<table>
<thead>
<tr>
<th>Page</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Thursday, 9 February 2012</td>
</tr>
<tr>
<td>2</td>
<td>(9.30 am)</td>
</tr>
<tr>
<td>3</td>
<td>MS PATRY HOSKINS: Good morning, sir. It's going to be another busy day and we're kicking off this morning with Mr Lyons. You'll see him, he's live on video-link. I'm just going to check that he can see us and hear us.</td>
</tr>
<tr>
<td>4</td>
<td>LORD JUSTICE LEVESON: Yes.</td>
</tr>
<tr>
<td>5</td>
<td>MS PATRY HOSKINS: Mr Lyons, this is Ms Patry Hoskins. Can you hear me and can you see me?</td>
</tr>
<tr>
<td>6</td>
<td>MR LYONS: Yes, I certainly can. Good morning.</td>
</tr>
<tr>
<td>7</td>
<td>LORD JUSTICE LEVESON: Probably not morning for you.</td>
</tr>
<tr>
<td>8</td>
<td>MS PATRY HOSKINS: Mr Lyons, I think you have a copy of the oath with you. Could you please hold the Bible and read it out. Thank you.</td>
</tr>
<tr>
<td>9</td>
<td>MR DARRYN PAUL LYONS (sworn)</td>
</tr>
<tr>
<td>10</td>
<td>Questions by MS PATRY HOSKINS</td>
</tr>
<tr>
<td>11</td>
<td>MS PATRY HOSKINS: Could you please state your full name for the Inquiry?</td>
</tr>
<tr>
<td>12</td>
<td>A. Darryn Paul Lyons.</td>
</tr>
<tr>
<td>13</td>
<td>Q. Mr Lyons, you've provided a short statement to the Inquiry and a short CV. Can you confirm that the contents of your statement and your CV are true and accurate to the best of your knowledge and belief?</td>
</tr>
<tr>
<td>14</td>
<td>A. Yes, that's true.</td>
</tr>
<tr>
<td>15</td>
<td>Q. Your career history, Mr Lyons, is set out in considerable detail in the CV or biography document. For the purposes of this Inquiry, we don't need to go into it all, and it's probably sufficient to note a few facts. I'm just going to summarise them and if you just tell me whether I'm right, that would assist.</td>
</tr>
<tr>
<td>16</td>
<td>A. That's accurate. Yes, you have.</td>
</tr>
<tr>
<td>17</td>
<td>A. Yes, that's true.</td>
</tr>
<tr>
<td>18</td>
<td>Q. You then left the Daily Mail and continued to expand Big Pictures and it's now a global enterprise with offices all over the world?</td>
</tr>
<tr>
<td>19</td>
<td>A. Well, not quite all over the world, but in two countries, yes.</td>
</tr>
<tr>
<td>20</td>
<td>Q. Okay. You have written a book about your experiences called &quot;Mr Paparazzi&quot;, published in 2008. You've also participated in a BBC documentary called &quot;Paparazzi&quot; and you've also now created what you describe as &quot;the world's number one online celebrity destination, mrpaparazzi.com&quot;?</td>
</tr>
<tr>
<td>21</td>
<td>A. That's correct.</td>
</tr>
<tr>
<td>22</td>
<td>Q. I think it's fair, isn't it, that unlike one witness we've had recently you have no problem with the term &quot;paparazzi&quot;, would that be right?</td>
</tr>
<tr>
<td>23</td>
<td>A. No, it's only another word in the English language.</td>
</tr>
<tr>
<td>24</td>
<td>Q. Let's start with Big Pictures and the scale of Big Pictures. You explain in your statement that you employ 29 members of staff, plus you have 152 casual workers. Is that still fair and accurate?</td>
</tr>
<tr>
<td>25</td>
<td>A. That's correct.</td>
</tr>
<tr>
<td>26</td>
<td>Q. How many of the employed staff are photographers?</td>
</tr>
<tr>
<td>27</td>
<td>A. Around about 10 or 12 are staff photographers.</td>
</tr>
<tr>
<td>28</td>
<td>Q. You tell us that they work on a salary and the freelancers will work on a commission basis.</td>
</tr>
<tr>
<td>29</td>
<td>A. That's correct.</td>
</tr>
<tr>
<td>30</td>
<td>Q. Once you have the photographs from either your staff photographers or the freelancers, your job or your agency's job is to arrange to sell them on to a magazine, newspaper, or whatever? Have I summarised that accurately?</td>
</tr>
<tr>
<td>31</td>
<td>A. Absolutely. Yes, you have.</td>
</tr>
<tr>
<td>32</td>
<td>Q. Can I ask you now about the way in which your photographers, either freelance or employed, are regulated? Let's start with freelancers, please. Are they entirely self-employed or do they have some form of rolling contract with you?</td>
</tr>
<tr>
<td>33</td>
<td>A. No, freelance photographers are self-employed. They may give them some kind of a direction on a daily diary in and around London, but also agencies, foreign agencies have freelance photographers who supply them, which then, on a relationship between the two companies, we sell their pictures in either London or whatever rights around the world that we have particularly. So, no, they aren't regulated. They go out and they get their own stories and their own images and then we make a decision whether we publish them or not.</td>
</tr>
<tr>
<td>34</td>
<td>A. Basically when I say they're not our responsibility, freelance photographers submit to many different agencies. They'll also submit to different magazines. They'll also submit to various newspapers and magazines and possibly TV stations. So freelancers, they will have an agreement with different companies to supply the pictures. Sometimes freelancers, very common today, supply their pictures to several agencies, hoping to get as many sales around the world as possible.</td>
</tr>
<tr>
<td>Page 5</td>
<td>Page 6</td>
</tr>
<tr>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>Q. Did you also intend to mean that their behaviour is not your responsibility?</td>
<td>A. Look, the employed photographers by the agency know exactly and would have been briefed when they were employed by the CEO or the manager or the sales directors in this case of exactly what was expected of them.</td>
</tr>
<tr>
<td>A. Well, they’re not employed by us. My staff are employed by me so as far as I’m concerned my staff, it is within my responsibility, but also we make pretty decent checks on the photographers that do supply us and we also scrutinise the images that come in, and if there are any questions to ask about the images, my dedicated team in my London office would ask the questions that needed to be asked.</td>
<td>A. Absolutely.</td>
</tr>
<tr>
<td>Q. What kind of questions would you ask of a photographer when a photograph came in? Give us an example.</td>
<td>A. It would depend on what the subject would be. It would depend totally on the image. You have to remember Big Pictures turns over probably about 3 to 3 and a half thousand images a day, so it would have to be something -- if a question was asked, it would have to be scrutinised by the team, but that would happen in a pretty rare situation, unless a newspaper or a magazine or our photo editors or sales director looked at it and thought possibly there may be something odd about that particular picture.</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>17</td>
<td>17</td>
</tr>
<tr>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>19</td>
<td>19</td>
</tr>
<tr>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>21</td>
<td>21</td>
</tr>
<tr>
<td>22</td>
<td>22</td>
</tr>
<tr>
<td>23</td>
<td>23</td>
</tr>
<tr>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>25</td>
<td>25</td>
</tr>
</tbody>
</table>
what they photograph and in what circumstances, guided by the management in my office.

Q. Right. So when you say "the PCC recommendations", do you mean the PCC code? Do you mean another document?

A. I'm just -- I just want to understand --

A. The PCC code.

Q. You mean the PCC code, all right. Again, in relation to your employed photographers, are you satisfied that they behave in a way that you would describe to be ethical?

A. I have no reason to believe from my management that they don't.

Q. Right, okay. You've explained how your photographers are expected to behave. You have also explained the types of questions that you might ask before you accept certain photographs. You've also told us that your photographers act ethically. Now I want to understand, please, your ethical stance and whether or not you would accept certain types of images by reference to some practical examples, if I can.

Can I start with a particular practice that's been described in evidence to this Inquiry and that's the practice of chasing people in cars with a view to obtaining a photograph of them. You may have heard some of the witnesses to this Inquiry describe being chased at speed, sometimes in dangerous situations, in cars by photographers just to get an image. I don't know if you've seen or heard that evidence.

A. Yes.

MS PATRY HOSKINS: Sir, I've given you relevant extracts and it's page 266 of the book.

LORD JUSTICE LEVESON: Yes.

MS PATRY HOSKINS: This part of the book is just following your description of the role of the paparazzi following the death of Diana, Princess of Wales. Previously you've explained in this part of the book that you think the chasing paparazzi were not responsible for her death, but I don't want to go into that, it's another topic in itself, but then you say this: "I hope people realise, though, that chasing for pictures has always happened and that for the quarry, the option to take is not to break the law and start driving at crazy speeds in order to lose people. Paris has always been famous for its teams of scooter-riding papas. Scooters are in fact a way of life in all of France. It was like that in 1997 and it is like that now. Big recently got some great shots of Angelina Jolie and Brad Pitt that were taken by one of our guys operating from within a pack of scooters following the stars' car through Paris."

Q. Well, I can't -- I couldn't be specific because I'm not a photographer on the road out there in the field. You'd have to ask a photographer that. But I would say -- look, the fact of the matter is obtaining pictures are obtained within the law. That would be what our photographers have been told on many occasions, and if there has been any incidents, my management would be haulin' them in and asking questions why that wasn't the situation.

Can I be responsible for a French agency that runs its own agency, whether it be in the same way as I do or its own agency, whether it be in the same way as I do or a magazine or any freelance photographer on a news story, yes, I would say that that would be the case.

Q. Yes, it would be a legitimate way of obtaining a photograph?

A. If someone was not breaking the law in taking a legitimate photograph, I would assume that that is right, yes.

Q. The second point I want to draw out from that example is you say that the option for the person being chased is not to break the law and start driving at crazy speeds in order to lose people, so would it be fair to say that you consider part of the blame might lie in the fact that people being chased break the law, speed up and try to get away? Is that part of the problem?

A. Well, I can't -- I couldn't be specific because I'm not a photographer on a news story, yes, I would say that that would be the case.

Q. Yes, it would be a legitimate way of obtaining a photograph?

A. If someone was not breaking the law in taking a legitimate photograph, I would assume that that is right, yes.

Q. The second point I want to draw out from that example is you say that the option for the person being chased is not to break the law and start driving at crazy speeds in order to lose people, so would it be fair to say that you consider part of the blame might lie in the fact that people being chased break the law, speed up and try to get away? Is that part of the problem?

A. Well, I can't -- I couldn't be specific because I'm not a photographer on the road out there in the field.

You'd have to ask a photographer that. But I would say -- look, the fact of the matter is obtaining pictures are obtained within the law. That would be what our photographers have been told on many occasions, and if there has been any incidents, my management would be haulin' them in and asking questions why that wasn't the situation.

Can I be responsible for a French agency that runs its own agency, whether it be in the same way as I do or...
1 Q. It was a claim in 2009 brought on two --
2 A. Relating to what pictures, I was asking the question.
3 Q. It was not just photographs, of course, it was two
4 different -- well, the claim had two parts: harassment
5 and invasion of privacy. So it wasn't just about the
6 taking of particular photographs.
7 A. Okay.
8 Q. It was also a claim brought because she'd been subject
9 to a campaign of harassment, as I understand it.
10 A. Okay. I wasn't -- I wasn't in charge of that particular
11 action.
12 Q. Do you remember the claim? That's all my question is
13 for the moment.
14 A. I remember -- I do remember a claim, but I don't
15 remember that specific claim, no.
16 Q. All right. Perhaps I can just tell you a bit more about
17 what it says here. Maybe that will refresh your memory.
18 She brought the claim, she was awarded £53,000 in
19 damages and costs as part of a settlement that resulted
20 in the agency's photographers being forbidden from
21 following her. As I understand it, your company had to
22 give detailed undertakings to the court including not
23 following her or chasing her in a car. Do you recall
24 that now?
25 A. Yes.

A. I understand, sir.

MS PATRY HOSKINS: Let me raise this same topic with you by
reference to a second example. I think we sent you
 various links to various documents. Do you have an
 article -- it's at tab 8 for you, sir -- it's an article
 in the Guardian newspaper headlined "Have celebrities
 finally snapped?" It's dated 4 May 2009. You should
 have had a link and therefore a printout of that copy.
 A. I don't have a printout, but I can get it up, I'm pretty
 sure. (Pause) You'll have to refresh it, it's not
 coming up.
 Q. That's fine, I can do that. The section I want to refer
 to is short.
 A. Yes.
 Q. This concerns proceedings brought against you by
 Sienna Miller in 2009.
 A. Yes?
 Q. Now, the relevant part of the article is at the bottom
 of the first page and it says:
 "Both [it's referring to other injunctions which
 we'll come back to] follow an action brought by the
 actor Sienna Miller, who sued Big Pictures, one of the
 biggest agencies for celebrity photographs, for
 harassment and invasion of privacy ..."
 Pausing there, do you remember that particular claim
 brought by Miss Miller?
 A. I'd like to know in relation to which particular claim
 it was.

Q. Right. The article goes on to quote your chief -- well,
 yes, your chief executive, Alan Williams, as saying:
 "We believe in the right of a photographer to take
 pictures in a public place."
 And you are quoted as saying -- this is tab 7 and
 the fact that you don't have the particular tabs is not
 particularly helpful. Do you have an article headed
 "Amy Winehouse wins court ban on paparazzi at her home"?
 A. Yes, I do.
 Q. 1 May 2009.
 A. I think this is the one I have up here, yes.
 Q. All right.
 A. Yes, I have.
 Q. At the bottom of the third page and over onto the fourth
 page you are asked about a number of cases brought
 against you, and --
 A. That's right.
 Q. -- on the very last page of the article you say this:
 "As for Sienna Miller I don't go near her now and we
 throw away any pictures that come in that are taken of
 her but I do wonder how wrong it was to photograph
 someone on a boat in the Mediterranean and in the
 company of a married man whose wife and children were at
 home. What's more immoral in this case?"
 Do you see that?
A. Yes. Yes, I do.

Q. Can we agree that it might be said that both these responses, the responses of your CEO and your response, miss the point on the issue of harassment?

A. I think I'd like to address on this also --

Q. Yes, of course.

A. -- and make a very valid point.

Q. Yes?

A. Miss Miller was photographed at this particular time on a boat, yes, in the Mediterranean, on a boat with I think it was Balthazar Getty, which was a huge news story at the particular time --

Q. I'm going to interrupt you because I'm on the issue of harassment. The claim was brought in relation to privacy, but the claim also related to harassment, ie photographs which were agreed to have invaded her privacy, but the claim also related to harassment, ie following her in a car, chasing her and so on. Okay?

So at the moment can we just stick on that? I promise we'll come back to the issue of privacy in a moment.

A. All right.

Q. Just sticking to harassment, your response seems to suggest that you now leave Miss Miller alone. You've said that here:

"... I don't go near her now and we throw away any pictures that come in".

A. Yes.

Q. And you say this:

"This shot required technique, luck and a whole lot of guts. Pete gave me the lowdown and left me to practice. The premise was as follows."

A. Yes. That particular paragraph is totally relating to different circumstances than what you're talking about. I don't agree that people should be hounded up and down the street all day in any shape or form, but I do agree that people, as a part of historical -- as a part of history, should be photographed in public places, absolutely, and I'm avid about it. We have a free press and a free press should be able to work in public places.

Q. All right. Let me put this question in a different way: were any of your photographers or freelancers disciplined or blacklisted as a result of the Sienna Miller claim or did you put out any relevant guidance to them? Did you stop using certain freelancers? Did anything happen as a result of that claim?

A. (overspeaking) I couldn't answer that question. That would have to be referred to Mr Alan Williams who was dealing with that at the time.

Q. I understand, all right. Let me give you one last example on this issue, please, from your book. Again, you don't have it but I will read out the section. It's pages 32 and 33 of the book.

A. Yes.

Q. And while you were there, you were being teased by other photographers because you didn't know how to pull off a car shot.

A. Yes.

Q. And you say this:

"You then run at the car crash, bang, wallop with a wide angle lens. Rosie and I used to run up to people driving home past the Portland and practice on them. Must have scared the living crap out of them. Funnily enough, just recently I took a call from the police who were making a complaint about a couple of my big guys. They were outside TV personality Ulrika Jonsson's house and had been practising their car shots on a family and almost caused a major accident. While this was in truth no laughing matter, it did remind me of the old days."

A. Yes. And that particular situation was an isolated case where, without question, the photographers were disciplined in no uncertain terms.

Q. All right. So car shots are acceptable, but if they cause a major accident or almost cause a major accident, that might be where you draw the line?

A. No, madam. I think you're talking about totally different times here. Historically, the terms and conditions of photographs being taken in the press have changed over many years. We're talking about the
Portland Hospital 25 years ago, where it was common practice for TV crews, camera -- staff photographers, world media, there were 150 of the world's media camped outside the Portland Hospital at that particular time. The fact of the matter was it was standard practice to get news stories directed by editors of national newspapers and picture editors of national newspapers to do car shots. That was your job. If you didn't get that particular picture, there was a good chance you'd never get another shift again on a national newspaper, and that's an absolute fact.

Q. Do you still condone the use of car shots?
A. Look, the fact of the matter is in a news situation of someone leaving a premises, yes, I think it is within the right of a photographer to take a photograph of someone in a car.

Q. All right. Let's deal with --
LORD JUSTICE LEVESON: Just before you do. When did it change? You mentioned 25 years ago and that sort of activity outside the Portland and it wouldn't happen now, but when did it change?

A. Look, I don't think it has changed, sir. I think that is this, I'll paraphrase: essentially, Lily Allen has never get another shift again on a national newspaper, and that's an absolute fact.

Q. 16 March 2009 is the date of the article. What it says is this, I'll paraphrase: essentially, Lily Allen has obtained a legal injunction from the High Court to be protected from harassment by two paparazzi agencies, Big Pictures and another. It says it was made at the High Court in March 2009, and "followed an incident occurring, from my perspective. I do recall an incident where, after Lily Allen got an injunction, the pictures, and I just thought, 'I've had it with the press, I can't do this any more.' I got back into the car and called my lawyer.

A. Yes.

Q. -- seeking to photograph the musician outside her home and in other public places. Halfway down page 2 of 4,
<table>
<thead>
<tr>
<th>Page</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>Q. You don’t know, is that the answer?</td>
</tr>
<tr>
<td>26</td>
<td>A. No, I would certainly have to check with the CEO, but</td>
</tr>
<tr>
<td>26</td>
<td>there is no doubt that photographers have been</td>
</tr>
<tr>
<td>26</td>
<td>disciplined within my company for actions that the</td>
</tr>
<tr>
<td>26</td>
<td>company does not adhere to with regard to their</td>
</tr>
<tr>
<td>26</td>
<td>behaviour, absolutely.</td>
</tr>
<tr>
<td>27</td>
<td>Q. But to the best of your knowledge, has anyone been</td>
</tr>
<tr>
<td>27</td>
<td>disciplined as a result of the examples that we’ve been</td>
</tr>
<tr>
<td>27</td>
<td>going through?</td>
</tr>
<tr>
<td>27</td>
<td>A. To the best of my knowledge, I would have to take</td>
</tr>
<tr>
<td>27</td>
<td>secondary advice, I’m sorry.</td>
</tr>
<tr>
<td>27</td>
<td>Q. Would the answer be the same if I asked you whether</td>
</tr>
<tr>
<td>27</td>
<td>you’d ever issued any guidance relating to this sort of</td>
</tr>
<tr>
<td>27</td>
<td>behaviour?</td>
</tr>
<tr>
<td>27</td>
<td>A. There is guidance -- of course there is guidance</td>
</tr>
<tr>
<td>27</td>
<td>relating to this behaviour. It would be on a regular</td>
</tr>
<tr>
<td>27</td>
<td>basis to anyone coming into the company. People know</td>
</tr>
<tr>
<td>27</td>
<td>where they stand with regard to the rules and</td>
</tr>
<tr>
<td>27</td>
<td>regulations and our code of practice within the company,</td>
</tr>
<tr>
<td>27</td>
<td>albeit I don’t have it in written form in front of me,</td>
</tr>
<tr>
<td>27</td>
<td>but I can certainly check for you.</td>
</tr>
<tr>
<td>27</td>
<td>Q. But no new guidance has been issued as a result of that</td>
</tr>
<tr>
<td>27</td>
<td>spate of injunctions and claims?</td>
</tr>
<tr>
<td>28</td>
<td>A. I didn’t say that. I have no idea what my CEO or</td>
</tr>
<tr>
<td>28</td>
<td>managing directors have said at the time along the lines</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Page</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>Q. To the best of your knowledge?</td>
</tr>
<tr>
<td>26</td>
<td>A. Oh -- sorry?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Page</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>A. I’m extremely familiar and it wasn’t my company, and the</td>
</tr>
<tr>
<td>25</td>
<td>fact of the matter was is that it was photographers</td>
</tr>
<tr>
<td>25</td>
<td>using the name of my company, which has happened on</td>
</tr>
<tr>
<td>25</td>
<td>a regular basis, because of the company’s, I suppose,</td>
</tr>
<tr>
<td>25</td>
<td>success, that we were used. I spoke to the management</td>
</tr>
<tr>
<td>25</td>
<td>of Amy Winehouse at the time with regard to that and</td>
</tr>
<tr>
<td>25</td>
<td>I did have an apology. I also then spoke to the PR</td>
</tr>
<tr>
<td>25</td>
<td>people who spoke to me along the lines of this, and Amy</td>
</tr>
<tr>
<td>25</td>
<td>Winehouse invited us into her house as an apology to do</td>
</tr>
<tr>
<td>25</td>
<td>a set-up with Amy Winehouse in her house leaving, which</td>
</tr>
<tr>
<td>25</td>
<td>is the absolute facts about that case. It wasn’t</td>
</tr>
<tr>
<td>25</td>
<td>a Big Pictures photographer at all.</td>
</tr>
<tr>
<td>25</td>
<td>Q. All right.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Page</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>A. It is a huge problem, sir. It’s happened on many</td>
</tr>
<tr>
<td>26</td>
<td>occasions and caused us no end of grief. People either</td>
</tr>
<tr>
<td>26</td>
<td>from other agencies, competitive agencies, or freelance</td>
</tr>
<tr>
<td>26</td>
<td>photographers giving, number one, false names, and</td>
</tr>
<tr>
<td>26</td>
<td>saying always that they’re from Big Pictures. It’s --</td>
</tr>
<tr>
<td>26</td>
<td>it has caused us no end of problems and also with regard</td>
</tr>
<tr>
<td>26</td>
<td>to relationships with celebrities that my company and</td>
</tr>
<tr>
<td>26</td>
<td>myself personally, as you will see that we work with</td>
</tr>
<tr>
<td>26</td>
<td>a tremendous amount of celebrities, and celebrities make</td>
</tr>
<tr>
<td>26</td>
<td>a tremendous -- a very high cut of the profits of the</td>
</tr>
<tr>
<td>26</td>
<td>sale of pictures.</td>
</tr>
<tr>
<td>26</td>
<td>MS PATRY HOSKINS: All right. You see, Mr Lyons, it might</td>
</tr>
<tr>
<td>26</td>
<td>be suggested by some that there's a bit of a pattern</td>
</tr>
<tr>
<td>26</td>
<td>here, you see. The Sienna Miller claim, the Lily Allen</td>
</tr>
<tr>
<td>26</td>
<td>injunction, the Amy Winehouse injunction, the Angelina</td>
</tr>
<tr>
<td>26</td>
<td>Brad photos obtained in Paris, the Ulrika Jonsson</td>
</tr>
<tr>
<td>26</td>
<td>example we've read out from your book. These are all</td>
</tr>
<tr>
<td>26</td>
<td>examples over a two-year period, Mr Lyons. Can you tell</td>
</tr>
<tr>
<td>26</td>
<td>us whether anyone, any photographer, either freelance or</td>
</tr>
<tr>
<td>26</td>
<td>employed by Big Pictures, has ever been disciplined or</td>
</tr>
<tr>
<td>26</td>
<td>blacklisted as a result of any of these actions taken?</td>
</tr>
<tr>
<td>26</td>
<td>A. With --</td>
</tr>
<tr>
<td>26</td>
<td>Q. To the best of your knowledge?</td>
</tr>
<tr>
<td>26</td>
<td>A. Oh -- sorry?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Page</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>of those personal incidents. I’m the company chairman,</td>
</tr>
<tr>
<td>27</td>
<td>I’m not in the office every day, in fact I’m in the</td>
</tr>
<tr>
<td>27</td>
<td>office very rarely. I’ve been over here for the last</td>
</tr>
<tr>
<td>27</td>
<td>four months filming television. At the end of the day,</td>
</tr>
<tr>
<td>27</td>
<td>that has been a consistent pattern over the last five</td>
</tr>
<tr>
<td>27</td>
<td>years with Big Pictures. I am away a lot but</td>
</tr>
<tr>
<td>27</td>
<td>I certainly trust my management in place to take action</td>
</tr>
<tr>
<td>27</td>
<td>if action is sought in that area.</td>
</tr>
<tr>
<td>27</td>
<td>LORD JUSTICE LEVESON: Could you let us have copies of any</td>
</tr>
<tr>
<td>27</td>
<td>written guidance that your company have issued over the</td>
</tr>
<tr>
<td>27</td>
<td>last five years?</td>
</tr>
<tr>
<td>27</td>
<td>A. I certainly can check with my PA as soon as I get off</td>
</tr>
<tr>
<td>27</td>
<td>this, certainly, sir.</td>
</tr>
<tr>
<td>28</td>
<td>LORD JUSTICE LEVESON: Thank you very much indeed.</td>
</tr>
<tr>
<td>28</td>
<td>MS PATRY HOSKINS: That was just examples of harassment or</td>
</tr>
<tr>
<td>28</td>
<td>claims brought where a campaign of harassment was</td>
</tr>
<tr>
<td>28</td>
<td>alleged. I am now going to ask you about privacy</td>
</tr>
<tr>
<td>28</td>
<td>briefly. Again you've been pursued through the courts</td>
</tr>
<tr>
<td>28</td>
<td>in privacy claims a number of times. Can I ask you --</td>
</tr>
<tr>
<td>28</td>
<td>well, let's touch on the Sienna Miller case in 2009.</td>
</tr>
<tr>
<td>28</td>
<td>I think you wanted to talk about this before. These</td>
</tr>
<tr>
<td>28</td>
<td>were the photographs taken on a boat. It's right to say</td>
</tr>
<tr>
<td>28</td>
<td>that you had to accept that you had invaded her privacy</td>
</tr>
<tr>
<td>28</td>
<td>on that occasion; is that correct?</td>
</tr>
<tr>
<td>28</td>
<td>A. Look, at the end of the day, I think -- it is very</td>
</tr>
</tbody>
</table>
Day 40 - AM Leveson Inquiry 9 February 2012

25 the photographs which were taken while they were staying on holiday. Again you and one other agency had to pay in a legal case over photographs taken whilst they were

Elizabeth Hurley and her husband have accepted £58,000

Q. All right. Then we have the JK Rowling photographs which resulted in a court judgment, tab 3, sir.

Photographs taken of her child in 2004.

A. Yes.

Q. Do you remember that? I don't want to go through it in any detail.

A. I do recall it, of course I recall it. I didn't deal with the particular situation at the time, but I'm very happy to take questions on it.

Q. I simply want to understand --

A. The ones I can answer I will.

Q. Of course. As a result -- you may again not be able to answer this, but as a result of the JK Rowling case, the Grant and Hurley case, the Miller case, where there were invasions of privacy in each case, are you aware of any disciplinary action taken or guidance given to your photographers?

A. In the case of the JK Rowling case, certainly this was the first legal situation that we had ever had, and it took -- I think it was two or three years after the pictures were taken, when anything actually happened.

The photographers in that particular circumstance, the reason I found it very, very strange is that the week that those pictures -- or around about the same time, Sienna Miller was photographed by a long lens, a paparazzi picture placed on Grazia magazine, and strangely enough Grazia magazine didn't have any legal issue because it was a very good brand for Sienna Miller to be seen on the cover. But as soon as a picture is taken by a freelance, which at the time freelancers all around the world it was normal practice to photograph celebrities in the sun and sand, and the rich and famous playgrounds, all of a sudden, when photographers were seen openly, and there were 300 or 400 boats around this at the particular time, all of a sudden there's legal action.

I think when it suits a celebrity at times, they decide to legal, and when it doesn't suit -- sorry, when it doesn't suit the celebrity at the time, they decide to legal, but if it's presumed that they are in a good light, the celebrity necessarily won't.

Q. All right, that's very helpful, but can I just ask my question again about Miss Miller?

A. Yes.

Q. You accepted that that case was not simply about photographs on a boat; it was about photographs taken on a number of occasions, including occasions where she was clearly distressed, photographs of her taken when she was clearly distressed. Do you remember that, Mr Lyons?

A. I don't know about specific pictures that relate to that case unless you show them to me, no.

Q. All right. Can we look at some other cases? We'll move on if you have no memory of that to other privacy payouts, other privacy claims brought against you.

Tab 5, sir.

LORD JUSTICE LEVESON: Thank you.

MS PATRY HOSKINS: This is the Grant and Hurley privacy payout and the article makes clear that Hugh Grant, Elizabeth Hurley and her husband have accepted £58,000 in a legal case over photographs taken whilst they were on holiday. Again you and one other agency had to pay compensation as a result of an invasion of privacy over the photographs which were taken while they were staying in a private resort. Do you remember that?

A. I didn't deal with this at the particular time from a legal basis. My CEO at the time did. Do I remember it? Very vaguely.

Q. I've been through a number of examples with you, both in relation to harassment claims and privacy claims. Does it concern you that there have been so many actions brought against Big Pictures in the last three or four years?

A. Any legal action is concerning, especially where on one day we're doing a set-up with Naomi Campbell through her PR or management and then all of a sudden one day, the next, she's sending through some kind of legal action for privacy. The same as either someone like Charlotte Church, the same like many celebrities, one day if they're photographed in a situation that they --
Day 40 - AM Leveson Inquiry 9 February 2012

you know, it is so -- the problem with the industry as
1 you face today is photographers and picture agencies and
2 publishers really don't know where they stand. It is
3 extremely ambiguous. With regard to Lily Allen, you'll
4 photograph her on a beach one day and you'll never hear
5 because they're lovely pictures. The next day you'll
6 have a lawyer's letter through your post. So I'd like
7 to make that point.
8
9 And also, half the industry make a tremendous amount
10 of money working with agencies such as this, not only
11 boosting their PR around the world but also taking cash
12 for set-up photography with the paparazzi on a regular
13 basis.
14
15 Q. I'm going to quote one more paragraph from your book.
16 I'd be grateful if you could tell me whether you still
17 hold the same view. Page 149 you say this:
18 "All these truths about the nature of celebrity mean
19 that when Big Pictures is out there papping the stars,
20 some will claim that to an extent we're imposing on
21 their privacy and causing them some kind of distress.
22 My answer to that is simple: if you can't hack the job,
23 don't wear the hat."
24 Do you still believe that? Is that still your view?
25 A. Look, at the end of the day, being a celebrity is
26 a choice of the person. I've seen it from both sides of
Page 33

1 the camera, and the fact of the matter is that if you
2 are in the public eye, you are looked up to. We live in
3 a world of voyeurism. It is a business where young
4 people look up to. I think you're in a situation where
5 celebrities feel if it's on their terms, it's fine, and
6 if they've done the wrong thing or something immoral and
7 that's been recorded in history, as in a photograph, and
8 they don't like it, all of a sudden -- I get apologies
9 from celebrities along the lines in these situations.
10 So the trouble is there is no direct -- you don't
11 know whether you're photographing someone famous these
days, whether it be right or whether it be wrong,
12 because the fact of the matter is it's totally
13 ambiguous. 50 per cent of celebrities want to be
14 photographed and they love it for their own self gain in
terms of financial back pocket, and to make them more
15 famous, and others will pick and choose the times when
16 they're promoting their record or their television show
17 or their movie to be photographed, and, you know, we
18 have people from all sorts of Hollywood stars ring us
19 up, from Mariah Carey's PR as soon as she hits town,
20 Paris Hilton's PR and management ring us up as soon as
21 they hit town saying she's staying there, she's going
22 there. They want the publicity.
23 It's an ambiguous situation that I have said all
Page 34

1 along that picture agencies and picture -- people that
2 are recording history of celebrity don't know what is
3 right any more and what is wrong because common practice
4 up until the last five to ten years has changed
5 dramatically through people -- through kind of a back
6 door privacy law, really.
7 MS PATRY HOSKINS: I have three short questions left,
8 please, Mr Lyons. The first is the existence, whether
9 or not you have what's known as a "no shoot list".
10 Mr Morgan from Splash picture agency explained to us
11 that he has a list of people that he simply doesn't
12 touch any more, he doesn't accept photographs in respect
13 of those individuals any more, either because there's
14 been a court injunction or for other reasons.
15 A. Yes.
16 Q. Do you have a similar list --
17 A. Yes. Yes, we do.
18 Q. How does someone make it on to that list? Is it simply
19 when there's a court injunction in place or would you
20 place someone on that list simply because you thought
21 that they'd behaved in such a way which would indicate
22 that they were private and were unlikely to want to be
23 photographed?
24 A. No, a "no shoot list" would be placed with someone that
25 would regularly -- with regard to a court situation,
Page 35

1 a legal situation. Absolutely. I mean, it's no good
2 trying to give publicity or someone courting publicity
3 if they're going to turn around the next day -- I mean,
4 not even at a photo call would we even enter into
5 a situation with someone that is not sure whether they
6 want the publicity. It's not worth running the risk.
7 It's a purely commercial decision.
8 Q. All right. Mr Morgan was asked whether he would provide
9 a copy of his "no shoot list". Sir, would you like a --
10 LORD JUSTICE LEVESON: Yes, I'm quite interested in this and
11 I'm very interested in what you said about photographers
12 not knowing where they stand.
13 First of all, Mr Lyons, I wonder whether you would
14 be prepared, confidentially, I wouldn't necessarily
15 publish it if you didn't want me to, to provide us with
16 a copy of your "no shoot list".
17 A. Yeah, absolutely, sir.
18 LORD JUSTICE LEVESON: Thank you. And the second thing is:
19 do you think photographers would value some other
20 guidance to make it rather clearer where everybody
21 stood?
22 A. Oh, look, I've been campaigning for this for some time
23 throughout the media, sir. Yes, absolutely, because
24 I also think that photography -- and historically we
25 live in a world of celebrity and several celebrities
Page 36
need it and want it, and very few certainly don't want it. So you don't know from one day to the other whether they're going to want it that day or they wake up the next day and say, "This is a private moment", or "Come into my house and photograph me walking down the street". It is so ambiguous a situation, you don't know what is right and what is wrong.

LORD JUSTICE LEVESON: Well, if you have suggestions as to what that might contain, you're perfectly at liberty to submit them in writing to me and I will consider them, in the context of the over-arching requirement that I have to deal with the customs, practice and ethics of the press.

A. Yeah, fine. You do understand where I'm coming from, sir, that on that situation, though?

LORD JUSTICE LEVESON: I understand what you're saying.

A. Yes.

MS PATRY HOSKINS: Can I ask you about mrpaparazzi.com, please?

A. Yes.

Q. This is your website. I'm going to again quote from your book. You say: "Mrpaparazzi.com is a huge priority for me. The site allows the public to upload their own pictures and take advantage of my skills as an agent and a salesman to make them top dollar and avoid them getting ripped off. The potential is there for mrpaparazzi.com to be a much better business than Big Pictures. It is the future and I'm putting a lot of thought and money into it, although the business is self-funding, as was Big when I started it."

So that's obviously considered to be a key part of your business?

A. Look, mrpaparazzi.com is a new media celeb -- could you hear?

Q. Yes, I can hear you.

A. Yeah, it is a celebrity breaking news site at the foremost. It is like any another online celebrity publisher, but yes, with regard to whether it be the BBC or whether it be News International or whether it be Associated Newspapers, everyone has affility [sic]. We have a brand where we are an agent to the public for pictures, whether it be a news picture, an animal picture, a celebrity picture, any picture that's saleable around the world, whereas most other media companies say, "Send your picture in and we'll publish them", whether it be a big news story on Sky News or the BBC. We act as an agent for the public, for instance if you're in the right place at the right time, right time and you get a picture that is saleable, yes.

Q. It might be said by some that encouraging members of the public to snap out their phones and take a picture of a celebrity encourages or may encourage invasions of privacy. What steps does your agency take to ensure that photographs are not taken in a way which either invaded someone's privacy or harassed --

A. Before the pictures -- okay. As people are uploading, there is very specific terms and conditions, which you will have had sent to the court by my personal assistant, on -- the terms and conditions of what's on the site. If we have any doubt of any picture that comes in that is in any way that we would find unethical or suspicious in any way, which I think on occasions has happened, we have then phoned the particular supplier, taken the details of what was the picture, where was it taken, under what circumstances, and then made decisions and made several decisions, and also the copyright background of the picture, and made several decisions with the team that looks over that on a regular basis on the site and the sales director.

So that is a commonplace that it is checked.

Q. All right. Mr Lyons, is there anything that you wish to add? Those are all my questions for you.

A. Oh, I'd just like to go into the smaller deal, and I can make a written submission to sir on the situation, but I think I want to make it quite clear that, you know, what we touched on earlier about one day a celebrity will want their privacy and then the next day it will be up for sale is a great worry within the industry, and many names that have appeared, from what I can gather, before you have been in situations where they regularly will take money from either a photographer or an agent around the world if they feel they're in a money-making situation but also a situation to use the paparazzi as a huge PR tool.

You know, paparazzi in America is regularly used by management and it's regularly used by publicity agents to boost someone's profile, and I think that where we are here in the United Kingdom is it is all over the place in terms of what can we do, what can't we do? Can someone have their day one day and all of a sudden get a legal letter the next day, which I think is totally wrong.

I also think that celebrities use these situations for their own self gain on a regular basis, and I think that there's two sides to every story, which I hope this Inquiry looks at in great detail.

MS PATRY HOSKINS: Thank you.

Sir, unless you had any questions?
1. LORD JUSTICE LEVESON: I have one question. I appreciate the terms and conditions on your website will allow you to filter out photographs that you believe offend the code or your --
2. A. Yes.
3. LORD JUSTICE LEVESON: -- view of code. But is there anything on the website which explains to would-be photographers what they can and can't do or should and shouldn't do?
4. A. Yes, absolutely there is. There's a page on what they should and shouldn't do, sir, on the site.
5. LORD JUSTICE LEVESON: Thank you. Thank you very much indeed and thank you for making yourself available in the evening to give evidence to me in the morning.
6. Thank you very much.
7. A. Thank you.
8. MS PATRY HOSKINS: Sir, I understand that we need a couple of minutes simply to ensure that the video-link is switched off and that the feed is switched back to -- some technical explanation I don't really understand.
9. LORD JUSTICE LEVESON: Yes.
10. Q. Thank you very much. We'll ask you to do that once you've completed your evidence.
11. Before we deal with the matters which are specifically the subject matter of your statement, could we deal briefly with your career in newspapers?
12. A. Yes.
13. Q. Starting in regional newspapers, then moving to the News of the World first in 1995, but could you take it on from there, please?
14. A. Sorry, from 1995?
15. Q. Please.
16. A. 1995 I joined the News of the World, eventually became staff as a staff reporter. I left around 2000 to join the People as number three on the news desk, then became number two, then number one, and about 2004, November 2004, I returned to the News of the World as number two on the news desk and then a year later I became head of news, news editor, so that would be about November 2005.
17. Q. Thank you very much.

Mark Thomson, which was received by the Inquiry at the end of last week, and the statement of Patricia Owens. Can they be formally read into the Inquiry?

LORD JUSTICE LEVESON: Certainly.

Before I rise, I'll just deal with a matter that Mr White's solicitors raised. You are, of course, correct. It is an error that you were not excluded from the fact that you were in the list of those who appeared before the Administrative Court and the ruling will be amended accordingly.

MR WHITE: Thank you very much.

(10.34 am)

(A short break)

(10.38 am)

MR JAY: The next witness is Mr Ian Edmondson, please.

LORD JUSTICE LEVESON: Thank you.

MR IAN WILLIAM EDMONDSON (sworn)

Questions by MR JAY

MR JAY: First of all, Mr Edmondson, your full name, please, for the Inquiry.

A. Ian William Edmondson.

Q. Thank you. You provided a witness statement to the Inquiry which is currently in draft. It bears the number 60267. It's under your tab 1. There's a statement of truth:

I believe the facts in this witness statement are true.

And room for you to sign and date it. Are you prepared to sign and date this statement so that it's formally your evidence to this Inquiry?

A. Absolutely, yes.

Q. Thank you very much. We'll ask you to do that once you've completed your evidence.

Before we deal with the matters which are specifically the subject matter of your statement, could we deal briefly with your career in newspapers?

A. Yes.

Q. Starting in regional newspapers, then moving to the News of the World first in 1995, but could you take it on from there, please?

A. Sorry, from 1995?

Q. Please.

A. 1995 I joined the News of the World, eventually became staff as a staff reporter. I left around 2000 to join the People as number three on the news desk, then became number two, then number one, and about 2004, November 2004, I returned to the News of the World as number two on the news desk and then a year later I became head of news, news editor, so that would be about November 2005.

Q. Thank you very much.
Day 40 - AM  Leveson Inquiry  9 February 2012

1 "Answer: That's true, yes.
2 "Question: Who did?"
3 Then you can see the answer:
4 "The -- it was somebody on the news desk who had
5 been on holiday when the part one story was broken."
6 He didn't give the name at that point. Line 23:
7 "So it's true to say that those emails were dictated
8 to me."
9 And then later on at page 93, he was pressed to give
10 the identity of the person on the news desk. At line 17
11 the question was:
12 "You see, you could always ask him or require him to
13 give evidence. Do you understand, Mr Thurlbeck, where
14 this might be leading?
15 "Answer: All right, it was the news editor, who at
16 the time was Mr Edmondson."
17 Slightly later on after lunch, page 1 of the
18 afternoon transcript, when he was asked at line 8
19 a specific question about a particular sentence in the
20 email, the question was:
21 "That's not your language, is it, rather
22 Mr Edmondson's?
23 "Answer: I can't remember. I can't remember now
24 this particular phrase."
25 So that, as it were, frames the issue.

Page 45

1 A. Mm-hm.
2 Q. What is your evidence, Mr Edmondson, about who drafted
3 these emails?
4 A. I don't recall these emails being sent at all, so as for
5 who drafted them, I wasn't in the habit of drafting
6 emails, or I think he uses the word "dictating" emails,
7 so that's what concerns me about this.
8 Q. Right. Is it your evidence that you did not draft these
9 emails or is it your evidence that you can't remember
10 whether you did or did not draft the emails?
11 A. I can't remember at all. I can't remember if --
12 anything about these emails being sent. The usual
13 process of trying to contact someone would be telephone,
14 knock on their door. An email would be some way down
15 the line, so no, so I can't remember having any
16 involvement with the emails.
17 Q. So might you have drafted these emails?
18 A. No. Not at all. It wouldn't be something -- I mean,
19 I look at the language that you refer to here where it
20 says:
21 "Please take a breath before you get angry with me."
22 It just doesn't seem to be my type of language that
23 I would use.
24 LORD JUSTICE LEVESON: You understand the point, I'm sure,
25 Mr Edmondson. These are emails which may reflect

Page 46

1 of the women, but as for how he did it, that would have
2 been such a small part of that week.
3 MR JAY: Certainly. But I think the question is more
4 directed as to whether you had any involvement in how he
5 did it, in particular whether you, for example, might
6 have asked him to contact the women?
7 A. I've got no doubt whatsoever that I would have asked him
8 to contact the women. In fact, with Neville's
9 experience, I probably wouldn't have even needed to ask
10 him, it would have been so second nature.
11 Q. Were you senior to him?
12 A. Yes.
13 Q. So it's possible you asked him; on the other hand, it's
14 possible he did it on his own initiative, is that fair?
15 A. It's more likely that I would have asked him
16 Q. Okay. Is it possible that you would have given him some
17 instruction as to what to say to the women in general
18 terms?
19 A. Someone of his seniority, very, very unlikely.
20 Q. Because the gist of the emails was an invitation -- to
21 put it very neutrally, perhaps too modestly -- to the
22 women to give their story, but if they didn't, then it
23 was open season, the photographs would be or might be
24 published.
25 A. Yes.

Page 48
<table>
<thead>
<tr>
<th>Q.</th>
<th>Was that something you might have been involved in?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>The mechanics of what we were doing that week, absolutely, I would be, yes.</td>
</tr>
<tr>
<td>Q.</td>
<td>To be clear, the offer that was being put to the women, namely &quot;Come forward, give us your story and you'll be anonymous, on the one hand, but if you don't co-operate, we, the News of the World, will do what we like with the photographs on the other hand&quot;, was that sort of choice something which you would have been involved with in putting to the women?</td>
</tr>
<tr>
<td>Q.</td>
<td>Why do you say that, Mr Edmondson?</td>
</tr>
</tbody>
</table>

**Page 49**

| Q. | I think there are only two possibilities here, logically. Either Mr Thurlbeck made the decision on his own initiative to contact the women and to express himself in a particular way, or you did. I don't think anybody's saying that the editor had some -- or the deputy editor had some role in this. Do you understand that? |
| A. | I do understand, yes. |
| Q. | All I'm trying to ascertain is whether it's possible -- regardless of the terminology used, whether the general message which was sought to be got across to the women, that that was a message which you were involved in, in the sense of part conceiving. Do you understand that? |
| A. | Yeah, I do. |
| Q. | Might you have been? |
| A. | Yes, I might have. |
| Q. | You might have been? |
| A. | Well, I can't remember, but you're trying to say would I have been part of the process to ask the women to give us an interview? Yes, absolutely. But the terminology that you are using, no. |
| Q. | Well, what about the -- putting aside the terminology, which might well have been Mr Thurlbeck's -- |
| A. | Sure. |
| Q. | -- but obviously no view about that is being expressed, |

**Page 50**

| Q. | To the best of my knowledge. |
| A. | Yeah. |

**Page 51**

| Q. | Can I move on now to the topic of Mr Webb. |
| A. | Yeah. |
| Q. | Before do you that, does that surprise you? |
| A. | Yes, it does, yes. Yes. If the -- upon reflection, after the case with Mr Eady and Mosley, then yes. I would have expected -- and I can't remember the first time I saw these emails, from memory I don't even think I saw them some time after the Mosley case, so you would have expected that, yeah. |
| Q. | Did you give evidence in this -- |
| A. | I didn't, no. |
| Q. | I mean, as you read the emails now, what's your reaction to them? |
| A. | I think they're a threat. |
| Q. | This is paragraph 3 of your statement, the general message, in other words, to the women: "You co-operate with us, we'll pay you some money and you'll be anonymous; you don't co-operate and your photographs will be splashed on the newspaper" -- was that a message which you think you might have contributed to? In other words, encouraged Mr Thurlbeck to get across to the women? |
| A. | The latter part, no. |
| Q. | The women would only respond to the communications that they received. What is your evidence about the propriety of this type of email? |
| A. | I don't like its tone. |
| LORD JUSTICE LEVESON: | The women only respond to the communications that they received. What is your evidence about the propriety of this type of email? |
| A. | I don't like its tone. |
| LORD JUSTICE LEVESON: | Would you ever have allied yourself with this type of approach to any witness in any circumstances? |
| A. | No. |
| LORD JUSTICE LEVESON: | So there is no question of your recalling or not recalling, because it doesn't really matter. |
| A. | That's right. |

**Page 52**

| Q. | I think there are only two possibilities here, logically. Either Mr Thurlbeck made the decision on his own initiative to contact the women and to express himself in a particular way, or you did. I don't think anybody's saying that the editor had some -- or the deputy editor had some role in this. Do you understand that? |
| A. | Yeah. |
| Q. | All I'm trying to ascertain is whether it's possible -- regardless of the terminology used, whether the general message which was sought to be got across to the women, that that was a message which you were involved in, in the sense of part conceiving. Do you understand that? |
| A. | I do understand, yes. |
| Q. | Though you may have -- |
| A. | I don't like its tone. |
| Q. | I would have expected -- and I can't remember the first time I saw these emails, from memory I don't even think I saw them some time after the Mosley case, so you would have expected that, yeah. |
| Q. | Did you give evidence in this -- |
| A. | I didn't, no. |
| Q. | I mean, as you read the emails now, what's your reaction to them? |
| A. | I think they're a threat. |
| Q. | This is paragraph 3 of your statement, the general message, in other words, to the women: "You co-operate with us, we'll pay you some money and you'll be anonymous; you don't co-operate and your photographs will be splashed on the newspaper" -- was that a message which you think you might have contributed to? In other words, encouraged Mr Thurlbeck to get across to the women? |
| A. | The latter part, no. |
| Q. | The women would only respond to the communications that they received. What is your evidence about the propriety of this type of email? |
| A. | I don't like its tone. |
| LORD JUSTICE LEVESON: | The women only respond to the communications that they received. What is your evidence about the propriety of this type of email? |
| A. | I don't like its tone. |
| LORD JUSTICE LEVESON: | Would you ever have allied yourself with this type of approach to any witness in any circumstances? |
| A. | No. |
| LORD JUSTICE LEVESON: | So there is no question of your recalling or not recalling, because it doesn't really matter. |
| A. | That's right. |
### Day 40 - AM Leveson Inquiry 9 February 2012

#### Q. Insofar as it relates to the news desk?

**A. It is, yes.**

#### Q. So was it usually then to ascertain whether certain parties were having an affair?

**A. That could be one of the things, yes.**

#### Q. I think the question was: was it usually because one of the parties or both parties were having an affair?

**A. I can't remember if that was the majority, but that would certainly be one of the things. He would also look at drug dealers, a number of criminal issues. It probably would be fair to say affairs would be the majority. I don't know what the numbers would be.**

#### Q. In relation to drug dealers and criminal issues, you would say there's a clear public interest --

**A. Of course.**

#### Q. -- in pursuing that. Let's for the purposes of argument agree with that.

**A. Yes.**

#### Q. But in relation to ascertaining whether certain parties are having an affair, what was the public interest in exploring that issue?

**A. Well, it was a case-by-case basis, so depending on who the subject matter was, we would decide yes, we're going to pursue this story, or no we're not.**

#### Q. What factors would be taken into account?

**A. Cuttings. There's been a number of examples of false public image, so if someone was projecting themselves in media as wholesome, faithful, would never cheat on their wife, and then doing something else in private, then yes, I would imagine that we would proceed on that. There's been a number of occasions post Mosley where we looked specifically at people like that. Not as in pre-tip, but once we had the tip, we would judge the subject matter on what they have said in the past and how they'd behaved. I can think of a number of examples.**

#### Q. Can you apply a different approach to politicians on the one hand and celebrity on the other?

**A. No.**

#### Q. Or was the approach reasonably the same?

**A. It was reasonably the same. I can't think of a major difference. Politicians, you would often look in their election brochures where they would talk about the family values and how much they put into that, so that would be one contributing factor.**

#### Q. Of course, in relation to celebrities, there's no such analogous brochure, is there?

**A. No --**

#### Q. What are you looking for --

**A. There are analogous brochures. There's interviews in glossy magazines, TV, inviting cameras into their home, parading their children, pictures with their wife. In one particular case, which I don't particularly want to go into, to name, talking about their wife in great detail, that they would never do such a thing, and then to find something that they are actually doing, that would form a public interest.**

#### Q. I can see in that last example there may be an argument if celebrity A makes a particular express statement and then it's contradicted by his or her behaviour.

**A. Yeah.**

#### Q. But in the other cases you've given, is there an express statement or is there just an implied statement in your view?

**A. Post Mosley, you had to be very, very careful on who you looked at, so.**

#### Q. Pre-Mosley then?

**A. Pre-Mosley we looked at things, but I don't think as carefully as we did post Mosley.**

#### Q. Was Mr Webb in your view a journalist or was he a private detective?

**A. He carried out journalistic roles for me, but you could argue both ways.**

---

**LORD JUSTICE LEVESON:** Well, he wasn't a journalist, was he?

**A. Well, he was, because he carried out journalistic tasks.**
Pre-Derek Webb, and this is something I don't think that's come across so far, we would use reporters and photographers to carry out surveillance. Particularly at the News of the World where a lot of our stories were looking at people, using sources. Journalists and photographers weren't particularly good at doing that, and Derek Webb was trained, he was, I think from memory, 25 years with the police, and he was trained in surveillance, so his skills were very useful. So that was one thing that a journalist would be expected to do at the paper. So he was carrying out a role that would have been given to a reporter or a photographer, or in certain cases both.

MR JAY: I'll come back to that issue but what I'd like to do is approach the issue in this way, first of all by inviting your attention to Mr Webb's evidence, which is under tab 18 in the bundle you have in front of you at page 119.

In order that we can frame this in terms of the chronology, Mr Webb left the News of the World for about 18 months in 2007, but he returned in 2009, after certain matters were resolved. Line 5, page 119 -- so we're in 2009:

"Question: Who made the approach this time, you or them?"

"Answer: Yes. Thirdly, I had to change my email address."

"Question: Right. Which was at the time?"

"Answer: I'd changed it from Silent Shadow Services to Shadow Watch."

Do you see all of that?

A. I do.

Q. There was evidence from I think it was Mr Myler that private detectives or the use of private detectives was banned at the News of the World in 2007. Now, did you know that last fact?

A. Yes, I was aware of that.

LORD JUSTICE LEVESON: Is it changed to Derek Webb Media?

A. Yes.

MR JAY: The bit of a hiccup which is referred to here, did you know about this hiccup?

A. I don't really know what you mean by a hiccup. This is not my evidence that I've given.

Q. No, sorry, it's Mr Webb. It's at line 14 at page 119.

A. Yeah.

Q. "There's been a bit of a hiccup."

What Mr Webb is effectively saying is we have to change nominally, at least, your title from private investigator to journalist.

A. Oh, I see.

Q. We're going to give you an NUJ card but in reality you're doing exactly the same thing and we're going to pretend now that you aren't what you really are, and we're going to call you Derek Webb Media. Did you know all of this, Mr Edmondson?

A. I didn't know he had a private investigator's licence.

I didn't know that you had to have a private investigator's licence, so that's news to me. I do remember having conversations with the editor and I think the managing editor about asking him to join the NUJ, yes.

Q. Did you understand that the reason for him joining the NUJ was in effect to enable News of the World to employ him, because they couldn't employ him on the basis that he was a private detective?

A. Yes, that's right.

Q. So everybody would pretend that he wasn't a private detective but a journalist; did you know that part of it?

A. I don't think he was pretending to be a journalist, but I get your point.

Q. But you must have known, therefore, from the evidence you've just given, that this was all just a sham, wasn't it?
1 A. I think it was, yes.
2 Q. Because you said in your statement in relation to what
3 journalists do -- this is at the bottom of page 60268, the
4 last paragraph there:
5 "If the newspaper wanted to conduct surveillance, it
6 would generally use a reporter and/or photographer."
7 Then you say:
8 "Reporters and photographers are not trained in
9 surveillance ..."
10 That's true, isn't it?
11 A. It is true, yes.
12 Q. "... and so are sometimes unable to remain unobserved by
13 the subject. In those circumstances, Mr Webb was a more
14 suitable person to use."
15 The reason being that he was trained in surveillance
16 and he was really a private detective. All that's
17 correct, isn't it?
18 A. It is correct.
19 Q. Was Mr Myler aware of this pretence, really?
20 A. Yes.
21 Q. And Mr Crone?
22 A. Yes to the best of my knowledge, shall I say.
23 I certainly know that Mr Myler and the managing editor,
24 who I believe was Stuart Kuttner, was aware. I think
25 Mr Crone was aware because he was aware of Mr Webb's

employment. Because during that absenteeism of 18
months, he was liaising with Mr Webb's lawyer.
Q. Thank you. May I ask you now about the
Ms Harris/Mr Lewis surveillance which I think you were
uncomfortable about, is that right?
A. It is fair.
Q. Why was that?
A. I didn't see it as a story for the newspaper.
Q. Because?
A. It wouldn't have got in the newspaper.
Q. No. I mean the real reason for the surveillance, as you
yourself say in the statement at 60270, level with the
lower hole punch --
A. Sorry, where are we?
Q. 60270. I hope that's what I said earlier, rather than
some different page number. Level with the lower hole
punch, the paragraph or just above it:
"My response to Mr Crone ...", are you with me?
A. Yes, I'm with you now.
Q. "... was to express very considerable surprise and to
say that I could not begin to see why the newspaper
would want to run such a story."
23 You've just told us that.
A. Yeah.
Q. "Tom Crone's response was that he accepted that, namely
that it was unlikely material for inclusion in the
newspaper as a story, but told me that the main reason
to investigate was that it could provide the newspaper
with good leverage against the two individuals."
A. Correct.
Q. And that was your concern, presumably?
A. Yes.
Q. I suppose your concern as well was who was going to pay
for this, was it going to come out of your budget or
come out of the legal department's budget?
A. Yeah, there was a great debate at the time of where
budgets were coming from, because I think the division
from news to pictures, features, politics, et cetera,
had been split up and we were under great pressure to
keep within budget, so I made the point to Tom to say,
"I hope you're paying for this".
Q. Thank you.
A. I can't remember who paid for it in the end.
Q. The McCann diary story. May I start by reminding us all
of Mr Myler's version -- or rather, his evidence, pardon
me. Tab 8, page 89. This is part of the transcript of
his evidence given on 14 December last year.
Particularly at line 20, I think, but we can skim read
a little bit earlier on, but can I just try and get to
the heart of this. The question was:
A. Mm-hm.
Q. Or maybe it's not necessary to go on, because we're then
trying to interpret the transcript, about which you give
clear evidence. But the gist of it is the bit I read
out between lines 20 and 24. Can I seek to deal with
your evidence carefully in this way: first of all, you
make it clear that your only conversation with
Mr Mitchell was on Friday, 12 September 2008; is that
right?
A. That is right.
Q. Recording the conversation, what is your evidence in
relation to that? I think you say it's standard
practice?
A. Yes, it was.
Q. Were you given an instruction to do so on this occasion?
A. I was, yes.
<table>
<thead>
<tr>
<th>Page 65</th>
<th>Page 66</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q. By?</td>
<td>a copy of Dr Kate McCann's personal diary from a source who had obtained it from the Portuguese police and that the paper intended to write a story based on that diary quoting verbatim from it? If so, please identify with reference to the transcript of your conversation where you made it clear.</td>
</tr>
<tr>
<td>A. Colin Myler.</td>
<td>And then your answer, please, Mr Edmondson?</td>
</tr>
<tr>
<td>Q. Do you know why you were given that instruction?</td>
<td>A. I didn't make it clear.</td>
</tr>
<tr>
<td>A. Reinforcing &quot;please tape it&quot; and it was standard practice to tape those types of phone calls and I might even say that to a reporter, even though it would be standard, but you would reinforce it.</td>
<td>Q. And you say because you were given express instructions by Mr Myler?</td>
</tr>
<tr>
<td>Q. But was it standard practice to make it clear to your interlocutor that the call was being recorded?</td>
<td>A. Correct.</td>
</tr>
<tr>
<td>A. No.</td>
<td>Q. When did he give you those instructions? Can you recall?</td>
</tr>
<tr>
<td>Q. And why not?</td>
<td>A. From memory, at a meeting on Thursday of that week.</td>
</tr>
<tr>
<td>A. You wouldn't get, in general terms, a true conversation.</td>
<td>Q. Why did he give you those instructions?</td>
</tr>
<tr>
<td>Q. Because?</td>
<td>A. I attended a meeting with Mr Myler and Tom Crone where we discussed this story. I think we got the story to a point where I was prepared to present it to Tom and Colin, the editor. Colin gave -- sorry, I beg your pardon, Tom gave his legal view, which I’m told I’m not allowed to repeat, but which dismayed, shall I say, Mr Myler. So he decided to ask me to make a call to Mr Mitchell, not make it clear what we had, tell him in general terms, basically make it very woolly. I think someone previously used the word “ambiguous”, and that</td>
</tr>
<tr>
<td>A. Yes, I do.</td>
<td>least an element of misleading the person you're speaking to that you are recording them and therefore it might be used against them?</td>
</tr>
<tr>
<td>Q. Because?</td>
<td>A. I think that's fair.</td>
</tr>
<tr>
<td>A. Accuracy.</td>
<td>Q. But your feeling is, well, if you did make it clear that it was being recorded, then they would do what?</td>
</tr>
<tr>
<td>Q. Obviously it gives you concrete evidence subject to interpreting what's being said, one understands that, but is there not an element of deception -- or maybe I can put it slightly lower than that, because that, I think, is a slightly sort of sinister tone, but at</td>
<td></td>
</tr>
<tr>
<td>Q. Would you play to the camera.</td>
<td>A. I would imagine freeze up, not talk to you freely, not talk to you honestly. They might not want to talk to you at all. A number of things.</td>
</tr>
<tr>
<td>Q. Right. Do you feel that it's entirely a frank and honest procedure to conduct an interview with someone but not make it clear that it's being recorded?</td>
<td>A. I attended a meeting with Mr Myler and Tom Crone where we discussed this story. I think we got the story to a point where I was prepared to present it to Tom and Colin, the editor. Colin gave -- sorry, I beg your pardon, Tom gave his legal view, which I’m told I’m not allowed to repeat, but which dismayed, shall I say, Mr Myler. So he decided to ask me to make a call to Mr Mitchell, not make it clear what we had, tell him in general terms, basically make it very woolly. I think someone previously used the word “ambiguous”, and that</td>
</tr>
<tr>
<td>A. Yes, I do.</td>
<td>least an element of misleading the person you're speaking to that you are recording them and therefore it might be used against them?</td>
</tr>
<tr>
<td>Q. Because?</td>
<td>A. I think that's fair.</td>
</tr>
<tr>
<td>A. Accuracy.</td>
<td>Q. But your feeling is, well, if you did make it clear that it was being recorded, then they would do what?</td>
</tr>
<tr>
<td>Q. Obviously it gives you concrete evidence subject to interpreting what's being said, one understands that, but is there not an element of deception -- or maybe I can put it slightly lower than that, because that, I think, is a slightly sort of sinister tone, but at</td>
<td></td>
</tr>
<tr>
<td>Q. Would you play to the camera.</td>
<td>A. I would imagine freeze up, not talk to you freely, not talk to you honestly. They might not want to talk to you at all. A number of things.</td>
</tr>
<tr>
<td>Q. Right. Do you feel that it's entirely a frank and honest procedure to conduct an interview with someone but not make it clear that it's being recorded?</td>
<td>A. I attended a meeting with Mr Myler and Tom Crone where we discussed this story. I think we got the story to a point where I was prepared to present it to Tom and Colin, the editor. Colin gave -- sorry, I beg your pardon, Tom gave his legal view, which I’m told I’m not allowed to repeat, but which dismayed, shall I say, Mr Myler. So he decided to ask me to make a call to Mr Mitchell, not make it clear what we had, tell him in general terms, basically make it very woolly. I think someone previously used the word “ambiguous”, and that</td>
</tr>
</tbody>
</table>

Page 67
Day 40 - AM
Leveson Inquiry
9 February 2012

1. assent? Could you put it in your own words?
2. A. Yeah, it would be in order to blame Clarence Mitchell that he hadn't acted properly upon instructions.
3. Q. I see. And was that part of Mr Myler's thinking?
4. A. That was his thinking.
5. Q. Was it Mr Crone's thinking?
6. A. No.
7. Q. So you presumably were uneasy in carrying out these instructions?
8. A. Yes. I had an alternative, which I presented to Mr Myler. He was the only one to have Gerry McCann's mobile number, and up until that point, he had a reasonable or very good relationship with him, and I thought he could argue that we could work collaboratively to get the diaries in the paper, and that was my suggestion.
9. Q. And what was Mr Myler's reaction to that suggestion?
10. A. "No".

11. Q. Because?
12. A. I think he believed, from memory, and I can't be sure, that that wouldn't be a successful outcome.
13. Q. I understand. So you were sent out to make this call to the editor and it was ignored, he then asked you to participate in or execute? Were there such cases in which you feel you were being asked to, as it were, to effectively deceive someone, yes.
14. A. I can't recall instantly, but if you've made your point to the editor and it was ignored, he then asked you to do something, then you did it.
15. Q. Can I ask you, please, about issues of culture, because you were at the News of the World, you've told us, from November 2004. There had been an earlier period, but we're looking at the period 2004 to 2011. Did the culture change on the arrival of Mr Myler?
16. A. It did, yes. I think the culture changed throughout newspapers at that time for all the obvious reasons. We suddenly got seminars on the PCC, whereas they weren't around before. We were given legal briefings. Everything appeared to become a lot more formal.
17. Q. Yes. Appeared to become a lot more formal?
18. A. Sorry, did I beg your pardon.
19. Q. That wasn't intentional.
20. A. No, it wasn't.

21. Q. That form of words. Okay. In your own words, then, I know it's difficult to identify a culture, but insofar as you can, the period November 2004 to January 2007, which was Mr Myler's arrival, how would you describe it or define it?
22. A. In what way, sorry?
23. Q. Well, in terms of particularly ethical or unethical conduct or whether there was, for example, bullying at the paper. Can you touch on both those issues?
24. A. Well, I think it's a matter of record mistakes were made, and I suppose we all learn from mistakes and we tend to learn more from losing than winning, but that's when Mr Myler turned up. He was there to perhaps correct mistakes that had been made in the past.
25. Q. Yes, but did he succeed?
27. Q. I'll make it clear, Mr Edmondson, so that there's no sort of mystery about this.
28. A. Okay.

29. Q. My questions are not directed to the issue of phone hacking. A. Right.
30. Q. They cannot be directed to the issue of phone hacking.
31. A. Okay.
32. Q. So put that entirely out of your mind. There are various clear reasons why we simply cannot go there. A. Yes.
33. Q. So we're everywhere else apart from phone hacking. Do you follow me?
34. A. I do, yes.
35. Q. So my having made that clear, where are we on culture? A. Culture, I would say, the sea change was post Mosley. That's when we really felt a big big difference. Pre that, nowhere near -- nowhere near the extent. We looked at stories that much more. We -- I think people have said this in the past and I will reaffirm this, for every one story you would get in the paper, nine would be thrown away.
| Q. Thank you. What about a culture of bullying, in particular before January 2007; was there one? | Q. what were the effects of it in terms of the overall product, what was being written? Did it have an effect? |
| A. I think you know I have an employment tribunal claim against News International. If you want me to talk about that, I will do, happily, but I'm sure that will cross over into that. | A. I can't say that I could distinguish between the two. |
| Q. It may do, but I don't think that stops the line of inquiry. | If there wasn't a culture, then you wouldn't see an alternative product. |
| A. Sure. | A. I see. You might be able to unless you say Mr Myler was also part of a culture of bullying. I mean, was he? |
| Q. Because there's a difference here between those matters and the ongoing criminal investigation? | Q. Yes. |
| A. I'll be happy to answer. | A. Right. Sir, I see your point. |
| Q. So -- | But you worked at a paper before, the Sunday People, for four years. Was there a culture of bullying there? |
| A. The answer's yes. | A. Nowhere near, nowhere near. There were elements of. It was a considerably smaller paper and I think that was a contributing factor. |
| Q. First of all, where did it emanate from? If anywhere or anyone? | Q. And of course when you were much more junior, you were working in regional newspapers and I imagine there wasn't a culture of bullying? |
| A. Everything emanates from the editor. | A. There wasn't a culture at all. |
| Q. Okay. How did it manifest itself? | Q. So you are able to compare, to some extent, what happens when there is and there isn't a culture of bullying? |
| A. The culture? | A. Mm-hm. |
| Q. Yes. | Q. Obiously there are emotional and psychological implications. |
| A. From the editor. Every part of the paper is dictated and controlled by the editor. | A. Yes. |
| Q. Yes. | A. Yes. |
| A. I think in the past you've spoken to witnesses where you've asked them questions as to why they haven't done certain things and they're at a senior level. Well, you don't do anything unless you are told to do something. | Q. That goes without saying, I'm not addressing those. I'm addressing what we see in the newspaper as a result. |
| Q. But to make it clear then, the culture of bullying emanated from the editor? | A. Mm. |
| A. Yes. | Q. How, if at all, does it affect what we see in the newspaper as a result? |
| Q. Is that what your evidence is? | A. I don't know how you can compare local papers to national newspapers. I think that's a very unfair comparison. They work at a different pace and there isn't the same pressures that you're under. |
| A. Yes. | Q. The effect of the pressures then, let's use a more neutral term and strip away bullying, what do the effect of the pressures have both on news gathering and on what you write? Can you help us there? |
| Q. Then the question was: how does it manifest itself? So what did the editor do? | A. Specifically, I'm not sure I understand where you're going with this. |
| A. I don't really want to go into specifics. | Q. If people are put under pressure, sometimes what they do is less than optimal. I'm just giving a hypothetical example. |
| Q. Okay. I understand your diffidence and maybe -- | A. Sure. |
| A. Sorry. | Q. A very high level of abstraction and I'm not trying to put words in your mouth. |
| LORD JUSTICE LEVESON: You've heard Mr Driscoll's evidence, or possibly seen it. | A. No. Totally understand, yes. |
| A. I didn't -- I heard parts of it. | Q. Are you able to assist us? |
| LORD JUSTICE LEVESON: He gives lots of examples. Does that chime with your experience? | A. I think in general terms, sir, it's a case of you will do as you are told and you live in that environment. |
| A. He was in a different department to me, sport. I can only think of what I went through. There are probably aspects of it that chime with me, yes. | Q. Does it amount to this: you do as you're told, and you live in that environment. |
| MR JAY: I think I can ask you this question -- well, I could press you further, but I can see why you're diffident, Mr Edmondson, so I'm not going to. But what were the effects of a culture of bullying, assuming -- well, it is your evidence there was such a culture. But | Page 74 |
sometimes you have to do things you are uncomfortable about doing?

A. Yes, absolutely.

LORD JUSTICE LEVESON: And that's so even if you're the news editor?

A. Yes, absolutely.

LORD JUSTICE LEVESON: I got into trouble for thinking that seniority made a difference earlier in this Inquiry.

A. It's not a democracy at a newspaper. Autocratic.

MR JAY: Yes. Thank you very much, Mr Edmondson.

LORD JUSTICE LEVESON: Mr Edmondson I'd like to ask you something, please. I don't want there to be any doubt about it. Could you go to tab 8, it's page -- back to the McCann story -- 85 to 88 in the bottom right-hand corner.

Mr Myler is giving evidence about this all-important conversation. I'm just going to read a bit of it, because I want to know precisely what you're saying.

A. Okay.

LORD JUSTICE LEVESON: "Question: But you were of course aware that if Dr Kate McCann had not given her consent to the publication of her personal diary, she would be outraged by the publication. You'd previously been involved in the distribution of over 27,000 limbs for amputees in former Yugoslavia and you were obviously in a position to help.

I haven't had the chance to speak to the next witness?"

MR JAY: Sir, may we break for about ten minutes because I haven't had the chance to speak to the next witness?

LORD JUSTICE LEVESON: Thank you. Thank you very much.

MR JAY: Sir, the next witness is Heather Mills, please.

LORD JUSTICE LEVESON: Thank you.

MS HEATHER ANNE MILLS (affirmed)

Questions by MR JAY

A. That's correct.

Q. May I deal first of all, Ms Mills, with the voicemail which is the subject matter of your first statement? You gave us the context and background at paragraph 4 of your first statement, which is in early 2001 you were on holiday with your then boyfriend, Sir Paul McCartney, in India. There was an earthquake in Gujarat on 26 January 2001. Hearing of the plight of the victims, and particularly those who had lost limbs, you explained to Sir Paul McCartney that you very much wanted to help. You'd previously been involved in the distribution of over 27,000 limbs for amputees in former Yugoslavia and you were obviously in a position to help on this occasion.

Page 77
and I had to leave the house, so I went to stay at a friend’s house in Middlesex, and turned my phone off, because he kept calling all the time and it was very stressful.

In the morning, when I woke up, there were many messages, but they were all saved messages, which I didn’t quite understand, because normally they wouldn’t be, but I didn’t think too much of it, I thought I must have pressed a wrong button, and there were about 25 messages all asking for forgiveness of what had happened, which I won’t go into, and that would come back. One of them said, you know, “Please forgive me” and sang a little ditty on the -- of one of his songs onto the voicemail.

Q. So that afternoon I went back and all was forgiven.
A. Yes.
<table>
<thead>
<tr>
<th>Page 86</th>
<th>Page 87</th>
</tr>
</thead>
</table>
| Q. You were shown evidence by officers of Operation Weeting in 2011.”  
A. That's correct.  
Q. So the questions, Ms Mills, are these: did you authorise Mr Morgan to access your voicemail?  
A. Never.  
Q. Did you authorise Mr Morgan to listen to your voicemail?  
A. Never ever.  
Q. And have you ever played to Mr Morgan or authorised him to listen to a recording of this or any other voicemail left on your messaging system?  
A. Never. Never.  
LORD JUSTICE LEVESON: I think we need to go one stage further: have you ever done that in relation to anybody?  
A. No.  
MR JAY: Can I move forward in time from 2006 to 2010. This is paragraph 56 of your second statement, Ms Mills.  
A. Mm-hm.  
Q. You were shown evidence by officers of Operation Weeting that proves that private voicemail messages of you and your sister, Fiona, were hacked into.  
A. Yes.  
Q. The name of the hacker has been redacted out of your statement to preserve the integrity of the police investigation. Were you shown details, however, of PIN and PUK numbers?  
A. Yes. We were shown my PIN numbers, PUK numbers over three different telephones over a period of five or six years.  
Q. Did any of those PUK and PIN numbers relate to the Vodafone mobile phone which you were using in end of January, early February 2001?  
A. I don't remember, because they only gave us them to look at and to confirm and then took it away. They wouldn't leave us with the evidence.  
Q. Speaking more widely, and it will be my last question on this topic: did you have any reason for sharing a voicemail message with Mr Morgan?  
A. No, never. I can't quite believe that he would even try and insinuate, a man that's written nothing but awful things about me for years, would absolutely relish in telling the court if I had personally played a voicemail message to him.  
Q. Thank you. The rest of your first statement deals with the PCC and I'm going to come back to that, if I may, towards the end of your evidence, but I know you would like us to see a DVD, which is quite short, I've seen it myself. It's less than two and a half minutes long.  
A. Yes.  
Q. Which deals with your relations, if that's the right way of putting it, with paparazzi photographers. The DVD probably speaks for itself, but is there anything you want to say by way of introduction to it?  
A. Yes. I was having a lot of harassment with my daughter and my family and friends from the paparazzi, and I had been assaulted by a particular paparazzi in a subway at Brighton beach and I reported it to the police and they said, "You really need to get constant harassment and constant abuse evidence", so I said, "Well, what, I have to go around with a video camera?" and they said, "Whatever it takes, because we have no strength to do anything. They can stand legally outside your door all day if it's a public footpath". So I then started to film absolutely everything and I have over 65 hours of abuse, harassment videos of paparazzi from all around the UK going through red lights, just awful things, like driving over payments when mothers are pushing prams, shouting abusive things, making my daughter cry, jumping all over us, so we just made a very short edit, being aware that the time you have is precious, but we have 60-odd hours of video footage if the court ever need to see that?  
LORD JUSTICE LEVESON: Did you say 65 hours?  
A. 64 point something.  
LORD JUSTICE LEVESON: I think there's a slight error in the transcription but we'll pick it up. Thank you.  
MR JAY: Just one point. Towards the start there are men with cameras around a wooden fence --  
A. My house.  
Q. Yes, and it looks as if they're trying to remove one of the slatted pieces of wood. Have I correctly understood what's going on?  
A. Yeah, there was a slat missing in the build-up, they were there for probably about five or six weeks initially and then a piece of wood was put there to give more privacy so that they couldn't see through the slat, and then I sent one of my colleagues out with a camera to go under cover and film what they were saying and what they were doing. And that you can see at the beginning of the video.  
MR JAY: Thank you. Maybe we can play the videotape now, or the DVD, rather.  
(Pause).  
I think there's sound.  

<table>
<thead>
<tr>
<th>Page 88</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thank you. The rest of your first statement deals with</td>
</tr>
<tr>
<td>A.</td>
</tr>
<tr>
<td>----</td>
</tr>
<tr>
<td>1.</td>
</tr>
<tr>
<td>2.</td>
</tr>
<tr>
<td>3.</td>
</tr>
<tr>
<td>4.</td>
</tr>
<tr>
<td>5.</td>
</tr>
<tr>
<td>6.</td>
</tr>
<tr>
<td>7.</td>
</tr>
<tr>
<td>8.</td>
</tr>
<tr>
<td>9.</td>
</tr>
<tr>
<td>10.</td>
</tr>
<tr>
<td>11.</td>
</tr>
<tr>
<td>12.</td>
</tr>
<tr>
<td>13.</td>
</tr>
<tr>
<td>14.</td>
</tr>
<tr>
<td>15.</td>
</tr>
<tr>
<td>16.</td>
</tr>
<tr>
<td>17.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A.</th>
<th>one-legged bitch and cow and every awful word you</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.</td>
<td>I remember when the Sunday Mirror, after my Indian</td>
</tr>
<tr>
<td>19.</td>
<td>period, and it was all about accounts. The law at the moment has a capping system, so it's rarely that they will ever pay out what they've made in their heads from the sensationalistic headlines and the photographs they have then gone on to sell and circulate around the world.</td>
</tr>
<tr>
<td>20.</td>
<td>So you would get a tiny postage stamp apology, and yet we had over 5,000 headlines, over the period of 12 years, negative. So if you went to court and sued them, you may get 100, 200,000, but that was peanuts as far as they were concerned for what they had made from those headlines.</td>
</tr>
<tr>
<td>21.</td>
<td>And then my personal view is that until there is a disincentive for them to write so many lies and untruths and abusive comments, it's going to continue, and I feel that if I was an editor and I knew that I was going to be embarrassed every week by front-page apologies, the same size as the actual headline that was written, I would make sure that the information was 100 per cent correct. So until those laws are created, it's just going to continue that they put a postage stamp apology two or three years after the lie was said, in many cases that harmed our charity, and then it's too late, the public believe the lies.</td>
</tr>
</tbody>
</table>

| 22. | Q. Have you on occasion complained to the PCC, Ms Mills? |

<table>
<thead>
<tr>
<th>A.</th>
<th>Yes, many times.</th>
</tr>
</thead>
<tbody>
<tr>
<td>23.</td>
<td>Q. And what is your general experience of the PCC insofar as one can generalise?</td>
</tr>
<tr>
<td>24.</td>
<td>A. Initially, I was unaware of them and always went down the libel route, which took a long time, but it was so costly and emotional and time-consuming and for a postage stamp size apology later, after all the damage had been done. We were informed about the PCC and we got some apologies, but then they were postage stamp.</td>
</tr>
<tr>
<td>25.</td>
<td>Then we investigated it more and found out that the big decision-makers around it generally were editors themselves who set their own code, which just seemed absolutely ludicrous to me. I just couldn't even believe that could exist, because why would they vote against themselves?</td>
</tr>
</tbody>
</table>

| 26. | Sometimes the PCC would try and be as helpful as possible, and they tended to be -- I can't remember the name, was it Stephen -- yeah, Stephen Abell? He tried to, I think, be a mediator between stopping a libel case, so when they knew you were seriously going to go down the libel route, then that would push them over the edge to give you an apology, but if they thought they could get away with it, then there was absolutely no way, even though they knew it was completely inaccurate. |
| 27. | I remember when the Sunday Mirror, after my Indian... |
I decided how would they like it if I started
investigating them, and I found out a lot of things that
we will be using but on the criminal side.

What I found was that so many of these people wanted
to sue the newspaper, but they had absolutely no money,
and then if they did a no win no fee case, they were
still going to be responsible for any costs that the
court didn't insist were paid by the newspapers. So
I think when somebody has won a court case outright, all
the costs have to be covered, because you're never
allowing somebody with no money to do a genuine CFA,
a no win no fee, and it's very unfair, and there are
a lot of people out there suffering who have been
through horrific situations and do not have any recourse
or right of reply because they don't have the finances.

I mean, we're in a privileged position that we can
fight our case. It's still emotionally draining,
MS PATRY HOSKINS: Sir, the next witness is Ms Stanistreet from the NUJ. I'll just let Ms Mills vacate.

LORD JUSTICE LEVESON: Certainly.

MS PATRY HOSKINS (affirmed)

Questions by MS PATRY HOSKINS

MS PATRY HOSKINS: Thank you very much. Could you please state your full name.

A. Michelle Stanistreet.

Q. Ms Stanistreet, you've provided the Inquiry with three separate statements. Can just confirm what they are.

A. The first was your opening statement, second your first witness statement. There's then been a second witness statement and two exhibits, which have been the subject of a ruling from the Chairman, and a third statement on Derek Webb and press cards and so on, which I'll come to. Is that your evidence to the Inquiry?

A. Yes, it is.

Q. Can you confirm that the contents of all the statements I've referred to are true and accurate to the best of your knowledge and belief?

A. I can confirm that, yes.

Q. I'm going to take them chronologically, and start with the first statement. If we look at the first page of the statement, I can just touch on your career history.

Page 97

You explain on the first page that you are the elected general secretary of the National Union of Journalists. Prior to that you worked as a journalist for ten years at the Sunday Express newspaper as a feature writer and books editor. You were the NUJ mother of the chapel at Express Newspapers as well as the national representative for newspapers and agencies on the NUJ's ruling NEC. In fact, you became the first woman in the NUJ's history to be elected as general secretary in April 2011, and the first woman deputy general secretary elected in 2008.

A. Yes.

Q. All accurate?

A. Yes.

Q. Then you tell us a little about the National Union of Journalists. You explain that it is the voice for journalism and for journalists across the UK and Ireland. It was founded in 1907 and currently has around 38,000 members. You explain that that 38,000-strong membership works in all sectors of the media, including staff, students and freelancers, writers, reporters editors, subeditors, photographers, illustrators and people who also work in PR.

I am not going to spend very long with you on your first statement because you read it out and I think you probably on that basis have said what you want to say about it, but there's one issue I'd like to take up again on that if I can and that's the campaign for a conscience clause.

You explained in your opening statement that the NUJ has campaigned for a conscience clause for many years. In the light of everything that you've heard at this Inquiry over the past few months, is that something that the NUJ would still advocate? And if so, why?

A. I think everything we've heard at the Inquiry to date has just shown exactly why it's so vital that journalists have the protection of that conscience clause, so that when faced with pressure to do something that's unethical, when faced with a directive from the editor to carry out a piece of work that they believe contravenes the NUJ's code of conduct, that as members they sign up to adhere to, they can stand up and say, "Actually, I'm not going to carry out that work, and I'm invoking my conscience clause in doing so", and they can take that stance and stand up for their journalistic ethics knowing that they can't then be sacked or dismissed summarily for not adhering to their own personal contract with their employer. As things stand, journalists simply don't have that protection.

LORD JUSTICE LEVESON: Is there a difference between the NUJ conscience clause in their deal with you and the approach of the PCC?

A. We have -- there are different codes of conducts that exist, and we believe ours -- ours it is very straightforward, it's ten points. They are principles that all journalists who are members of our union adhere to, but nobody at the moment has this kind of conscience clause. It just doesn't exist. So at the moment journalists, wherever they work in the media industry, don't have that protection. And if they don't have at the same time a collective organisation within that workforce, a trade union voice, they don't even have anybody independent to turn to and to raise concerns that they have or to highlight the pressure that they're coming under to deliver work that is contravening their ethics.

LORD JUSTICE LEVESON: The reason I ask the question is slightly different, because there are many journalists -- you may have 38,000 -- who aren't members of the NUJ, yet would doubtless want the protection of a clause to permit them to refuse to do something that didn't comply with an accepted code of ethics. So what I'm really testing is whether a conscience clause couldn't be sufficiently drafted to fit whatever code of conduct ultimately there is.

Page 98

Page 99

Page 100

25 (Pages 97 to 100)
A. I think it absolutely could be drafted in that way and to deliver that. I mean, we'd love it if the industry adopted our code of conduct as standard. I think -- you know, and there's scope for that in some quarters. I know there are even people within the PCC who would respect our code of conduct and think it's a very good one, but I think there needs to be a recognised code of conduct and then journalists, wherever they work, should have the protection of the conscience clause, and employers shouldn't be able to opt out of that. It should be something that's there and available to all journalists to protect them in their day to day work.

MS PATRY HOSKINS: Since you've touched on the code of conduct, we should probably turn it up briefly. It's reference number 02396 and it was annexed to the first statement of Ms Stanistreet. Is there any aspect of that that you'd like to draw to our attention? Do you have that with you?

A. I do.

Q. Are there any aspects about it you'd particularly like to draw to the Chairman's attention, given the answers you've just given us?

A. Yes.

Q. You explain there that you and other officers and members of the NUJ spent much time over several weeks identifying journalists to give evidence of their experiences of the culture, practice and ethics of the union for journalists here, and when they have a difficulty, they just simply don't have anywhere to turn internally. And whilst of course we represent individual members wherever they work, it's within very severe constraints and limitations if we don't have, as a trade union, the right to collective bargaining within that workplace, because of course the NUJ doesn't simply deal with issues of bread and butter trade union, pay and terms and conditions. We're there to defend journalistic ethics and the very principles by which the industry should set its standards.

Q. All right. Can I move on to the second statement or was there anything else you wanted to say?

A. No, that's fine.

Q. The second statement was prepared with a view to ensuring that the voices of anonymous journalists could be heard at this Inquiry. I want to take you through some the paragraphs of the statement before we look at the exhibits thereto. Can we turn to paragraph 4 onwards of this statement first of all.

A. I think -- I mean, they're all very clear principles, there's 12 of them, and it -- they highlight not just the principles by which a journalist stands by in terms of their ethics and how they carry out their work, but I would like to stress how actually it also very much stresses public accountability and the accountability and responsibility that journalists have in carrying out their work to ordinary members of the public, and that's something, as the NUJ, that we've always campaigned very hard for. You know, we believe that that public accountability is also a very important element of this that employers need to take much more seriously than they currently do.

Q. Before I turn away from the first statement, is there anything that you wanted to particularly draw out from that statement?

A. I think one of the key -- the key things that I believe I explained in my opening statement and that I think is really fundamental when we're looking at the future as to how we could avoid the situation that we've got to so far, and I think it's vital that journalists have the protection of an independent trade union within their workplace. Unfortunately, that is simply not the case for so many journalists who work in the industry at the moment. Not only do they not have a recourse to that in their workplace, they work for employers who are actively hostile to the NUJ as the independent trade press to the Inquiry. You circulated the entire membership in November to ask if any member had and would provide evidence to the Leveson Inquiry. You attach the circular at MS2. If you look at MS2, it's a three and a half page letter, it makes clear that the NUJ has been granted core participant status, it explains what the NUJ is planning to do at this Inquiry. Then at the bottom of Page 3 it says this:

"To that end, the NUJ is asking for members to come forward and share your experiences, whether it's on journalistic practices, your experience of how matters are handled in your current or previous workplace, about how your working culture could be improved or problems you have had to deal with that you feel the Leveson Inquiry should consider. Please get in touch with me.

"Lord Justice Leveson has also been clear in stating that he is interested in the full breadth of culture, practice and ethics in the press. That means the good practice as well as the bad. This is an Inquiry that could shape the future of our industry and it is vital that the views of working journalists are heard and seriously considered."

And then you go on to say that you will deal with...
queries personally and in confidence and testimony can be put through to the Inquiry anonymously.

A. Yes.

Q. Can you tell us perhaps -- you say, going back to your statement, paragraph 5, around 40 journalists, members of the union, got in touch with you as a result, and you personally interviewed them either face to face or on the telephone. Did any of them provide you with written evidence?

A. Yes, some did and some I spoke to and they also sent me information in writing.

Q. You explain further down the same paragraph that in MS1, the first exhibit to this statement, you have reported what some 13 of them told you. Is there a correction to be made there?

A. It's actually 12.

Q. How did you get down from 40 to 12?

A. Many journalists got in touch with me to share their thoughts about how the Inquiry was going, about the types of witnesses who were coming forward. Some journalists wanted to give ideas and suggestions about future model of press regulation, which we're going to be dealing with separately, we'll be making a separate submission about the NUJ's suggested model of future regulation. So there was a variety of issues that journalists wanted to give ideas and suggestions about and they were coming to talk to me wasn't something that they were sharing with other people. It was something they were deliberately being very cautious about and absolutely didn't want anybody else to know that they were coming forward and talking to me.

Q. Did you personally ask any questions to ascertain whether or not they had spoken to each other in advance of coming to talk to you?

A. Yes, and they hadn't.

Q. How did you decide which questions to ask them?

A. Sorry, I should also add that the very fact of them coming to talk to me wasn't something that they were sharing with other people. It was something they were deliberately being very cautious about and absolutely didn't want anybody else to know that they were coming forward and talking to me.

Q. Did you ask -- sorry, I've been asked a number of questions to put to you and I'm trying to do that. Did you personally ask any questions to ascertain whether or not they had spoken to each other in advance of coming to talk to you?

A. Absolutely not. I haven't seen many of them here in the Inquiry sharing that kind of testimony with you.

A. No. I didn't ask them that question about Nick Davies, nor would I. Nick has written a book in which he obviously has his own sources. I wouldn't expect any journalist or anybody to tell me that they were a confidential source for another piece of journalism or for a book. As a journalist myself, I would jealously guard my own sources and protect their confidentiality and I would absolutely respect Nick's protection of his sources and the anonymity of the people who have come forward and spoken to him.

Q. So you sent out this letter, got some responses. In the end, 12 permitted you to record what they'd said in this way and then present it in MS1, which we're going to come on to look in a moment. Can you tell us about how the interviewed were conducted? Did you take contemporaneous notes?

A. I did. For all of the interviews that I conducted, I took contemporaneous notes.

Q. How did you decide which questions to ask them?

A. I wanted to talk to each of them about their experiences, about their time as a journalist in a range of whatever workplaces that they'd been in. I asked such as Mr Davies, Nick Davies, for example, or anyone else who have given evidence to the Inquiry based on what they were told?

A. No, I didn't ask them that question about Nick Davies, nor would I. Nick has written a book in which he obviously has his own sources. I wouldn't expect any journalist or anybody to tell me that they were a confidential source for another piece of journalism or for a book. As a journalist myself, I would jealously guard my own sources and protect their confidentiality and I would absolutely respect Nick's protection of his sources and the anonymity of the people who have come forward and spoken to him.

Q. So you sent out this letter, got some responses. In the end, 12 permitted you to record what they'd said in this way and then present it in MS1, which we're going to come on to look in a moment. Can you tell us about how the interviewed were conducted? Did you take contemporaneous notes?

A. I did. For all of the interviews that I conducted, I took contemporaneous notes.

Q. How did you decide which questions to ask them?

A. I wanted to talk to each of them about their experiences, about their time as a journalist in a range of whatever workplaces that they'd been in. I asked such as Mr Davies, Nick Davies, for example, or anyone else who have given evidence to the Inquiry based on what they were told?
them -- I mean, the way that actually most of the
interviews happened is that once people started talking,
they literally covered an awful lot of terrain in many
instances, particularly in the cases about bullying.
I asked them did they feel that they had support to
speak out about journalistic -- you know, their
journalistic ethics or about the treatment that they
were on the receiving end of, and I asked them whether
or not -- why they didn't feel that they could speak
openly and publicly about their experiences to the
Inquiry.
Q. Presumably you were taking a manuscript note of these
correspondences. When did you type up the notes?
A. Immediately after, which is my practice as a journalist
anyway. This would have been -- this is the way
I worked when I was working full-time as a journalist.
I was a feature writer and books editor, so taking
lengthy interviews was my day-to-day work. I have
always relied on handwritten notes, shorthand,
handwritten notes, even in times when I've used
a dictaphone, and all of the people I spoke to when
I was carrying out personal interviews them, many of
them literally covered an awful lot of terrain in many
instances, particularly in the cases about bullying.
I asked them did they feel that they had support to
speak out about journalistic -- you know, their
journalistic ethics or about the treatment that they
were on the receiving end of, and I asked them whether
or not -- why they didn't feel that they could speak
openly and publicly about their experiences to the
Inquiry.
A. Yes, and I've spoken to all of the journalists, yes.
Q. On 7 February, you may be aware, Lord Justice Leveson
gave a ruling on the admission of anonymous evidence
that you've collated, and at paragraph 21 of that, he
said this:
"I am not prepared to rule out these statements on
the basis of failure to provide notes, but will consider
adopting the same practice pursued in relation to the
challenge to the transcript provided by Chris Atkins.
That would require Ms Stanistreet to show counsel to the
Inquiry copies of her notes, redacted to remove the name
of any journalist who provided the information, thereby
protects his or her anonymity. Counsel will then be
able to confirm the fair presentation of the material,
and if there is any difficulty in that regard, I will
reconsider the matter."
Q. And you didn't record any of them?
A. No.
Q. When you were transcribing the manuscript notes and
typing them up and then creating MS1, how did you edit
what you had been told? What did you leave out, I think
is the question?
A. There were some specific examples, anecdotes, that some
individuals shared that would have absolutely identified
them as journalists, so anything that would have enabled
people to piece together their identity, even by jigsaw
means, I omitted. So these would be specific
examples of, "When I was writing this particular story
or tasked with this particular job, this is what
happened to me", so in terms of the generalities of the
treatments, that's remained in there, but there are some
examples of specific occasions where I felt, and the
journalist I was talking to felt, it would have enabled
somebody else to figure out who they were.
Q. Did you leave out any material that could conceivably be
relevant to the issues that the chairman is considering
at this Inquiry?
A. No, I didn't. I wanted the chairman and I wanted the
Inquiry and the general public to have as broad a view
Page 109
Page 110
Page 111
Page 112

Now, it's not usual for counsel to the Inquiry to
give evidence, so I'm going to ask you to confirm
a series of statements, if I can.
Can you confirm that we met yesterday afternoon?
A. We did.
Q. I viewed all your notes that were relevant to this
paragraph of the ruling?
A. (Nods head).
Q. And you showed me 12 sets of notes relating to all 12
journalists referred to in MS1?
A. I did.
Q. You told me that although you spoke with all 12
journalists, some of them had sent written notes
containing their versions of events and you also showed
me those notes prepared by the journalists themselves?
A. I did.
Q. And then there's a reference to the fact that you typed
up your notes; we've covered that.
Sir, I don't think Ms Stanistreet is going to be
able to confirm the conclusions that I've reached but
you've seen --
LORD JUSTICE LEVESON: No, she isn't. I'm prepared, so that
it's clear and within the public domain: you undertook
that exercise with Ms Stanistreet's consent. There is
absolutely nothing that you have seen that in any sense
Page 112
might assist core participants or undermine anything
that the witnesses have said.
MS PATRY HOSKINS: That's correct.
LORD JUSTICE LEVESON: In other words, you've done the
exercise.
MS PATRY HOSKINS: I have.
LORD JUSTICE LEVESON: And you're satisfied that everything
has been done which I required to be done.
MS PATRY HOSKINS: That's correct.
LORD JUSTICE LEVESON: Thank you.
Well, that's not evidence, but I accept it.
MS PATRY HOSKINS: Sir, I was going to move on now to look
at the MS1 in a little more detail, but given the time,
I'm wondering if, before I move on to that, we should
simply break and come back early.
LORD JUSTICE LEVESON: Yes, we'll start again at 1.55, if
that's all right. Thank you.
(12.55 pm)
(The luncheon adjournment)