

<p>1 Tuesday, 28 February 2012 2 (10.00 am) 3 MR JAY: Sir, I mentioned yesterday module one statements 4 which were to be read into the record. You've seen now 5 a list of about 30 statements and submissions. It's not 6 necessary, I think, for me to read them all out, unless 7 you would wish me to. 8 LORD JUSTICE LEVESON: No. 9 MR JAY: But these will be placed on the website as soon as 10 possible. 11 LORD JUSTICE LEVESON: Yes. It is important to understand 12 that if one had limitless time, there are a large number 13 of people who do have a contribution to make to the work 14 of this Inquiry, and one could indulge oneself with the 15 luxury of time and let everybody come to the Inquiry to 16 give evidence. However, in order to keep the time 17 constraints within reasonable bounds, it's been 18 inevitably necessary to make some quite important and 19 sometimes difficult decisions as to who should be 20 allowed to come to court or requested to come to the 21 Inquiry and whose evidence should simply be accepted, in 22 the sense that the statements are included within the 23 Inquiry record. 24 Nobody who is not asked to come should feel that 25 their contribution is any less significant. All are</p> <p style="text-align: center;">Page 1</p>	<p>1 First, to introduce you, you've been a Member of 2 Parliament since 1983 and president of the Liberal 3 Democrats from 2004 to 2008. You've twice run for the 4 party leadership and you're currently the deputy leader 5 of the Liberal Democrats in the House of Commons; is 6 that correct? 7 A. Correct, sir. 8 Q. It follows, as night follows day, that you have 9 a significant public profile; is that right? 10 A. I think that's probably true. 11 Q. Thank you very much. 12 You explain in paragraph 4 of your statement your 13 mobile telephone communications. Between 2002 and 2006, 14 your mobile phone was the main way you had of 15 communicating with parliamentary colleagues. So is this 16 right: unlike Lord Prescott, who told us how he didn't 17 really use his voicemail yesterday, did you, Mr Hughes? 18 A. Once I had my mobile phone, I used my voicemail, other 19 people left messages and things proceeded normally 20 until, as I have said in my witness statement, 21 I suddenly started to discover either messages I was 22 told were there I couldn't find, or on occasions 23 I discovered I couldn't actually access my voicemail at 24 all and I had to go to the provider to reset the system. 25 Q. Thank you. As you explain in paragraph 6, you believe</p> <p style="text-align: center;">Page 3</p>
<p>1 real contributions, and I'm grateful to everyone for 2 making them, but a balance has to be struck between the 3 time taken and the ability to investigate every turn. 4 MR JAY: Yes. 5 Sir, the first witness today is Mr Simon Hughes, 6 please. 7 MR SIMON HUGHES (affirmed) 8 Questions by MR JAY 9 MR JAY: Mr Hughes, you've given us your full name. I'm 10 going to invite you, please, now to confirm your witness 11 statements and explain the status of the second 12 statement. Your first statement is dated 20 February of 13 this year. It's signed by you and appended to it is 14 a statement of truth in the standard form. Is this your 15 formal evidence to the Inquiry? 16 A. Sir, this is my formal evidence. 17 LORD JUSTICE LEVESON: Mr Hughes, thank you very much. It's 18 obviously required effort and commitment to make this 19 statement. I'm very grateful to you for your help. 20 A. Thank you, sir. 21 MR JAY: On Friday, Mr Hughes, you provided the Inquiry with 22 a second statement and an exhibit. Again, there's 23 a statement of truth and you've signed it, but the 24 status of this evidence we'll explain towards the end of 25 your testimony, if I may.</p> <p style="text-align: center;">Page 2</p>	<p>1 this occurred in either 2005 or 2006; is that so? 2 A. That's correct. That's the first time I had -- I found 3 there was, as it were, a systemic failure and had to 4 complain. Obviously I wasn't to know, at that stage, 5 what the cause of the failure was. 6 Q. Were there ever occasions when there were messages 7 which, according to the system, were apparently read but 8 you knew you hadn't listened to them or read them? 9 A. Yes, there were. In those days, there was an envelope 10 sign which indicated an unread message. There were 11 certainly occasions when there were no envelope signs 12 and yet the messages clearly were stored in the system. 13 I had never heard them. 14 Q. Thank you. In paragraph 7, you explain what happened 15 in January 2006, when Mr Kennedy, the then leader of the 16 Liberal Democrats resigned, which was on 7 January, and 17 a plethora of messages were left on your voicemail 18 system; is that right? 19 A. I gave this paragraph as an indication, really, of the 20 confidentiality, not for me as much as for other people, 21 of information. It was at the time there was quite 22 a lot of rumour about Charles Kennedy and his future, 23 and then there were obviously fairly intense internal 24 discussions within the party and within his family. 25 I was party to some of those. I was the party</p> <p style="text-align: center;">Page 4</p>

<p>1 president, I needed to be kept informed, so the 2 information coming to me was not just confidential to me 3 and to the party and relevant to British politics more 4 widely, but clearly of direct personal interest to 5 colleagues and the families of colleagues, and so it 6 was, I would say, of the most sensitive and confidential 7 nature for other people.</p> <p>8 Q. You in due course stood in the party leadership 9 election. You tell us you were odds-on favourite at the 10 bookmakers, but then you received a call from someone at 11 the Sun. That individual has been redacted because he 12 may have been party to an offence under the Data 13 Protection Act, but can you tell us in your own words 14 what this individual said to you?</p> <p>15 A. Yes. Obviously I remember these matters fairly clearly. 16 I received phone calls -- or my office, to start with, 17 received phone calls -- I received phone calls from 18 somebody at the Sun saying they wanted to talk to me 19 about a private matter and asking to see me. By the end 20 of the day in which that first call had been made, I had 21 agreed to see them. I had assembled my campaign manager 22 in the leadership campaign and my solicitor and other 23 people and we met that person, and he then shared with 24 me the fact that the Sun had come by information which 25 were records of telephone calls made by me.</p> <p style="text-align: center;">Page 5</p>	<p>1 consolation is that probably running political parties 2 in this country is an even more onerous burden and it 3 may be life has been easier without doing it. So I am 4 fairly philosophical, but certainly there was apparently 5 a direct impact between that revelation and the 6 consequent press coverage and my political reputation 7 and chance of winning the election.</p> <p>8 Q. May we move forward to October 2006. You were informed 9 by Metropolitan Police officers that you'd been subject 10 to unlawful monitoring of your voicemails. Can you 11 recall now who you spoke to within the police?</p> <p>12 A. I would need to check the names. I was phoned, sir, to 13 ask if I would be willing to see police officers. It 14 was during the summer recess, as I recall. They wanted 15 to talk to me about, again, a confidential matter. They 16 asked to come to see me. They came to see me in my 17 constituency office and they told me that they had 18 discovered that Mr Mulcaire had been acting illegally in 19 relation to my phone, that it was the explanation for 20 why I hadn't been able to receive messages and my 21 voicemail had been interfered with, and they wished to 22 prosecute him, and they asked me whether I would be 23 willing to give evidence. They said in their view the 24 evidence that he had hacked my phone was 25 incontrovertible.</p> <p style="text-align: center;">Page 7</p>
<p>1 Q. Yes. Did this individual explain whether there was 2 a public interest in this entering the public domain?</p> <p>3 A. I don't believe he did. The meeting was relatively 4 short because although it was a hugely important and 5 personally difficult matter, I was in the middle of 6 an election campaign, I had a campaign team who were 7 working for me and I wanted to mitigate the harmful 8 effects of whatever was happening. So there was 9 a relatively short meeting. I didn't ask for lots of 10 further and better particulars. I admitted 11 straightforwardly the nature of the calls that he said 12 he had information that I had made -- I didn't think 13 there was any reason not to do so -- and as a result of 14 that, then gave an interview to the Sun explaining that, 15 which I have to say they didn't, in their title and 16 following days, entirely accurately represent the key 17 content of, but that's a separate issue.</p> <p>18 Q. One possible consequence of this is that, paragraph 9 of 19 your statement, your poll ratings fell and we all know 20 you didn't win that election; someone else did.</p> <p>21 A. All those things are true. It's a "what if" question. 22 Half of me is frustrated that I went from being odds-on 23 favourite and as strongly tipped to win our party 24 leadership as David Cameron was to win his, to not 25 winning. It would have been great to have won, but the</p> <p style="text-align: center;">Page 6</p>	<p>1 I said I would obviously be willing to collaborate. 2 I asked two other significant -- what I hope the Inquiry 3 might believe are significant things. One is whether 4 other political colleagues were also the subject of 5 interference, and I was told that they were, but I think 6 the phrase was other colleagues were not very willing to 7 go public about it, and secondly, I asked whether there 8 were other people involved and they said, "No, we're 9 just proceeding against Mr Mulcaire."</p> <p>10 I'm a lawyer, obviously. I understand the sort of 11 sample specimen count concept.</p> <p>12 LORD JUSTICE LEVESON: Yes.</p> <p>13 A. And so, sir, I perfectly reasonably assumed that six 14 witnesses would be sufficient, as it were, against one 15 defendant. What I didn't know, because I was not shown 16 the evidence which was the basis of the Mulcaire 17 prosecution, was that that same evidence clearly 18 revealed that other people who were journalists at the 19 News of the World were clearly involved, whether they 20 were involved directly or indirectly, but their names 21 featured in the same place as Mr Mulcaire's name, and 22 had I known that, I would have been more robust about 23 continuing a line of inquiry, saying, "Excuse me, why 24 aren't these people being prosecuted as well?"</p> <p>25 LORD JUSTICE LEVESON: I'm not seeking to judge that, and</p> <p style="text-align: center;">Page 8</p>

<p>1 I have to be very careful because, as you know, it would 2 be difficult for you not to know that there was 3 an ongoing very substantial police operation. 4 A. Yes. 5 LORD JUSTICE LEVESON: But what would be necessary for 6 a prosecution would, of course, be directly admissible 7 evidence against anybody else, which may or may not come 8 from what Mr Mulcaire wrote in his book. I'm not 9 judging it. 10 A. Of course. 11 LORD JUSTICE LEVESON: I'm merely identifying that there are 12 issues. 13 A. Of course. 14 LORD JUSTICE LEVESON: But your point is well taken, not 15 merely as regards width but also breadth, if you 16 understand the point I'm making. 17 A. Yes. Sir, in my early days at the bar, I prosecuted as 18 well as defended, and I understand the way the 19 relationship between the police and the CPS works, and 20 therefore it struck me as fairly obvious, once 21 everything was revealed, that if you had seen other 22 names of journalists on the same paper on the same 23 pieces of paper in the same notebook, the police would 24 have asked some questions and got them in for 25 questioning and investigated what their role was, on the Page 9</p>	<p>1 married, which confirmed to them that that clearly was 2 also true. They were clear there was incontrovertible 3 evidence of the calls made in relation to Mulcaire and 4 my mobile phone, and for the period up to -- well, up 5 to August 2006, which was when they did that enquiry. 6 What they didn't tell me was that Mr Mulcaire not 7 only had that phone number but he had every other phone 8 number, address and other things. What they didn't tell 9 me was -- 10 LORD JUSTICE LEVESON: This is to do with you? 11 A. Yes. They didn't tell me that he had, for example, the 12 hotline in the office, which only a few people know, my 13 private phone number at home, which is private because 14 four years before or something like it I'd been 15 a witness in a murder case and had had to have police 16 protection, so I think it's perfectly reasonable to 17 think you might want additional protection. I'm not at 18 all nervous about these things but there are sensible 19 precautions you take. 20 So all that panoply of information was in the same 21 place in the notebook, together with all sorts of other 22 things, which they didn't share with me. Names of 23 friends, addresses of friends, phone numbers of friends, 24 and so on and so forth. So I had fairly limited 25 information given to me. Page 11</p>
<p>1 one hand, and you would also have pursued Mr Mulcaire 2 and potentially other people and asked them what the 3 relationship was with other people. I mean, it was -- 4 I understand a specimen count against one defendant. 5 What I am very unhappy about and it seems to me was 6 a complete failure was to explore whether it would be 7 appropriate to bring charges against other defendants at 8 the same time as part of the same interrelated set of 9 activities. 10 LORD JUSTICE LEVESON: I understand the point you're making 11 entirely. 12 A. Yes. 13 MR JAY: You told us, Mr Hughes, that they didn't show you 14 any evidence? 15 A. Yes. 16 Q. Did they tell you, though, what the essence of the case 17 was in relation to Mr Mulcaire, which, as it were, 18 proved that he had been hacking into your voicemails? 19 A. Yes. They explained they'd found material, that it was 20 material which showed he had all my personal data -- and 21 perhaps I could come back to that in a second -- that 22 he -- they were satisfied he had hacked into my phone 23 and they explained in summary how that would have been 24 done. That was consistent with what I had experienced, 25 which I shared with them, so the two experiences Page 10</p>	<p>1 LORD JUSTICE LEVESON: Could I just ask one question about 2 the word "friends"? 3 A. Yes. 4 LORD JUSTICE LEVESON: It's this: by that, do you mean 5 political friends who might be of interest in their own 6 right or people who actually would generate no interest 7 other than their relationship with you? Do you see the 8 point I'm making? 9 A. Absolutely, sir. I see the point. The clear answer is 10 the second. Let me be straight with the Inquiry: there 11 were two names and addresses given of personal friends 12 of mine who are not in public life at all. As it 13 happens, one female, one male. They clearly -- the 14 News of the World, Mr Mulcaire and others, were trying 15 to stand up stories in relation to each of them. That's 16 obvious from words used in the notebook, which I saw 17 later. Absolutely no public interest in those people 18 being in the public domain. Not politicians. 19 LORD JUSTICE LEVESON: That's the question I was asking. 20 A. In professional life, no other interest to the media at 21 all, one of whom certainly then was pursued serially and 22 regularly -- I'm not saying necessarily only by the 23 News of the World or by the News of the World, but was 24 pursued by the press, and it can only have been because 25 of the relationship with me, and in a way that was very Page 12</p>

3 (Pages 9 to 12)

<p>1 deleterious to them. The other wasn't, to my knowledge, 2 but it would have been potentially very harmful to them, 3 too, their family life and so on, all based on 4 a salacious assumption in both case. They were trying 5 to establish relationships between me and these people, 6 neither of which were what they would have liked them to 7 have been. 8 LORD JUSTICE LEVESON: For newsworthy purposes, you mean? 9 A. Yes. 10 LORD JUSTICE LEVESON: I understand. 11 A. To make a story. 12 LORD JUSTICE LEVESON: I understand, I understand. 13 MR JAY: Mr Hughes, can I just come back to what information 14 they did share with you? 15 A. Yes. 16 Q. You've clearly explained a range of information they 17 didn't, but I've been asked to put to you this: did they 18 share with you the fact that Mulcaire had your mobile 19 phone number, its associated PIN code, the Orange 20 account number and the relevant passwords? 21 A. Yes, they did. 22 Q. Did they explain that that, in their view, was 23 sufficient to establish criminal offences under RIPA 24 2000, or did they say they had additional evidence which 25 completed the circle, as it were, namely evidence of</p> <p style="text-align: center;">Page 13</p>	<p>1 was a discussion about court dates and availability, and 2 I think the police indicated that it looked to them 3 pretty clear, if they had the six witnesses with such 4 strong evidence, that there might not be an effective 5 trial and there would be a plea. 6 LORD JUSTICE LEVESON: Yes. 7 MR JAY: Mr Hughes, the reason why I'm asking these 8 questions, apart from the fact it's very important to 9 have this evidence -- it's material which I will deploy 10 tomorrow with the relevant police witnesses. 11 A. Yes. 12 Q. So I will need to be absolutely clear where we are on 13 your evidence. But you made it clear that you were 14 going to offer support and assistance to the police 15 investigation, but as you've told us, there were guilty 16 pleas and that was the end of it; is that right? 17 A. Yes. I was in no doubt that I would collaborate. I was 18 slightly frustrated to hear that other colleagues were 19 being less willing to do so. I understand the 20 sensitivity of going public in this area. By this 21 stage, I had gone into the public domain, not through my 22 own willingness, on the subject, so it wasn't any 23 problem to me to potentially be in court again on these 24 subjects, and of course in the intervening period, there 25 had been the Information Commissioner's report in May</p> <p style="text-align: center;">Page 15</p>
<p>1 calls which Mulcaire had made to your voicemail? 2 A. They said the second. 3 Q. The second. 4 A. So they said they had that first set of information, but 5 also that they had evidence that he'd made calls. 6 Q. Thank you. 7 A. Perhaps I should clarify. I think already at this 8 stage, sir -- there was more than one conversation, but 9 there was -- at some stage, clear information was 10 relayed to me that the evidence was such that there was 11 going to be a guilty plea because it was unarguable. 12 I think that may have come later, rather than at the 13 meeting when they went through the evidence. 14 LORD JUSTICE LEVESON: Probably, because your experience may 15 be like mine, that even cases that are unarguable don't 16 always lead to guilty pleas. 17 A. Yes. My recollection is that we had the conversation no 18 later than October. I think the first court appearance 19 was in December and the guilty plea came only then, or 20 not before then. 21 MR JAY: It came, I think, on 26 November. 22 A. November. That's correct. I beg your pardon. 23 Q. And there was an indication shortly before that that was 24 going to happen. 25 A. Yes. The reason that's relevant is that clearly there</p> <p style="text-align: center;">Page 14</p>	<p>1 2006, and then in December, just after the guilty plea 2 in November, the follow-up report, and I was clear 3 personally and politically that it was really important 4 that this sort of behaviour -- both the hacking of 5 phones, which the police had come to me about and had 6 clearly been happening to other people, but also the 7 general abuse of data, purchasing, selling, blagging, 8 all those other things -- was unacceptable and I was 9 determined to do everything I could, personally as well 10 as politically, to try to deal with that, and I am 11 frustrated even now that there wasn't comprehensive 12 action taken then. That was the window of opportunity, 13 it seemed to me, when a lot of pain and grief could have 14 been spared had the police, on the evidence that there 15 was, if it was strong enough and if it had stood up 16 adequately, could have prosecuted those who clearly were 17 in the frame, or sort of at least gone to the CPS and 18 seen whether that was appropriate or encouraged the 19 Information Commissioner to do the same or whatever. We 20 lost three years, three or four years, in which illegal 21 activity continued. I wasn't to know that, obviously, 22 at the time. 23 LORD JUSTICE LEVESON: Well, whether it did continue or did 24 didn't continue is an interesting issue. One 25 consequence on the other side of the line may be that</p> <p style="text-align: center;">Page 16</p>

1 now what is happening is probably far broader and
 2 wider --
 3 **A. Yes.**
 4 LORD JUSTICE LEVESON: -- than anything that might have been
 5 contemplated then. Now, that may be a good thing or it
 6 may be a bad thing. Different people clearly have
 7 different views about that, but having started from
 8 a position of absolute neutrality and retaining my
 9 intention to keep an open mind throughout, what I have
 10 heard tends to suggest to me that what is presently
 11 happening is a good thing.
 12 **A. Sir, can I just make a response to that? I am really,**
 13 **really pleased that the Inquiry was set up. I supported**
 14 **very strongly that that should be done. I understand**
 15 **exactly the point you've just made. I was trying not to**
 16 **make the point that now there is a very wide-ranging**
 17 **response to these issues, which is in the public**
 18 **interest, very clearly in my view, and the police are**
 19 **now seized of this issue very strongly, as the Deputy**
 20 **Assistant Commissioner said yesterday. That's a very**
 21 **good thing, not just in relation to the**
 22 **News of the World but more broadly. I would encourage**
 23 **them to, now they've opened the box, complete the task**
 24 **fully.**
 25 My comment, sir, wasn't that we aren't in a very

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1 **good place now potentially to get a much better system,**
 2 **but for the individuals concerned, both those who were**
 3 **the victims -- public figure victims and non-public**
 4 **figure victims -- and those who appeared to be acting**
 5 **illegally, on what we now know, and appeared to continue**
 6 **to act illegally, if there had been robust action in**
 7 **2006, a lot of the illegal action might have been shut**
 8 **down, stopped, because it would have been dealt with,**
 9 **and a lot of people who are now known to be victims**
 10 **might not have been victims or might not have suffered**
 11 **as much. That was the point I was making.**
 12 LORD JUSTICE LEVESON: I take that point on board. There
 13 were several witnesses whose lives, it seemed from their
 14 evidence and from the facts, have been very dramatically
 15 affected by that delay.
 16 **A. Yes.**
 17 MR JAY: Mr Hughes, you explain in paragraph 12 of your
 18 statement that you supported the
 19 Information Commissioner's call for the penalty for the
 20 blagging offence, the Section 55 offence, to be
 21 increased.
 22 May I ask you to deal with the suggestion that the
 23 increase in the sanction to embrace the possibility of
 24 a prison sentence would have a chilling effect on
 25 journalism?

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1 **A. Yes. Sorry, I come from a political tradition that**
 2 **doesn't like locking up people if you can deal with**
 3 **things by other routes, and I hold to that view. But**
 4 **I was clear that when the Information Commissioner had**
 5 **exposed -- and, sir, you will know the figures, but in**
 6 **his second report, the breadth of the activity -- just**
 7 **so that I don't get the figure wrong, give me two**
 8 **seconds to turn up the right page. There were 305**
 9 **journalists or clients using the services in his table**
 10 **in the 2006 December report, and thousands of**
 11 **transactions.**
 12 LORD JUSTICE LEVESON: That's Whittamore.
 13 **A. Well, that's Whittamore, and related issues.**
 14 LORD JUSTICE LEVESON: Yes.
 15 **A. He, if you remember, sir, did a report in May. He then**
 16 **reported again in December on Operation Motorman and**
 17 **other things. There had been a couple of people**
 18 **prosecuted by him, one person who had accepted**
 19 **a caution, but he was asked on an FOI request to explain**
 20 **the detail of that, of the general assertion he made.**
 21 **He did so. There was a table of 30 titles, all the**
 22 **major ones, the Mail, the People, the Mirror, the Mail**
 23 **on Sunday, News of the World, Sunday Mirror and so on,**
 24 **going right down to some less likely ones like**
 25 **Women's Own.**

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1 LORD JUSTICE LEVESON: That's raised the argument that
 2 actually some of these enquiries may have been perfectly
 3 legitimate. You understand the point.
 4 **A. Of course, but to answer counsel's question, I was clear**
 5 **that only to have a financial sanction would not be**
 6 **enough, and I supported the Commissioner -- not for**
 7 **a ridiculously high prison sentence maximum, but for**
 8 **a prison sentence as an option, with a fairly short**
 9 **sentence as a maximum tariff, as being available to the**
 10 **courts, either for serial offenders or the most serious**
 11 **offenders or whatever, and I then was frustrated because**
 12 **for the remaining period of the Labour administration**
 13 **until 2010, and in particular in 2009 and 2010, when**
 14 **these issues came to light again after the Guardian**
 15 **revelation, in the end there was no action on this, in**
 16 **spite of the fact it was promised and we were led to**
 17 **believe it was coming and that Labour were going to take**
 18 **on board what had happened.**
 19 **So the fact that the law wasn't changed was**
 20 **frustrating, and to answer Mr Jay's question, I did**
 21 **believe it was appropriate to put that in the box of**
 22 **punishments available, and to add a small prison**
 23 **sentence.**
 24 LORD JUSTICE LEVESON: Mr Jay, would you come back to the
 25 issues surrounding why the law didn't change at the end,

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<p>1 as you did with Lord Prescott yesterday?</p> <p>2 MR JAY: Yes.</p> <p>3 LORD JUSTICE LEVESON: Thank you.</p> <p>4 MR JAY: Mr Hughes, may I move forward now to July 2009, the</p> <p>5 Guardian piece, which was 8 July, paragraph 14 of your</p> <p>6 statement.</p> <p>7 A. Yes.</p> <p>8 Q. You explain that you raised the subject again in</p> <p>9 Parliament, pressing the Labour government to</p> <p>10 investigate it further. May I ask whether there's</p> <p>11 a typographical error in the penultimate line in</p> <p>12 paragraph 14. Do you mean 2009 there?</p> <p>13 A. I do. I beg your pardon, sorry.</p> <p>14 Q. So you --</p> <p>15 A. Called a debate in Parliament.</p> <p>16 Q. You called for a commission into broadcasting and the</p> <p>17 media. Similar or different to this Inquiry, may I ask?</p> <p>18 A. This Inquiry will potentially do very well to fit that</p> <p>19 bill.</p> <p>20 Q. Right. Then you explain two years later, 25 May, you</p> <p>21 had a meeting with two officers from Operation Weeting.</p> <p>22 The first one was the SIO.</p> <p>23 A. Yes.</p> <p>24 Q. Detective Superintendent Mark Kandiah and a detective</p> <p>25 constable. As you've explained earlier, on this</p> <p style="text-align: center;">Page 21</p>	<p>1 sir, about other people who were friends, but also had,</p> <p>2 as it were, other lines of enquiry, as it were,</p> <p>3 indicated which were (a) fallacious, and (b) in one case</p> <p>4 had a name of somebody I didn't know, was completely</p> <p>5 a distraction and an invention. But it looked to me as</p> <p>6 if there was a pretty general trawl to find anything</p> <p>7 that might lead anywhere that might lead to a story.</p> <p>8 I think that was a summary conclusion of what I saw.</p> <p>9 MR JAY: Did you express concern or disquiet to these</p> <p>10 officers that you hadn't been shown this material back</p> <p>11 in October 2006?</p> <p>12 A. I'm not a very aggressive or angry individual. It</p> <p>13 wasn't their fault that I hadn't been shown. I think</p> <p>14 I expressed disappointment and frustration that I hadn't</p> <p>15 been shown it earlier. I was grateful that at last they</p> <p>16 were doing their job and that it was being done</p> <p>17 properly, and it seemed my job was to encourage them and</p> <p>18 compliment them on doing a thorough job and wish them</p> <p>19 well and be grateful that they'd done that and help them</p> <p>20 as much as I could to give them accurate information as</p> <p>21 quickly as possible. So I didn't, I don't think, vent</p> <p>22 much of my spleen on them. It wasn't their fault.</p> <p>23 Q. Paragraph 19, where you refer to a name in the top</p> <p>24 left-hand corner on one of the pages of the Mulcaire</p> <p>25 notebook which related to you.</p> <p style="text-align: center;">Page 23</p>
<p>1 occasion you saw for the first time the underlying</p> <p>2 material itself which related to you, and that included</p> <p>3 transcripts of messages left on your voicemail and also</p> <p>4 the call data, which linked directly with Mr Mulcaire;</p> <p>5 is that correct?</p> <p>6 A. I saw all the information. Obviously the information</p> <p>7 that wasn't relating to me was redacted in the copies</p> <p>8 I saw, perfectly properly, but it not only showed that</p> <p>9 they had every bit of information about my home address</p> <p>10 and my office and phone numbers and all those things,</p> <p>11 but that was where also I saw -- and went through with</p> <p>12 them, obviously -- other names and addresses and phone</p> <p>13 numbers and professional activity and so on that</p> <p>14 I referred to, sir, earlier of friends of mine. There</p> <p>15 were also other suggested lines of enquiry which meant</p> <p>16 nothing to me, in the terms of I didn't know the names</p> <p>17 of the people who were referred to.</p> <p>18 LORD JUSTICE LEVESON: This is the material that you were</p> <p>19 referring to a few minutes ago, where you said this was</p> <p>20 not known shown to you, but now you've seen it?</p> <p>21 A. Yes, and it was at this stage, when the police came to</p> <p>22 me last year in an office in Parliament, that they</p> <p>23 literally opened the books and showed me the material,</p> <p>24 all the pages of the notebooks with the information,</p> <p>25 which included the material I've referred to earlier,</p> <p style="text-align: center;">Page 22</p>	<p>1 A. Yes.</p> <p>2 Q. To be clear, you're not, of course, going to tell us who</p> <p>3 that was, because that would prejudice the police</p> <p>4 investigation, but it wasn't "Clive" for Clive Goodman,</p> <p>5 was it?</p> <p>6 A. No. So there were three names. Again, obviously it</p> <p>7 would be inappropriate to say here who they are, but</p> <p>8 three names of people employed by News of the World,</p> <p>9 which featured at different -- on different pages of the</p> <p>10 evidence on which my information also featured.</p> <p>11 Q. Three first names; is that right?</p> <p>12 A. Three first names.</p> <p>13 Q. And these are the names that --</p> <p>14 A. Let me just be careful. I believe first names, but</p> <p>15 I would need to check whether there was a surname</p> <p>16 anywhere.</p> <p>17 Q. For the avoidance of doubt, paragraph 36, when you refer</p> <p>18 to "at least three other senior journalists", these are</p> <p>19 the three?</p> <p>20 A. Those are the three, yes.</p> <p>21 Q. When you say in paragraph 19, third line, that you</p> <p>22 "infer that this relates" -- that's the corner name</p> <p>23 relates -- "to instructions give to Mulcaire by that</p> <p>24 person", was that an inference which you drew alone, as</p> <p>25 it were, or was it an inference which a police officer</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 shared with you and which you agreed with?</p> <p>2 A. As I recollect the conversation with the police -- and</p> <p>3 my head of my office was with me so we'd be able to</p> <p>4 check that, but the police showed me the pages. They</p> <p>5 asked me to identify what I could on each of the pages.</p> <p>6 Obviously I helped them where I could and I think they</p> <p>7 indicated that there may be, in this book, some names of</p> <p>8 other people with whom Mr Mulcaire was working on these</p> <p>9 stories, and asked me if I recognised them, could</p> <p>10 confirm that, had a view about that. So I think they</p> <p>11 opened the issue but without leading me to the answer.</p> <p>12 Q. Yes. Paragraph 24, now, Mr Hughes, where you really</p> <p>13 wrap up here a number of matters which you've already</p> <p>14 explained to the Inquiry now in your oral evidence,</p> <p>15 about your surprise that you weren't shown this material</p> <p>16 in 2006 and also the fact that the police investigation</p> <p>17 did not go further than Mulcaire and Goodman. In your</p> <p>18 own words, please, particularly on the second point now,</p> <p>19 why are you so surprised?</p> <p>20 A. The reason I was both surprised and disappointed was</p> <p>21 that in the end two people were taken to court. One was</p> <p>22 an employee of News of the World, as we know. He was</p> <p>23 the royal correspondent. He was taken to court</p> <p>24 specifically on charges that relate to the Royal Family</p> <p>25 and their staff. The other wasn't an employee of</p> <p style="text-align: center;">Page 25</p>	<p>1 allowed to say something about that in a second -- and</p> <p>2 therefore, in the public interest, the News of the World</p> <p>3 and their employees should have been held to account,</p> <p>4 not just a freelance individual agent who was employed</p> <p>5 on a contract basis.</p> <p>6 That's, for me, where the significant failure</p> <p>7 occurred and where the police, for a reason I don't</p> <p>8 understand, decided not to go. I can understand they</p> <p>9 might not have been able easily to bring charges against</p> <p>10 a whole number of journalists. Some might have been</p> <p>11 much more able to have been prosecuted because of the</p> <p>12 evidence than others but there was no prosecution</p> <p>13 against anybody other than Clive Goodman, and</p> <p>14 Clive Goodman only because of his work with the Royal</p> <p>15 Family, whereas there was a whole range of people</p> <p>16 clearly acting in concert, either directly or</p> <p>17 indirectly, illegally, and they were not touched.</p> <p>18 I find it impossible to find a good explanation for why</p> <p>19 that happened.</p> <p>20 Q. The email you refer to is at tab 147 of our bundle, but</p> <p>21 also in the exhibit to your witness statement at</p> <p>22 page 28. It has been pored over but it is right to turn</p> <p>23 it up again because it may provide a platform for what</p> <p>24 can be asked of police officers. Do you have it there,</p> <p>25 Mr Hughes?</p> <p style="text-align: center;">Page 27</p>
<p>1 News of the World, but somebody working for them as an</p> <p>2 agent. But clearly employees were engaged, and</p> <p>3 therefore the whole panoply of other people who it now</p> <p>4 appears had their voicemails hacked on the instructions</p> <p>5 of people in News of the World were not in any way used</p> <p>6 as evidence against the employees.</p> <p>7 Really, the more serious offence, in my mind -- I'm</p> <p>8 talking not legalistically but generally -- is that</p> <p>9 employees of national newspapers were behaving like</p> <p>10 this. You can sort of understand how a freelance</p> <p>11 individual working for themselves might hold themselves</p> <p>12 out to do either things that were illegal or less legal, but</p> <p>13 there are probably different standards expected of</p> <p>14 people who are self-employed individuals than people who</p> <p>15 are employed by national titles owned by nationally and</p> <p>16 internationally important companies, and I -- that was</p> <p>17 the disappointment, that those who were employed weren't</p> <p>18 pursued, and obviously, as we also know, I think</p> <p>19 confirmed yesterday in the Inquiry, from the email from</p> <p>20 the lawyer to Andy Coulson, sent in September, which is</p> <p>21 attached to my evidence -- perhaps you intend, sir, to</p> <p>22 come back to that, but it was clear that from September</p> <p>23 2006, at the highest level, the News of the World knew</p> <p>24 about this -- there's another very important matter that</p> <p>25 I deal with in my evidence, which I hope I might be</p> <p style="text-align: center;">Page 26</p>	<p>1 A. I do, sir, yes.</p> <p>2 Q. Again, it's what inferences one might draw from that.</p> <p>3 The reference in point 2 to 100-110 victims, which</p> <p>4 went, of course, further than the royal household, one</p> <p>5 might draw an inference from that that others at</p> <p>6 News of the World must have been involved, because this</p> <p>7 was outside the bailiwick of Mr Goodman. In any event,</p> <p>8 this sort of activity would need more than one person to</p> <p>9 instigate.</p> <p>10 A. Yes.</p> <p>11 Q. Is that, without leading you, at least a possible</p> <p>12 inference, to put it at its lowest?</p> <p>13 A. Sir, I think this email is significant in lots of</p> <p>14 respects. One, it's from Tom Crone, the lawyer.</p> <p>15 Second, it's to Andy Coulson. Thirdly, it refers</p> <p>16 exactly to what Rebekah Wade said, and what she said</p> <p>17 which had been told to her by the police. So the whole</p> <p>18 of the circuit was made clear by this email.</p> <p>19 It deals quickly with the point -- they have the</p> <p>20 words here "Clive and GM [Glenn Mulcaire] bang to rights</p> <p>21 on the palace intercept". That takes that out of the</p> <p>22 way.</p> <p>23 Secondly, in answer to counsel's question, 100-110</p> <p>24 victims clearly means there's a whole other tranche of</p> <p>25 people. Six of us gave evidence in the case, but it</p> <p style="text-align: center;">Page 28</p>

<p>1 clearly therefore was not going to be just the activity 2 of the royal correspondent. Not touched, not followed 3 up, not pursued, any of them. Completely illogical. 4 And then, sir, the issue that I think is very 5 significant, and which actually raises a matter, 6 I think, of profound importance in three, note three: 7 information given by the police to Rebekah Wade, 8 Rebekah Brooks. The only payment records they found 9 were from News International, ie the News of the World 10 retainer and other invoices. They said that over the 11 period they looked at, going way back -- not 12 insignificant -- there seemed to be over a million 13 pounds of payments. 14 Sir, you'll remember that when the matter came to 15 court, the only sum that was before the court was a sum, 16 from recollection, of £12,300 or £12,500 pounds, which 17 was the subject of a compensation order. The court 18 sentenced Goodman and Mulcaire on the basis that £12,300 19 was the known transaction payment. It is clear from 20 here and clear, as counsel knows, from other evidence, 21 that there was at least £500,000 of certain payment by 22 News of the World to Mulcaire. 23 Q. Yes. If we can just interpose that, it's page 13 of 24 this same bundle, isn't it, where there's a schedule of 25 payments, and that which one can be wholly confident</p> <p style="text-align: center;">Page 29</p>	<p>1 Q. You're not. The position before Mr Justice Gross on 2 26 January was that the £104,000, which was the last of 3 the year-long retainers, that that was all apparently 4 legitimate, and the £104,000 is probably part of that 5 which we see at page 13. 6 LORD JUSTICE LEVESON: Yes. 7 MR JAY: Because there were a series of annual retainers 8 which no doubt went up with inflation or whatever. It 9 was perhaps only later that the police had come to the 10 view that this £104,000 was not legitimate but rather 11 part and parcel of the same illegitimate activity. But 12 there's certainly a question as to whether, in the 13 email, paragraph 3, they were assimilating all the 14 payments and regarding each and every one of them as 15 prima facie unlawful or whether all they were doing was 16 referring neutrally to the fact that money passed hands 17 to this extent. We're not sure whether it's lawful or 18 unlawful. 19 LORD JUSTICE LEVESON: Yes. Mr Hughes is entitled to draw 20 what inferences he wants personally, but of course 21 I just have to be a bit careful -- 22 A. Of course. 23 LORD JUSTICE LEVESON: Thank you. 24 A. Sir, can I just add two last things in relation to that 25 memo, that email?</p> <p style="text-align: center;">Page 31</p>
<p>1 about is the bank transfers, £568,000. 2 A. And even, sir, up to the time of the investigation which 3 led to the prosecution, so November 2006 -- if you take 4 out even the 2007 figure and take out all of the 2006 5 figure, if you want to, up to the end of 2005 there was 6 over £400,000 of payment by bank transfer. Mr Mulcaire 7 was sentenced on the basis of an activity which said 8 he'd received £12,300. I think the fact that the court 9 did not have before it information which was clearly 10 known, known to the police -- because they told Rebekah 11 Wade -- known to Rebekah Wade, known to Tom Crone, known 12 to Andy Coulson -- that that was not in the court's 13 knowledge is a serious failure which meant that the 14 court was asked to do a job on the basis of incomplete 15 evidence, evidence which was in the knowledge of the 16 police and they didn't bring to the court. I think that 17 is a -- I'd say it's an unforgivable failure, it's 18 a completely unacceptable failure. 19 LORD JUSTICE LEVESON: Just help me, could you, Mr Jay. Am 20 I confusing this with the evidence in relation to 21 Mr Whittamore when I recollect that there was an 22 argument that a lot of the work being done by one or two 23 or both of these people was not necessarily linked to 24 this type of activity? I'm just trying to remember the 25 evidence.</p> <p style="text-align: center;">Page 30</p>	<p>1 Obviously the second part of the email refers to the 2 News of the World in general, rather than to 3 Clive Goodman and Glenn Mulcaire in particular, and 4 gives, as it were, the police explanation as at that 5 date, or just before it, presumably, September 2006, as 6 to why they weren't going wider than Mulcaire and 7 Goodman. The bottom point: 8 "They suggested they were not widening the case to 9 include other News of the World people but would do so 10 if they got direct evidence, say News of the World 11 journalists directly accessing the voicemails." 12 And then at the bottom: 13 "They have no recordings of News of the World people 14 speaking to Glenn Mulcaire or accessing voicemails. 15 They do have Glenn Mulcaire's phone records, which show 16 sequences of contacts with News of the World before and 17 after accesses. Obviously they don't have the content 18 of the calls, so this is, at best, circumstantial." 19 This is obviously Mr Crone reporting at the time. 20 Again, I'm trying to be a layman, not a lawyer -- 21 LORD JUSTICE LEVESON: You can be a lawyer as well, 22 Mr Hughes. 23 A. Thank you. It seems to me that even non-lawyers would 24 think it wouldn't be surprising if you might go to the 25 CPS and say, "Is this fertile territory or</p> <p style="text-align: center;">Page 32</p>

<p>1 a prosecution, and if so, what more do you think you'd 2 need to get us over the 50 per cent threshold?" It must 3 have been in the public interest to contemplate 4 prosecution -- I can't believe it wasn't in the public 5 interest -- so the only question would be the 6 50 per cent test, and therefore it seems to me that not 7 looking, not opening the doors where the doors had 8 obviously been identified, clearly was a positive 9 decision not to proceed. You'll be asking the police 10 about that in due course but I can't see any easy 11 explanation as to why they didn't go down that road much 12 further.</p> <p>13 MR JAY: Again, as you say, this is the platform for further 14 enquiry tomorrow, but the point at the bottom of the 15 page, under (e), the sequence of contacts with 16 News of the World, that may be generic, may not relate 17 to any particular journalists.</p> <p>18 A. Of course.</p> <p>19 Q. But then further enquiries need to be done, maybe, to --</p> <p>20 A. It obviously points to some enquiries which could easily 21 be made, and nobody is suggesting that at this stage -- 22 there wouldn't, at that stage, have been any need for 23 the police to contemplate that they would have an 24 unlimited number of people to investigate as potential 25 defendants. It seems to me that the number of</p> <p style="text-align: center;">Page 33</p>	<p>1 going on, and if this is correct -- and I have no reason 2 to think Mr Crone, on this point, wouldn't be 3 accurate -- was reporting that the police were going to 4 contact "the boss" to see if she wished to take it 5 further, presumably in terms of asking them to do 6 something or internally taking action. But to say that 7 unless the police didn't follow that up -- to say that 8 she didn't know would be impossible, not least because 9 the first part of the email confirms that the 10 information comes from Rebekah Wade in the first place.</p> <p>11 Q. Thank you. To go back now to your witness statement, 12 Mr Hughes, paragraph 25, you refer to what happened at 13 the sentencing hearing, and of course we have the full 14 transcript. Then Mr Crone's evidence to the Select 15 Committee on 21 July 2009, which he was asked about when 16 he gave evidence before us in December.</p> <p>17 At paragraph 26, you refer to a list which was 18 compiled, analysed between the 10th and 12 August 2006. 19 It included your name and 418 others. I don't think you 20 have it in your witness statement as an exhibit, but we 21 certainly have it at tab 94, which is in the first file 22 of the judicial review material, which contains the 418 23 names.</p> <p>24 LORD JUSTICE LEVESON: Sorry, tab?</p> <p>25 MR JAY: Tab 94. This is the list of those potentially</p> <p style="text-align: center;">Page 35</p>
<p>1 defendants on the evidence that we now know exist was 2 limited. It wouldn't have been an impossible task and 3 you wouldn't have had to interview every potential 4 victim to get a specimen case against the other people. 5 So it's not -- the argument that it would have been 6 unmanageable, that it would have taken a huge amount of 7 resources is not credible. Police take sample specimen 8 cases and you could have had a specimen count against 9 the other defendants on the basis of six of us giving 10 evidence.</p> <p>11 Q. Thank you. The point on the next page of the email 12 under item 10, maybe that speaks for itself.</p> <p>13 A. I beg your pardon, I just put that away. Let me just 14 retrieve it. Yes, I think it does speak for itself.</p> <p>15 Q. Although the "it", the penultimate word, one queries 16 whether that's a reference to any prosecution or whether 17 it's a reference to expanding the enquiry to incorporate 18 other journalists. Either way, on either 19 interpretation, it gives rise arguably to concern.</p> <p>20 A. Yes, it speaks for itself, but it clearly deals with the 21 question which was bouncing around in the public last 22 year for a long time and in Parliament for a long time: 23 who knew what and when? And this makes it absolutely 24 clear, beyond doubt, it seems to me, that Rebekah Wade, 25 Brooks, was alerted in September 2006 as to what was</p> <p style="text-align: center;">Page 34</p>	<p>1 compromised, which was prepared between those dates. 2 I've seen your name on that list. A lot of names have 3 been redacted. You don't have this in front of you now, 4 I think, Mr Hughes.</p> <p>5 A. No, I don't, sir.</p> <p>6 Q. Then you refer, in paragraph, 26 to another document, 7 which is the project list compiled on 23 November 2006, 8 which is the one we looked at yesterday, I think, with 9 Mr Paddick. That is tab 150-something. Yes, it's 10 tab 157. So those are two different lists.</p> <p>11 A. Yes. It seems to me the significant thing about the 12 chronology, which I try to deal with in paragraphs 25 13 and 26 of my evidence, is that police seize Mulcaire's 14 notebooks on 8 August 2006. They're analysed also 15 in August, between the 10th and 12th, quite quickly and 16 efficiently. The list was compiled then. That list had 17 418 other names, and my name, 419 names altogether. So 18 by August, the names were known.</p> <p>19 Then, chronologically, we have the email which we've 20 just been talking about, which was a September email, in 21 which Tom Crone told Andy Coulson what was going on and 22 Rebekah Wade was clearly reported to have been briefed. 23 Then, as it were, it came back when the police finished 24 their work on 23 November.</p> <p>25 Mr Crone was asked about this, obviously, in the</p> <p style="text-align: center;">Page 36</p>

<p>1 Select Committee hearing, and -- by Paul Farrelly. 2 Question 1398: 3 "Was anyone else involved with Mulcaire?" 4 The answer was "no". 5 "Nothing else was found?" he put as a question to 6 Mr Crone. Answer by Mr Crone: 7 "No evidence was found." 8 That clearly is not true, and when he wrote the 9 email in September, that is an accurate statement, it 10 seems to me, of what he knew at the time, which appears 11 to be inconsistent with an argument that all this only 12 became evident on 29 November 2006. 13 Q. Yes. I'm moving on now in your statement. You've 14 covered paragraph 28, which is the payment schedule, 15 page 13 of the exhibit. You've probably also covered 16 paragraphs 29 and 30, because paragraph 30 deals with 17 the email. 18 A. There are obviously two issues. One is -- I'm sorry, 19 I wasn't explicit -- if there had been illegal payments 20 of 500,000, whatever it was, then the court would no 21 doubt have contemplated confiscation orders of that sum 22 rather than the smaller sum. And secondly -- and 23 obviously, judge, I recognise that it's not certain as 24 to the matching of the payments to the activity, but 25 whatever the amount of illegal activity was for which</p> <p style="text-align: center;">Page 37</p>	<p>1 Mr Hughes, not only my anxiety about the present 2 investigations, but also the focus of the terms of 3 reference of the Inquiry -- 4 A. Of course. 5 LORD JUSTICE LEVESON: -- to look at culture, practices and 6 ethics in order to make recommendations. 7 A. Of course. 8 LORD JUSTICE LEVESON: Even if I open up any new line, I can 9 find myself very simply disappearing underneath the 10 surface, as I'm sure you'll appreciate. 11 A. Sir, can I say -- I have no wish to sound sycophantic. 12 I'm really pleased that the Inquiry is here and that it 13 is being conducted in this way, but I'm very clear it's 14 about two things: it's about history and about 15 actuality. It's about what might have happened but 16 isn't happening any more and what might still, in theory 17 or in practice, happen. You're fully aware of the need 18 to address both of those. The terms of reference were 19 specifically written. I know, sir, that that left that 20 open and I'm keen that things are not assumed to be 21 historic when they might not have finished in August 22 or October or November or December 2006, and may have 23 continued, but I'm conscious of the sensitivities about 24 where and when that's dealt with in the Inquiry. 25 LORD JUSTICE LEVESON: You could always come back in part 2.</p> <p style="text-align: center;">Page 39</p>
<p>1 there was payment, then there is an issue about that 2 being the appropriate level of activity which should 3 have been in the court's mind when it sentenced. 4 Q. At paragraph 32, Mr Hughes, you set out your suspicions 5 that the police had shut down this investigation, "much 6 to the delight of News Group, and ignored evidence of 7 longstanding and widespread criminality. I do not know 8 of any good or persuasive reason why this should be and 9 it makes me extremely suspicious." 10 Your second witness statement, which we're not going 11 to introduce today but may well come back to, deals with 12 the possible ramifications of failing to investigate 13 this properly in 2006. 14 A. Yes. 15 Q. If I can sort of put it in those fairly non-committal 16 terms at this stage. 17 A. Perhaps I can make an equally non-committal one-sentence 18 response for the judge. 19 Sir, there are obviously issues about what might 20 have continued beyond the time some of us gave evidence, 21 in my case in 2006, and whether or not activity -- 22 illegal activity continued. If it's appropriate, that 23 raises issues which I'd be happy to assist the Tribunal 24 with at a later stage in these proceedings. 25 LORD JUSTICE LEVESON: Yes. I'm sure you understand,</p> <p style="text-align: center;">Page 38</p>	<p>1 It's just -- 2 A. No, I understand, sorry. 3 Could I say, I used the phrase "much to the delight 4 of News Group". That may have been unfair. I think the 5 fairer phrase might be "much to the relief of 6 News Group, things were not pursued further". It 7 became -- the whole public presentation of 2006 was that 8 it was a rogue reporter -- that was the phrase that 9 people remember most -- and somebody who was employed as 10 an agent. This was not the story of a rogue reporter 11 and somebody who was employed as an agent, and the 12 relevance of the police engagement is that it was 13 a wholly different issue in the public interest if it 14 was a systemic, generic, frequent activity, and the 15 police should have seen that and dealt with that in the 16 public interest, and that's much more serious than rogue 17 reporters or freelance one-off agents. 18 MR JAY: May I ask you to deal with the point which arguably 19 comes out of the contemporaneous police documents in 20 2006, that they believed, rightly or wrongly, that they 21 would be closing down this operation by arresting 22 Goodman/Mulcaire and bringing them to justice and that 23 it wasn't necessary, as it were, to expand this as 24 widely as it might have been expanded because the 25 primary objective would be achieved, and, moreover, it</p> <p style="text-align: center;">Page 40</p>

1 would swallow up very considerable resources to expand
 2 the lines of enquiry. That, in my own words, may well
 3 sum up their thinking. Do you have a view about that or
 4 not?
 5 **A. Just two simply points, sir, if I may. One is I hope**
 6 **I indicated that I don't think it would have been the**
 7 **resource-intensive activity that is put as the argument**
 8 **why it wasn't pursued. I'm very conscious of police**
 9 **resources in London in particular, as a London MP.**
 10 **I wouldn't want them to be spending lots of time and**
 11 **effort on things that weren't going to be useful,**
 12 **productive, but you could, perfectly properly, have**
 13 **found six witnesses from the evidence, across the range**
 14 **of activity, in relation to the other prospective**
 15 **defendants without having to go and speak to 500**
 16 **potential victims in terms of prosecution. It would**
 17 **have, I think -- it looks as if it would have secured**
 18 **convictions, even on what I saw then. Obviously I'm**
 19 **aware other enquiries happened later. So that's the**
 20 **first point.**
 21 **Secondly, in relation to this Inquiry's work, there**
 22 **are a whole set of relationships that clearly occurred**
 23 **between the police and the News of the World and other**
 24 **major newspaper organisations, and these issues,**
 25 **decisions to prosecute or not to go ahead or not need,**
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1 as the Inquiry's properly doing, to be looked at in the
 2 context of those other relationships and whether the
 3 decisions were affected by other relationships at
 4 a higher level between editors and senior staff at the
 5 News of the World and other titles and senior people in
 6 the Met.
 7 **My fairly simplistic impression is there was far too**
 8 **close a relationship on regular occasions, not just on**
 9 **this issue, but as the senior police officer said**
 10 **yesterday, in relation to a whole set of issues. This**
 11 **Inquiry and Parliament's -- the government's**
 12 **determination to set it up I hope will clear out that**
 13 **stable because it's an unacceptable set of practice that**
 14 **has gone on. Public service and police officers must be**
 15 **free from buying and selling and acting illegally. We**
 16 **need to sort it for once to restore confidence in the**
 17 **police, to restore confidence in journalists doing their**
 18 **job properly, so good journalists aren't tainted by the**
 19 **activities of bad journalists, and to continue allowing**
 20 **a free press to work within the bounds of the law set by**
 21 **Parliament.**
 22 **So it's a great opportunity, and sadly, as somebody**
 23 **who has supported the Met police for a long time, they**
 24 **lost their way badly and at a senior level, and clearly**
 25 **were -- "corrupted" may be an unfair word, but were**
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1 **tainted and overly influenced by improper**
 2 **considerations, and I hope this Inquiry will be very**
 3 **robust about both its findings and its recommendations**
 4 **on that issue.**
 5 LORD JUSTICE LEVESON: You don't ask very much of me,
 6 Mr Hughes.
 7 **A. I know. We have confidence, sir.**
 8 MR JAY: Mr Hughes, in your concluding remarks, paragraphs
 9 33 to 37, you make many of the points you've just made.
 10 Are there any other matters there or elsewhere which you
 11 would wish to draw to the Inquiry's attention?
 12 **A. Just on the history, can I just summarise, sir, my**
 13 **points in paragraph 33? I'm able, having entered public**
 14 **life, and, like most of my colleagues -- you had the**
 15 **former Deputy Prime Minister here yesterday -- robust**
 16 **enough to be able to defend ourselves and take the rough**
 17 **with the smooth. My concern is about people who are, as**
 18 **sir, you indicated, the unintended victims of this**
 19 **activity, people who happen to be my family, my friends,**
 20 **my constituents, my staff, or in those relationships**
 21 **with other people. I know in relation to my case how**
 22 **harmful an effect it had certainly in one case on**
 23 **somebody entirely outwith political activity, and it**
 24 **could have had on others. That's the real mischief, not**
 25 **those of us who stick into the public -- step into the**
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1 **public arena, and therefore must expect, by definition,**
 2 **more interest and less protection than other people,**
 3 **and must expect to be able to -- I have a platform to**
 4 **deal with it. The people who are the friends and family**
 5 **of mine don't have the platform and they don't -- they**
 6 **shouldn't have to expect to have that intrusion.**
 7 Q. You have spoken, Mr Hughes, of the overly proximate
 8 relationship between News International and the police.
 9 May I move on to the relationship between politicians
 10 and the press? Maybe I'll ask the same question I asked
 11 Lord Prescott yesterday: in your view, was the
 12 relationship between sections of the press and
 13 politicians too close at certain times or generally?
 14 **A. Sir, I've been in Parliament for 29 years as of two days**
 15 **ago. I was in opposition until two years ago.**
 16 **I therefore understood and expected that my party would**
 17 **be of less interest to the press than the other two**
 18 **parties who were in government in that period. I was**
 19 **clear from a very early stage that there was a growing**
 20 **unhealthy relationship between politics and the press,**
 21 **and it was -- I sort of always assumed, from my**
 22 **understanding of history from the last century, that**
 23 **there would be strong links, by and large, between the**
 24 **press barons and the Tory party. That was a sort of**
 25 **given from my reading of political history.**
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<p>1 I understood how influential tabloids in particular 2 became. I saw the desperate effort, when I was in 3 Parliament, for party leaders to gain favour with the 4 tabloids. I saw Tony Blair fly across the world to have 5 summit meetings with the Murdoch family. I regarded it 6 as increasingly unhealthy. I didn't just do that; my 7 colleagues and I said so. Matthew Taylor, when he was 8 an MP, said so. Lord McNally, when he was in 9 Parliament, said so. We sought to do things about this. 10 We sought to toughen the regulations. I'm not going to 11 bore you with the details, but there are evidence 12 records of how often we tried to restrict the influence 13 between the political parties and the press, and make 14 sure that there wasn't a dominant position held by any 15 individual paper or organisation and there wasn't an 16 abuse of a dominant position. 17 So there was for us, as liberals, a consistent 18 theme, and the answer to counsel is that it didn't show 19 any signs of abating. As every election draw nearer, 20 the battle to get the most popular titles on your side 21 would grow, and it seemed to me there was a lot of 22 compromising of principles to do that. 23 Can I add one thing? That's why this Inquiry is 24 really important, because there was a consensus in 25 Parliament last year. Everybody had been persuaded Page 45</p>	<p>1 colleagues in Parliament to decide whether, and if so, 2 in what way, matters should be taken forward. 3 A. Sir, can I be -- I absolutely agree about that. I will, 4 if I may, reveal a secret which is perfectly proper to 5 reveal but hasn't -- sir, I have made it clear to the 6 Deputy Prime Minister, my party leader and my colleague 7 that in my view, in this parliamentary session that will 8 begin next spring, May 2013, space should be reserved 9 now in the forward-planning of Parliament to deal with 10 anything that requires legislation, in good time before 11 the next General Election which is scheduled for 2015. 12 I'm very clear about that for just the reason you say. 13 I understand exactly the point about acting off the back 14 of the Inquiry, not waiting for prosecutions. Some 15 things may not need legislation -- perhaps in a moment 16 I could share two thoughts about that -- but for those 17 which do, Parliament must absolutely not bottle it and 18 we mustn't run away from it, and there will be some who 19 may -- and I hear little voices already -- who will say, 20 "Don't be nasty to the press. They're lovely. We've 21 got to love them. The free press is important." 22 Of course it's important, but the press must act 23 within a framework of proper behaviour and the police 24 must act and Parliament needs to be ready to act and 25 I hope there will be the space available for legislation Page 47</p>
<p>1 something must be done, in the words of the old cliché. 2 It may be easier to say that across the political divide 3 in the first year of a Parliament than it is when you're 4 a year before a General Election, and the temptation 5 grows again. For politicians I'm talking about, not for 6 anybody else. And therefore the really useful thing 7 would be if we -- following the Inquiry, any 8 prosecutions that happen by the police can come back to 9 this matter in Parliament, because I think there are 10 ways in which we can -- 11 LORD JUSTICE LEVESON: I would hope it wouldn't have to wait 12 for the conclusion of prosecutions -- 13 A. No, I agree. 14 LORD JUSTICE LEVESON: -- for Parliament to consider where 15 it wanted to go, and of course it will be for 16 Parliament, ultimately -- 17 A. Of course. 18 LORD JUSTICE LEVESON: -- depending on the recommendations 19 that I make. But nobody should misunderstand the fact 20 that the reason that I have pressed -- and people around 21 this Inquiry room look rather invigorated after two 22 weeks off, but in the months that have gone and in the 23 months that will come, and put myself under pressure, is 24 because I am extremely conscious of the importance of 25 time. So it will then be for you and those of your Page 46</p>	<p>1 in the parliamentary session 2013/14, so that's all in 2 place well before the election. 3 LORD JUSTICE LEVESON: Yes. 4 MR JAY: Before I ask you to develop your point about 5 recommendations, may I just pick up on two points? You 6 said that there was a compromise in principles in wooing 7 the press, particularly before election. Can I ask you 8 just to expand on the compromise in principles, please? 9 A. I make the point generally. It's obvious that everybody 10 in a political party -- and I don't pretend to be 11 innocent of this myself -- seeks to be presented well in 12 terms of policy and actions in local and regional and 13 national press. Of course we do. And we seek to give 14 them things that they will regard as good reasons for 15 commending us. In the great public debate, they're very 16 important players. 17 But by definition, it's not unimportant to try and 18 get titles that sell 1 million, 2 million, 3 million 19 copies to be on your side probably even more than the 20 titles that sell 100,000, 200,000, 300,000. Bluntly, 21 we're talking about broadsheets against tabloids, and 22 therefore you temper your -- it is clear to me that 23 parties temper their policies and their presentation to 24 make them have maximum popular appeal. That's obviously 25 a perfectly proper thing to do, but sometimes I sense Page 48</p>

<p>1 that they go in the wrong direction for populist 2 reasons.</p> <p>3 I'll give one example, if I may. In the last 4 Parliament, we had the Labour Party supporting 5 advocating identity cards. They'd always been 6 traditionally a party quite committed to civil liberties 7 and so on and so forth. They moved to be a party which 8 wanted to be seen to be strong on law and order and so 9 on. That was part of that package. I think, I would 10 say to my Labour Party friends, that became a compromise 11 of their principles. They went the wrong side of the 12 line to be appealing so they could appeal to the, as it 13 were, law and order press.</p> <p>14 Now, that may be unfair, they may say that wasn't 15 the reason at all. I only give an example because you 16 asked me to. But the relationship -- of course we have 17 to talk to journalists, talk to editors, be interviewed 18 by them, engage with -- I'm not arguing for any 19 monastic -- it would be nonsense. Of course we do and 20 we should do and we should be subject to their scrutiny, 21 and I'm absolutely not asking for a less robust press 22 and less active engagement, but there shouldn't be 23 people going in through the back door into Downing 24 Street, bluntly, as editors. If they want to go in, 25 they should go in through the front door, or they should</p> <p style="text-align: center;">Page 49</p>	<p>1 case privately as well as publicly to be allowed to have 2 as little restriction on acquiring interests as it would 3 wish for its own commercial reasons. I have the strong 4 view that we need a strong regulator but also we need 5 strong controls of share of the market. That's an 6 example where I'm clear there has been both public and 7 private lobbying, and that's a really important issue 8 because it goes to the heart of the freedom and -- of 9 a free and diverse press and diverse media, particularly 10 television, which is obviously so important in this day 11 and age.</p> <p>12 Q. Thank you. Then you were doing --</p> <p>13 A. Sorry, PS -- and I'm not trying to be overly 14 controversial, but -- I'll be careful how I phrase this 15 so I don't have hailstones rained down on me as I go out 16 of the room, but appointments of people to serve 17 government who come from media backgrounds are, in 18 principle, good things, because you need people in 19 government service who understand the way the media 20 work. It seems to me they should, however, be carried 21 out carefully, mindful of the risks and the 22 disadvantages, and it may be that they haven't always 23 been so.</p> <p>24 MR JAY: That was very general.</p> <p>25 A. It was a very general comment.</p> <p style="text-align: center;">Page 51</p>
<p>1 go in through the front door at Chequers or wherever it 2 might be, and we need to have a system where it's open 3 and transparent and we know the score.</p> <p>4 Q. Are you, Mr Hughes, able to share with us any examples 5 of what one might describe as covert, subterranean press 6 influence operating on government policy or ministerial 7 appointments?</p> <p>8 A. On ministerial appointments, I can't immediately think 9 of an example, but if I may, I will reflect and if 10 I can -- I hadn't thought for that question and prepared 11 for it, so if I can let you know how I --</p> <p>12 LORD JUSTICE LEVESON: Yes.</p> <p>13 A. The first question was on policy generally. Yes. 14 I mean -- did you ask covertly rather than --</p> <p>15 MR JAY: Well, a newspaper may have an active campaign, as 16 indeed, to take a neutral example --</p> <p>17 A. Sarah's Law.</p> <p>18 Q. Or the Times with cycling. That's all above board.</p> <p>19 A. Yes.</p> <p>20 Q. But I'm looking at the more subterranean --</p> <p>21 A. Well, the issue that has worried Parliament most is 22 dominance of any particular organisation in the market. 23 That's been the issue, and the suspicion has been -- and 24 I haven't been in government in those discussions -- 25 that News International has been seeking to make its</p> <p style="text-align: center;">Page 50</p>	<p>1 Q. Yes.</p> <p>2 LORD JUSTICE LEVESON: You give an example of -- I don't 3 think there's been a secret about it -- the pressure not 4 to implement the enacted law remitting to the amendments 5 to the data protection legislation.</p> <p>6 A. Yes.</p> <p>7 LORD JUSTICE LEVESON: Would that be fair?</p> <p>8 A. That would be fair, sir.</p> <p>9 MR JAY: Recommendations, Mr Hughes. Possible ways to 10 reset, recalibrate the relationship between politicians 11 and the press. Might you share those with us, please, 12 Mr Hughes?</p> <p>13 LORD JUSTICE LEVESON: In this regard, Mr Hughes -- and I've 14 said this to a number of people -- don't consider 15 yourself required to answer something on the hoof if you 16 want more time. This particular area is not one that 17 I see any legislative solution to. It is very much more 18 nuanced than that. But it is critical that whatever way 19 forward we go carries with it the confidence of 20 politicians of all persuasions and the public. So I say 21 to you, as I've said to others: by all means answer 22 Mr Jay's question if you're ready to now, but don't feel 23 thereafter that you are inhibited, or indeed any of your 24 colleagues are inhibited -- I would prefer it 25 collectively rather than individually -- from providing</p> <p style="text-align: center;">Page 52</p>

13 (Pages 49 to 52)

<p>1 other ideas, if you follow.</p> <p>2 A. Of course. Sir, that's very helpful. I can be brief</p> <p>3 now but try to be helpful now, as well as take your</p> <p>4 guidance about, as it were, supplying you with</p> <p>5 considered thoughts.</p> <p>6 The first is actually an ability to say -- I am very</p> <p>7 happy, as it were, to give my general response being the</p> <p>8 position we, as a party, took when we addressed these</p> <p>9 matters collectively, most recently last year to our</p> <p>10 conference in the light of the events of last year. We</p> <p>11 passed a resolution. I can supply a copy to counsel if</p> <p>12 the Inquiry hasn't had it.</p> <p>13 If I can just summarise -- it will take 60</p> <p>14 seconds -- what the key points are: to have a more</p> <p>15 independent press regulator, independent of editors and</p> <p>16 governments, particularly with four powers; an ethical</p> <p>17 and editorial code and a kite mark; to require of the</p> <p>18 media organisation to comply with the code, or their</p> <p>19 staff obviously to do so; have a procedure for</p> <p>20 investigating all breaches of the code, and then</p> <p>21 appropriate sanctions, including financial penalties</p> <p>22 large enough to act as a deterrent, and the power to</p> <p>23 ensure that apologies and retractions are given due</p> <p>24 prominence.</p> <p>25 Can I pause there. One of the things I have felt</p> <p style="text-align: center;">Page 53</p>	<p>1 LORD JUSTICE LEVESON: Effectively on his own admission.</p> <p>2 A. Effectively on his own admission, and it's impossible to</p> <p>3 put right those wrongs in the public mind, because the</p> <p>4 public remember the allegation. They don't often</p> <p>5 remember the outcome.</p> <p>6 LORD JUSTICE LEVESON: I hope that they do in his case.</p> <p>7 A. Yes, I hope they do in his case too, and I think the</p> <p>8 Inquiry will be helpful in that respect and other things</p> <p>9 have been helpful. But there are many examples. We</p> <p>10 need to deal with that. That's a really serious issue</p> <p>11 and I hope, sir, you'll give it due prominence.</p> <p>12 Secondly, to strengthen the rules on fit and proper</p> <p>13 ownership and ensure corporations as a whole are held to</p> <p>14 account. That's an issue I've taken up with Ofgem, to</p> <p>15 make sure it's not just individuals but corporations.</p> <p>16 Yes, to introduce custodial sentences for breach of</p> <p>17 the Data Protection Act, as we have discussed; widen the</p> <p>18 strength of the powers of relevant independent</p> <p>19 regulators; penultimately, reinvigorate legitimate</p> <p>20 investigative journalism in the public interest by</p> <p>21 providing affordable and effective defence, in</p> <p>22 defamation cases, on matters of legitimate public</p> <p>23 interest but based on a requirement to issue a suitably</p> <p>24 prominent correction or retraction of untrue defamatory</p> <p>25 statements made without malice or recklessness.</p> <p style="text-align: center;">Page 55</p>
<p>1 most aggrieved about, not only on my own behalf but on</p> <p>2 behalf of others, is the mismatch between what turns out</p> <p>3 to be an untruth propagated on the front page, which</p> <p>4 could damage a personal life or family life or a career,</p> <p>5 and the publication of the correction, the admission</p> <p>6 that it was wrong. You can never go back, you can never</p> <p>7 undo it, the damage is done, but at the moment we have</p> <p>8 a wholly inadequate way. And I've had conversations</p> <p>9 with editors of papers and the rest about that. They</p> <p>10 will always be nervous about something that would give</p> <p>11 equal prominence to the "we was wrong" as the other, but</p> <p>12 the damage by a flagrantly wrong --</p> <p>13 LORD JUSTICE LEVESON: There's a commercial dynamic is</p> <p>14 clearly, isn't it?</p> <p>15 A. Of course.</p> <p>16 LORD JUSTICE LEVESON: The story on the front page is fine.</p> <p>17 A. Of course.</p> <p>18 LORD JUSTICE LEVESON: Nobody will buy a newspaper if the</p> <p>19 front-page headline is "We were wrong".</p> <p>20 A. No, and of course I understand that. But for the</p> <p>21 individual -- take the case -- you have a witness coming</p> <p>22 before you who was presented in the press as being</p> <p>23 inevitably guilty of certain serious offences and in the</p> <p>24 end clearly was not even involved and somebody else was</p> <p>25 found and charged and convicted and so on.</p> <p style="text-align: center;">Page 54</p>	<p>1 And then support of the law on privacy and</p> <p>2 respecting the independence of the judiciary in getting</p> <p>3 that right in the courts and obviously holding to the</p> <p>4 European Convention.</p> <p>5 Just one other thing in answer to counsel's</p> <p>6 question. I know there has been a proposition put by</p> <p>7 the new chairman of the Press Complaints Commission, who</p> <p>8 is somebody I respect and is of serious experience, that</p> <p>9 basically if I can shorthand it, there's a contract</p> <p>10 arrangement set up. It seems to me there's a flaw --</p> <p>11 sounds good, but it seems to me there's a flaw in the</p> <p>12 contract deal, which is that you can't make people sign</p> <p>13 contracts, and therefore somebody could say, "No, thank</p> <p>14 you, I'm not going to play ball." I suppose you could</p> <p>15 require every media organisation in the country to say</p> <p>16 everybody must sign the contract, but it seems to me</p> <p>17 there are problems in practice on what is</p> <p>18 a superficially attractive idea.</p> <p>19 LORD JUSTICE LEVESON: You're not saying to me anything that</p> <p>20 I've not thought about. The trick is to find the</p> <p>21 balance without mandating participation, which might</p> <p>22 impact on freedoms that we all hold important.</p> <p>23 A. Yes.</p> <p>24 LORD JUSTICE LEVESON: But by encouraging with advantage and</p> <p>25 carrots to those who do become involved.</p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

<p>1 A. Yes. 2 LORD JUSTICE LEVESON: And this is a long-running issue 3 which is not going to be solved quickly. 4 A. No. 5 Sir, I agree with that. Can I just draw one 6 parallel? For a long time in the 1980s and 1990s as an 7 MP, I received complaints about bad practice by 8 solicitors, and I used to take them to the Law Society 9 and the Law Society, as you will well know, had its 10 inquisitorial inquiry processes. Bluntly, they 11 commanded no public confidence in those days -- I'm not 12 trying to be unfair to solicitors as opposed to other 13 professions -- and eventually there was pressure to make 14 it more independent and more robust and set it up 15 independently. 16 It seems to me the Press Complaints Commission has, 17 in my time in public life, not commanded the confidence 18 of the public. It is therefore important that we end up 19 in a position that is not following public opinion but 20 is at a place where public opinion would want it to be 21 now and in the years ahead, and therefore it's 22 important, as it were, to be ambitious about where it 23 should be. 24 LORD JUSTICE LEVESON: Oh, I have plenty of ambition, 25 Mr Hughes. The trouble is how I'm going to satisfy it,</p> <p style="text-align: center;">Page 57</p>	<p>1 have been acquired illegally. There may be a public 2 interest defence. That's the area that, it seems is to 3 me, you are rightfully to address. 4 LORD JUSTICE LEVESON: Yes, but couldn't you do that by 5 enunciating a prosecutorial policy, which is the very 6 reason that I invited the DPP to give evidence a few 7 weeks ago, to consider that very issue? 8 A. Yes. The answer is you could, and obviously we've had 9 a fairly established DPP policy which has, in my view, 10 worked generally fairly well. More than 50 per cent 11 likelihood of prosecution and in the public interest. 12 That seems to be the right test in general terms. 13 I don't think that's the wrong starting point. 14 But the other -- if I may, because they're linked 15 together, the other issue that I think, quotes, "out 16 there" the public want to be addressed is the unequal 17 opportunity to correct untruths, which I've alluded to 18 a few moments ago. 19 LORD JUSTICE LEVESON: Yes, I'm with you on that entirely, 20 again, as a balance, for the commercial reasons we 21 discussed. 22 A. Of course. 23 LORD JUSTICE LEVESON: But I am keen to press you on your 24 view as to the criminal law. It would indeed be 25 a rather remarkable outcome of this Inquiry -- I'm not</p> <p style="text-align: center;">Page 59</p>
<p>1 because the difference between lawyers or opticians or 2 doctors and journalists is that the state is entitled to 3 say, "You can't practice as a lawyer, you can't practice 4 as a doctor", whereas a journalist is exercising a right 5 of free speech -- I'm not telling you anything you're 6 not very well aware of -- and therefore it would be 7 anathema to say, "You can't do that." 8 A. No. 9 LORD JUSTICE LEVESON: So the problem is to find a way of 10 squaring that circle. 11 A. Yes, and I'm very conscious, in the age of social media, 12 that there are far more outlets where people can say 13 that what he like. It seems to me the two things that 14 are crucial, if I may respectfully end with this, are: 15 firstly, that there is a public interest defence allowed 16 in the debate on behalf of journalists who -- 17 LORD JUSTICE LEVESON: Can I just ask you to explain that 18 a bit? Do you mean a public interest defence in civil 19 law or criminal law or both? 20 A. I would say in both. Potentially -- certainly in civil 21 law. We've never gone down the road into criminal law 22 with that being a defence so far. The obvious case 23 might be MPs' expenses, as a general subject, where 24 clearly some of the information -- I don't know. It may 25 have all been acquired -- some of the information may</p> <p style="text-align: center;">Page 58</p>	<p>1 saying it's not possible -- which is looking at what may 2 be said to be criminal activity, may be, allegedly, with 3 all the caveats -- for me to be recommending that what 4 is presently criminal shouldn't be criminal. That would 5 be rather unusual. 6 A. No, I'm not expecting you to do that, and I can't think 7 of any particular things that are currently criminal 8 that you would be likely to recommend. 9 LORD JUSTICE LEVESON: If you provide a public interest 10 defence to crime, then you are potentially doing that, 11 aren't you? 12 A. Sir, just so I can be clear, it seems to me that the 13 occasion when you make the public interest argument in 14 the context of criminal law would either be in 15 mitigation or in the case -- official secrets is the 16 obvious example -- where you put the case to the jury 17 and the jury, as we know, on famous cases have 18 occasionally decided not to convict because they have 19 formed a view that the public interest is greater 20 than -- 21 LORD JUSTICE LEVESON: Yes, that picks up a debate -- an 22 exchange that I had with Mr Rhodri Davies. 23 A. Yes. 24 LORD JUSTICE LEVESON: Who was cross-examining, I think, 25 Mr Graham, the Information Commissioner, about the</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 horror of journalists being sent to prison for two years 2 for a data protection breach and the proposition that 3 I put to him was that first of all, in that regard there 4 is a defence, but ignoring that, the hurdles are: the 5 prosecutor has to decide it's in the public interest to 6 prosecute.</p> <p>7 A. Yes.</p> <p>8 LORD JUSTICE LEVESON: The jury, doubtless, would be 9 directed -- and the history of Mr Ponting is very well 10 known but even if the jury take the view that actually 11 the law is there to be observed, then you still have the 12 judge available --</p> <p>13 A. Of course.</p> <p>14 LORD JUSTICE LEVESON: -- who sometimes exercises his 15 discretion in ways that people don't object to --</p> <p>16 A. Yes.</p> <p>17 LORD JUSTICE LEVESON: -- to be able to say, "Well, 18 I understand why the prosecutor did not think it was in 19 the public interest not to prosecute, I think that was 20 entirely appropriate", or not, whatever he thinks, "but 21 this is cusp-type material and therefore this ought to 22 be reflected in the penalty."</p> <p>23 A. Sir, just to clarify that -- I don't want you to 24 misunderstand -- in the context of the criminal law, 25 those are the three places where the public interest</p> <p style="text-align: center;">Page 61</p>	<p>1 that Mr Jay asked you about, which is what one does to 2 construct a way in which the influence which you've 3 spoken of in relation to the press and the political 4 class can be addressed.</p> <p>5 A. Sorry, I beg your pardon, I didn't address that. 6 I would like to very briefly.</p> <p>7 The answer is: this is something that should be 8 negotiated on a cross-party basis. It is clearly 9 something, as long-term policy is always required to be, 10 that will stand the test of time in cross elections and 11 changes in administration, and it needs to be done 12 obviously in consultation with friends in the press, but 13 at the end of the day, I would hope it's something that 14 would be secure, both in the first place because it was 15 seen to be agreed across the political divide, across 16 both houses, but secondly, that that's the way you 17 review it as well. So it's taken as read that, as it 18 were, this can't be the property of an individual 19 administration of an individual colour to change at its 20 whim.</p> <p>21 Now, the problem with us constitutionally is we 22 don't have a threshold other than the simple majority 23 safeguard for legislating. Of course I understand that, 24 but we could -- we manage other things in which we don't 25 change them without broader consensus than just simple</p> <p style="text-align: center;">Page 63</p>
<p>1 argument can run, and it seems to me perfectly properly. 2 Absolutely proper that the DPP or the CPS says, "This is 3 a public interest question. We're not proceeding." 4 Absolutely proper that the jury are addressed on the 5 question, and then at the end, the judge has the case --</p> <p>6 LORD JUSTICE LEVESON: Or it may not be, actually, 7 because -- well, you'll remember the authorities on it.</p> <p>8 A. And lastly, it isn't an argument, however -- to go back 9 to your conversation with Mr Graham, it isn't an 10 argument for not having on the statute book the 11 opportunity to send to prison either because that case 12 merits it itself or because you do it as an example, for 13 a short period, for severe breaches of the abuse of 14 personal information.</p> <p>15 LORD JUSTICE LEVESON: All right.</p> <p>16 A. So there is a public interest opportunity, it should 17 stay in that context. But no, I wouldn't want you to 18 recommend that will suddenly lots of existing criminal 19 law disappears because it's not in the public interest 20 for it to be there.</p> <p>21 LORD JUSTICE LEVESON: Your recommendations and your 22 resolution, which I had not seen and which I would like 23 to see --</p> <p>24 A. I'll submit formally, if I may, sir.</p> <p>25 LORD JUSTICE LEVESON: -- doesn't cope with the final issue</p> <p style="text-align: center;">Page 62</p>	<p>1 Parliamentary majority at the time.</p> <p>2 LORD JUSTICE LEVESON: In the same way that I told the Press 3 Complaints Commission to carry on work to think about 4 what might be done, and I've told many editors, as 5 they've given evidence with ideas, to keep thinking, 6 I say to you -- and indeed to your colleagues -- that 7 this is a very, very important topic.</p> <p>8 A. Yes.</p> <p>9 LORD JUSTICE LEVESON: It is your problem, not mine -- 10 exactly what I've said to the editors -- and therefore 11 it is important that a solution is found that works for 12 you, but it has to work for me as well in the sense that 13 I, for the purposes of this Inquiry, represent the 14 public.</p> <p>15 A. Yes.</p> <p>16 LORD JUSTICE LEVESON: And if a political resolution of ways 17 in which the culture of which you've spoken can be 18 changed or addressed, can be found and suggested, I will 19 be very, very interested to hear about it.</p> <p>20 A. Sir, can I make one last comment which is this: politics 21 and Parliament is in part waiting for the Inquiry to be 22 complete so we can hear what is said, to you and --</p> <p>23 LORD JUSTICE LEVESON: Yes.</p> <p>24 A. By definition, we would be foolish, as it were, to judge 25 how to proceed until we know the range of the answers to</p> <p style="text-align: center;">Page 64</p>

16 (Pages 61 to 64)

<p>1 the questions. We do now have a much better set of 2 systems in place. The Select Committee has proved 3 itself to be one. I think we do have mechanisms 4 available, which are that in effect you could have 5 a code or regulations or whatever which would only be 6 initiated or changed if the Select Committee had agreed, 7 just as we do with appointments in some cases now. So 8 there are ways of doing it.</p> <p>9 LORD JUSTICE LEVESON: I agree there's a chicken and egg 10 thing here and you could say, "Actually, we're waiting 11 for you to tell us." 12 A. No, we will act.</p> <p>13 LORD JUSTICE LEVESON: That's entirely fair -- I'm not 14 shirking my responsibility -- but it would be a complete 15 waste of time and energy for all of us if I were to say 16 something and for you then to say, "Well, that's very 17 interesting, that this Lord Justice of appeal has come 18 up with this. Actually, he demonstrates he's not 19 a politician." 20 A. No.</p> <p>21 LORD JUSTICE LEVESON: You don't need to prove that to me; 22 I'm not. 23 A. Sir, I understand our responsibilities. I've said to 24 you I've already put in a bid that we have time 25 available to legislate if we need to, and I'm clear that</p> <p style="text-align: center;">Page 65</p>	<p>1 MS PATRY HOSKINS: Could you please state your full name to 2 the Inquiry? 3 A. Jacqueline Elizabeth Hames.</p> <p>4 Q. Can you confirm that you provided a witness statement to 5 the Inquiry and a number of exhibits thereto? 6 A. Yes.</p> <p>7 Q. And that the contents of your statement are true to the 8 best of your knowledge and belief? 9 A. Yes, they are.</p> <p>10 Q. We're going to just touch briefly first on who you are. 11 If you look at paragraph 2 of your statement, that's 12 summarised there. Perhaps I can summarise it in this 13 way: you are a former Metropolitan Police officer and 14 Crimewatch presenter. You joined the MPS in 1977 and 15 became a detective constable and you served 16 until January 2008, when you took early retirement. 17 A. Yes, that's correct.</p> <p>18 Q. You're best known, you say in your statement -- 19 LORD JUSTICE LEVESON: Very early retirement? 20 A. Very early, sir, thank you. I joined at five.</p> <p>21 MS PATRY HOSKINS: You're best known, you tell us, for your 22 role on BBC Crimewatch between 1990 and 2006, and you 23 explain that as a result of these roles, you have 24 first-hand experience of the way in which the press and 25 the police interact, gained from working on both sides.</p> <p style="text-align: center;">Page 67</p>
<p>1 we need to be ready to respond with a system that works 2 in collaboration, but we need to hear what everybody 3 says to you first so we're not ignoring things before we 4 do that finally.</p> <p>5 LORD JUSTICE LEVESON: Yes. But as regards this last topic, 6 the relationship between the politicians and the press, 7 then I would have thought you've probably got a pretty 8 good idea, without hearing more witnesses. But I will 9 carry on hearing the witnesses, and the reason you've 10 had this now is because you're here now, rather than 11 coming in the next module, which will start in May. 12 A. Of course, and some of us are really glad at least to 13 have this platform because we have been making this case 14 for 25 years and more.</p> <p>15 LORD JUSTICE LEVESON: Thank you very much indeed. 16 A. Thank you especially have.</p> <p>17 LORD JUSTICE LEVESON: Right, we'll take a break. 18 (11.40 am) 19 (A short break) 20 (11.50 am)</p> <p>21 MS PATRY HOSKINS: Sir, the next witness today will be 22 Ms Jacqui Hames. 23 LORD JUSTICE LEVESON: Thank you. 24 MS JACQUELINE ELIZABETH HAMES (sworn) 25 Questions by MS PATRY HOSKINS</p> <p style="text-align: center;">Page 66</p>	<p>1 A. That's correct, yes.</p> <p>2 Q. Can I just check one thing? You explain that you took 3 very early retirement in January 2008. Does that mean 4 that your experience, as detailed in your statement, 5 covers the period from 1977 to 2008, or do you have 6 continued knowledge of the interaction between the press 7 and the police since you took retirement? 8 A. I certainly continued to work in the media and also for 9 the police service. I'm involved in media training for 10 senior detectives at the Metropolitan Police crime 11 academy, so I've continued my connections in that way.</p> <p>12 Q. We'll come on perhaps to discuss later the training that 13 you provide. Concentrating for the moment on 14 paragraph 2, you set out in a little detail the 15 first-hand experience that you have had. If I can 16 summarise it in this way: you say that you worked as 17 a detective specialising in major crime enquiries, such 18 as murder, rape, serial sex offences and so on, and you 19 also held various roles within incident rooms. You 20 explain that in 1987 you worked on the implementation 21 team for the country's first Crimestoppers project based 22 at New Scotland Yard. 23 A. Yes.</p> <p>24 Q. You explain that in 1990, you became a regular presenter 25 on Crimewatch, making appeals to the public live on BBC1</p> <p style="text-align: center;">Page 68</p>

<p>1 every month to help solve crime on behalf of the UK 2 police service. You explain that this in particular 3 meant that you saw the media from the inside. 4 A. Yes. 5 Q. You explain that at this time you received some personal 6 press attention, and you explain at the end of that 7 paragraph that it was lonely at times as there was 8 no one else to whom you could relate in the same 9 position. Is there anything you'd like to add about 10 that particular aspect? 11 A. Yes. I think it was very much a baptism of fire, as 12 a detective constable. Other than my experience with 13 Crimestoppers, I had very little interaction with the 14 press other than in the general course of perhaps 15 working on a major enquiry, but it wasn't my role to 16 speak to the press or brief them in any way. So I had 17 no real experience, at that stage, of talking to 18 journalists or any sort of media interaction. 19 So it was very much -- I say a lamb to the 20 slaughter. It's probably slightly overstating it, but 21 certainly it was a baptism of fire when I first started 22 working at Crimewatch and having journalists interested 23 in my private life as well as some of the cases I was 24 working on, and as a result of publicising the programme 25 as well. The majority of it was absolutely fine, but it Page 69</p>	<p>1 Then finally, another facet of your experience, 2 regrettably, is that you've also had personal experience 3 of being placed under surveillance by News of the World. 4 You explain this to be a deeply unpleasant experience 5 which you believe arose from inappropriate relationships 6 between crime suspects and that newspaper, and we will 7 come back to that in more detail if we can. 8 I'm going to turn first to the issue of increased 9 openness and training, which starts at paragraph 3 10 onwards of your statement. What you do is you firstly 11 describe how the relationship between the press and the 12 police has changed since the 1970s when you first joined 13 the Metropolitan Police Service, and you go on to 14 explain -- you start by explaining at paragraph 3 what 15 it was like when you joined in the 1970s. You simply 16 say it's changed now beyond all recognition. 17 When you're describing here the way that the 18 interaction was in the 1970s, are you speaking from 19 personal experience or have you collated your thoughts 20 in discussion with others? 21 A. I think it's mainly from my own personal experience. 22 I joined the police service in 1977, as I've said, and 23 I went to work at Clapham police station in south 24 London, and I can talk from the perspective of what it 25 was like as a young police officer in those days, Page 71</p>
<p>1 is an area which, as a complete novice, it is fraught 2 with danger, particularly representing the police 3 service. I was very sensitive that I didn't overstep 4 the mark or say anything to perhaps embarrass the police 5 in any way or the programme, and so I was -- I did feel 6 that I walked a very thin tightrope on occasions. 7 Q. Moving through the -- it's paragraph 2 still, turning 8 back to subparagraph 4. You explain other areas where 9 you have worked. You explain that you worked during 10 your career break as a part-time press relations 11 officers. You explain that since leaving the police, 12 you have pursued your interest in women's safety, 13 you have written a book on personal safety, you've 14 undertaken security consultancy and you've also 15 continued working in the media on news and factual 16 programmes. 17 A. Yes, that's right. Since leaving the police service, 18 I was very interested in women's safety issues and I've 19 undertaken to try and use my experiences as a police 20 officer and on Crimewatch to heighten the issues around 21 that, in general safety terms but also in the area 22 particularly of stalking and harassment. 23 Q. In subparagraph(6), you explain that you were asked to 24 write and deliver regular presentations to the advanced 25 CID course at the Metropolitan Police Crime Academy. Page 70</p>	<p>1 particularly as a woman and one of the few at the time. 2 It was a particularly difficult era. We, in 1981, 3 had the riots in Brixton, the first sort of major 4 disturbances on the streets of south London, and as 5 a result there was a report by Lord Scarman criticising 6 the police and the way that they policed, and I think 7 there was a -- it was a whole era, having not long come 8 after the Times enquiry into corruption in police -- 9 there was a whole era where I think the force had 10 a sense of being slightly in a bunker and being very 11 protective and defensive of their actions, and it was -- 12 perhaps the first -- also an era of the first steps of 13 the media to sort of perhaps get inside the police to 14 find out what's going on, what was causing these 15 problems. 16 I think I've highlighted several aspects. The World 17 in Action series was constantly exposing wrongdoing and 18 sort of doing stings on various departments within the 19 police service. The News of the World, bless them, were 20 doing some fantastic investigative work on exposing 21 problems within the police service, and I think for me 22 personally, the series -- the TV series that was 23 produced called Police, which followed Thames Valley 24 police officers in the way they conducted enquiries, 25 particularly the one on rape, really exposed a lot of Page 72</p>

<p>1 problems in how that crime was investigated. Whilst it 2 was not pleasant to see the work of genuinely good, 3 well-meaning and hard-working officers being put to 4 scrutiny in that way, a huge amount of good came out of 5 that, and I think it was a real wake-up call and 6 a feeling that the police were under scrutiny like 7 they'd never been before, and I think that that was 8 actually a real force for good and change in the way 9 that police interacted with the media, and I think 10 Sir Peter Imbert was the Commissioner at the time in 11 Thames Valley when that Police series was commissioned 12 and he took over in the Met and took the initial steps 13 into trying to be more open with the media after that.</p> <p>14 Q. You tell us in paragraph 3 that essentially, at that 15 time -- this is the 70s and 80s -- all media enquiries 16 were then dealt with by what was called the Press Bureau 17 and only officers at the most senior level were 18 authorised to speak to the media?</p> <p>19 A. Yeah, you just didn't do it. In my little station in 20 south London, we had a south London press used to turn 21 up every week and they would be supplied with the nature 22 and type of crimes that had been committed during the 23 week, but the idea that individual officers would supply 24 information to journalists just wasn't occurred to. 25 I mean, I worked -- I remember arresting three little</p> <p style="text-align: center;">Page 73</p>	<p>1 it came about.</p> <p>2 A. Yes. This was going back to 2006. I was actually 3 working on an intelligence unit, working in the area of 4 organised crime in and around Heathrow airport, and we'd 5 put together an operation or intelligence that there was 6 going to be a raid on a secure establishment in the 7 cargo area of Heathrow, and the Flying Squad were 8 actually going to cover this potential raid to see if 9 they could apprehend the people doing the raiding, if 10 I can put it like that.</p> <p>11 Quite late on in the day, it was decided that Jeff 12 Edwards from the Daily Mirror would be attending with 13 the Flying Squad with a photographer to cover that raid 14 in the morning --</p> <p>15 Q. Can I just ask you to pause there. How was that 16 decided?</p> <p>17 A. From my understanding, and that's all -- obviously, 18 I wasn't privy to any conversation about it. My 19 understanding was that he had a close relationship to 20 the person in charge, at that time, of the Flying Squad, 21 and he'd been invited along as a personal invitation to 22 come and witness this raid.</p> <p>23 As a result, obviously the raid, as you can see from 24 the picture, was successful in that -- as much as they 25 detained certain suspects at a gold bullion secure</p> <p style="text-align: center;">Page 75</p>
<p>1 burglars at a very high profile rock star's house and he 2 and his wife lost a huge amount of property which we 3 managed to restore and nothing was in the media until 4 there was a conviction and it was all done and dusted. 5 We wouldn't dream of picking up the phone or popping 6 down to the pub and telling the local press about it. 7 It just wasn't done.</p> <p>8 Obviously, I'm only talking from my own experience, 9 but that's the way I remember it then.</p> <p>10 Q. You tell us at paragraph 5 that this all changed when 11 Sir John Stevens became Commissioner in 2000 and 12 introduced the open-door policy by which officers are 13 positively encouraged and sometimes, you say, even 14 ordered to allow the media access to operations and to 15 explain aspects of their work.</p> <p>16 You go on to tell us that in the early days this 17 created something of a free-for-all for the press, which 18 jumped at the opportunity to have access to newsworthy 19 and exciting incidents, and then you tell us a bit about 20 one particular incident that you recall. This is the 21 robbery squad covering an armed raid on a warehouse at 22 Heathrow airport.</p> <p>23 Can we turn to page 1 of your exhibit, which has 24 a front page from the Daily Mirror. Perhaps you can 25 tell us a bit about this particular front page and how</p> <p style="text-align: center;">Page 74</p>	<p>1 establishment. This photograph was taken and an article 2 was written which appeared almost immediately 3 afterwards.</p> <p>4 Q. Can you confirm whether this photograph is of a person 5 who was arrested on that occasion?</p> <p>6 A. Yes.</p> <p>7 Q. It's not set up in any way?</p> <p>8 A. No, that's a genuine photograph, yes.</p> <p>9 Q. You go on to say that you consider this tag-along to be 10 inappropriate and also lends an almost comic book 11 quality to serious criminal behaviour. Why is it 12 inappropriate? Do you mean inappropriate in all cases 13 or inappropriate in this case?</p> <p>14 A. I think that certainly on this occasion, whilst it's 15 sometimes irresistible to try and to get people to like 16 what you do and to congratulate you when you have 17 success -- and we all need a pat on the back sometimes 18 when things go well, and I'm the first one to say that 19 unfortunately the police don't always get credit for 20 a huge amount of good work that goes on and successful 21 operations -- I think it has to be appropriate, and 22 I didn't feel that -- and many of my colleagues, I have 23 to say, felt the same way. They felt that photographing 24 a man who had just been arrested and putting it on the 25 front page of a paper was inappropriate. He hadn't been</p> <p style="text-align: center;">Page 76</p>

<p>1 charged but he -- he was in the process of going into 2 the criminal justice process, of being spoken to about 3 his involvement, and we all live by the rule that people 4 are innocent until they're proven guilty and this, by 5 any stretch of the imagination, puts him firmly in the 6 latter category. He was -- yes, he was there, but I've 7 always believed in fairness and I think people should 8 have an opportunity to give their side of the story 9 before judgment is passed, and judgment by a national 10 newspaper is just not appropriate.</p> <p>11 Q. Is your view, therefore, that tag-alongs like this, in 12 general terms, are inappropriate or was it the context 13 of this particular story that concerned you?</p> <p>14 A. I think that more thought should have gone into it. 15 I think it's not necessarily inappropriate that the 16 press are invited along on these sorts of events, and 17 I think the workings of the police should be open and 18 transparent, within reason, but the effect of this was 19 in fact that many other newspaper outlets were -- noses 20 were out of joint, put it like that, that Jeff Edwards 21 had been given this special access. They didn't cover 22 the story particularly well, if at all, so it didn't 23 actually receive the widespread publicity that perhaps 24 it could have done if they'd perhaps, I don't know, 25 selected one or two people who could have covered it on</p> <p style="text-align: center;">Page 77</p>	<p>1 A. Yes, that's actually a mistake. We've just got a new 2 copy of it in 2011, but in fact, yes, it was created 3 this 2008.</p> <p>4 Q. Instead of going through the policy, if we just look at 5 the bits that you've summarised at paragraph 8 of your 6 statement, we can see that this is a policy reflecting 7 the Met's continuing commitment to be open and it makes 8 a number of points. The ones that you've set out on 9 page 5 are that they seek to gain maximum positive media 10 coverage:</p> <p>11 "It's the Met's policy to be open and honest in 12 dealing with media, and we will tell the media things 13 which are in the public interest to know about to show 14 the public the way in which the police go about their 15 work."</p> <p>16 It then sets out, you say, the importance for the 17 appropriate limits for the release of information.</p> <p>18 That's the general policy. Do you have any quarrel 19 with what it says?</p> <p>20 A. Actually, I totally support it. I think the police 21 service does need to be much more open and honest in its 22 dealings and transparent in its dealings. I just think 23 that they need to accord the general police staff the 24 opportunity to understand and to be trained in it, and 25 to be confident and on the front foot when they're</p> <p style="text-align: center;">Page 79</p>
<p>1 behalf of a group, for instance, and given the 2 photographs and copy to a group to use in their 3 publications and in their broadcasts. I think that 4 would have been a fairer, more transparent way of 5 covering the incident, and I think it leaves the police 6 service open to criticism of favouritism and 7 unfortunately questions about what happened and why that 8 particular journalist was invited and nobody else was.</p> <p>9 Q. In your experience, was there favouritism for certain 10 newspapers or certain journalists?</p> <p>11 A. I think it -- and again, I can only talk from my 12 experience, but it was well not only that certain police 13 officers had a predilection for certain journalists and 14 publications. It was pretty much about press rather 15 than broadcast journalism and the Crime Reporters 16 Association was very much a select club which had 17 a select group of police officers that it mixed with.</p> <p>18 Q. You discuss from paragraph 8 onwards the most recent 19 version of the open-door policy in the MPS. You say 20 it's dated June 2011. If we look at the front page of 21 it -- it's page 2 onwards of your exhibits, just after 22 the headline we've been looking at. You should find it 23 there. Can we agree that at the bottom of that page it 24 suggests that in fact the policy was created 25 in June 2008 and reviewed in June 2011?</p> <p style="text-align: center;">Page 78</p>	<p>1 dealing with the media, because there's a huge number of 2 officers who aren't, and if you're not confident, if you 3 are nervous and you are worried about saying something 4 wrong, the nature of that discourse is going to be 5 skewed.</p> <p>6 Q. We'll come back to whether people know about the 7 relevant policies and whether anything can be done about 8 that, but just before we move on to that, the second 9 policy that you refer us to is the more detailed 10 guidance in a document entitled "MPS media relations 11 standard operation procedure". It's just after the one 12 we've just been looking at, also in your exhibits, 13 page 8 internally.</p> <p>14 You tell us about it and then you say further in 15 your statement you consider this policy to be 16 wide-ranging and helpful. Before we discuss how widely 17 publicised it is, is there anything at all that you 18 would add to this document or anything that you would 19 criticise in this document?</p> <p>20 A. I think in general principle I think the document is 21 quite wide-ranging. I think it's a bit too superficial 22 and doesn't go into enough detail. Unfortunately I feel 23 that the word "victim" doesn't appear at all, which 24 I think is a huge hole. There's no policy about the 25 fact that the stories that those police officers will be</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 talking about involve victims of crime, and it's their 2 stories, not the police officers' stories that they're 3 telling, and I think that's a huge omission from that 4 document. 5 I think it also lacks in more specific guidance in 6 terms of what constitutes a fact or a piece of 7 information. I think the officers could do with a lot 8 more guidance and an opportunity to challenge what it 9 means so that they are more confident in taking it on. 10 Q. You explain to us -- move along to paragraph 10 of your 11 statement -- that very few officers attending your 12 courses have even heard of this specific media relations 13 policy, let alone read it. Do you hand it out as 14 a matter of course? 15 A. No, I don't hand it out. I do indicate where it's 16 available on the police intranet, but generally, by the 17 time they come to me, they're detective inspector level, 18 and it is surprising the number that probably haven't 19 read it or haven't found the need to read it or don't 20 know of its existence. 21 Q. I'm going to ask you about training, but before we do, 22 just tell us in a nutshell -- tell us the training input 23 that you provide. 24 A. Yeah, I -- I'll give you a bit of a background to it. 25 In 2006, I was approached by the detective training Page 81</p>	<p>1 that I've been delivering this, I've always tried to 2 create an atmosphere where -- I'm sorry, is there 3 something I could ...? 4 Q. No, apologies. 5 A. I've always tried to create an atmosphere where they can 6 talk open and frankly. As an ex-detective myself, I've 7 always tried to encourage them to exchange frankly their 8 views a honestly as possible and to learn from each 9 other's experiences, and within that environment, and 10 I've always believed that by the time we finish our 11 session, is that everybody has been given the 12 opportunity and they do, quite frankly, to be honest, 13 express and quite robustly express those views, and I'm 14 pretty sure that they're being very honest about it. 15 Q. I don't think we need to go into detail about all the 16 views that they express. They're set out in your 17 statement. But can I just touch on one thing? At the 18 end of your statement, you suggest that enhanced 19 training in media and communications skills for officers 20 at all levels of the police service is something that 21 you would recommend. In a nutshell, what would that 22 involve and how would it help? 23 A. Since 2006, when I started giving this input, there was 24 such a positive feedback, not necessarily because I was 25 doing it but because they had at last had an opportunity Page 83</p>
<p>1 school, the crime academy, who were writing a course for 2 newly promoted detective inspectors. There hadn't been 3 one in existence prior to then. They were endeavouring 4 to get a media input. The directorate of public affairs 5 hadn't been able to supply anybody or any information, 6 and they were really struggling to provide something 7 which would assist officers with the media, so he 8 approached me and said, "Could you come up with 9 something which would cover certain areas to provide 10 a media input on this course?" So I wrote a presentation 11 and started delivering it. 12 Q. How many officers would you see or train, therefore, 13 during the course of, say, a year? 14 A. The number of courses varies. It can be as little as 15 three, sometimes five, and probably between 15 and 18 16 detective inspectors on each one. 17 Q. You've given us in your statement some of their views. 18 You tell us, for example, that they're not always 19 familiar with the relevant media relations policies. 20 We'll come on to discuss some of what they say, but you 21 tell us, for example, that they don't feel entirely 22 confident dealing with the media. How confident are you 23 that the views that they express to you are 24 representative? 25 A. I think over -- what are we talking about? -- six years Page 82</p>	<p>1 to get some media training and to discuss the issues. 2 It became very apparent from their feedback and comments 3 that they felt they could have -- should have had 4 something sooner than this. 5 There is now an hour, I think, on the junior 6 detective trainees course for detective constables. 7 I think there's an hour and a half for 8 detective sergeants on their newly-promoted course, but 9 I feel that it really needs to be a much more intrinsic 10 part, rather than an isolated hour of their training, 11 because it's something which is -- flies through the 12 hole of their training. It impacts on so many other 13 things that they do these days, particularly with new 14 media and the access for the public to instantly send 15 off messages and video officers on their phones while 16 they're undertaking their duties. I think it's 17 important for their skillset to be able to handle that 18 and to understand the issues that that raises, and to be 19 able to be on the front foot when they're dealing with 20 it and not to be scared of it, as so many of them are. 21 Q. Let me ask you a number of small questions, again, on 22 this aspect of your statement. 23 Paragraph 21, please, on off-the-record briefings. 24 You say that off the record briefings to established and 25 well-known journalists are an effective way of managing Page 84</p>

<p>1 the process and can help to build trust on both sides. 2 Again, a general question on that: I understand what 3 you say but isn't there an argument that off-the-record 4 briefings are always going to be open to abuse in the 5 wrong circumstances? 6 A. I think we've -- and certainly in the police service, we 7 have -- always suffered from a reaction to the bad 8 behaviour of a few impacting on the normal daily process 9 of the many. To constantly bring up and write new rules 10 and regulations for the one or two that abuse their 11 position I feel is perhaps too detrimental to the 12 workings of the whole force in particular, you know, 13 with off-the-record briefings which affect criminal 14 investigations which are complex, and the damage that 15 can be done by misinformation being written is huge. 16 So I think that in this case, the benefits outweigh 17 the problems, and I think that if you do -- you can have 18 a relationship with journalists and retain your 19 professional integrity, and there's no reason why if 20 you're open and honest about that discourse, it 21 shouldn't be of benefit to everybody. 22 LORD JUSTICE LEVESON: I suppose it depends what's going on, 23 doesn't it? 24 A. Yes. 25 LORD JUSTICE LEVESON: "Police sources say that ..." Page 85</p>	<p>1 I approach it is by way of debate, in posing the 2 question: is it possible to have a perfectly normal 3 professional relationship with a journalist and retain 4 your professional integrity? And that provokes a really 5 interesting debate which allows officers to question 6 perhaps what they've done in the past and also how they 7 will approach their relationships with journalists in 8 the future. 9 LORD JUSTICE LEVESON: But don't you need some rules in that 10 regard? 11 A. Of course you do. Absolutely you do, and I think you 12 can focus in on rules, but as you can see from the rules 13 that are currently in place, they are open to 14 interpretation, and I think there's a lot to be learnt 15 from experience, and what happens in the time that 16 I have with officers is that I don't admit to having all 17 the answers because there are so many grey areas in 18 criminal investigations with fast-moving, changing 19 operations, where you may believe -- somebody -- 20 absolutely in your mind that somebody's responsible at 21 9 o'clock in the morning, but by midday, new information 22 has come in. 23 So you can't necessarily set down absolute rules as 24 to how you manage that information, but you can give 25 people the opportunity to debate: how would I deal with Page 87</p>
<p>1 potentially give rise to real problems, don't they? 2 A. Mm. 3 LORD JUSTICE LEVESON: So is your training course to provide 4 officers with the ability to feel confident in what they 5 say to the press or does it also touch upon the risks of 6 inappropriate contact and the development of 7 relationships which might ultimately cause problems for 8 the police? You've already mentioned one: the fact that 9 somebody was allowed to come on this very substantial 10 operation, not merely potentially damaging or 11 influencing the case against him but also demeaning or 12 undermining the gravity of the investigation and finally 13 creating all sorts of problems with every other media 14 outlet. I mean, there don't seem to be many wins there. 15 A. No, there weren't. 16 LORD JUSTICE LEVESON: So the real issue is not how you 17 train police officers to be able to answer the question 18 or to be able to confront the giving of evidence or 19 material to the press and to calibrate it in their minds 20 before doing so, but the way in which the press is not 21 necessarily always going to operate in a way that 22 assists the police. 23 A. That's extremely true, and the way I approach it -- 24 I mean, I may be right or wrong and I'm sure there are 25 people who have better ideas than I do, but the way Page 86</p>	<p>1 that? What would I say? What would I do? Is that 2 right? 3 LORD JUSTICE LEVESON: But you can set down some rules, 4 can't you? 5 A. You can have some, yes. 6 LORD JUSTICE LEVESON: We've had many examples, I'm sure 7 you'll appreciate, of potentially very, very damaging 8 press releases, police suspicions reported, which then 9 dramatically affect the nature of the investigation. 10 You give one later on in your statement about the Soham 11 murders. I've heard in relation to the Bristol murder 12 too. This shouldn't be a matter of complexity. It 13 seems to me that here there can be some quite bright 14 lines, or do you think I'm being -- 15 A. No, I think you're absolutely right. There clearly 16 are -- you know, you just don't make judgments about 17 suspects who have come into the enquiry for whatever 18 reason -- or persons of interest, perhaps, is a better 19 phrase to use. The word "suspect" holds far more 20 weightier connotations. But people of interest come 21 into enquiry for all sorts of reasons before they get to 22 the stage of becoming suspects, and I think when you're 23 asking a police officer to be open and honest about 24 what's going on in an investigation and who's being 25 investigated, there should be clear demarcation lines Page 88</p>

1 that you don't discuss people who have come into the
 2 enquiry on that basis because you don't know enough to
 3 make a judgment as to what their involvement is.
 4 And that's very clear, but it's where you get
 5 further down the line and you're closer, perhaps, to
 6 gathering sufficient evidence to take it to the next
 7 stage that officers find it difficult to say, "Well, am
 8 I now under an obligation, because I have seen this
 9 witness statement or that piece of identification or
 10 that piece of forensic evidence -- am I now in
 11 a position where I do have to tell the media?"
 12 LORD JUSTICE LEVESON: That's a problem as well, because
 13 you'll presumably have somebody who's been arrested and
 14 therefore proceedings are active for contempt of court
 15 purposes. That sort of black letter stuff ought all to
 16 be available.
 17 **A. Yes, but there is a huge demand by the media and they**
 18 **quite often will find out things for themselves that the**
 19 **police officers haven't given to them, and will be**
 20 **following and investigating the case almost in parallel,**
 21 **and that can be very tricky, and they will report on**
 22 **matters that they found out about which haven't come**
 23 **from an investigation.**
 24 LORD JUSTICE LEVESON: Yes, I understand that.
 25 **A. And that's very difficult for an officer to deal with.**

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1 LORD JUSTICE LEVESON: I'm sure. I've had the experience of
 2 it. Yes.
 3 MS PATRY HOSKINS: Finally on paragraph 21, you say that the
 4 power --
 5 **A. Sorry, what paragraph?**
 6 Q. 21.
 7 **A. 21, yes.**
 8 Q. In recent years, you say, the power wielded by the Crime
 9 Reporters Association has given the impression of
 10 a closed club of people given special treatment by the
 11 police. Can you assist us with in your view what's the
 12 power wielded by the Crime Reporters Association? What
 13 is that?
 14 **A. Again, it's sort of a cultural thing, almost, within the**
 15 **police service, and certainly within a high level of**
 16 **investigators, you know, who are at the top of the major**
 17 **criminal investigation sections -- you know, specialist**
 18 **crime directorate and anti-terrorist function and things**
 19 **like that -- who have spent many years developing their**
 20 **skills and contacts as police officers and establish**
 21 **relationships with journalists over many, many years,**
 22 **sometimes even close friendships, and if a new person**
 23 **coming into that -- it's not an easy place for them to**
 24 **get established because it becomes, by human nature,**
 25 **a gentlemen's drinking club and that's what it was for**

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1 many years. I don't know if that's the case now,
 2 because I'm detached from it, but certainly for many,
 3 many years, it was known as a sort of -- a very
 4 close-knit group of people who would have access to
 5 information that some police officers don't have.
 6 Q. Okay. Can we turn to paragraph 24, please. This is
 7 a recommendation that you make or something that you say
 8 works well. You say:
 9 "The press/police relationship works well during
 10 high-profile cases where an experienced officer is
 11 essentially detailed to do nothing but handle media
 12 enquiries."
 13 You give us two examples, really, where you think
 14 this has worked or hasn't worked so well. The first is
 15 the experience of the Soham murders and you explain
 16 here, I'm paraphrasing, that for a number of weeks there
 17 was no such person appointed to handle media
 18 enquiries --
 19 **A. I think it was the first ten days, yeah.**
 20 Q. The first ten days, and you catalogue what went wrong as
 21 a result, and then on day ten, Mr Tapp was brought in by
 22 the police and took control of the media strategy and at
 23 that point everything went rather better, if I can put
 24 it in that way. So you give us that example and an
 25 example of a murder in Feltham, which I'll come back to.

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1 In what circumstances do you think that someone
 2 should be appointed exclusively to handle media
 3 enquiries in this way? In every high-profile case? In
 4 every murder case? Where would you draw that line?
 5 **A. Not in every murder case by any means. There are many**
 6 **that go on which receive no press interest whatever,**
 7 **there's no doubt about that, and you're actually**
 8 **knocking on the door of broadcasters and print**
 9 **journalists and asking them to help solve cases and to**
 10 **publicise them.**
 11 **So certainly not in every case, but clearly some are**
 12 **much more in the public's -- "public interest" is an**
 13 **expression in this environment that probably means**
 14 **weightier things, but, you know, the public are really**
 15 **passionate and interested about, particularly when it**
 16 **involves missing children, where there's potentially the**
 17 **beginning or a series of offences, which can raise the**
 18 **fear of crime in a particular area to very high levels,**
 19 **and sadly to say, when the certain type of victim is**
 20 **involved.**
 21 **I know that Lord Blair brought up the subject some**
 22 **years ago of newspapers in particular only -- and**
 23 **perhaps broadcast journalism -- not paying attention to**
 24 **certain murders because the type of victim wasn't one**
 25 **which the public would have necessarily sympathy with,**

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<p>1 and therefore the sort of demarcation lines between what 2 they covered and what they didn't cover was influenced 3 by their interest in the victim. But some murders 4 obviously create a lot of interest in the press, in the 5 public, and you can be flooded with calls, and being in 6 an incident room under an avalanche of calls after an 7 appeal by the public is -- you can be swamped with 8 messages and it can take a lot of dealing and handling 9 with. 10 Q. Can I paraphrase what you say in your statement like 11 this: appointing someone like this to deal exclusively 12 with media questions or issues has the dual application 13 of being able to cope with the deluge of interest, but 14 it also, you say at paragraph 24, means that someone 15 dedicated can keep everyone -- by that, I think you mean 16 the press -- interested during times when nothing much 17 is happening. So, for example, by providing background 18 information about the victims, photographs, videos, 19 interviews with the family and so on. 20 I'm interested in this because, of course, in the 21 evidence that this Inquiry has heard, victims and 22 journalists themselves have said that when there wasn't 23 much going on, it was really necessary to fill a gap. 24 In your view, would a dedicated and experienced officer 25 dealing with media enquiries be able to fill that gap in</p> <p style="text-align: center;">Page 93</p>	<p>1 experience in paragraph 28 and your last sentence of 2 that paragraph says this: 3 "Whilst the PCC code is designed to prevent certain 4 behaviour, such as intrusion into grief or shock, in my 5 experience, if there is good enough story, the press 6 will tend to disregard the code." 7 I'm not going to go into details or ask for specific 8 examples, but can you give me some idea of how many 9 times that's happened? 10 A. I think certainly -- my experience of dealing with major 11 crime, which tends to sort of involve that sort of 12 activity, when you have a victim particularly who is of 13 interest, or they think is of interest to their readers, 14 or even a suspect, as we'll hear later, the idea that to 15 get that person's reaction, to get inside information 16 into their lives, tends to give them free reign to sort 17 of get that information, whether it's part of the PCC 18 code or not. 19 Certainly I give that example because it took the 20 decision out of the hands of the police in trying to 21 inform the family about certain aspects of the case 22 which were going to be particularly distressing and they 23 were forced to actually have to divulge them before the 24 family were ready to listen. 25 LORD JUSTICE LEVESON: I understand that. What I was trying</p> <p style="text-align: center;">Page 95</p>
<p>1 such a high-profile case? 2 A. They'll generally know what can be disclosed without 3 a problem and to help -- use the expression "feed the 4 beast", if you like. Because if there is a gap, they 5 will want to fill it with something. We live in a world 6 of 24-hour news coverage, of the Internet, and the 7 demands of newspapers to provide copy on something which 8 is of such interest to the public. They want to know 9 what's going on and police aren't always going to be 10 able to tell them, so giving them background 11 information, perhaps using the opportunity -- and it is 12 an opportunity -- to pursue lines of appeal which the 13 public can help with -- because ultimately this is about 14 a conversation between the police and the public. It's 15 not about the police and the journalists. They're just 16 a conduit for the police to be able to provide 17 information and seek the help of the public, and it's 18 very easy to get so messed up with the journalists in 19 the middle that you forget why you're talking in the 20 first place. 21 Q. I'm going to turn on now, please, to your personal 22 experience of media surveillance. It's paragraph 29 23 onwards of your statement. 24 LORD JUSTICE LEVESON: Just before you do, there's one 25 question. You give the example of the Feltham</p> <p style="text-align: center;">Page 94</p>	<p>1 to ask about was: did this happen once? Once a year? 2 Or was it a regular sort of occurrence in your 3 experience? 4 A. Mainly on sort of the more emotive high-profile cases 5 I think it becomes more of a free for all. I think in 6 lesser cases or perhaps in terms of size of the enquiry, 7 it tends not to happen so much. 8 LORD JUSTICE LEVESON: I understand, but we are talking 9 about a number of such cases each year? 10 A. I couldn't make that judgment now, because I've been 11 away for a few years now, so it be would unfair of me to 12 make that judgement, sir. 13 LORD JUSTICE LEVESON: I wondered if you'd picked it up also 14 through your experience with Crimewatch. 15 A. Yes, certainly with Crimewatch. Don't get me wrong; 16 I think a lot of families of victims and victims 17 themselves of serious crimes like to be involved in 18 publicising their cases. It gives them a feeling that 19 they are doing something positive to solve their own 20 cases, and I would never dissuade anyone if they wanted 21 to talk to the media and talk about what happened to 22 them. That's their decision, and certainly Crimewatch 23 does that in a very managed and effective way in helping 24 solve the case. It's not for me to make a judgment of 25 any victim or family member who wants to talk to the</p> <p style="text-align: center;">Page 96</p>

<p>1 press. But if they don't, then they should have the 2 opportunity to stay silent. 3 LORD JUSTICE LEVESON: All right, thank you. 4 MS PATRY HOSKINS: Personal experience of surveillance. 5 This is paragraph 30 onwards of your witness statement. 6 I'm going to paraphrase what you say about the 7 murder of Daniel Morgan, if I can. I think it's 8 sufficient for us to note that in 1987, a man called 9 Daniel Morgan was murdered and found dead in the carpark 10 of a pub in Sydenham, south London. You then tell us 11 a bit about the initial murder investigation, and it's 12 safe to say that various things happened, but no one was 13 charged -- 14 A. No. 15 Q. -- with his murder, such that in 2002, many years later, 16 the police decided to issue a fresh appeal for 17 information in connection with his murder. 18 If you turn to paragraph 34 of your statement 19 onwards, this is where you deal with this. You explain 20 that your then husband, David Cook, who was then 21 a detective chief superintendent, was tasked with being 22 the public face of the Inquiry by appearing on 23 Crimewatch. He duly made the appeal in June 2002 and 24 you say that after the appeal was transmitted, the 25 police received intelligence that one of the suspects</p> <p style="text-align: center;">Page 97</p>	<p>1 Paragraph 38, you explain that this series of 2 incidents caused you great anxiety. You set out there 3 some of the steps that you had to take and how you felt 4 about being placed under surveillance at this time. 5 Before we turn back to the impact on you, please, 6 I just want to complete the story. You tell us at 7 paragraph 39 that Dick Fedorcio, who was the head of the 8 MPS directorate of public affairs at the time, spoke to 9 Rebekah Brooks, who was then the editor of the 10 News of the World -- so prima facie the person 11 responsible for placing you and your husband under 12 surveillance -- and as I understand it, she didn't deny 13 that you had been placed under the surveillance but she 14 said that the explanation was that you and your husband 15 were under surveillance because they were investigating 16 suspicions that you were having an affair with each 17 other. 18 A. That's right, yes. 19 LORD JUSTICE LEVESON: There's two questions. In your view, 20 could that possibly have been the reason why 21 News of the World placed you and your husband under 22 surveillance? 23 A. Having been a police officer for 30 years, I'm always 24 willing to try and see the other side of things, and to 25 be fair. But scratching my head and being as kind as</p> <p style="text-align: center;">Page 99</p>
<p>1 had been discussing your husband's involvement in the 2 enquiry and intended to make life difficult for him. 3 You explain that at this time, a police panic alarm 4 was installed in your house, along with additional 5 security, and you were placed under the umbrella of the 6 witness protection unit. Again, paraphrasing, you also 7 say, paragraph 35, that during this same period an email 8 was received at the Crimewatch production office 9 suggesting that you were having an affair with a senior 10 police detective. I make it clear that was completely 11 untrue, but it obviously caused you some concern, you 12 say, because someone was trying to stir up trouble and 13 damage your reputation. 14 Just going through the course of events 15 chronologically, you explain at paragraphs 36 and 37 16 that two vans were spotted outside your home. It looked 17 as if the vans were following your husband, and it 18 became clear to you that your husband was being placed 19 under surveillance. 20 I'm trying to paraphrase quite a long story, but you 21 essentially find out, paragraph 37 -- the police make 22 enquiries and it becomes clear that the vehicles were 23 leased to News International and that you and your 24 husband had been placed under surveillance by 25 News International.</p> <p style="text-align: center;">Page 98</p>	<p>1 I possibly can, I cannot think of one reason why that 2 would be in any way, shape or form a valid reason for 3 putting us under surveillance. It just doesn't add up 4 and is absolutely pathetic, to be honest. 5 Q. Can you tell us a bit more why you say that? 6 A. Well, we'd been together for 11 years. He was 7 a detective chief superintendent in the Metropolitan 8 Police, who had investigated quite a number of 9 high-profile murders himself. We were well-known as 10 a couple within the police service. We'd appeared -- 11 I'd done some publicity, I think it was a year or so 12 before, where I'd been in Hello! magazine talking about 13 Crimewatch and various other things, and we'd appeared 14 together. There was a picture of us with the family. 15 It wouldn't have taken much to have completely refuted 16 that allegation, if that's what had happened, and it 17 obviously wasn't. 18 Q. In your view, what was the reason for the surveillance? 19 A. Well, David took on this initially public face of the 20 enquiry in order to make this appeal. Up until that 21 moment, not one word of this -- one event had happened 22 that would support that. He made that appeal on 23 Crimewatch, and I was actually on the same programme, 24 and the following day we were informed that officers 25 investigating the murder of Daniel Morgan had received</p> <p style="text-align: center;">Page 100</p>

<p>1 intelligence that he would become the subject of their 2 interest in terms of trying to discredit him in some way 3 in order to derail that investigation. 4 The fact that within a few days we were being put 5 under surveillance -- our mail was being tampered with. 6 A phone call was being put into a previous place of work 7 for David at Surrey Police, trying to get financial 8 information. There were various things that happened, 9 and you can't -- I think any reasonable person would 10 find it very difficult not to put them together and feel 11 that there was in some way -- there was some collusion 12 between people at the News of the World and the people 13 who were suspected of committing the murder of Daniel 14 Morgan. I can't put it any clearer than that. 15 Q. Have you ever got to the bottom of why you were placed 16 under surveillance or been provided with any evidence 17 which would indicate to you the reason why you were 18 placed under surveillance? 19 A. No. As you can imagine, various thoughts went through 20 my head as to what we could do about it, but we were 21 serving police officers and it was important that -- and 22 perhaps more important that the murder enquiry was 23 allowed to continue without any interference. I know 24 that David made -- or approached Dick Fedorcio to try 25 and figure out a reason why, and that's when the initial Page 101</p>	<p>1 You -- excuse me. 2 Q. Would you rather I didn't ask you about this? 3 A. No, it's fine. You ... 4 LORD JUSTICE LEVESON: Just stop. Just pause a moment. 5 A. Sorry. 6 LORD JUSTICE LEVESON: You've described this in your 7 statement. It was clearly extremely distressing and 8 even now to think about it, I can see it. So I don't 9 want you to talk about it any more. You are not the 10 first person who has given evidence, speaking about 11 this, who has reacted in this way. 12 A. I do apologise. I'm sorry. 13 LORD JUSTICE LEVESON: You mustn't. That's what I'm saying 14 to you. There's nothing to apologise for at all. You 15 were concerned about the lack of investigation into all 16 this by the police, and that's another matter. I am 17 interested to know what the impact of knowing about what 18 was in the Mulcaire notebooks has had on you, but again 19 you've set it out in your statement, and I'm content to 20 leave it at that, unless there's something you want to 21 develop or talk about. But the purpose of this Inquiry 22 is not to aggravate the distress that you've previously 23 suffered. It really isn't. 24 A. I think -- and I'm grateful for your kind thoughts. It 25 is very difficult, because in some ways, by coming here, Page 103</p>
<p>1 response came back from Rebekah Wade or Rebekah Brooks, 2 as she is now, that this line about the affair. 3 Unfortunately, nothing else was heard after that. 4 It went very quiet from that angle. He, to put it 5 mildly, was not happy that we were being placed in that 6 position and that our sense of personal safety and 7 security had been undermined in such a large way, and 8 continued to make noises and to try and see if somebody 9 could get to the bottom of this. He really forced it 10 and finally a meeting was agreed at the Yard, as far as 11 I'm aware, between Dick Fedorcio -- I think commander 12 Andy Baker was there, who was David's immediate boss, 13 and Rebekah Wade, in order to try and elicit what on 14 earth was going on and what she was doing about it. 15 I understand that she just continued along the line that 16 they were investigating the potential that we were 17 having some sort of an affair, and nothing else was 18 heard. 19 Q. My second question on this was whether you felt able to 20 tell us about the impact of this period on you and your 21 family. 22 A. This is obviously a very difficult area because -- 23 I mean, as a police officer you learn to 24 compartmentalise. You put your private and your public 25 and your business life into two different places. Page 102</p>	<p>1 you stick your head above the parapet because you're 2 angry and distressed about what has happened, and the 3 impact on us, I think, is important because I think it's 4 very easy to compartmentalise people, inasmuch as 5 celebrities have clearly suffered in this whole process, 6 as have many others, and I think sometimes it's easier 7 to dismiss certain people because they should be able to 8 put up with it. But I don't think anybody, from any 9 walk of life, should have to put up with it, which is 10 why I've come here today and stuck my head above the 11 parapet. 12 So it's important to me to come here and do that to 13 show that the impact of something like that, which can 14 be easily dismissed, because people -- you know, I would 15 hate to think of any other person in the future having 16 to go through what we've had ten years of. 17 LORD JUSTICE LEVESON: I understand, and I ought to have 18 said -- because you started on the professional training 19 material, I didn't say what I've said to all those who 20 came during the first part of this Inquiry, that I am 21 extremely conscious that matters which you'd prefer to 22 move on from and are private and personal to you are not 23 matters which you should be asked to talk about 24 publicly, and therefore I've been very conscious of the 25 enormous effort that not just you, but everybody else Page 104</p>

26 (Pages 101 to 104)

<p>1 who's been in your position, has made expose the reality 2 and the impact on their lives. 3 So you don't need to be concerned about it at all. 4 I really do understand, and I'm absolutely content to 5 take your statement for what it says. You've obviously 6 put a lot of work into it, and I'm grateful. It is 7 important, for reasons which I'm sure you understand. 8 A. Certainly, sir, and I'm more than happy to discuss my 9 findings in response to the Mulcaire notes. 10 LORD JUSTICE LEVESON: Let's deal with that. Right. 11 MS PATRY HOSKINS: Yes. The Glenn Mulcaire notebooks. You 12 explain at paragraph 41 onwards that in May 2011, police 13 officers from Operation Weeting contacted you and 14 conformed you that your details had been found in 15 Glenn Mulcaire's notebooks. You explain that you were 16 shown details of investigations undertaken by 17 News of the World into David and yourself back in 2002, 18 which of course you had no idea were going on at the 19 time. 20 Then you go on to detail the information that you 21 were shown in the notebooks, and it included -- and I'm 22 going to read this out, it's important -- your payroll 23 number, your warrant number, the name of the police 24 section house that you'd lived in when you first joined 25 the police in 1977, the name, location and telephone Page 105</p>	<p>1 just writing notes as and when. 2 LORD JUSTICE LEVESON: You saw his original documents? 3 A. Yes. So, I mean, if, for instance, I was making some 4 enquiries and somebody was giving me information, 5 I would write little notes on a piece of paper. It 6 didn't appear to me to be written at different times or 7 over a course of a period of time or from different 8 people. It was in the same pen and same handwriting as 9 if it had all been written down at the same time. 10 MS PATRY HOSKINS: The reason I ask you that question is 11 probably apparent to you. You say at the first line of 12 paragraph 42 that the information that you saw could 13 only have come from one place: your MPS file. You 14 explain that you were horrified by the realisation that 15 someone within the MPS had supplied information from 16 your file to Mr Mulcaire, and probably for money. 17 The question I've been asked to put to you is: isn't 18 it right that all the information that you detail as 19 being in the Glenn Mulcaire notebook could have been 20 obtained by old-fashioned investigation and digging 21 around, asking friends, asking colleagues for 22 information about you? In your view, is that right? 23 A. Oh, crikey, they'd have to do an awful lot of digging 24 around, an awful lot of talking. Things like your 25 payroll number, it's an extension of your warrant Page 107</p>
<p>1 number of your place of work in 2002, you and David's 2 full home address, your mobile number, notes about your 3 previous husband and his work details. It also 4 contained notes about David, including his name, 5 telephone number, rank, the word "appeal", which you 6 presume to be a reference to his appeal for information 7 on Crimewatch, and you explain that the date at the top 8 of the notes was 3 July 2002, a week or so before the 9 News of the World vans began to appear outside your 10 home. 11 You say this in the final sentence: 12 "This demonstrates to me that the News of the World 13 knew full well that I was married to David at the time 14 of the surveillance, and thus gives the lie to their 15 explanation for it." 16 We obviously don't have the relevant page or pages 17 from Glenn Mulcaire's notebooks that contains these 18 entries, but from memory, can you tell us whether all 19 this information was in the same place, ie on a single 20 page or number of pages together, or whether it was bits 21 of notes from different parts of the notebook that 22 seemed to have been collated in one place to show to 23 you? 24 A. No, it was very much contained within a page or so of 25 the notebook, as if somebody was on the telephone and Page 106</p>	<p>1 number. As a woman, when I joined, we had separate, 2 different types of warrant numbers, and mine was only 3 four figures, so if anybody said to me, "What's your 4 warrant number?", I would have said "4481", but my 5 payroll number was 19/00004481, and it wasn't something 6 that you used for any other purpose, really, other than 7 your payroll number, because it was too unwieldy and 8 unnecessary. And things like the section house that 9 I lived in when I first left, I'm not sure many people 10 would know that. It's not something I regularly talked 11 about. I only lived there a few months. 12 Q. In 1977? 13 A. In 197 -- January 1978 I moved in there, and I was there 14 a few months. It wasn't something that was a topic of 15 conversation amongst -- even my friends wouldn't have 16 known that, necessarily. 17 Q. All right. How did you feel when you were contacted by 18 Operation Weeting and shown all the details found in 19 Glenn Mulcaire's notebooks? 20 A. Well, all sorts of things went through my head, some 21 which I probably shouldn't go into, but certainly I was 22 very -- I think initially I was shocked, and very angry. 23 It's very difficult. I spent 30 years in the police 24 service, and do you know what? I loved it. I loved 25 being a police officer. And I was extremely -- excuse Page 108</p>

27 (Pages 105 to 108)

1 **me -- extremely proud to be in the Metropolitan Police,**
 2 **and I think although I was aware of corruption, aware of**
 3 **malpractice, I'm certainly not that naive to think it**
 4 **doesn't go on. But, hey, when it's you and you know**
 5 **that somebody in your family, the police service, has**
 6 **sold you down the line, it's very hurtful, very painful.**
 7 Q. I don't think I need to ask you any further questions
 8 about the Glenn Mulcaire notebooks.
 9 LORD JUSTICE LEVESON: There is one other feature. First of
 10 all, that's how it looked, but secondly, for five years
 11 you didn't know about it.
 12 **A. Exactly.**
 13 **I mean, there are two issues, actually, probably**
 14 **I should mention. Firstly, the date on the notes, which**
 15 **gives rise to the suggestion that this was the date the**
 16 **information was received. It was some week or so before**
 17 **the surveillance on us started. They would have known**
 18 **in that case that we were married, from reading my file.**
 19 **So it certainly, if it didn't -- if it needed saying at**
 20 **all, gave further weight to the lie that we were**
 21 **supposed to be having an affair.**
 22 **Secondly, I mean in 2006, when this information came**
 23 **to be known, I was -- I mentioned earlier, talking about**
 24 **the bullion raid, I was on a rather sensitive inquiry,**
 25 **not that, involving security and some sensitive**

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1 witnesses under protection, and if I'd known that my
 2 phone number was known to members of the media or to
 3 people perhaps with more scurrilous intentions, I would
 4 have immediately changed it, if only as a matter of
 5 prevention. It would have caused me huge problems to
 6 know that that was in the public domain, because it
 7 wasn't at that time something which I widely publicised.
 8 LORD JUSTICE LEVESON: Okay.
 9 MS PATRY HOSKINS: Yes. The final question really is about
 10 recommendations for the future. Two paragraphs in your
 11 statement deal with this. First of all, paragraph 45,
 12 where you say that you don't necessarily believe the
 13 answer is to bring in more legislation when there's
 14 already so much in place, and you recommend more
 15 widespread use of the Protection from Harassment Act
 16 1997. I'll move on from that, unless there's something
 17 you particularly want to say about that.
 18 **A. No. I think there are only a number of bits of**
 19 **legislation, and it may be if there's more controls**
 20 **brought into police interaction with journalists, maybe**
 21 **the Freedom of Information Act needs to be looked at**
 22 **again, but I'm not a lawyer by any stretch of the**
 23 **imagination, so in terms of legislation, I'm probably**
 24 **completely the wrong person to comment on that.**
 25 Q. And paragraph 48 contains your recommendations as well.

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1 We've already touched on the enhanced training. You
 2 also suggest there should be a clear complaints
 3 procedure for police officers wishing to correct
 4 inaccuracies in a story or who were unhappy with the
 5 conduct of a journalist; a review of the role of the
 6 Crime Reporters Association to ensure transparency in
 7 terms of access to information; and that news editors
 8 should be required to complete decision logs where
 9 invasion of an individual's privacy and/or use of
 10 a private investigator is contemplated.
 11 Is there anything that you would like --
 12 LORD JUSTICE LEVESON: I think on this last one, you've
 13 probably heard that over the course of the last few
 14 months one of the issues that I have discussed with
 15 editors is audit trails of decisions, and that's really
 16 what you're talking about.
 17 **A. Absolutely. I don't necessarily feel that there need to**
 18 **be additional constraints, but I just think there should**
 19 **be a process by which they can show some transparency in**
 20 **how that decision -- and justify it in some way, because**
 21 **the huge effect that it has on people's lives needs to**
 22 **be justified, and it may well be in the public interest,**
 23 **and if it is, they have nothing to hide.**
 24 MS PATRY HOSKINS: Is there anything that you would like to
 25 add to the other recommendations that you made?

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1 **A. I think with regard to the training for police officers,**
 2 **I've sort of gone into that briefly in terms of**
 3 **complaints. I think there's a lot of frustration**
 4 **around, "What do I do if I've given an interview to**
 5 **a journalist and they completely change what I've said**
 6 **or put inaccuracies in?" And it goes back to the**
 7 **confidence issue, I suppose, is to challenge them on**
 8 **that and to correct those inaccuracies, but I don't**
 9 **think a lot of sort of coalface detectives know where to**
 10 **start in that, and they feel that there isn't an ability**
 11 **for them to complain or --**
 12 LORD JUSTICE LEVESON: Well, there is, actually, but people
 13 have spoken about the PCC at some length, and what
 14 you're saying is actually that applies just as much to
 15 police officers as to everybody else.
 16 **A. But I think that there is a general feeling that**
 17 **unfortunately the directorate of public affairs really**
 18 **was so close to many journalists and media organisations**
 19 **that their voices wouldn't be heard anyway, so what was**
 20 **the point?**
 21 MS PATRY HOSKINS: Is there anything that you would like to
 22 add?
 23 **A. No, I don't think so.**
 24 MS PATRY HOSKINS: Thank you very much. Those are my
 25 questions.

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1 LORD JUSTICE LEVESON: Thank you. I just want to write down 2 what you've just said. (Pause) 3 Ms Hames, thank you very much indeed. Thank you. 4 Right. 2 o'clock. 5 (12.59 pm) 6 (The luncheon adjournment) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	
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