method to its world view?

Witness, for example, belief in astrology or, in the United States in particular, belief in creationism?

A. Indeed. I think our view is that the responsibility of the press is to allow all of those opinions to be reflected but that their facts are accurate.

To MMR was what we call false balance, where time and effort has been wasted, where the issue is real but that their facts are accurate.

Mr Bunglawala will be pleased to hear that, but his point about timeousness is real and I'm not seeking to apportion responsibility.

MR CAPLAN: I think it's near an end and there's a resolution in immediate sight.

LORD JUSTICE LEVESON: I'm pleased to hear it.

MR JAY: The next witness, please, is Fiona Fox.

MS FIONA BERNARDETTE FOX (sworn)

Questions by MR JAY

1. Q. Thank you. You have provided a submission on behalf of the Science Media Centre dated 5 December 2011. It runs to 12 pages. Is that your formal evidence to the Inquiry which you're going to elaborate?

A. It is.

2. Q. Could you tell us, please, about the Science Media Centre. Who or what is it?

A. We are an independent press office for science set up by the whole of the scientific community in 2002, and we were set up after stuff that went wrong -- so GM, BSE, MMR -- to be on the kind of front line between the scientific community and the very, very controversial breaking science stories hitting the front pages.

Before I call the next witness -- it has nothing to do with Mr Bunglawala -- I have been asked to show you, on behalf of the Daily Star, a file full of articles which relate to treatment of these issues. It's obviously not right for me to put it to the witness, but it is right that you should see them in due course.

(Handed)

LORD JUSTICE LEVESON: Thank you very much. Actually, this is a point that was made during the course of the evidence, wasn't it, and Mr Dingemans said that he would provide a bundle.

MR JAY: Yes, and here it is. I have obviously read it, but --

LORD JUSTICE LEVESON: I shall read it.

MR CAPLAN: May I just mention one thing in relation to the last witness and the delay on behalf of Associated newspapers? Can I just say that my understanding is that the most recent position is that there is correspondence between the parties as recently as the 13th and 23 January, and it is all to do, in fact, with the final wording of the clarification, but it is --

LORD JUSTICE LEVESON: It's not just gone on the back-burner?

MR CAPLAN: No.

LORD JUSTICE LEVESON: Thank you. I'm sure that

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the British public thought that medical science was divided. That's the bit on which the media let the public down. I mean, if you were sitting in a GP's surgery thinking that medical science was divided about whether this vaccine would give your child autism, it's a wonder that anyone vaccinated their children. Even Wakefield didn't do that. He never claimed that everybody agreed with him.

LORD JUSTICE LEVESON: No, I understand that, but I was actually sort of trying to provide the context of the support which Dr Wakefield received from a highly respected, peer-reviewed medical journal, which may have contributed to a lack of understanding, whereas some of the other examples you give don't have that defence. It isn't a full defence. I'll put the word "defence" in inverted commas. Partial excuse. Would you agree with that?

A. Yes, absolutely agree, and I think if you look at the role of almost everybody in that saga, nobody comes out smelling of roses. But as this Inquiry is about the role of the media, then that's the role --

LORD JUSTICE LEVESON: Absolutely. But for balance purposes, without seeking to in any way remove the responsibility for the research from Wakefield, there was the support originally given to it by the Lancet.

But the whole issue of balance is itself an interesting one.

MR JAY: Yes.

You set out some ground rules, Ms Fox, at 54259, getting the basics right in relation to the empirical sciences and you explain the difference between various types of study, what it means when you say that the risk is doubled. This is all meat and drink to a scientist or probably someone with an A level in a scientific subject, but these are points which are not always caught up in media reporting of the sciences; is that right?

A. I think that's right, but I do think that if you -- one of the points I haven't made yet, which I'm really keen to make, is that the best ally of science are the science reporters. We have some fantastic science journalists in this country and I believe that if you put them in a room with very eminent scientists and members of the public that it would take them a couple of hours to come up with these basic guidelines for science coverage. It is things that are very straightforward. If you say that taking aspirin doubles your risk of heart disease or cancer, that sounds massive. If you look at the actual figures, and that means a rise of cancer from 1 in 1,000 to 1.5 in 1,000, then people will make different judgments.

So there's a really basic thing, that you will ask journalists: don't just put the increased risk in percentage terms or doubling or trebling terms; also give us the numbers. Very basic, not difficult. The reason newspapers don't do it is because it doesn't have the same impact, so then it becomes a question about the news editor wanting to terrify us with the scary figures, and we're saying that actually the science journalists and health journalists don't agree with that. They want a more balanced message.

Q. You also point out there's a difference between a small experimental study on a rat on the one hand and a series of randomised control trials testing efficacy on homo sapiens on the other hand.

A. Indeed, and I think this takes us back to MMR and it's slightly, very slightly, a defence of the Lancet here because it was a very, very small study. I think it was 12 children. Most studies are preliminary and provisional. The vast majority will not be replicated, and indeed will be overturned because they're small. They're very important scientifically, but they're not important to the public at that stage.

I mean, the irony, of course, is by the time we've proved the risk or by the time we've proved that the treatment works, it will be boring to the newspapers because it will have been through massive trials with tens of thousands of people.

LORD JUSTICE LEVESON: Of course, to be fair to the Lancet -- I have to try to be fair to everybody -- there was the issue about where the sample came from in the first place.

A. Indeed. That's right. They were lied to. That's very difficult to check for. The peer review system doesn't actually check against that.

LORD JUSTICE LEVESON: Yes, I'm just trying to be balanced to everybody.

A. I think it's very, very relevant because we are not saying that we don't want the media to report on these. I mean, that would be going back 20 years to where science was in a ghetto and wasn't covered. We want all these studies to be reported, we're delighted to see them but we want them on the inside pages. They should not be on the front -- can I give you an example from the last couple of days?

MR JAY: So we get our bearings right in our submission, if you go to 54260, please, you deal with the issue of headlines. It's a big point I know you make, Ms Fox, that you're concerned about sensational, misleading or Page 23
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<tr>
<th>A.</th>
<th>I apologise.</th>
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<tr>
<td>1.</td>
<td>So this was a lovely story from yesterday, which --</td>
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<td>2.</td>
<td>I don’t know if you were just watching Leveson on the</td>
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<td>3.</td>
<td>television but was on the news last night, of a stem</td>
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<td>4.</td>
<td>cell break through, and the first proof in a safety</td>
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<td>5.</td>
<td>trial that stem -- embryonic stem cells could actually</td>
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<td>6.</td>
<td>be safe to give to humans, which is extraordinary in</td>
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<td>7.</td>
<td>itself, it’s a real break through, it’s been a long time</td>
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<td>8.</td>
<td>coming, but it was not an efficacy trial. It didn’t</td>
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<td>9.</td>
<td>test for whether these stem cells will cure blindness;</td>
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<td>10.</td>
<td>it was just a first trial to check that the stem cells</td>
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<td>get to the place they’re meant to get and are not</td>
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<td>12.</td>
<td>rejected by the immune system.</td>
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<td>13.</td>
<td>As it happens, the two -- only two -- patients who</td>
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<td>14.</td>
<td>have been given the treatment showed a tiny, tiny</td>
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<td>15.</td>
<td>improvement in their sight, but that’s not what it was</td>
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<td>16.</td>
<td>testing for and those two patients may have shown that</td>
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<td>17.</td>
<td>improvement totally by chance. Yet we wake up today to</td>
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<td>a headline which says “Once they were blind, now they</td>
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<td>19.</td>
<td>see -- patients cured by stem cell miracle”. No</td>
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<td>20.</td>
<td>patients have been cured. It is not true that they were</td>
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<td>21.</td>
<td>blind and now they see. This is just inaccurate.</td>
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<td>22.</td>
<td>I know that hundreds of thousands of people with</td>
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<td>23.</td>
<td>(inaudible) degeneration who are blind will have been</td>
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<td>24.</td>
<td>given false hope by this. We all hope that it will turn</td>
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<td>25.</td>
<td>Page 26</td>
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<th>A.</th>
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<td>1.</td>
<td>out like this in the end, but it has to --</td>
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<td>2.</td>
<td>LORD JUSTICE LEVESON: I’m going to try again.</td>
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<td>3.</td>
<td>A. Okay.</td>
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<td>4.</td>
<td>LORD JUSTICE LEVESON: Please slow down. It’s a subject</td>
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<td>5.</td>
<td>obviously you feel extremely strongly about.</td>
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<td>6.</td>
<td>A. I do.</td>
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<td>7.</td>
<td>LORD JUSTICE LEVESON: I’m very keen to hear it but I’m</td>
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<td>8.</td>
<td>actually keen that everybody else hears it as well.</td>
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<td>9.</td>
<td>MR JAY: As you point out, with all these ethical trials,</td>
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<td>10.</td>
<td>the first trial, once you’ve moved past your rats, is</td>
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<td>11.</td>
<td>a safety trial on human beings and the purpose is only</td>
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<td>12.</td>
<td>to determine whether the drug is safe, not whether it</td>
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<td>13.</td>
<td>works. If it’s established to be safe, you then move on</td>
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<td>14.</td>
<td>to the efficacy trials, that’s right, and this was</td>
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<td>15.</td>
<td>a safety trial --</td>
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<td>16.</td>
<td>A. Yes.</td>
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<td>17.</td>
<td>Q. -- which showed a very slight improvement but in no</td>
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<td>18.</td>
<td>way --</td>
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<td>19.</td>
<td>LORD JUSTICE LEVESON: And then you’ll do it qualitatively</td>
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<td>20.</td>
<td>and then quantitatively; is that right?</td>
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<td>21.</td>
<td>A. Indeed. I mean, you go into the next set of trials and</td>
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<td>22.</td>
<td>then phase two trials and then face three and then you</td>
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<td>23.</td>
<td>try in the population. As I said earlier, we do think</td>
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<td>24.</td>
<td>these stories should be reported because they are</td>
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<td>25.</td>
<td>breakthroughs in a sense, but they are nowhere near</td>
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1 it would see the end to some of these either overhyping
2 headlines or terrifying headlines.
3 Q. Thank you. Taking the extremes, 54261, this deals with
4 the issue of probability and what happens at the outer
5 end of your probability graph or curve. Could you
6 develop for us that issue, particularly in relation,
7 please, to the 65,000 swine flu death figure?
8 A. Yes. This is a tricky one, because what self-respecting
9 journalist is going to hear our chief medical officer
telling us that 65,000 people could die of swine flu and
not report it? I don't in any way ask them not to
report it, but I do think there is a special
responsibility to make clear that that was the very
worst possible outcome, and that was explained very
clearly by Liam Donaldson, the chief medical officer. It
was from a model. These modelling exercises are not
absolutely exact science. They give a range of
probabilities.
19 Ironically, as I said, what happened was the media
20 a year later kind of turned on the medical establishment
21 and on Liam Donaldson: "You told us 65,000 people were
going to die, you hyped this, you did it in order to
sell or buy the vaccine from GSK", et cetera, et cetera,
24 and actually he had never said that. Scientists were
25 worried about swine flu. They were right to be worried.
Page 29

Q. Thank you. A related theme but it may be all part and
23 parcel of the same point: extraordinary claims need
extraordinary evidence, which I suppose, as a matter of
logic, must be right.
19 A. Yes.
20 Q. You give an example of the human clone story. An
Page 30

Again, it's about the headlines and the top line
2 reflecting the range of possibilities. On something
like this which really matters -- I think the climate
change one was a classic example, you know.
5 LORD JUSTICE LEVESON: Take it slowly. Let's just focus on
swine flu and then we'll go onto climate change.
7 A. Okay.
8 LORD JUSTICE LEVESON: I just have to take it slowly.
9 So right to identify there's a range, wrong not to
10 provide the context, and absolutely wrong to criticise
11 when it comes within the range but not at the extremes.
12 A. Correct.
13 MR JAY: It's a similar point analytically in relation to
climate change, because 11 degrees is at the outer level
of probability?
15 A. Yes.
17 Q. In other words, very unlikely.
18 A. Yes, and that particular press briefing the Science
19 Media Centre ran and there were four scientists on the
20 panel and I watched them at such pains to repeat time
21 and time again -- because the questions were coming from
22 the floor, you know: "Will it be like The Day After
23 Tomorrow? Will London freeze over because of this 11
degrees?" And time and time again, the four scientists
25 said, "90 per cent of the models come back and show us
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It's it's likely to be around 2 degrees warning, but some --
a tiny minority of models show us 11 degrees."
2 Q. And what did every newspaper do the next day?
3 Everybody splashed with 11 degrees. In fact, one
4 newspaper, that was the front page, a massive big
5 "11 degrees" with a picture from "The Day After
6 Tomorrow", which is a terrifying blockbuster movie.
8 So again -- and I think I said in the evidence that
again, a year later, Radio 4 did a documentary accusing
the scientific community of exaggerating the impact of
climate change and cited this briefing, which was
incredibly unfair and I actually emailed each of the
journalists who had been present at that press briefing
and asked them for an email back to send to these
producers on Radio 4 to say that it was not the
scientists. In fact, many of them were very upset that
their peers would no longer trust them because they'd
gone out and told the media that we were going to have
11 degrees warming.
20 Q. Thank you. A related theme but it may be all part and
21 parcel of the same point: extraordinary claims need
extraordinary evidence, which I suppose, as a matter of
logic, must be right.
24 A. Yes.
25 Q. You give an example of the human clone story. An
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extraordinary claim which needed extraordinary evidence;
in fact there wasn't any evidence.
2 A. Yes. In some ways, I think this possibly could sum up
our 12 pages of evidence and sum up my view, that the
disjuncture between the scientific community and your
average newsroom is that within science extraordinary
claims demand extraordinary evidence. Within
8 a newsroom, I actually think it's the exact opposite.
9 The more extraordinary, the more shocking, the more
sensational, the more the rush to publish.
11 So "MMR leads to autism" was extraordinary. This
12 was a very safe, effective vaccination campaign that had
wiped out these diseases. Of course it was
13 extraordinary, but for the newsrooms, that was
the reason to splash it on the front page. For me, that
15 was a reason to step back, ask some questions, see
whether those results had ever been found before, wait
18 until they were replicated or at least put it on page 10
19 with those caveats. But that's not the case and I think
there's an element of that that we've seen today in this
17 coverage.
22 Q. Then you point out that very often claims even in
23 scientific journals, although they usually are very
24 heavily caveated, turn out not to be true. That,
25 I suppose, is the life history of science, that most
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A. That's right. The example I give of the XMRV virus -- again, I don't know if you know anything about chronic fatigue syndrome or ME --

LORD JUSTICE LEVESON: For the purposes of everybody else, tell us.

A. I don't know how we disagree, but it is a disease which affects many, many people which causes chronic fatigue and many people cannot work. Some children have ME/CFS but they have never found a biological cause. They've found many things that contribute to it and there are treatments that are effective, but for many people, to discover that a virus has been found in the samples of, I think, 60 per cent of patients was extraordinary. We found a biological cause. And not only that, it promised an effective treatment. The treatments we have can alleviate the symptoms but they don't cure the disease.

So this was huge hope for everybody. It was published in a good journal and it was run on the front pages, but again, I think the question newsrooms should have asked is: this is extraordinary. Has it been replicated? Has it been found before? The answer is no. No one has ever found it before and this is the first study. Let's put it in the inside pages.

In fact, in the States, people were running out buying tests for this virus, buying treatments which had helped alleviate other symptoms of this virus and then, within months, a group from Imperial College London came to the SMC. They tried to find it, couldn't find it, a group in Holland, a group in the States, and now we've had about ten studies. They cannot find it, and it ends up it was contaminated samples.

Again, it was in Science. It was in a good journal. It's right that the journalists write it up but not splash it on the front page. It's too preliminary. So we love science on the front page and there's some fantastic science stories. There's plenty of opportunities but I think it would resolve a lot of problems if journalists just didn't overclaim for these studies.

LORD JUSTICE LEVESON: When Mr Dominic Mohan was here from the Sun, he spoke about having engaged a scientist to write science stories in a straightforward, user-friendly way. I can't remember the name of the scientist.

A. I imagine it's Brian Cox.

LORD JUSTICE LEVESON: It was Cox.

A. He's not an ordinary scientist.

LORD JUSTICE LEVESON: Did I say "ordinary"?

A. No. He's wonderful. These very, very, very media friendly.

Relevant to Mr Jay's question, there are some fantastic science journalists who write for the tabloids and environment journalists who write for the tabloids and on newspapers are brilliant. They are genius. Every single day they communicate very complicated and very important science to a mass audience. It's right that the journalists write it up but not heavily politicised and polarised. For example, GM crops; for example, climate change.

In terms of practical recommendations for this Inquiry, given those matters, how would you recommend that the right balance is achieved?

A. I'm very pleased how many science journalists supported our recommendation for guidelines because ten years ago the scientific community recommended guidelines and they were very fiercely rejected by journalists. But actually most of the science journalists themselves say that these guidelines would help them to win the arguments with their editors and their news desks about the kind of prominence to give to these stories.

So I think as long as the science reporters were involved in drafting those, they could then be used for training, for editors and subeditors and general news reporters as a part and parcel of journalist accreditation. They could also be used by a PCC or a strengthened PCC to adjudicate on a complaint.

So I think that's probably our most solid proposal, apart from that Leveson has given us this wonderful opportunity to step back and just to dream about the kind of culture change in newsrooms which would eradicate many of the problems. Most scientists owe a huge debt to our newspapers for communicating science. There's actually quite a small amount that needs to be done to really assuage their main concerns and to stop...
Day 30 - PM  Leveson Inquiry  24 January 2012

1 damaging the public interest. I do -- you know, the
2 whole theme of this Inquiry is about public interest,
3 and I have to say sometimes it doesn't matter but
4 sometimes it really does. With the example of MMR, with
5 the examples of GM, which is a technology that the
6 British public and policy-makers have rejected based on
7 inaccurate claims about its damage to human health --
8 you know, these things matter.
9 LORD JUSTICE LEVESON: When you say it would be the work of
10 a couple of hours to create guidelines, have you put
11 your mind to them?
12 A. The list that I came up with in the evidence took me two
13 minutes and quite a few people agreed with it, but there
14 is actually a new project funded by government, which is
15 a national science journalism training coordinator which
16 has only just come about and we're very excited about,
17 and he is actually in the process of putting those
18 guidelines together.
19 LORD JUSTICE LEVESON: Well --
20 A. Would you like to see them?
21 LORD JUSTICE LEVESON: Do you have a timeframe?
22 A. He probably has something he could -- it may be work in
23 progress and it could be improved on, but I think he
24 probably has something he could deliver very soon.
25 LORD JUSTICE LEVESON: Thank you.

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1 MR JAY: Thank you. Please clarify 54264, under the heading
2 "Columnists". Precisely whom are you referring to
3 there?
4 A. Oh, there are many, many columnists. We love
5 columnists, we love opinionated people. We're quite
6 opinionated at the Science Media Centre. Our beef with
7 these columnists is that sometimes, much like the
8 previous witness said, they are stating things that are
9 blatantly inaccurate and we question whether newspapers
10 can disregard accuracy when it comes to their
11 columnists.
12 The complaint that came alongside my complaint from
13 UEA, the University of East Anglia, was about
14 Phil Jones, the scientist whose thousands and thousands
15 of emails were stolen, hacked into and put out on the
16 Internet about climate change.
17 It was a very difficult time for him at the time.
18 Now four independent inquiries -- parliamentary
19 inquiries, university inquiries, independent
20 inquiries -- have ruled in his favour, that he was not
21 guilty of lying about climate change, presenting some
22 big hoax, and yet you still have columnists like
23 Delingpole who, under the masthead of the Daily
24 Telegraph, continue to write, persistently, that he is
25 a liar and a fraud and a hoaxer, and I know that UEA

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1 A. I have to say I don't know much more about those than
2 was presented in evidence. I wonder if you would object
3 if I went through a couple from this week instead with
4 similar messages; is that okay?
5 Q. Certainly.
6 A. One was just from last week from the Sun. I don't know
7 if you can see -- it was a full page in the Sun, which
8 is quite hard to achieve:
9 "Breast cancer risk all over shops' shelves."
10 And basically what the story is saying is commonly
11 used chemicals that are all around us in products are
12 linked to breast cancer. It's a classic example of an
13 article which should not have been given this prominence
14 or headline. It was a very small study, it has several
15 flaws in it, it was in a relatively obscure journal and
16 it showed that traces of these chemicals are found in
17 the breast tissue of women with breast cancer but it
18 didn't test the breast tissue of women without breast
19 cancer, healthy women. So it didn't do a control.
20 Now, it's interesting that the traces of these
21 chemical was were found -- many toxicologists would have
22 expected them to be found -- but it certainly is not
23 terrifying and there's no evidence that the chemicals
24 cause the cancer. Neither has there been any study ever
25 before showing that these chemicals cause breast cancer,
I'm aware that three major cancer research charities wrote to the Sun about this.

Again, the Sun does fantastic health and science coverage on many occasions, but you don't have to go many weeks before you will get the -- what we call the scare quotes.

My final one was, again, from last week. It was a story the Science Media Centre launched -- again, another very exciting story about the prospect that we will be able to stop the transfer of mitochondrial diseases, terrible incurable diseases like muscular dystrophy. There was a patient -- case study where a woman had seven children, all of whom had died -- very, very tragic -- and last week the government announced that it's going to have a year-long public consultation on a new approach where you would take some healthy mitochondria from the donor and replace the mother's damaged mitochondria, and so the child could -- but it's quite a radical technique. It's quite new. But all of the papers -- every single one of the papers went with this "Child with three parents". Nobody in the whole of science -- none of the patients I've spoken to, the clinicians, the researchers, the stem cell -- nobody I've ever spoken to about this technique believes that this is going to be a baby with three parents. They think it's going to have some material from a donor in the way that you do when you have a kidney transplant, but we have: "Children with three parents to be born in two years", "Babies with three parents planned" ...

LORD JUSTICE LEVESON: That's the Financial Times?

A. It is. "Babies with two mothers and one father within three years", "Three parent IVF closer to approval", "Three parent IVF." Does it matter? The articles were beautiful, and in fact, most of this story was reported in a way that I would say is the best of science reporting, but we are about to have a year-long national debate. It will culminate, in a year's time, in a parliamentary debate because they have to enact legislation to legalise this. Is it helpful that it's going to be framed forever in this -- and when I have spoken to the science journalists, the point they make is: "Our news editors love it. It's controversial. They love it." And maybe we should be scared what we wish for because maybe if it wasn't controversial, it wouldn't get any coverage. MR JAY: It is remarkable in that case that every one of those newspapers has chosen the same headline.

A. And some of them are in inverted commas but nobody uses it. Not even the opponents of this technique use it.

LORD JUSTICE LEVESON: What's possible is that everybody's written up the story, somebody has written it up under this headline, then, as everybody scans each other's online editions, the next paper says, "Hm, that's a good way of putting it", and lifts an equivalent headline and so it goes virally around the newsrooms of Fleet Street. I'm not saying that's happened -- A. I think that's entirely possible.

LORD JUSTICE LEVESON: It's rather more plausible than everybody --

A. It may not matter, but I just think the fact that we are powerless to change it, I think that was the point I wanted to make to you. The framing has been set because it's controversial and because it works for the news editor, we are landed with it. It will be impossible to change it.

LORD JUSTICE LEVESON: Ms Fox, this is very, very interesting, but why isn't this covered by a simple requirement for accuracy?

A. Very good question. That's what we are asking for. We're not asking for special treatment or regulation but we're asking for the best possible standards of accuracy in relation to these --

LORD JUSTICE LEVESON: The code requires accuracy.
Day 30 - PM Leveson Inquiry 24 January 2012

1 LORD JUSTICE LEVESON: I think it's a very interesting area
2 because it seems so easy to fix. If you're pleased with
3 the reporting, the general stories, then it doesn't seem
4 to be beyond the wit of man to devise a mechanism for
5 ensuring that everything else flows from that. But it
6 may underlie a slightly more serious problem, which is
7 all about the culture in the sense, not in the normal
8 sense we've been using it during the Inquiry but in the
9 sense of needing a headline that grabs attention and the
10 extent to which sufficient attention is paid to the link
11 between the story and the headline. That's not just in
12 science; that's in criminal justice, to my certain
13 knowledge, and I'm sure many other fields as well.
14 As regards the climate change story, presumably
15 there are all sorts of potential remedies open to that
16 particular scientist if he's been defamed.
17 A. I only know of one complaint that he's made to the Press
18 Complaints Council and that has not been upheld.
19 I don't think he feels like that.
20 LORD JUSTICE LEVESON: All right. Having got your time, is
21 there anything else that you would like to share with
22 us?
23 A. Let me just have a quick --
24 LORD JUSTICE LEVESON: Take a moment just to check you've
25 said all you want to say, because I do agree it's very

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1 Mr Jefferies was arrested on 30 December.
2 Can I ask you this general question: did you receive
3 any briefings from the local police, the Avon and
4 Somerset police, in relation to any aspects of the story
5 and/or in relation to Mr Jefferies?
6 A. Personally I did not receive any briefings in relation
7 to Mr Jefferies. We were in constant contact with the
8 police press office. We did attend the press
9 conferences at the Avon and Somerset police hours, where
10 we were given guidance and briefings as to how the
11 investigation was progressing, yes.
12 Q. Mr Jefferies, as I said, arrested on 30 December. That
13 sets the clock running or the possibility of liabilities
14 arising in the context of the Contempt of Court Act.
15 Presumably you were aware at the time of the existence
16 of the Act and the obligations it imposed; is that
17 correct?
18 A. Yes. Of course, I was fully aware that proceedings were
19 active once an arrest has been made, but ultimately my
20 role was to -- it was to compile a background article on
21 Mr Jefferies, as would be normal practice with any
22 murder investigation.
23 Q. Can I ask you this: how can you provide an article which
24 gives full background -- if any of that is going to be
25 negative, how do you reconcile that with the
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1 Contempt of Court Act? Is there not a possible tension
2 at the very least?
3 A. Yes, I accept that there is a tension, but the argument
4 for that would be not all negative information would
5 prejudice a fair trial, and in compiling this article,
6 the aim was to be as balanced as possible, while
7 providing our readers with a full and in-depth view of
8 the person arrested in connection with this death.
9 Q. The first of the articles which you had some involvement
10 with was published on 31 December 2010, and your
11 evidence starts to deal with this at paragraph 13 of
12 your witness statement.
13 The upshot was that the Mirror was receiving
14 information from sources, both by phone and email, to
15 the general effect that Mr Jefferies was eccentric,
16 he was highly intelligent, he was well read and he had
17 wild blue hair; is that right?
18 A. Yes.
19 Q. You then had anonymous reports from neighbours and
20 a former tenant called to offer information as well, but
21 that call was dealt with by someone else, not you; is
22 that correct?
23 A. Yes.
24 Q. The article which you were responsible you deal with at
25 paragraph 19. Could I ask you, please, to look at
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1 tab 2, page 31975.
2 A. Yes.
3 Q. This is the front page of the Daily Mirror for
4 31 December. The front page is not your responsibility;
5 is that right?
6 A. Yes.
7 Q. Nor indeed is the article we see at 31976.
8 A. Yes. Although, as indicated in my statement of claim,
9 I did have a minor role in some of the quotes towards
10 the end of that article.
11 Q. The right-hand side of the top article on 31976. The
12 piece, however, which was largely yours is at 31978; is
13 that correct?
14 A. Yes.
15 Q. Can I just ask you a few questions about this. The
16 headline "The Nutty Professor", you make it clear the
17 Daily Mirror were not the only paper to use that. Was
18 the headline your decision?
19 A. No.
20 Q. Can I ask you about the subheadlines:
21 "Bizarre past of Joanna Yeates murder suspect."
22 Again, is that your decision?
23 A. No.
24 Q. The decision of a news editor or subeditor presumably;
25 is that right?
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lots of stories -- people might have said the same after the death of the late Princess of Wales, or after all the problems surrounding the McCann story. But here it is. It comes around again. A watershed moment? Well, I hope so, but I'm concerned about it and I'd be interested for your view.

A. Sure, absolutely, but, I mean, what can we do as an industry? As a reporter, as a journalist, I am happy with the way I conducted myself on this particular story. I tried to present as balanced an article as possible and the decisions that are made at an editorial level are out of my hands. We see, rather oddly, a man who was never seen with a girlfriend towards the bottom of the left-hand column. We see, rather oddly, "odd, lonely young man who was never seen with a girlfriend" about 15 lines down. We see "odd, lonely young man who was never seen with a girlfriend" four lines from the top. We see "arrogant and rude" about 15 lines down. We see "odd, lonely young man who was never seen with a girlfriend" towards the bottom of the left-hand column. We see, rather oddly, in the next column: "He was a strange boy, quiet but restless."

Then lower down:

"... eccentric manner ... long-term bachelor status sparked unfounded school gossip that he was gay."
Then finally there's a story about throwing books and pens across the room. Of course it's unfair, as I've just done, to take out isolated phrases, but if you aggregate them, you have a certain picture, don't you? A. I agree, but if you're going to aggregate those, I'm point out a few of the positive lines.

Q. Fair enough.
A. We have, in the third column along:
"He was very positive and pastoral in school."
In the final column, a former master was quoted as saying:
"He was dedicated in his job, strongly academic and deeply involved. He was respected and his students used to get good results."
And then towards the end of the article, a Mr Gervin(?) is quoted:
"He's a witty man, very sociable, pleasant and gregarious, a man who enjoyed the company of others."
I am absolutely stunned by his arrest, I really am. It is extraordinary."
Q. It's whether those positives -- the effect they have on counterbalancing the negative, really, and the impact of the negative in terms of an ongoing criminal investigation and the Contempt of Court Act. Do you see that?
A. Yes, I do see that, but I was trying to present a true reflection of this man's character, and having gathered information from many different sources, past and present, in the life of Mr Jefferies, this was the picture that was painted.
Q. It's a collection of anecdotes from those who knew him, many of them a long time previously. Is that not a fair way of putting it?
A. Well, some of the anecdotes were from many years previously, but there were some quotes from neighbours who obviously knew him very recently.
Q. May I move on, please, to the second article, which was published on new year's day 2011. Paragraph 28 of your statement. In particular, paragraph 29. The theory that you were exploring, whether Ms Yeates' killer had been lying in wait in her flat. You say you obtained specific confirmation from the police that this was a line of inquiry that they were not ruling out?
A. Yes.
Q. Along with a whole range of other lines of inquiry they were pursuing, though, is that right?
A. Yes.
Q. Can I ask you, please, to look first of all, before we look at the article, at tab 5, and an email which is it 54686.
A. Yes.
Q. This, I think, is this part of the copy for the new year's day article?
A. This is part of the copy for -- yes, it was.
Q. I had more specific questions actually about another email. It's 54703, which was forwarded to you. Have you found that one?
A. Yes.
Q. This comes from a pupil who was at the school between 1989 and 1994, who knew Mr Jefferies. A lot of this is extremely positive, isn't it?
A. Yes.
Q. Can I just identify that which is positive? If you look six lines down from the top: "To be honest, it is quite inconceivable to think that Mr Jefferies could be involved with something like this for a number of reasons. Firstly, he was not an aggressive man and certainly not violent, contrary to many others' comments, although as stated, I didn't experience him for a prolonged period of time. He was also very intelligent and articulate, so his solution was normally a witty retort to express himself rather than anything remotely physical. This can be
characterised by what may be an urban legend about him that was bounded about by teaches also of an event in which he was approached ..."

We needn't go into that particular example.

"He was a slight man that appeared quite weak and never did any sport and at 65 [I think there are some words missing] I don't think that he could easily overpower a young active woman, rather than the opposite."

This is very strong evidence in his favour, isn't it?

A. Yes.

Q. Did you capture that evidence in your article, do you think?

A. Yes, I feel we definitely did bear in mind that this article wasn't the background article of the previous day. This was mainly focused on developments in the investigation, so obviously we're constrained when it comes to space of how many words we can get in there, but towards the end of that article, if you see there, it's quoted:

"Another former pupil added: 'He's not an aggressive man and certainly not violent. He was also very intelligent and articulate, so his solution was normally a witty retort to express him rather than anything remotely physical.'"

And that was taken from that email that you referred to.

Q. Yes, but there's only just part of it, though. I think the point I'm trying to make is that there was much more, as I've already read out: "quite inconceivable to think that Mr Jefferies could be involved, "not strong enough to overpower a young active woman". If you look at the next page of the email, 54704, it's really the last three lines:

"Also being eccentric, introverted and slightly wacky does not make you a killer. Even if it did, then I could name at least six other teachers at Clifton that could be suspects, and I'm sure that most other public schools have similar characters!!"

The point I'm trying to make is that rather sums it up, doesn't it, in a well-expressed and insightful email? Would you agree with that?

A. Yes, I would agree with that, but that was one of many emails we received on Mr Jefferies. I did try to get a flavour from all the correspondence and all the sources that we dealt with into all the articles.

Q. Did that particular email, when you read it -- and you assessed it, presumably, not just in terms of its substance but the way in which it was expressed, its use of language, the precision with which the author has expressed himself. You must have thought: "Well, this man has taken the trouble to write this, he's done it rather well, this is rather important evidence." Did you go through that thought process at the time or did you go through a different thought process?

A. I imagine I will have gone through that thought process, but as I say, we only have limited words on the page and we have to edit down substantial quotes like that to pick out the ones that we feel are the most relevant, and the fact that we used the quote "He is not an aggressive man and certainly not violent" to describe a person who has been arrested on suspicion of murder I would say certainly negates anything else that we're talking about.

Q. There's other material. I just refer to it. 54690:

"Mr Jefferies was my English teacher 25 years ago. I find it impossible to believe he could be the murderer."

546919:

"He spoke nicely, had a nice voice and he always appeared totally harmless."

There was a lot of convergent material which suggested, okay, he's a bit eccentric, okay, English teachers at public schools are a bit eccentric, or at least that's what the evidence suggested.

Mr Jefferies as a man, taking in several different sources, and if he came across as an oddball, as an eccentric, then that's because the evidence suggested that he was.

LORD JUSTICE LEVESON: The trouble is that once you start down this exercise, then where do you stop? You know, how much do you go? Then you really are stepping into somebody else's territory, namely an active criminal investigation.

MR JAY: We haven't looked at the front page and article itself. We should. It's tab 2, 319868, Mr Parry. Evidently the headline is not yours. We know that.

The point the Lord Chief Justice made, both in the context probably of the headline and more generally, was if you look at the opening words of your piece:

"Joanna Yeates' killer may have been waiting for her inside her basement flat as she returned home."

Then there's some DNA studies: "They were also given until Tuesday to continue..."

Then if you look at the next page of the email, 546915:

"They were also given until Tuesday to continue..."

Then there's some DNA studies: "Joanna Yeates' killer may have been waiting for her inside her basement flat as she returned home."

MR JAY: We haven't looked at the front page and article itself. We should. It's tab 2, 319868, Mr Parry. Evidently the headline is not yours. We know that.

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<td>1. None that jump to mind, I have to say, but I don't have any involvement with those decisions. I mean, that's certainly something for the content desk and the executives of the newspaper.</td>
<td>1. No.</td>
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<td>2. A. Yes.</td>
<td>2. LORD JUSTICE LEVESON: I'd like to know what the position is.</td>
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<td>3. Q. Sorry, one last question or series of questions. One factor operating here is that you're not the only journalist on the ground. Is this right: you are quite friendly with many of your colleagues on other papers, although you complete with them?</td>
<td>4. A. I think we're appealing, certainly.</td>
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<td>4. LORD BROWNE: Still no decision of the Supreme Court. We'll let the Inquiry now.</td>
<td>5. MR BROWNE: No.</td>
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<td>5. LORD JUSTICE LEVESON: I'd be very grateful.</td>
<td>6. MR BAY: The Sun has withdrawn its application, or rather</td>
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<td>6. MR BAY: Mr Gary O'Shea next, please.</td>
<td>7. NGN has, but the Mirror are still maintaining theirs.</td>
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<td>7. LORD JUSTICE LEVESON: Thank you very much. I would certainly like to know because it's not unimportant.</td>
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<td>18. A. Gary Timothy O'Shea.</td>
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<td>19. LORD BOWNE: No.</td>
<td>20. Q. Thank you. I hope you have to hand a witness statement that you signed dated 17 January of this year, which has two exhibits. This is your formal evidence to the Inquiry pursuant to a request which was served on you; is that so?</td>
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<td>20. Q. Thank you. I hope you have to hand a witness statement that you signed dated 17 January of this year, which has two exhibits. This is your formal evidence to the Inquiry pursuant to a request which was served on you; is that so?</td>
<td>21. A. That is correct, yes.</td>
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<td>30. MR BAY: Thank you, Mr Parry.</td>
<td>31. MR BAY: Mr Gary O'Shea next, please.</td>
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Q. You've been employed by NGN, the Sun, since 2003 as a journalist and you wrote a number of pieces in relation to Mr Jefferies on 1 January 2011, together with others; is that right?
A. Yes, that's correct.

Q. Can we just trace the genesis of one of the pieces. You deal with this at the bottom of page 54911. I can summarise the position: a staff reporter had a conversation with an ex-pupil of Mr Jefferies and she taped it and transcribed it and that is exhibit GTO1, but I don't think you saw GT01 at the time. Instead, you saw GTO2, which was a memorandum which the staff reporter prepared based on her interview with the ex-pupil. Is that so?
A. You're almost correct. What actually happened was the transcript was drawn -- the full transcript was shown just more recently for the benefit here of the Inquiry.

My colleague, Caroline Grant, who carried out the interview, just produced the memo, as such, the memorandum, and she extracted from the taped interview the quotes which she believed were most pertinent, put them in the memo and the memo was put to me. We've put the transcript together for the benefit of the Inquiry so that the Inquiry can see that we quoted this gentleman faithfully and accurately in the piece.

---

MR JAY: Thank you. I'm not going to ask you to look at GTO1, but GTO2, 54880, just a couple of points on that, maybe how they struck you at the time in the context of a piece which was under the headline "Obsessed with death". It's under tab 8 if you're working from the same bundle, Mr O'Shea.

A. Yes, I have it here in front of me.

Q. First of all, there's a reference to a Holocaust film. Its given its German title and then translated, "Nacht und Nebel", which is "Night and Fog", a film about Nazi death camps. That film was made, we know, in 1955. The source had given a slightly different description of it. It probably doesn't matter much. He said it was "Night and Day", made just after the war, so the facts were slightly wrong but someone must have corrected it at NGN. But then the source said, I quote: "It was filmed at Auschwitz and he [that's Mr Jefferies] just wanted to show us death."

I just wonder what the significance of that is in the context of a film about concentration camps, why there's anything remarkable or objectionable about it.

A. I never said there was anything objectionable about a teacher showing an historical film on the Holocaust on the pupils. What we did was -- this pupil was giving his memories of Mr Jefferies, who was his teacher. His memories were not always flattering. They were not always kind. A decision was made that we would carry his memories in the newspaper. We quoted him fairly and accurately, I believe, as you'll see from the transcript, and we have accepted -- and I'm happy to accept here -- that our tone of coverage should have been more neutral and dispassionate, and I can accept that including this material in the piece which appeared on that day -- that we didn't adhere to perhaps our obligations to report on this case in a dispassionate and neutral manner.

Q. Some degree of editorial decision is made by you. The starting point is this is under the rubric or headline "Obsessed with death". The evidence that Mr Jefferies is said to be obsessed with death is based on a film about the Holocaust, which obviously is all about the systematic murder of millions of people, but why is that worthy of remark, save perhaps favourable remark because that's exactly the sort of thing that school children of a certain age should be shown because it is so important.

A. The "obsessed with death", as you can see there from the memo and from the transcript which we've provided to you is -- that's a verbatim quote from this gentleman. That was his mature recollection, looking back on his memories of Mr Jefferies.

LORD JUSTICE LEVESON: "Mature"? You're talking about 25 years here.

A. Yes, that's what I say.

He was looking back, this was his memory, and as I've acknowledged, it's not a very flattering memory but I guess at the same time it's probably not unusual for a pupil sometimes to look back on whatever teachers they had and perhaps not have very fond memories of some of them.

This was a case in point. This pupil contacted us. He wished to share with us his memories on Mr Jefferies. He didn't seek payment from us. He didn't receive payment from us. These were his honest recollections and a decision was made to include those recollections in the newspaper.

MR JAY: Would you agree, though, that in a negative context, because of the use of the term "obsessed with death"?

A. As I said to you a few moments ago, we've accepted the fact that our coverage of this story should have been more neutral and dispassionate. We made a libel settlement with Mr Jefferies and I believe that's an acknowledgment of the fact that we -- our presentation...
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should have been different than it was.

Q. The article itself, let's have a look at it now. The
front page is under tab 2 at 31983.

A. Tab 2. Yes, I have it in front of me now, yes.

Q. The headline itself is not your responsibility, but we
see "obsessed with death" four lines into the piece,
don't we?

A. Yes. Once again, the headline is the verbatim quote
from the gentleman who contacted us and a decision was
made by a subeditor in the office or the editor of the
day that that was what they were going to use for the
headline. I don't have any input into the presentation
or the headline process.

Q. No, no.

A. I was in Bristol at the time. Those are decisions that
would have been made in London and I was geographically
divorced from that decision-making.

Q. Of course that's accepted. The way you then put it:
"The former student said eccentric English teacher
Jefferies made them watch films about Nazi death camps
and scared some children with his macabre fascination".

Now, "macabre" is your choice of adjective, isn't it?

A. Yes. Once again, the headline is the verbatim quote
from the gentleman who contacted us and a decision was
made by a subeditor in the office or the editor of the
day that that was what they were going to use for the
headline. I don't have any input into the presentation
or the headline process.

Q. I chose that particular word myself. Perhaps we can
make enquiries at the office to see if that copy is
available as I filed it and come back to you on it.

LORD JUSTICE LEVESON: We could do, if you feel that for
your own purpose it is would be worthwhile. But you're
an experienced crime reporter, I assume?

A. I'm not a crime reporter.

LORD JUSTICE LEVESON: You're not?

A. No, I don't move in those circles. I'm a general news
reporter and there was a group of three or four general
news reporters on the ground in Bristol at that time.

I was one of them. We worked together every day,
I guess, as a co-op of equals, I suppose. We would, in
a diplomatic fashion, decide each day what each of us
should be doing and we would take guidance also from the
desk in London. I'm not a crime reporter, I'm not
a crime specialist, no.

LORD JUSTICE LEVESON: Are you aware of the contempt of
court legislation?

A. Yes. Now, with contempt of court, there are various
legal nuances, there are shifting interpretations,
shifting applications with those announcements, and I take
the view, not unreasonably, that there are people at my
newspaper, lawyers, who were better able than me to make
judgment calls on that and I defer to them on that.

I understand, at a film club, but the precise context
doesn't matter -- these were adolescent students who
obviously are 15, 16, 17 -- a French film which was
extremely highly regarded in France and the Continent,
a well-known Holocaust film, didn't really justify, did
it, the soubriquet "obsession with death", which in this
context might lead one to think that he was the sort of
person who might want to kill people. Would you accept
that?

A. Again, these were the recollections of one of his former
pupils. I don't know Mr Jefferies personally. I did
meet him twice down there in quick succession, but once
again, these are the honest recollections. The
transcript is there. You have the transcript and I hope
you'll agree we have faithfully reported what that
student said to us.

I think, yes, what I'm happy to concede is that
there should have been filters applied to the material
from that gentleman, and we should have taken -- we
probably shouldn't have quoted him at the length that we
did and we've acknowledged that. We've put our hand up
to that, and -- yes.

Q. One thing that you weren't aware of from exhibit GT02,
because it wasn't available, it hadn't been transcribed,
was that the source told your colleague -- this is in

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<th>Q.</th>
<th>A.</th>
<th>Q.</th>
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<td>What you're saying to me is a given. I can't argue with that because the courts have ruled on that. We're bound by that and that's something that we have to take into account in the future.</td>
<td>As you know, we've been found to be in contempt of count.</td>
<td>As you know, we've been found to be in contempt of count.</td>
<td>LORD JUSTICE LEVESON: Thank you very much, Mr O'Shea.</td>
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<td>Your evidence now that you were under competitive pressure, I put to the Mr Parry, whether you felt at the time or not, I mean, how do you feel about what you did?</td>
<td>LORD JUSTICE LEVESON: Yes, yes.</td>
<td>LORD JUSTICE LEVESON: Yes, yes.</td>
<td>MR JAY: First of all, please, Mr Waring, your full name?</td>
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<td>Q.</td>
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<td>Did you have any dealings with Mr Mohan about this particular case?</td>
<td>Correct.</td>
<td>Correct.</td>
<td>A. Stephen Waring.</td>
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<td>I think when we do make mistakes, they're honest mistakes and there's a constant referral process within the newspaper whereby when a reporter like myself has to put that dilemma to them. They in turn can go to the managing editor, Richard Caseby, and he can pick up the phone to the Press Complaints Commission. So there is internal processes whereby dilemmas can be sorted out. As I say, we don't often go wrong and when it does look like we're about to go wrong, we're usually put right.</td>
<td>To be honest, my school -- I have really bad memories of it so I basically destroyed everything when I left.</td>
<td>So this person had a very negative memory of this particular school, which might --</td>
<td>LORD JUSTICE LEVESON: Not all of them, because we've just seen a different account.</td>
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<td>Q.</td>
<td>A.</td>
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<td>LORD JUSTICE LEVESON: Thank you, and thank you for starting and concluding your evidence in the same way. Thank you.</td>
<td>I spoke to the editor on Sunday, which was the day of</td>
<td>the problems if you start to do this sort of job where you don't know that fact, would this article have been</td>
<td>I asked Mr Parry as well, that I hope -- and I put to the Mr Parry, whether you felt at the time or not, I mean, how do you feel about what you did?</td>
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<td>MR JAY: Sir, finally Mr Stephen Waring, please.</td>
<td>I think this pupil didn't come to us in isolation.</td>
<td>I think when we do make mistakes, they're honest mistakes and there's a constant referral process within the newspaper whereby when a reporter like myself has to put that dilemma to them. They in turn can go to the managing editor, Richard Caseby, and he can pick up the phone to the Press Complaints Commission. So there is internal processes whereby dilemmas can be sorted out. As I say, we don't often go wrong and when it does look like we're about to go wrong, we're usually put right.</td>
<td>LORD JUSTICE LEVESON: The final question is really the same question I put to the Mr Parry, whether you felt at the time or not, I mean, how do you feel about what you did?</td>
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<td>Thank you very much. You provided us with a witness statement dated and signed on 16 January this year with five exhibits. Is this your truthful evidence?</td>
<td>I have no doubt that every single time there's an incident, people say, &quot;Well, we must learn&quot;, and that works until there's another groundbreaking, very important story, and then, because everybody else is doing it, understandably perhaps, everybody does it.</td>
<td>I have no doubt that every single time there's an incident, people say, &quot;Well, we must learn&quot;, and that works until there's another groundbreaking, very important story, and then, because everybody else is doing it, understandably perhaps, everybody does it.</td>
<td>A. I understand that that's an issue that you're grappling with in your intention to perhaps formulate some sort of mechanism whereby a situation like this happens again.</td>
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1 the January 1 edition. We had a general chat about the
2 coverage and he said to me he thought we should be more
3 balanced.
4 Following the January 1 publication, the Attorney
5 General issued an advisory notice as well and I took
6 that on board and we were more balanced from then on,
7 but we had had an advisory on the Saturday as well.
8 Q. So Mr Mohan expressed that view to you on the Sunday,
9 which I think would have been or rather was 2 January
10 2011; is that right?
11 A. Correct.
12 Q. There are three articles with which we are concerned,
13 all published on the same day. We were looking most
14 particularly at the front page. It's under tab 2,
15 I hope, Mr Waring, page 31983. You'll see the front
16 page. It continues on 31985. Are you with me?
17 A. Yes.
18 Q. Mr O'Shea has told us about that. Were you responsible
19 for the headline or was someone else?
20 A. I was responsible for it and I'd just like to make
21 a point on record that I'd like to express my sincere
22 personal regrets that my actions contributed to and
23 exacerbated the acute personal distress felt by
24 Mr Jefferies, his friends and his family due to the
25 articles that we published. I apologise personally and

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1 on behalf of the Sun newspaper for not taking more
2 appropriate precautions to prevent this.
3 Yes, I was responsible for the headline.
4 Q. Did you have any discussions with Mr O'Shea about it --
5 I appreciate he was 120 miles away at the time in
6 Bristol -- or was this a discussion you had with the
7 news editor before this was published?
8 A. As I say in the statement, it was -- my discussions were
9 with the news editor. It's not practice to talk
10 directly to reporters on a normal basis.
11 Q. Look at page 31984. I think there are two separate
12 pieces, one on the left-hand side, which I think you
13 call article 2 --
14 A. Correct.
15 Q. -- in your statement and then the main piece. Mr O'Shea
16 told us he had no involvement in this. When you see
17 a piece like this and before it's published, do you
18 subject it to a line-by-line analysis? What do you do,
19 Mr Waring, to satisfy yourself that it's within, as it
20 were, the Contempt of Court Act and within the law of
21 defamation and, insofar as it is relevant, the law of
22 privacy?
23 A. It's quite a lengthy process that ends up with
24 a line-by-line analysis. On this particular day, the
25 Attorney General had made some comments to the BBC World

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1 and that a murder from 1974 was being reopened into
2 Glenis Caruthers's death as a result of his arrest. Both
3 of those lines seemed to me to be far beyond the mark of
4 where we should be going, and also some of the material
5 supplied even in these transcripts and other stories
6 were too strong.
7 I perfectly readily accept that what we did publish
8 was too strong, but I attempted with the lawyer, and the
9 night lawyer when he came in in the evening, to try and
10 strike a balance between what we could say and what
11 would keep us the right side of the law. Obviously
12 those decisions were wrong, we made the wrong decision,
13 we committed contempt of court and we committed a libel,
14 for which we apologise.
15 Q. Can I just ask you, please, about the headlines, all
16 three of them, or subheadline lines. The first one, "What
17 do you think I am ... a pervert?" Did you choose that?
18 A. Yes.
19 Q. The one underneath, "Landlord's outburst at blonde".
20 Of course, a different blonde woman but Jo Yeates was
21 blown. Was that your choice of --
22 A. Yes.
23 Q. Then the one at the top, and one has to read it over the
24 top of the next page: "Murdered Jo: suspect followed
25 me, says woman."
The combined effect of that was to suggest that Mr Jefferies was the sort of person who might follow a blonde woman and be accused of being a pervert, which, even without the advantage of hindsight, was straying way over the line, wasn't it?

A. I agree it was. The overall impression here is far too strong and there was a distinct lack of balance.

LORD JUSTICE LEVESON: Help me, Mr Waring. It's very easy for lawyers to look at these things in the cold light of day and to criticise. I'm conscious of that, and I'm conscious that it's equally very easy to do so when the Lord Chief Justice of England and Wales has made his views perfectly clear. But you are a very experienced editor. This is a job you've done many, many times for a very, very large number of editions.

A. Mm.

LORD JUSTICE LEVESON: Help me, because to my untutored mind -- untutored in the way of the operation of newspapers -- this isn't even close, and I'm just interested to know your thinking. I'm not suggesting you decided: "I'm going to try and test the laws of contempt here", because I don't for a moment think that, but I am keen to understand, if I can, if you can now reconstruct your thought process that suggested that this was appropriate, permissible, on the right side of

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the line. I understand what you've said now, but I'm just trying to understand.

A. I'll take that -- to me there are three elements to this. There's the material we'd previously published the day before, ie the first day of Mr Jefferies' arrest, and there was a lot of critical comment about his character from four unnamed pupils, ex-teachers, people -- former acquaintances, and that set a particular tone, which coloured my judgment wrongly, but that coloured the judgment.

There was the nature of the story, which, just to put it in context, this story had been, as I say, on the front page for seven previous editions, there was a general bafflement as to the motive for this appalling murder, and Mr Jefferies' inconsistency, as it was perceived in his story the day before he was arrested seemed, wrongly, to be the great breakthrough, and this led to a great outpouring of adverse comment about his character.

The police felt that he said something about seeing Jo and two acquaintances outside her flat, which was inconsistent with something else. Whether the rights and wrongs of that, that's one of the reasons why he was arrested and this story had been the focus of national attention for a long period of time. Certainly his character became part of the scrutiny.

But the key aspect of this is the light in which this was legalled. I can't speak for the lawyer's own mind, but we are talking about an era where there was a far more liberal interpretation about what we could get away with in print.

I'll give you two specific examples, one of which is the arrest of the Night Stalker, Delroy Grant, and another one, the 21/7 bombers' arrest, both of which under the present Attorney General, I'm sure, would have produced contempt of court summons.

Since the new Attorney General took his post, he's made it clear that he wants a strict application of contempt. In an address to the City University last month, he said, "Before I was appointed, I perceived a tendency in the press to test the boundaries of what was acceptable in the reporting of criminal cases", so he made it clear that he wanted to tighten up that law.

Since he was appointed, he's brought more contempt of court cases than were brought in the previous ten years, I believe, and he has certainly changed our attitude as to how we report arrests and we have changed the culture of the paper on the back of the Jefferies' case. I know it's been described as a watershed moment, but it genuinely is, for our newsroom.

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<td>obviously came up and the procedure and the mistakes made over Jefferies and we talked about it in great detail and decided not to put any of it in the paper. So we reported that day's court action and none of our background material.</td>
<td>LORD JUSTICE LEVESON: I understand. Thank you.</td>
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<td>LORD JUSTICE LEVESON: And those who went further?</td>
<td>MR JAY: Thank you.</td>
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<td>A. Well, two of our rival papers published a lot of detailed background material, which was good exclusive material, had a commercial value, you might say. The exclusive story of what a monster Mr Bellfield is. The Sun didn't have that. But they were brought summonses for contempt. They're currently facing those charges.</td>
<td>LORD JUSTICE LEVESON: We've actually finished before 4.30 10 o'clock tomorrow.</td>
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<td>LORD JUSTICE LEVESON: The Sun is?</td>
<td>(4.23 pm) (The hearing adjourned until 10 o'clock the following day)</td>
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<td>A. No, not the Sun; the two rival papers.</td>
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<td>LORD JUSTICE LEVESON: The other two papers, that's the point.</td>
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<td>A. Yes. Beyond that, in the autumn there was a high-profile murder again with an arrest which we had an interesting background on which we left out. This year there was another arrest relating to Stepping Hill Hospital. It's something which has affected us and changed our attitude. That change of attitude would have come in if there had been no Leveson Inquiry, no Bribery Act, no investigation into media standards. It came about because the Attorney General decided he was going to change the way he interpreted contempt and he was going to apply it that's changed our attitude.</td>
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<td>MR JAY: The final point, Mr Waring: is it possible that there was a mindset 13 months ago which worked like this: that, given what you knew or thought you knew in relation to inconsistencies in Mr Jefferies' story and the picture which was building up of someone who was eccentric, that you felt in your waters, as it were, he was probably guilty and it's that feeling which led you to test the margins of what was permissible or not?</td>
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<td>A. No. No. I didn't act on that behalf -- on that belief at all. Mr Jefferies was an unusual character, we've vilified him, we didn't present it in a balanced way, but it wasn't through a conviction that this was a guilty man.</td>
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<td>MR JAY: Thank you, Mr Waring.</td>
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<td>A. Could I just say one other thing? Please don't judge my colleagues by the errors I've made in this edition, because they are a bunch of very committed, hard-working individuals, the finest journalists in Fleet Street, and the Sun is a very vibrant paper that is a compassionate paper. We produce 100,000 items a year. We got this one badly wrong and I admit that, but these mistakes do happen.</td>
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