

<p>1 2 (2.05 pm) 3 MR JAY: I call Mr Bunglawala, please. 4 MR INAYAT BUNGLAWALA (sworn) 5 Questions by MR JAY 6 MR JAY: First of all, please, make yourself comfortable, 7 Mr Bunglawala. Could you provide us with your full 8 name? 9 A. Sure. My name is Inayat Bunglawala. 10 Q. Thank you. You are representing an organisation called 11 Engage, which is a limited company by guarantee. Can 12 you tell us who Engage is and what its purposes and 13 objects are? 14 A. Sure. Engage was set up almost four years ago now and 15 it's a Muslim advocacy organisation which seeks to 16 encourage greater civic participation on the part of 17 British Muslims in our democracy. 18 So we try -- during election time, we encourage 19 voter registration drives, we encourage people to take 20 an interest in politics, if they have concerns, to raise 21 them with their MPs. We make this information available 22 on our website so people can easily identify who their 23 local politicians are. 24 In addition to that, we also seek to ensure a fairer 25 portrayal, a more balanced portrayal of the faith of</p> <p style="text-align: center;">Page 1</p>	<p>1 polite in our discourse, and it's wrong to be 2 deliberately offensive. 3 The one exception, it seems to us -- the one glaring 4 exception, it seems to us, is that in recent years the 5 coverage of Muslims has not improved. Sometimes we come 6 across some very, very disturbing headlines which seem 7 to us to be aimed at fermenting prejudice against 8 Muslims. Rather than reporting facts, it's aimed at 9 stirring up prejudice towards the British Muslim 10 community. 11 Q. Thank you. In relation to that, in the briefing paper, 12 although it's not in front of us now, you give some 13 examples of headlines: "Muslim schools ban our culture", 14 "Muslims tell us how to run our schools", "Britain has 15 85 [underlined] Sharia courts" and "BBC put Muslims 16 before you". 17 Those are examples from certain sections of the 18 press which you draw attention to Parliament; is that 19 right? 20 A. That's right. We believe these headlines are -- we 21 believe these headlines only serve to increase prejudice 22 towards Muslims and they are designed to increase it, 23 which is actually the more disturbing fact. 24 Q. Can I put this general point to you before we look at 25 your submission to the Inquiry: we all believe in free</p> <p style="text-align: center;">Page 3</p>
<p>1 Islam and in pursuit of that we're often in contact with 2 the Press Complaints Commission and newspapers, with 3 a view to seeking a correction of misrepresentations 4 that we believe we have seen in newspapers. 5 Q. Thank you. You provided the Inquiry with a submission 6 in writing dated 31 October 2011. Do you have that 7 available? 8 A. Yes, I do. 9 Q. That submission, if you look at page 54254, third line, 10 refers to a parliamentary briefing page on Islamophobia, 11 which you enclose. It's not in the bundle which has 12 been made available to the Inquiry but I have downloaded 13 it from your website. It's an all-party parliamentary 14 group on Islamophobia briefing note, dated September of 15 2010. 16 I just touch on one or two points you make there in 17 relation to Islamophobia in the media. I know you don't 18 have the document in front of you but are there any 19 specific points there you could highlight, your concerns 20 about Islamophobia and the media? 21 A. Yes. At Engage we believe that as a society in recent 22 years we've moved away from overt racism. We recognise 23 that racism is wrong, we recognise that stereotypes of 24 people are generally wrong, you know, to propagate 25 these. We recognise it's important to be generally</p> <p style="text-align: center;">Page 2</p>	<p>1 speech. How do you define or where do you see the 2 boundary between fair comment on the one hand and 3 unfair, unbalanced discriminatory comment on the other, 4 if the answer isn't already to be found in my question? 5 I apologise but it's defining the boundary, please. 6 A. I can fully accept that newspapers are there to report 7 stories and if Muslims are involved in those stories, 8 there will be facts about Muslims or the faith of Islam 9 which they need to touch upon, especially in a time when 10 we're facing a terror threat from Al Qaeda. It would be 11 impossible for newspapers to avoid the subject of Islam 12 and Muslims. 13 Where I think a line needs to be drawn is on a clear 14 falsehood on -- where newspapers just tell plain 15 falsehoods in their headline, where they seem to be 16 fermenting prejudice, whereas if we replace the word 17 "Muslim" with another minority group, we would very 18 quickly recognise this is unacceptable. 19 So I think the same standards should be applied to 20 Muslims as to any other faith group or any other 21 minority group community. 22 Q. Thank you. You're entitled, of course, to refer to 23 clause 12 of the PCC code, which contains a general 24 anti-discrimination provision, both in terms of race and 25 religion.</p> <p style="text-align: center;">Page 4</p>

<p>1 A. Yes, that's right. I remember about ten years ago the 2 Sun printed a terrible headline, something about the 3 "gay Mafia" -- I think it was referring to ministers 4 that were in Tony Blair's government at the time who 5 happened to be gay -- and the Sun faced criticism from 6 all quarters for that headline, and I don't think we've 7 seen the Sun repeat that kind of homophobia again, or 8 seen that overt homophobia, and I think it's a good step 9 that we've moved away from that. I'd like to see 10 something similar happen in connection with reporting on 11 British Muslims as well.</p> <p>12 Q. Thank you. In your submission, you provide some 13 specific examples, Mr Bunglawala. If you look at 54254, 14 this was a piece in the Daily Star: 15 "Poppies banned in terror hot spots."</p> <p>16 A. Yes.</p> <p>17 Q. Can you tell us about that?</p> <p>18 A. This was a piece in the Daily Star which claimed that 19 the sale of poppies was banned in areas with large 20 Muslim populations: Leeds, Bradford and elsewhere. We 21 looked into this story -- it seemed incredible to us -- 22 and very quickly found that they had no basis 23 whatsoever. Just because poppies may not be on sale 24 does not mean the poppies are banned. You know, poppies 25 need to be sold by somebody in the first place.</p> <p style="text-align: center;">Page 5</p>	<p>1 past, but my understanding is that in recent years the 2 PCC may have moved on a bit and may have been more 3 willing to accept third-party complaints.</p> <p>4 LORD JUSTICE LEVESON: That's interesting.</p> <p>5 The second thing is I think there's a typographical 6 error in your statement and I just -- because I was 7 surprised to read it.</p> <p>8 A. It yes, I saw that.</p> <p>9 LORD JUSTICE LEVESON: "This complaint was successfully 10 resolved by the commission and the publication of a 11 clarification which we felt ..." 12 It should have been "inadequately"?</p> <p>13 A. Yes, exactly. I spotted that as well. You're a good 14 editor.</p> <p>15 LORD JUSTICE LEVESON: As it reads, it seems that you were 16 satisfied with the correction.</p> <p>17 A. Yes.</p> <p>18 LORD JUSTICE LEVESON: Could we make sure that the copy that 19 goes online has the correction put in, because otherwise 20 it's positively misleading.</p> <p>21 A. We can resend that to you, most probably.</p> <p>22 LORD JUSTICE LEVESON: We might be able to do it -- I've 23 just written in "in".</p> <p>24 MR JAY: The second example, please, Mr Bunglawala. This 25 relates to a story in December 2007 and a subsequent</p> <p style="text-align: center;">Page 7</p>
<p>1 So we challenged the Daily Star to prove that a ban 2 had been in place and they were unable to substantiate 3 their story. It was taken up by the PCC and in the end 4 a one-paragraph clarification was printed.</p> <p>5 It's not just that headline. If you look at the 6 headline, "Poppies banned in terror hot spots", and then 7 the subheading is "Muslim snub to forces". It's that 8 headline which is very damaging. It's clearly meant to 9 portray Muslims as being disrespectful of the armed 10 forces, disrespectful of Remembrance Day and the 11 sacrifices that soldiers have made in the past.</p> <p>12 The fact that the Star could not find any evidence 13 to substantiate that story and responded with 14 a one-paragraph clarification, I just find it -- it's 15 almost -- you get -- you just get demoralised. You say, 16 "I've gone through the process of trying to get it 17 corrected. We've been to the PCC, and what we're seeing 18 is a little one paragraph response." We have no idea 19 how many people -- who's going to see that and how that 20 can undo the damage done by the original headline.</p> <p>21 LORD JUSTICE LEVESON: Could I ask two questions, please?</p> <p>22 The first is: did the PCC accept a complaint from Engage 23 as opposed to from an individual?</p> <p>24 A. I believe in this case they did, sir. It is true that 25 we've had an issue with third-party complaints in the</p> <p style="text-align: center;">Page 6</p>	<p>1 court case involving Lord Ahmed. Could you tell us 2 about that?</p> <p>3 A. Yes. Lord Ahmed is a peer. He was involved in a car 4 accident at the time, in December 2007.</p> <p>5 A newspaper, in covering this case of the accident, 6 referred to him as a "Muslim peer", and we wrote to the 7 PCC because the PCC's code of practice says that 8 a person's faith should not be mentioned in a story if 9 it's irrelevant to the story, and we couldn't understand 10 what Lord Ahmed's Islamic faith had to do with the fact 11 that he'd been involved in a car accident. We thought 12 it was fairly straightforward -- a fairly 13 straightforward breach of the PCC code of practice.</p> <p>14 Unfortunately, the PCC did not uphold our complaint 15 and said they believed that the fact that Lord Ahmed was 16 Britain's first Muslim peer therefore made it relevant 17 to the story of his car accident, which -- I mean, 18 again, it just strikes us as totally contradicting their 19 own code of practice.</p> <p>20 Q. Thank you. I understand you'd like to pass over the 21 third example but you do want to talk about the fourth 22 one, a complaint to the Daily Mail. Again, to be clear, 23 was that Engage's complaint or an individual's --</p> <p>24 A. Yes, this was a complaint by Engage. The article 25 actually mentioned Engage. It was an article by Melanie</p> <p style="text-align: center;">Page 8</p>

<p>1 Phillips.</p> <p>2 Q. It was directed to your body, so of course you had the</p> <p>3 right to complain about it.</p> <p>4 A. Yes.</p> <p>5 Q. But the piece claimed that you were an extremist</p> <p>6 Islamist group funded by the government, statements of</p> <p>7 fact and/or opinion with which you strongly disagreed?</p> <p>8 A. Yes. "Extremist Islamist group" -- I fear we might not</p> <p>9 get very far with that. Melanie Phillips, she has</p> <p>10 a particular world view in which quite a few groups seem</p> <p>11 to fall into that category, so I don't think we're going</p> <p>12 to get very far with that one, but she made a clear</p> <p>13 error of fact in that story where she claimed that</p> <p>14 Engage was a body funded by the government.</p> <p>15 So we wrote to the managing editor at the Daily Mail</p> <p>16 and made clear that we've never received a penny from</p> <p>17 the government, we've never applied for a penny from the</p> <p>18 government. So we wanted, first, an acknowledgment of</p> <p>19 the factual error that was in their story, and secondly</p> <p>20 an apology for making that error.</p> <p>21 It's been seven months since this story appeared and</p> <p>22 since we first complained to the PCC and it's still in</p> <p>23 the process of being resolved. What happened is we</p> <p>24 complained to the PCC. The PCC then forwards our</p> <p>25 complaint on to the Mail. The Mail writes to the PCC.</p> <p style="text-align: center;">Page 9</p>	<p>1 48 hours or so -- that this was a non-story. The police</p> <p>2 released all the people that had been arrested in</p> <p>3 connection with this incident, without charge, but the</p> <p>4 Express had done a front page and two full inside pages,</p> <p>5 pages 4 and 5, given over to this story of a so-called</p> <p>6 Muslim plot to kill the Pope.</p> <p>7 When it came to a redress for this story, they</p> <p>8 printed a one-sentence clarification on page 9. Again,</p> <p>9 I hope the Inquiry will consider the way newspapers seek</p> <p>10 to redress the mistakes they make and damage they cause</p> <p>11 and whether it is in any way commensurate with the harm</p> <p>12 they are doing --</p> <p>13 LORD JUSTICE LEVESON: You don't know the sentence they</p> <p>14 said, do you?</p> <p>15 A. Unfortunately not.</p> <p>16 LORD JUSTICE LEVESON: It's not in the paper.</p> <p>17 A. No. My apologies, sir.</p> <p>18 LORD JUSTICE LEVESON: All right.</p> <p>19 MR JAY: Okay. Maybe the sixth and seventh examples there</p> <p>20 we'll pass over. I think you want to tell us about</p> <p>21 a different example which isn't in here, a "Christmas is</p> <p>22 banned" headline in the Daily Express?</p> <p>23 A. Yes. This was a headline in the Daily Express,</p> <p>24 a front-page story, actually, "Christmas is banned, it</p> <p>25 offends Muslims". I recall this story because it was</p> <p style="text-align: center;">Page 11</p>
<p>1 The PCC forwards the Mail's response on to us. It's</p> <p>2 like a ping-pong game in which the PCC seems to be</p> <p>3 playing more of a postman role rather than the</p> <p>4 regulatory body it's supposed to be, and that is of</p> <p>5 concern.</p> <p>6 After seven months of this ping-pong, we still</p> <p>7 haven't got the word "apology" out of the Daily Mail.</p> <p>8 They're still refusing to acknowledge they made an error</p> <p>9 and -- because there was a paragraph -- we said we want</p> <p>10 this as an apology and they keep striking the word</p> <p>11 "apology" out of it. We just -- I think if I was to try</p> <p>12 to draw blood out of a stone, it might be easier than</p> <p>13 getting an apology out of the Mail, it seems.</p> <p>14 Q. Thank you. "Muslim plot to kill Pope", I think we've</p> <p>15 seen that one before. It's a Daily Express front page.</p> <p>16 A. Well, this was astonishing, Mr Jay, because this was</p> <p>17 a front-page story and normally newspapers are quite</p> <p>18 careful about -- if there's an ongoing criminal case and</p> <p>19 there are allegations against individuals, they will put</p> <p>20 words in brackets or in speech marks to denote that this</p> <p>21 is what people are saying rather than a statement of</p> <p>22 fact, but here there were no speech marks. It was just</p> <p>23 clear "Muslim plot to kill Pope" as statement of fact as</p> <p>24 opposed to anything else.</p> <p>25 Very quickly, it became apparent -- I believe within</p> <p style="text-align: center;">Page 10</p>	<p>1 one of the few times that I ever actually purchased the</p> <p>2 Daily Express, and I took this story home, I read it,</p> <p>3 and there was no mention in the story whatsoever of any</p> <p>4 Muslim who was saying he was offended by Christmas. It</p> <p>5 turns out that it was a council in south London which</p> <p>6 had renamed their festivities and renamed it to</p> <p>7 something called a "Winterval" just to make clear that</p> <p>8 they were celebrating a number of festivities over</p> <p>9 a number of time.</p> <p>10 So we contacted again the Daily Express and got no</p> <p>11 joy from them, saying that this was a headline they</p> <p>12 could not substantiate. There was no Muslim quoted to</p> <p>13 say they were being offended by Christmas, so how could</p> <p>14 they justify the headline? To this day, I've had no</p> <p>15 satisfactory response from the Express or the PCC.</p> <p>16 The only reasoning I could see was that it would</p> <p>17 help them shift papers, that it would help their front</p> <p>18 page become a talking point in -- all over the UK and</p> <p>19 get people worked up, get people -- get people's backs</p> <p>20 up. That to me seems the only plausible explanation of</p> <p>21 a story that had no substance whatsoever.</p> <p>22 LORD JUSTICE LEVESON: That's not quite fair, because it</p> <p>23 does have a substance if the council had done it, but</p> <p>24 your complaint is slightly different.</p> <p>25 A. Yes, yes, sir. There was no basis for the "it offends</p> <p style="text-align: center;">Page 12</p>

<p>1 Muslims" headline.</p> <p>2 If I can just point out to the Inquiry that this</p> <p>3 particular front page was subsequently used by the far</p> <p>4 right, the British National Party, on their placards.</p> <p>5 The actual front page of the Daily Express with what</p> <p>6 headline, "Christmas is banned, it offends Muslims",</p> <p>7 appears on BNP placards now. It's clear that the far</p> <p>8 right, in the shape of the BNP, are making use of this</p> <p>9 headline to try to generate support and try to appeal to</p> <p>10 a wider section of the public for their own agenda,</p> <p>11 which is clearly an anti-minority one.</p> <p>12 MR JAY: I think we've actually found -- or rather,</p> <p>13 Ms Patry Hoskins has found -- the one line in the</p> <p>14 Daily Express in relation to the "Muslim plot to kill</p> <p>15 Pope" story. It does look as if it's hidden away. It</p> <p>16 says:</p> <p>17 "Six men arrested and quizzed by counter-terrorism</p> <p>18 police probing a plot in London to attack the Pope were</p> <p>19 all were released without charge, Scotland Yard said</p> <p>20 yesterday."</p> <p>21 That, I think, was the day after.</p> <p>22 A. Yes. See, they were very keen to highlight the Muslim</p> <p>23 angle when they were arrested, but when they were</p> <p>24 released, no word mentioned that they were Muslim then.</p> <p>25 Q. That's a very fair point, Mr Bunglawala.</p> <p style="text-align: center;">Page 13</p>	<p>1 to be here a conflict of interest here, that when we're</p> <p>2 complaining about a story which may have appeared in</p> <p>3 their own newspapers, that they are sitting on the</p> <p>4 committee that adjudicates the value of these</p> <p>5 complaints. There must be a better answer.</p> <p>6 I believe the Inquiry has heard suggestions that</p> <p>7 perhaps former journalists should be on such</p> <p>8 a committee. That seems to us to be an eminently</p> <p>9 sensible suggestion.</p> <p>10 Just for -- another point we would like to make is</p> <p>11 that often the apologies that are made by these</p> <p>12 newspapers are very tiny. As you just saw, in one case</p> <p>13 it was one sentence --</p> <p>14 LORD JUSTICE LEVESON: That wasn't even an apology; that was</p> <p>15 merely an update.</p> <p>16 A. Yes, you're quite right, sir. There was an update on</p> <p>17 a front-page story that appeared, so we hope the Inquiry</p> <p>18 will, again, look at ensuring that when retractions and</p> <p>19 apologies are made, they are in some way commensurate to</p> <p>20 the prominence given to the original story and the</p> <p>21 damage done by the original story.</p> <p>22 After a while, we have to question -- when a paper</p> <p>23 like the Daily Express or Daily Star keeps repeating the</p> <p>24 same mistakes in terms of inaccurate coverage of Muslims</p> <p>25 and keeps repeating one-sentence or</p> <p style="text-align: center;">Page 15</p>
<p>1 Section 2 of your paper gives examples of successful</p> <p>2 legal challenges and third-party complaints to the PCC.</p> <p>3 Unless you specifically wish to, I don't think it's</p> <p>4 necessary to alight on any of those, but I think what we</p> <p>5 would like to hear specifically from you, Mr Bunglawala,</p> <p>6 is your recommendations, your suggestion for the future,</p> <p>7 which deal with two matters: one, procedure, how</p> <p>8 complaints can be made by organisations such as yours,</p> <p>9 and secondly, the substance.</p> <p>10 A. Yes. A couple of points, Mr Jay. One is we would hope</p> <p>11 that if the Press Complaints Commission is going to</p> <p>12 replaced or reformed, attention will be given to the</p> <p>13 speed with which the body will deal with complaints.</p> <p>14 I mentioned earlier that we've been in negotiation with</p> <p>15 the Daily Mail now for seven months for a simple apology</p> <p>16 for a clear factual error and we still haven't got an</p> <p>17 apology or a clarification for that story.</p> <p>18 We question how valuable any correction will be</p> <p>19 months after the original story has appeared. So</p> <p>20 clearly there needs to be an improvement in the speed by</p> <p>21 which a body deals with complaints from individuals.</p> <p>22 Secondly, we have a concern about the make-up of the</p> <p>23 Press Complaints Commission and the fact that serving</p> <p>24 editors are often on the committee which adjudicates</p> <p>25 these complaints and it just seems to us -- there seems</p> <p style="text-align: center;">Page 14</p>	<p>1 a one-paragraph apologies, we have to ask how sincere</p> <p>2 those apologies are, of what value they are and whether</p> <p>3 these newspapers are taking it seriously. So we hope</p> <p>4 that the Inquiry will look at getting a proper redress</p> <p>5 for errors that are made.</p> <p>6 LORD JUSTICE LEVESON: You mentioned the PCC but you can't</p> <p>7 go to the PCC about the Express or the Star, can you?</p> <p>8 A. Unfortunately not, no. As Mr Desmond made clear -- the</p> <p>9 proprietor of the Express made clear in his own</p> <p>10 testimony here, he has withdrawn his newspapers from</p> <p>11 being allowed to be adjudicated by the Press Complaints</p> <p>12 Commission, which again strikes us as a most mystifying</p> <p>13 position for us to be in, because the Daily Express and</p> <p>14 the Daily Star are perhaps two of the most egregious</p> <p>15 offenders when it comes to stories which are mistaken or</p> <p>16 incorrect or inaccurate when it comes to reporting about</p> <p>17 British Muslims, and now the PCC has no jurisdiction</p> <p>18 over them, which is a very odd situation to be in.</p> <p>19 MR JAY: Thank you. That's very clear, Mr Bunglawala.</p> <p>20 I don't have any further questions for you, but</p> <p>21 Lord Justice Leveson may.</p> <p>22 LORD JUSTICE LEVESON: I think your characterisation of the</p> <p>23 position is very moderate. Thank you very much indeed.</p> <p>24 A. Thank you very much, sir.</p> <p>25 MR JAY: So thank you very much, Mr Buglawala.</p> <p style="text-align: center;">Page 16</p>

<p>1 Before I call the next witness -- it has nothing to 2 do with Mr Buglawala -- I have been asked to show you, 3 on behalf of the Daily Star, a file full of articles 4 which relate to treatment of these issues. It's 5 obviously not right for me to put it to the witness, but 6 it is right that you should see them in due course. 7 (Handed) 8 LORD JUSTICE LEVESON: Thank you very much. Actually, this 9 is a point that was made during the course of the 10 evidence, wasn't it, and Mr Dingemans said that he would 11 provide a bundle. 12 MR JAY: Yes, and here it is. I have obviously read it, 13 but -- 14 LORD JUSTICE LEVESON: I shall read it. 15 MR CAPLAN: May I just mention one thing in relation to the 16 last witness and the delay on behalf of Associated 17 newspapers? Can I just say that my understanding is 18 that the most recent position is that there is 19 correspondence between the parties as recently as the 20 13th and 23 January, and it is all to do, in fact, with 21 the final wording of the clarification, but it is -- 22 LORD JUSTICE LEVESON: It's not just gone on the 23 back-burner? 24 MR CAPLAN: No. 25 LORD JUSTICE LEVESON: Thank you. I'm sure that</p> <p style="text-align: center;">Page 17</p>	<p>1 Q. Thank you. And you're the chief executive -- 2 A. I am. 3 Q. -- of the Science Media Centre. The headline message 4 which you wish to impart is probably to be found in the 5 final paragraph on page 54258, a message which you then 6 elaborate: 7 "While the media was not solely responsible for the 8 MMR scare and lessons have been learned by all 9 concerned, some of the underlying values still remain in 10 parts of our newsrooms -- the appetite for a great scare 11 story, the desire to overstate a claim made by one 12 expert in a single small study, the reluctance to put 13 one alarming piece of research into a wider, more 14 reassuring context, journalistic balance which conveys 15 a scientific divide where there is none, the love of the 16 maverick and so on." 17 Those are the key themes which you develop. 18 Is it also fair to say, if it's not putting it 19 disparagingly, that the general public does not always 20 apply a rigorous scientific method to its world view? 21 Witness, for example, belief in astrology or, in the 22 United States in particular, belief in creationism? 23 A. Indeed. I think our view is that the responsibility of 24 the press is to allow all of those opinions to be 25 reflected but that their facts are accurate.</p> <p style="text-align: center;">Page 19</p>
<p>1 Mr Buglawala will be pleased to hear that, but his point 2 about timeousness is real and I'm not seeking to 3 apportion responsibility. 4 MR CAPLAN: I think it's near an end and there's 5 a resolution in immediate sight. 6 LORD JUSTICE LEVESON: I'm pleased to hear it. 7 MR JAY: The next witness, please, is Fiona Fox. 8 MS FIONA BERNARDETTE FOX (sworn) 9 Questions by MR JAY 10 MR JAY: Please make yourself comfortable, Ms Fox and your 11 full name for the Inquiry. 12 A. Fiona Bernadette Fox. 13 Q. Thank you. You have provided a submission on behalf of 14 the Science Media Centre dated 5 December 2011. It runs 15 to 12 pages. Is that your formal evidence to the 16 Inquiry which you're going to elaborate? 17 A. It is. 18 Q. Could you tell us, please, about the Science Media 19 Centre. Who or what is it? 20 A. We are an independent press office for science set up by 21 the whole of the scientific community in 2002, and we 22 were set up after stuff that went wrong -- so GM, BSE, 23 MMR -- to be on the kind of front line between the 24 scientific community and the very, very controversial 25 breaking science stories hitting the front pages.</p> <p style="text-align: center;">Page 18</p>	<p>1 Q. Right. 2 A. You're entitled to your opinions; you are not entitled 3 to your facts. 4 LORD JUSTICE LEVESON: Well, you're not entitled to your own 5 facts. You have to have the facts. The MMR scandal may 6 not be a very good example, given that, of course, that 7 was supported by the peer review journal. I think it 8 was the Lancet. 9 A. It's actually a wonderful example. Are there other 10 people to blame? Yes, absolutely, and most of the 11 responsibility lies with one individual scientist, who's 12 been discredited, but I think on this one you cannot 13 absolve the media, and the reason I would say that is 14 because it was just a small study, it had not been 15 replicated, nothing had been proven, it conflicted with 16 all the previous scientific evidence, and so it should 17 never have been splashed on the front pages. 18 And I think the other crime of the media in relation 19 to MMR was what we call false balance, where time and 20 time again the editor demanded that the fact that 21 99.99999 per cent of medical science believed this 22 vaccine to be safe had to be balanced in every article 23 by Andrew Wakefield or one of his supporters. So you 24 have the terrible situation where a MORI poll showed, at 25 the height of this crisis, that nearly 60 per cent of</p> <p style="text-align: center;">Page 20</p>

<p>1 the British public thought that medical science was 2 divided. That's the bit on which the media let the 3 public down. 4 I mean, if you were sitting in a GP's surgery 5 thinking that medical science was divided about whether 6 this vaccine would give your child autism, it's a wonder 7 that anyone vaccinated their children. Even Wakefield 8 didn't do that. He never claimed that everybody agreed 9 with him. 10 LORD JUSTICE LEVESON: No, I understand that, but I was 11 actually sort of trying to provide the context of the 12 support which Dr Wakefield received from a highly 13 respected, peer-reviewed medical journal, which may have 14 contributed to a lack of understanding, whereas some of 15 the other examples you give don't have that defence. It 16 isn't a full defence. I'll put the word "defence" in 17 inverted commas. Partial excuse. Would you agree with 18 that? 19 A. Yes, absolutely agree, and I think if you look at the 20 role of almost everybody in that saga, nobody comes out 21 smelling of roses. But as this Inquiry is about the 22 role of the media, then that's the role -- 23 LORD JUSTICE LEVESON: Absolutely. But for balance 24 purposes, without seeking to in any way remove the 25 responsibility for the research from Wakefield, there</p> <p style="text-align: center;">Page 21</p>	<p>1 means a rise of cancer from 1 in 1,000 to 1.5 in 1,000, 2 then people will make different judgments. 3 So there's a really basic thing, that you will ask 4 journalists: don't just put the increased risk in 5 percentage terms or doubling or trebling terms; also 6 give us the numbers. Very basic, not difficult. The 7 reason newspapers don't do it is because it doesn't have 8 the same impact, so then it becomes a question about the 9 news editor wanting to terrify us with the scary 10 figures, and we're saying that actually the science 11 journalists and health journalists don't agree with 12 that. They want a more balanced message. 13 Q. You also point out there's a difference between a small 14 experimental study on a rat on the one hand and a series 15 of randomised control trials testing efficacy on homo 16 sapiens on the other hand. 17 A. Indeed, and I think this takes us back to MMR and it's 18 slightly, very slightly, a defence of the Lancet here 19 because it was a very, very small study. I think it was 20 12 children. Most studies are preliminary and 21 provisional. The vast majority will not be replicated, 22 and indeed will be overturned because they're small. 23 They're very important scientifically, but they're not 24 important to the public at that stage. 25 I mean, the irony, of course, is by the time we've</p> <p style="text-align: center;">Page 23</p>
<p>1 was the support originally given to it by the Lancet. 2 But the whole issue of balance is itself an interesting 3 one. 4 MR JAY: Yes. 5 You set out some ground rules, Ms Fox, at 54259, 6 getting the basics right in relation to the empirical 7 sciences and you explain the difference between various 8 types of study, what it means when you say that the risk 9 is doubled. This is all meat and drink to a scientist 10 or probably someone with an A level in a scientific 11 subject, but these are points which are not always 12 caught up in media reporting of the sciences; is that 13 right? 14 A. I think that's right, but I do think that if you -- one 15 of the points I haven't made yet, which I'm really keen 16 to make, is that the best ally of science are the 17 science reporters. We have some fantastic science 18 journalists in this country and I believe that if you 19 put them in a room with very eminent scientists and 20 members of the public that it would take them a couple 21 of hours to come up with these basic guidelines for 22 science coverage. It is things that are very 23 straightforward. If you say that taking aspirin doubles 24 your risk of heart disease or cancer, that sounds 25 massive. If you look at the actual figures, and that</p> <p style="text-align: center;">Page 22</p>	<p>1 proved the risk or by the time we've proved that the 2 treatment works, it will be boring to the newspapers 3 because it will have been through massive trials with 4 tens of thousands of people. 5 LORD JUSTICE LEVESON: Of course, to be fair to the 6 Lancet -- I have to try to be fair to everybody -- there 7 was the issue about where the sample came from in the 8 first place. 9 A. Indeed. That's right. They were lied to. That's very 10 difficult to check for. The peer review system doesn't 11 actually check against that. 12 LORD JUSTICE LEVESON: Yes, I'm just trying to be balanced 13 to everybody. 14 A. I think it's very, very relevant because we are not 15 saying that we don't want the media to report on these. 16 I mean, that would be going back 20 years to where 17 science was in a ghetto and wasn't covered. We want all 18 these studies to be reported, we're delighted to see 19 them but we want them on the inside pages. They should 20 not be on the front -- can I give you an example from 21 the last couple of days? 22 MR JAY: So we get our bearings right in our submission, if 23 you go to 54260, please, you deal with the issue of 24 headlines. It's a big point I know you make, Ms Fox, 25 that you're concerned about sensational, misleading or</p> <p style="text-align: center;">Page 24</p>

<p>1 sometimes down right inaccurate headlines as much as the 2 underlying text. 3 You've found for us a very recent example which 4 illustrates that point, I think. 5 A. I brought a couple of examples. I think it's important 6 to say that no matter what day or what week I had come, 7 I would come with topical examples. I mean, this is 8 routine, and what you have is very, very excellent 9 science journalists who take care to write an article, 10 accurate, balance, measured and third party experts, but 11 they leave at 8 o'clock and the subeditors, who don't 12 seem to go out in daylight hours, arrive at 9 or 13 10 o'clock, skim-read the article and put often a very 14 inaccurate headline on it, and I think that causes -- 15 especially now with new media, very often it's the 16 headline that gets tweeted, and if that headline is that 17 red wine gives you cancer, then that can be alarming. 18 The one from today -- 19 Q. I have been asked you to slow down. 20 A. You can ask. I shall try. 21 LORD JUSTICE LEVESON: It's actually important for 22 a different reason. It's very important that what you 23 say is available to everybody who wants to read it, and 24 the only way it will be available to everybody is if 25 this lady can manage to catch it all.</p> <p style="text-align: center;">Page 25</p>	<p>1 out like this in the end, but it has to -- 2 LORD JUSTICE LEVESON: I'm going to try again. 3 A. Okay. 4 LORD JUSTICE LEVESON: Please slow down. It's a subject 5 obviously you feel extremely strongly about. 6 A. I do. 7 LORD JUSTICE LEVESON: I'm very keen to hear it but I'm 8 actually keen that everybody else hears it as well. 9 MR JAY: As you point out, with all these ethical trials, 10 the first trial, once you've moved past your rats, is 11 a safety trial on human beings and the purpose is only 12 to determine whether the drug is safe, not whether it 13 works. If it's established to be safe, you then move on 14 to the efficacy trials, that's right, and this was 15 a safety trial -- 16 A. Yes. 17 Q. -- which showed a very slight improvement but in no 18 way -- 19 LORD JUSTICE LEVESON: And then you'll do it qualitatively 20 and then quantitatively; is that right? 21 A. Indeed. I mean, you go into the next set of trials and 22 then phase two trials and then face three and then you 23 try in the population. As I said earlier, we do think 24 these stories should be reported because they are 25 breakthroughs in a sense, but they are nowhere near</p> <p style="text-align: center;">Page 27</p>
<p>1 A. I apologise. 2 So this was a lovely story from yesterday, which -- 3 I don't know if you were just watching Leveson on the 4 television but was on the news last night, of a stem 5 cell break through, and the first proof in a safety 6 trial that stem -- embryonic stem cells could actually 7 be safe to give to humans, which is extraordinary in 8 itself, it's a real break through, it's been a long time 9 coming, but it was not an efficacy trial. It didn't 10 test for whether these stem cells will cure blindness; 11 it was just a first trial to check that the stem cells 12 get to the place they're meant to get and are not 13 rejected by the immune system. 14 As it happens, the two -- only two -- patients who 15 have been given the treatment showed a tiny, tiny 16 improvement in their sight, but that's not what it was 17 testing for and those two patients may have shown that 18 improvement totally by chance. Yet we wake up today to 19 a headline which says "Once they were blind, now they 20 see -- patients cured by stem cell miracle". No 21 patients have been cured. It is not true that they were 22 blind and now they see. This is just inaccurate. 23 I know that hundreds of thousands of people with 24 (inaudible) degeneration who are blind will have been 25 given false hope by this. We all hope that it will turn</p> <p style="text-align: center;">Page 26</p>	<p>1 a cure. They're nowhere near a miracle. We shouldn't 2 be seeing "miracle" or "cure" on stories unless they are 3 proven to be such and this study wasn't even asking 4 this, and therefore it cannot be proof. 5 MR JAY: Thank you. 6 LORD JUSTICE LEVESON: I understand. 7 MR JAY: Ms Fox, towards the bottom of 54260, you offer 8 a gentle bouquet to the Guardian newspaper, which you 9 say is the first paper ever to appoint a news editor and 10 three subeditors with specialisms in science and 11 environment, and by implication you're hoping -- perhaps 12 not expecting -- to see that pattern replicated 13 elsewhere; is that right? 14 A. Yes. Strangely, many of the science, health and 15 environment journalists stay on that beat. They hope to 16 be promoted to become science editor or health editor 17 but they rarely go down the editorial route. So you do 18 find that the newspaper which is packed with humanities 19 graduates tends to have editors and subeditors who don't 20 understand some of the basic rules of science. We're 21 not saying everyone has to have a science degree. We're 22 not saying they all have to go through arduous training, 23 but we do think for some subeditors and news editors on 24 the paper, as well as the specialists, to have some 25 understanding in the basics of science would benefit --</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 it would see the end to some of these either overhyping 2 headlines or terrifying headlines. 3 Q. Thank you. Taking the extremes, 54261, this deals with 4 the issue of probability and what happens at the outer 5 end of your probability graph or curve. Could you 6 develop for us that issue, particularly in relation, 7 please, to the 65,000 swine flu death figure? 8 A. Yes. This is a tricky one, because what self-respecting 9 journalist is going to hear our chief medical officer 10 telling us that 65,000 people could die of swine flu and 11 not report it? I don't in any way ask them not to 12 report it, but I do think there is a special 13 responsibility to make clear that that was the very 14 worst possible outcome, and that was explained very 15 clearly by Liam Donaldson, the chief medical officer. It 16 was from a model. These modelling exercises are not 17 absolutely exact science. They give a range of 18 probabilities. 19 Ironically, as I said, what happened was the media 20 a year later kind of turned on the medical establishment 21 and on Liam Donaldson: "You told us 65,000 people were 22 going to die, you hyped this, you did it in order to 23 sell or buy the vaccine from GSK", et cetera, et cetera, 24 and actually he had never said that. Scientists were 25 worried about swine flu. They were right to be worried. Page 29</p>	<p>1 it's likely to be around 2 degrees warming, but some -- 2 a tiny minority of models show us 11 degrees." 3 And what did every newspaper do the next day? 4 Everybody splashed with 11 degrees. In fact, one 5 newspaper, that was the front page, a massive big 6 "11 degrees" with a picture from "The Day After 7 Tomorrow", which is a terrifying blockbuster movie. 8 So again -- and I think I said in the evidence that 9 again, a year later, Radio 4 did a documentary accusing 10 the scientific community of exaggerating the impact of 11 climate change and cited this briefing, which was 12 incredibly unfair and I actually emailed each of the 13 journalists who had been present at that press briefing 14 and asked them for an email back to send to these 15 producers on Radio 4 to say that it was not the 16 scientists. In fact, many of them were very upset that 17 their peers would no longer trust them because they'd 18 gone out and told the media that we were going to have 19 11 degrees warming. 20 Q. Thank you. A related theme but it may be all part and 21 parcel of the same point: extraordinary claims need 22 extraordinary evidence, which I suppose, as a matter of 23 logic, must be right. 24 A. Yes. 25 Q. You give an example of the human clone story. An Page 31</p>
<p>1 Again, it's about the headlines and the top line 2 reflecting the range of possibilities. On something 3 like this which really matters -- I think the climate 4 change one was a classic example, you know. 5 LORD JUSTICE LEVESON: Take it slowly. Let's just focus on 6 swine flu and then we'll go onto climate change. 7 A. Okay. 8 LORD JUSTICE LEVESON: I just have to take it slowly. 9 So right to identify there's a range, wrong not to 10 provide the context, and absolutely wrong to criticise 11 when it comes within the range but not at the extremes. 12 A. Correct. 13 MR JAY: It's a similar point analytically in relation to 14 climate change, because 11 degrees is at the outer level 15 of probability? 16 A. Yes. 17 Q. In other words, very unlikely. 18 A. Yes, and that particular press briefing the Science 19 Media Centre ran and there were four scientists on the 20 panel and I watched them at such pains to repeat time 21 and time again -- because the questions were coming from 22 the floor, you know: "Will it be like The Day After 23 Tomorrow? Will London freeze over because of this 11 24 degrees?" And time and time again, the four scientists 25 said, "90 per cent of the models come back and show us Page 30</p>	<p>1 extraordinary claim which needed extraordinary evidence; 2 in fact there wasn't any evidence. 3 A. Yes. In some ways, I think this possibly could sum up 4 our 12 pages of evidence and sum up my view, that the 5 disjuncture between the scientific community and your 6 average newsroom is that within science extraordinary 7 claims demand extraordinary evidence. Within 8 a newsroom, I actually think it's the exact opposite. 9 The more extraordinary, the more shocking, the more 10 sensational, the more the rush to publish. 11 So "MMR leads to autism" was extraordinary. This 12 was a very safe, effective vaccination campaign that had 13 wiped out these diseases. Of course it was 14 extraordinary, but for the newsrooms, that was 15 the reason to splash it on the front page. For me, that 16 was a reason to step back, ask some questions, see 17 whether those results had ever been found before, wait 18 until they were replicated or at least put it on page 10 19 with those caveats. But that's not the case and I think 20 there's an element of that that we've seen today in this 21 coverage. 22 Q. Then you point out that very often claims even in 23 scientific journals, although they usually are very 24 heavily caveated, turn out not to be true. That, 25 I suppose, is the life history of science, that most Page 32</p>

<p>1 claims in science turn out not to be true. 2 A. That's right. The example I give of the XMRV virus -- 3 again, I don't know if you know anything about chronic 4 fatigue syndrome or ME -- 5 LORD JUSTICE LEVESON: For the purposes of everybody else, 6 tell us. 7 A. I don't know how we disagree, but it is a disease which 8 affects many, many people which causes chronic fatigue 9 and many people cannot work. Some children have MECFS 10 but they have never found a biological cause. They've 11 found many things that contribute to it and there are 12 treatments that are effective, but for many people, to 13 discover that a virus has been found in the samples of, 14 I think, 60 per cent of patients was extraordinary. We 15 found a biological cause. And not only that, it 16 promised an effective treatment. The treatments we have 17 can alleviate the symptoms but they don't cure the 18 disease. 19 So this was huge hope for everybody. It was 20 published in a good journal and it was run on the front 21 pages, but again, I think the question newsrooms should 22 have asked is: this is extraordinary. Has it been 23 replicated? Has it been found before? The answer is 24 is: no. No one has ever found it before and this is the 25 first study. Let's put it in the inside pages.</p> <p style="text-align: center;">Page 33</p>	<p>1 A. No. He's wonderful. These very, very, very media 2 friendly. 3 LORD JUSTICE LEVESON: I didn't call him "ordinary". 4 A. No, no. What I'm reflecting is that wouldn't work with 5 many scientists. They wouldn't be able to write and 6 communicate in the way that Brian Cox can. He's now 7 a celebrity scientist, and I say that in a good way. 8 I think -- you know, to stress it's very important 9 that I stress this again and again. The science, health 10 and environment journalists who write for the tabloids 11 and on newspapers are brilliant. They are genius. 12 Every single day they communicate very complicated and 13 very important science to a mass audience. 14 LORD JUSTICE LEVESON: I think you've just created tomorrow 15 morning's headline on this subject. 16 A. I hope not. 17 MR JAY: Trying to bring together themes in the context of 18 getting the balance right, point number one, you're not, 19 of course, arguing in favour of any form of censorship; 20 you're seeking to attain the right balance between 21 different reviews. 22 Secondly, you recognise -- this is under the heading 23 "Inconvenient truths" -- that some issues are very 24 heavily politicised and polarised. For example, GM 25 crops; for example, climate change.</p> <p style="text-align: center;">Page 35</p>
<p>1 In fact, in the States, people were running out 2 buying tests for this virus, buying treatments which had 3 helped alleviate other symptoms of this virus and then, 4 within months, a group from Imperial College London came 5 to the SMC. They tried to find it, couldn't find it, 6 a group in Holland, a group in the States, and now we've 7 had about ten studies. They cannot find it, and it ends 8 it up it was contaminated samples. 9 Again, it was in Science. It was in a good journal. 10 It's right that the journalists write it up but not 11 splash it on the front page. It's too preliminary. 12 So we love science on the front page and there's 13 some fantastic science stories. There's plenty of 14 opportunities but I think it would resolve a lot of 15 problems if journalists just didn't overclaim for these 16 studies. 17 LORD JUSTICE LEVESON: When Mr Dominic Mohan was here from 18 the Sun, he spoke about having engaged a scientist to 19 write science stories in a straightforward, 20 user-friendly way. I can't remember the name of the 21 scientist. 22 A. I imagine it's Brian Cox. 23 LORD JUSTICE LEVESON: It was Cox. 24 A. He's not an ordinary scientist. 25 LORD JUSTICE LEVESON: Did I say "ordinary"?</p> <p style="text-align: center;">Page 34</p>	<p>1 In terms of practical recommendations for this 2 Inquiry, given those matters, how would you recommend 3 that the right balance is achieved? 4 A. I'm very pleased how many science journalists supported 5 our recommendation for guidelines because ten years ago 6 the scientific community recommended guidelines and they 7 were very fiercely rejected by journalists. But 8 actually most of the science journalists themselves say 9 that these guidelines would help them to win the 10 arguments with their editors and their news desks about 11 the kind of prominence to give to these stories. 12 So I think as long as the science reporters were 13 involved in drafting those, they could then be used for 14 training, for editors and subeditors and general news 15 reporters as a part and parcel of journalist 16 accreditation. They could also be used by a PCC or 17 a strengthened PCC to adjudicate on a complaint. 18 So I think that's probably our most solid proposal, 19 apart from that Leveson has given us this wonderful 20 opportunity to step back and just to dream about the 21 kind of culture change in newsrooms which would 22 eradicate many of the problems. Most scientists owe 23 a huge debt to our newspapers for communicating science. 24 There's actually quite a small amount that needs to be 25 done to really assuage their main concerns and to stop</p> <p style="text-align: center;">Page 36</p>

1 damaging the public interest. I do -- you know, the
 2 whole theme of this Inquiry is about public interest,
 3 and I have to say sometimes it doesn't matter but
 4 sometimes it really does. With the example of MMR, with
 5 the examples of GM, which is a technology that the
 6 British public and policy-makers have rejected based on
 7 inaccurate claims about its damage to human health --
 8 you know, these things matter.

9 LORD JUSTICE LEVESON: When you say it would be the work of
 10 a couple of hours to create guidelines, have you put
 11 your mind to them?

12 A. The list that I came up with in the evidence took me two
 13 minutes and quite a few people agreed with it, but there
 14 is actually a new project funded by government, which is
 15 a national science journalism training coordinator which
 16 has only just come about and we're very excited about,
 17 and he is actually in the process of putting those
 18 guidelines together.

19 LORD JUSTICE LEVESON: Well --

20 A. Would you like to see them?

21 LORD JUSTICE LEVESON: Do you have a timeframe?

22 A. He probably has something he could -- it may be work in
 23 progress and it could be improved on, but I think he
 24 probably has something he could deliver very soon.

25 LORD JUSTICE LEVESON: Thank you.

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1 MR JAY: Thank you. Please clarify 54264, under the heading
 2 "Columnists". Precisely whom are you referring to
 3 there?

4 A. Oh, there are many, many columnists. We love
 5 columnists, we love opinionated people. We're quite
 6 opinionated at the Science Media Centre. Our beef with
 7 these columnists is that sometimes, much like the
 8 previous witness said, they are stating things that are
 9 blatantly inaccurate and we question whether newspapers
 10 can disregard accuracy when it comes to their
 11 columnists.

12 The complaint that came alongside my complaint from
 13 UEA, the University of East Anglia, was about
 14 Phil Jones, the scientist whose thousands and thousands
 15 of emails were stolen, hacked into and put out on the
 16 Internet about climate change.

17 It was a very difficult time for him at the time.
 18 Now four independent inquiries -- parliamentary
 19 inquiries, university inquiries, independent
 20 inquiries -- have ruled in his favour, that he was not
 21 guilty of lying about climate change, presenting some
 22 big hoax, and yet you still have columnists like
 23 Delingpole who, under the masthead of the Daily
 24 Telegraph, continue to write, persistently, that he is
 25 a liar and a fraud and a hoaxer, and I know that UEA

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1 went to the Press Complaints Commission on that
 2 particular issue and the response was: "James Delingpole
 3 has robust, strong opinions and it was all in the ..."

4 So I think, again, there is no strong recommendation
 5 here. There are different views within the scientific
 6 community but there is just a sense, getting back to one
 7 of my original points, that -- this thing about: you are
 8 entitled to your opinions; you are not entitled to your
 9 facts, and that there should still be some requirement
 10 for factual accuracy on issues like climate change,
 11 vaccines and things which matter so much.

12 Q. You did provide us with the ruling of the PCC in
 13 relation to the UEA against the Daily Telegraph case and
 14 Professor Jones. It is quite complex, and if you don't
 15 mind I'm not going to go into the detail of it, although
 16 I've studied it. I've passed it on to Lord Justice
 17 Leveson. Maybe that's something I can take up with the
 18 PCC, if there's time.

19 Can I ask you, please, moving on through your
 20 paper -- we haven't looked at the case studies at 54267.
 21 All four of them are interesting, but the two I'm going
 22 to ask you about, the first and the last, the stillbirth
 23 and sleep position paper in the BNJ and then recognising
 24 the link to longer lifespan. Can you tell us briefly
 25 about those, please?

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1 A. I have to say I don't know much more about those than
 2 was presented in evidence. I wonder if you would object
 3 if I went through a couple from this week instead with
 4 similar messages; is that okay?

5 Q. Certainly.

6 A. One was just from last week from the Sun. I don't know
 7 if you can see -- it was a full page in the Sun, which
 8 is quite hard to achieve:

9 "Breast cancer risk all over shops' shelves."

10 And basically what the story is saying is commonly
 11 used chemicals that are all around us in products are
 12 linked to breast cancer. It's a classic example of an
 13 article which should not have been given this prominence
 14 or headline. It was a very small study, it has several
 15 flaws in it, it was in a relatively obscure journal and
 16 it showed that traces of these chemicals are found in
 17 the breast tissue of women with breast cancer but it
 18 didn't test the breast tissue of women without breast
 19 cancer, healthy women. So it didn't do a control.

20 Now, it's interesting that the traces of these
 21 chemical was were found -- many toxicologists would have
 22 expected them to be found -- but it certainly is not
 23 terrifying and there's no evidence that the chemicals
 24 cause the cancer. Neither has there been any study ever
 25 before showing that these chemicals cause breast cancer,

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<p>1 so I'm aware that three major cancer research charities 2 wrote to the Sun about this.</p> <p>3 Again, the Sun does fantastic health and science 4 coverage on many occasions, but you don't have to go 5 many weeks before you will get the -- what we call the 6 scare quotes.</p> <p>7 My final one was, again, from last week. It was 8 a story the Science Media Centre launched -- again, 9 another very exciting story about the prospect that we 10 will be able to stop the transfer of mitochondrial 11 diseases, terrible incurable diseases like muscular 12 dystrophy. There was a patient -- case study where 13 a woman had seven children, all of whom had died -- 14 very, very tragic -- and last week the government 15 announced that it's going to have a year-long public 16 consultation on a new approach where you would take some 17 healthy mitochondria from the donor and replace the 18 mother's damaged mitochondria, and so the child could -- 19 but it's quite a radical technique. It's quite new.</p> <p>20 But all of the papers -- every single one of the 21 papers went with this "Child with three parents". 22 Nobody in the whole of science -- none of the patients 23 I've spoken to, the clinicians, the researchers, the 24 stem cell -- nobody I've ever spoken to about this 25 technique believes that this is going to be a baby with</p> <p style="text-align: center;">Page 41</p>	<p>1 It is a creation of news editors because they like it.</p> <p>2 LORD JUSTICE LEVESON: What's possible is that everybody's 3 written up the story, somebody has written it up under 4 this headline, then, as everybody scans each other's 5 online editions, the next paper says, "Hmm, that's 6 a good way of putting it", and lifts an equivalent 7 headline and so it goes virally around the newsrooms of 8 Fleet Street. I'm not saying that's happened --</p> <p>9 A. I think that's entirely possible.</p> <p>10 LORD JUSTICE LEVESON: It's rather more plausible than 11 everybody --</p> <p>12 A. It may not matter, but I just think the fact that we are 13 powerless to change it, I think that was the point 14 I wanted to make to you. The framing has been set 15 because it's controversial and because it works for the 16 news editor, we are landed with it. It will be 17 impossible to change it.</p> <p>18 LORD JUSTICE LEVESON: Ms Fox, this is very, very 19 interesting, but why isn't this covered by a simple 20 requirement for accuracy?</p> <p>21 A. Very good question. That's what we are asking for. 22 We're not asking for special treatment or regulation but 23 we're asking for the best possible standards of accuracy 24 in relation to these --</p> <p>25 LORD JUSTICE LEVESON: The code requires accuracy.</p> <p style="text-align: center;">Page 43</p>
<p>1 three parents. They think it's going to have some 2 material from a donor in the way that you do when you 3 have a kidney transplant, but we have: "Children with 4 three parents to be born in two years", "Babies with 5 three parents planned" ...</p> <p>6 LORD JUSTICE LEVESON: That's the Financial Times? 7 A. It is. "Babies with two mothers and one father within 8 three years", "Three parent IVF closer to approval", 9 "Three parent IVF."</p> <p>10 Does it matter? The articles were beautiful, and in 11 fact, most of this story was reported in a way that 12 I would say is the best of science reporting, but we are 13 about to have a year-long national debate. It will 14 culminate, in a year's time, in a parliamentary debate 15 because they have to enact legislation to legalise this. 16 Is it helpful that it's going to be framed forever in 17 this -- and when I have spoken to the science 18 journalists, the point they make is: "Our news editors 19 love it. It's controversial. They love it." And maybe 20 we should be scared what we wish for because maybe if it 21 wasn't controversial, it wouldn't get any coverage.</p> <p>22 MR JAY: It is remarkable in that case that every one of 23 those newspapers has chosen the same headline. 24 A. And some of them are in inverted commas but nobody uses 25 it. Not even the opponents of this technique use it.</p> <p style="text-align: center;">Page 42</p>	<p>1 A. I know, yes. As you heard from the previous witness, 2 there is also the situation which we've raised where 3 only the individual scientist involved in the article 4 that's inaccurate is able to go to the PCC.</p> <p>5 LORD JUSTICE LEVESON: Have you been able to go to the PCC? 6 A. No, although I think it's quite important to say that 7 when we set up in 2002, we decided not to go down that 8 route, that we would -- our philosophy was that the 9 media will do science better when scientists start to do 10 the media better. So our focus -- apart from this half 11 an hour that I've got in this room, most of my life is 12 aimed at persuading scientists to accept what they've 13 got, to live with it and to engage much effectively and 14 actually, over ten years we've seen a dramatic 15 improvement in coverage of science, partly because of 16 the wonderful science journalists but also because more 17 and more scientists --</p> <p>18 LORD JUSTICE LEVESON: Don't feel you have to speak quickly 19 because it's only half an hour. I can extend the time.</p> <p>20 A. Okay.</p> <p>21 LORD JUSTICE LEVESON: I'm just concerned that smoke seems 22 to be emanating from the shorthand writer.</p> <p>23 A. I'm sorry.</p> <p>24 MR JAY: Well, those are all my questions. In fact, it's 35 25 minutes on my watch. Not that we're counting.</p> <p style="text-align: center;">Page 44</p>

<p>1 LORD JUSTICE LEVESON: I think it's a very interesting area 2 because it seems so easy to fix. If you're pleased with 3 the reporting, the general stories, then it doesn't seem 4 to be beyond the wit of man to devise a mechanism for 5 ensuring that everything else flows from that. But it 6 may underline a slightly more serious problem, which is 7 all about the culture in the sense, not in the normal 8 sense we've been using it during the Inquiry but in the 9 sense of needing a headline that grabs attention and the 10 extent to which sufficient attention is paid to the link 11 between the story and the headline. That's not just in 12 science; that's in criminal justice, to my certain 13 knowledge, and I'm sure many other fields as well. 14 As regards the climate change story, presumably 15 there are all sorts of potential remedies open to that 16 particular scientist if he's been defamed. 17 A. I only know of one complaint that he's made to the Press 18 Complaints Council and that has not been upheld. 19 I don't think he feels like that. 20 LORD JUSTICE LEVESON: All right. Having got your time, is 21 there anything else that you would like to share with 22 us? 23 A. Let me just have a quick -- 24 LORD JUSTICE LEVESON: Take a moment just to check you've 25 said all you want to say, because I do agree it's very</p> <p style="text-align: center;">Page 45</p>	<p>1 graduate training scheme; is that right? 2 A. Yes. 3 Q. You've won a number of awards, which you haven't 4 referred to in your statement, but could you just tell 5 us what those are, please? 6 A. They were mainly in connection with the Buckingham 7 Palace intruder story in 2003. There were a couple of 8 British Press Awards: scoop of the year and the Hugh 9 Cudlipp award for excellence in tabloid journalism, and 10 there was a What The Papers Say scoop of the year and 11 the London Press Club. 12 Q. Thank you. It was Mr Morgan who told us a little bit 13 about this. It is covered in his book. You were sent 14 undercover into Buckingham Palace as a footman. You put 15 in a proper application and everything else. 16 A. Yes. 17 Q. Although you didn't say you were a journalist. Indeed, 18 there's a photograph of you on the balcony here and you 19 left just as George Bush was arriving. That's more or 20 less it, isn't it? 21 A. Yes. 22 Q. I'm not going to go into that. Mr Morgan said there was 23 a huge public interest in that story and you would 24 doubtless agree? 25 A. Absolutely, yeah. I mean, there was very much</p> <p style="text-align: center;">Page 47</p>
<p>1 important. 2 A. No, I think you have managed to get all of my points out 3 of me. Thank you very much. Thank you for the 4 opportunity. We really appreciate it. 5 LORD JUSTICE LEVESON: Thank you very much indeed. 6 MR JAY: Thank you. 7 LORD JUSTICE LEVESON: I'll rise for just a few minutes. 8 (3.12 pm) 9 (A short break) 10 (3.19 pm) 11 MR JAY: The next witness is Mr Ryan Parry, please. 12 MR RYAN LEE PARRY (affirmed) 13 Questions by MR JAY 14 MR JAY: Thank you. Make yourself comfortable, please, 15 Mr Parry and first of all could you provide us with your 16 full name? 17 A. It's Ryan Lee Parry. 18 Q. Thank you. In the file in front of you, probably under 19 tab 4, you'll find a witness statement dated 13 January 20 this year and signed by you. Is this your formal 21 evidence to the Inquiry in answer to a notice which was 22 served on you? 23 A. It is. 24 Q. You are employed by the Daily Mirror and have worked 25 there since the year 2000, having joined as part of its</p> <p style="text-align: center;">Page 46</p>	<p>1 a security scandal there. The vetting procedures were 2 shameful, actually. There was just one woman in 3 a personnel office. They did very cursory checks, other 4 than a CRB check. They didn't check into my background 5 whatsoever. They didn't check who I was being paid 6 by -- 7 LORD JUSTICE LEVESON: Well, they probably thought you were 8 being paid by them. 9 A. Well, of course, but on the same front I could have been 10 in a training camp in Afghanistan for the past four 11 years rather than working for the Daily Mirror. 12 LORD JUSTICE LEVESON: There's an interesting comparison. 13 A. As a result of the story, the government appointed Dame 14 Butler-Sloss to head up a security review and that 15 review concluded Her Majesty was at risk and they 16 appointed Brigadier Jeffrey Cook as the head of security 17 to oversee vetting procedures. So I think that's 18 a clear indication of how they viewed the story. 19 LORD JUSTICE LEVESON: I wasn't belittling the story, 20 Mr Parry, in any way. 21 A. Thank you. 22 Q. The substance of your evidence is about the 23 Christopher Jefferies story, with which you were first 24 involved on the evening of 27 December 2010. You went 25 down to Bristol and in terms of the chronology,</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 Mr Jefferies was arrested on 30 December. 2 Can I ask you this general question: did you receive 3 any briefings from the local police, the Avon and 4 Somerset police, in relation to any aspects of the story 5 and/or in relation to Mr Jefferies? 6 A. Personally I did not receive any briefings in relation 7 to Mr Jefferies. We were in constant contact with the 8 police press office. We did attend the press 9 conferences at the Avon and Somerset police hours, where 10 we were given guidance and briefings as to how the 11 investigation was progressing, yes. 12 Q. Mr Jefferies, as I said, arrested on 30 December. That 13 sets the clock running or the possibility of liabilities 14 arising in the context of the Contempt of Court Act. 15 Presumably you were aware at the time of the existence 16 of the Act and the obligations it imposed; is that 17 correct? 18 A. Yes. Of course, I was fully aware that proceedings were 19 active once an arrest has been made, but ultimately my 20 role was to -- it was to compile a background article on 21 Mr Jefferies, as would be normal practice with any 22 murder investigation. 23 Q. Can I ask you this: how can you provide an article which 24 gives full background -- if any of that is going to be 25 negative, how do you reconcile that with the</p> <p style="text-align: center;">Page 49</p>	<p>1 tab 2, page 31975. 2 A. Yes. 3 Q. This is the front page of the Daily Mirror for 4 31 December. The front page is not your responsibility; 5 is that right? 6 A. Yes. 7 Q. Nor indeed is the article we see at 31976. 8 A. Yes. Although, as indicated in my statement of claim, 9 I did have a minor role in some of the quotes towards 10 the end of that article. 11 Q. The right-hand side of the top article on 31976. The 12 piece, however, which was largely yours is at 31978; is 13 that correct? 14 A. Yes. 15 Q. Can I just ask you a few questions about this. The 16 headline "The Nutty Professor", you make it clear the 17 Daily Mirror were not the only paper to use that. Was 18 the headline your decision? 19 A. No. 20 Q. Can I ask you about the subheadlines: 21 "Bizarre past of Joanna Yeates murder suspect." 22 Again, is that your decision? 23 A. No. 24 Q. The decision of a news editor or subeditor presumably; 25 is that right?</p> <p style="text-align: center;">Page 51</p>
<p>1 Contempt of Court Act? Is there not a possible tension 2 at the very least? 3 A. Yes, I accept that there is a tension, but the argument 4 for that would be not all negative information would 5 prejudice a fair trial, and in compiling this article, 6 the aim was to be as balanced as possible, while 7 providing our readers with a full and in-depth view of 8 the person arrested in connection with this death. 9 Q. The first of the articles which you had some involvement 10 with was published on 31 December 2010, and your 11 evidence starts to deal with this at paragraph 13 of 12 your witness statement. 13 The upshot was that the Mirror was receiving 14 information from sources, both by phone and email, to 15 the general effect that Mr Jefferies was eccentric, 16 he was highly intelligent, he was well read and he had 17 wild blue hair; is that right? 18 A. Yes. 19 Q. You then had anonymous reports from neighbours and 20 a former tenant called to offer information as well, but 21 that call was dealt with by someone else, not you; is 22 that correct? 23 A. Yes. 24 Q. The article which you were responsible you deal with at 25 paragraph 19. Could I ask you, please, to look at</p> <p style="text-align: center;">Page 50</p>	<p>1 A. Yes. 2 LORD JUSTICE LEVESON: Just looking at them now, do you see 3 that they may cause potential prejudice to jurors? 4 A. Well, obviously hindsight's a wonderful thing, and 5 looking back, we -- everybody at the Daily Mirror is 6 very regretful of the coverage and we do apologise to 7 Mr Jefferies for vilifying him in such a way, but you 8 have to understand at the time it was such a high 9 profile murder investigation. There was huge public 10 interest and concern over the tragic death of 11 Joanna Yeates. 12 LORD JUSTICE LEVESON: I understand that. Actually, let me 13 share this with you, Mr Parry: that's one of my 14 concerns, that everybody in retrospect will say, "Well, 15 that clearly went too far and this clearly was wrong and 16 that shouldn't have happened and we'll put in place 17 mechanisms to try to prevent it in the future" -- until 18 the next enormous story comes along and it all just 19 drains away. 20 A. I accept that, but I think you'll find that this 21 particular story was perhaps, you know, a watershed 22 moment for the industry. It wasn't -- an eye opener. 23 It wasn't just the Daily Mirror. It was a number of 24 newspapers who fell foul of this. 25 LORD JUSTICE LEVESON: I understand that, and that's what</p> <p style="text-align: center;">Page 52</p>

<p>1 lots of stories -- people might have said the same after 2 the death of the late Princess of Wales, or after all 3 the problems surrounding the McCann story. But here it 4 is. It comes around again. A watershed moment? Well, 5 I hope so, but I'm concerned about it and I'd be 6 interested for your view.</p> <p>7 A. Sure, absolutely, but, I mean, what can we do as an 8 industry? As a reporter, as a journalist, I am happy 9 with the way I conducted myself on this particular 10 story. I tried to present as balanced an article as 11 possible and the decisions that are made at an editorial 12 level are out of my hands. I can only advise my content 13 desk as to which direction I feel the story is going, 14 and from the feeling on the ground of -- you know, from 15 speaking with other reporters, but all we can do is 16 learn from this and hopefully improve for the future.</p> <p>17 MR JAY: The general impression given by the article, your 18 choice of language, your phraseology -- we see "local 19 oddball" four lines from the top. We see "arrogant and 20 rude" about 15 lines down. We see "odd, lonely young 21 man who was never seen with a girlfriend" towards the 22 bottom of the left-hand column. We see, rather oddly, 23 in the next column: 24 "He was a strange boy, quiet but restless." 25 Then lower down:</p> <p style="text-align: center;">Page 53</p>	<p>1 investigation and the Contempt of Court Act. Do you see 2 that?</p> <p>3 A. Yes, I do see that, but I was trying to present a true 4 reflection of this man's character, and having gathered 5 information from many different sources, past and 6 present, in the life of Mr Jefferies, this was the 7 picture that was painted.</p> <p>8 Q. It's a collection of anecdotes from those who knew him, 9 many of them a long time previously. Is that not a fair 10 way of putting it?</p> <p>11 A. Well, some of the anecdotes were from many years 12 previously, but there were some quotes from neighbours 13 who obviously knew him very recently.</p> <p>14 Q. May I move on, please, to the second article, which was 15 published on new year's day 2011. Paragraph 28 of your 16 statement. In particular, paragraph 29. The theory 17 that you were exploring, whether Ms Yeates' killer had 18 been lying in wait in her flat. You say you obtained 19 specific confirmation from the police that this was 20 a line of inquiry that they were not ruling out?</p> <p>21 A. Yes.</p> <p>22 Q. Along with a whole range of other lines of inquiry they 23 were pursuing, though; is that right?</p> <p>24 A. Yes.</p> <p>25 Q. Can I ask you, please, to look first of all, before we</p> <p style="text-align: center;">Page 55</p>
<p>1 "... eccentric manner ... long-term bachelor status 2 sparked unfounded school gossip that he was gay." 3 Then finally there's a story about throwing books 4 and pens across the room. Of course it's unfair, as 5 I've just done, to take out isolated phrases, but if you 6 aggregate them, you have a certain picture, don't you?</p> <p>7 A. I agree, but if you're going to aggregate those, I'm 8 point out a few of the positive lines.</p> <p>9 Q. Fair enough.</p> <p>10 A. We have, in the third column along: 11 "He was very positive and pastoral in school." 12 In the final column, a former master was quoted as 13 saying: 14 "He was dedicated in his job, strongly academic and 15 deeply involved. He was respected and his students used 16 to get good results." 17 And then towards the end of the article, 18 a Mr Gervin(?) is quoted: 19 "He's a witty man, very sociable, pleasant and 20 gregarious, a man who enjoyed the company of others. 21 I am absolutely stunned by his arrest, I really am. It 22 is extraordinary." 23 Q. It's whether those positives -- the effect they have on 24 counterbalancing the negative, really, and the impact of 25 the negative in terms of an ongoing criminal</p> <p style="text-align: center;">Page 54</p>	<p>1 look at the article, at tab 5, and an email which is it 2 is 54686.</p> <p>3 A. Yes.</p> <p>4 Q. This, I think, is this part of the copy for the new 5 year's day article?</p> <p>6 A. This is part of the copy for -- yes, it was.</p> <p>7 Q. I had more specific questions actually about another 8 email. It's 54703, which was forwarded to you. Have 9 you found that one?</p> <p>10 A. Yes.</p> <p>11 Q. This comes from a pupil who was at the school between 12 1989 and 1994, who knew Mr Jefferies. A lot of this is 13 extremely positive, isn't it?</p> <p>14 A. Yes.</p> <p>15 Q. Can I just identify that which is positive? If you look 16 six lines down from the top: 17 "To be honest, it is quite inconceivable to think 18 that Mr Jefferies could be involved with something like 19 this for a number of reasons. Firstly, he was not an 20 aggressive man and certainly not violent, contrary to 21 many others' comments, although as stated, I didn't 22 experience him for a prolonged period of time. He was 23 also very intelligent and articulate, so his solution 24 was normally a witty retort to express himself rather 25 than anything remotely physical. This can be</p> <p style="text-align: center;">Page 56</p>

<p>1 characterised by what may be an urban legend about him</p> <p>2 that was bounded about by teaches also of an event in</p> <p>3 which he was approached ..."</p> <p>4 We needn't go into that particular example.</p> <p>5 "He was a slight man that appeared quite weak and</p> <p>6 never did any sport and at 65 [I think there are some</p> <p>7 words missing] I don't think that he could easily</p> <p>8 overpower a young active woman, rather than the</p> <p>9 opposite."</p> <p>10 This is very strong evidence in his favour, isn't</p> <p>11 it?</p> <p>12 A. Yes.</p> <p>13 Q. Did you capture that evidence in your article, do you</p> <p>14 think?</p> <p>15 A. Yes, I feel we definitely did bear in mind that this</p> <p>16 article wasn't the background article of the previous</p> <p>17 day. This was mainly focused on developments in the</p> <p>18 investigation, so obviously we're constrained when it</p> <p>19 comes to space of how many words we can get in there,</p> <p>20 but towards the end of that article, if you see there,</p> <p>21 it's quoted:</p> <p>22 "Another former pupil added: 'He's not an aggressive</p> <p>23 man and certainly not violent. He was also very</p> <p>24 intelligent and articulate, so his solution was normally</p> <p>25 a witty retort to express him rather than anything</p> <p style="text-align: center;">Page 57</p>	<p>1 of language, the precision with which the author has</p> <p>2 expressed himself. You must have thought: "Well, this</p> <p>3 man has taken the trouble to write this, he's done it</p> <p>4 rather well, this is rather important evidence." Did</p> <p>5 you go through that thought process at the time or did</p> <p>6 you go through a different thought process?</p> <p>7 A. I imagine I will have gone through that thought process,</p> <p>8 but as I say, we only have limited words on the page and</p> <p>9 we have to edit down substantial quotes like that to</p> <p>10 pick out the ones that we feel are the most relevant,</p> <p>11 and the fact that we used the quote "He is not an</p> <p>12 aggressive man and certainly not violent" to describe</p> <p>13 a person who has been arrested on suspicion of murder</p> <p>14 I would say certainly negates anything else that we're</p> <p>15 talking about.</p> <p>16 Q. There's other material. I just refer to it. 54690:</p> <p>17 "Mr Jefferies was my English teacher 25 years ago.</p> <p>18 I find it impossible to believe he could be the</p> <p>19 murderer."</p> <p>20 546919:</p> <p>21 "He spoke nicely, had a nice voice and he always</p> <p>22 appeared totally harmless."</p> <p>23 There was a lot of convergent material which</p> <p>24 suggested, okay, he's a bit eccentric, okay, English</p> <p>25 teachers at public schools are a bit eccentric, or</p> <p style="text-align: center;">Page 59</p>
<p>1 remotely physical."</p> <p>2 And that was taken from that email that you referred</p> <p>3 to.</p> <p>4 Q. Yes, but there's only just part of it, though. I think</p> <p>5 the point I'm trying to make is that there was much</p> <p>6 more, as I've already read out: "quite inconceivable to</p> <p>7 think that Mr Jefferies could be involved, "not strong</p> <p>8 enough to overpower a young active woman".</p> <p>9 Then if you look at the next page of the email,</p> <p>10 54704, it's really the last three lines:</p> <p>11 "Also being eccentric, introverted and slightly</p> <p>12 wacky does not make you a killer. Even if it did, then</p> <p>13 I could name at least six other teachers at Clifton that</p> <p>14 could be suspects, and I'm sure that most other public</p> <p>15 schools have similar characters!!"</p> <p>16 The point I'm trying to make is that rather sums it</p> <p>17 up, doesn't it, in a well-expressed and insightful</p> <p>18 email? Would you agree with that?</p> <p>19 A. Yes, I would agree with that, but that was one of many</p> <p>20 emails we received on Mr Jefferies. I did try to get</p> <p>21 a flavour from all the correspondence and all the</p> <p>22 sources that we dealt with into all the articles.</p> <p>23 Q. Did that particular email, when you read it -- and you</p> <p>24 assessed it, presumably, not just in terms of its</p> <p>25 substance but the way in which it was expressed, its use</p> <p style="text-align: center;">Page 58</p>	<p>1 sometimes are, but that's all it amounts to. The whole</p> <p>2 story is built on this very flimsy piece of timber,</p> <p>3 isn't it?</p> <p>4 A. The story is built on what I felt was a true reflection</p> <p>5 of Mr Jefferies' character. I mean, the article on the</p> <p>6 31st was intended to be a background article into</p> <p>7 Mr Jefferies as a man, taking in several different</p> <p>8 sources, and if he came across as an oddball, as an</p> <p>9 eccentric, then that's because the evidence suggested</p> <p>10 that he was.</p> <p>11 LORD JUSTICE LEVESON: The trouble is that once you start</p> <p>12 down this exercise, then where do you stop? You know,</p> <p>13 how much do you go? Then you really are stepping into</p> <p>14 somebody else's territory, namely an active criminal</p> <p>15 investigation.</p> <p>16 MR JAY: We haven't looked at the front page and article</p> <p>17 itself. We should. It's tab 2, 319868, Mr Parry.</p> <p>18 Evidently the headline is not yours. We know that.</p> <p>19 The point the Lord Chief Justice made, both in the</p> <p>20 context probably of the headline and more generally, was</p> <p>21 if you look at the opening words of your piece:</p> <p>22 "Joanna Yeates' killer may have been waiting for her</p> <p>23 inside her basement flat as she returned home."</p> <p>24 Then there's some DNA studies:</p> <p>25 "They were also given until Tuesday to continue</p> <p style="text-align: center;">Page 60</p>

<p>1 questioning of the landlord." 2 Lord Judge said: well, the person who had access to 3 the flat was obviously the person referred to in the 4 headline but the only person you identify as having that 5 access was Mr Jefferies, so we have a link here which 6 put Mr Jefferies clearly in the frame, regardless, 7 perhaps, of the headline. Would you accept that? 8 A. Yes, I would. 9 Q. I think you had some involvement with 31987. Indeed, 10 you referred to it. Although Mr Smith is the byline, 11 this was a joint effort, I think, was it not? 12 A. Yes. 13 Q. I think it's the reference in particular on the 14 right-hand side to "peculiar ways". Where do you feel 15 that that was an appropriate turn of phrase in the 16 context of someone who had been arrested for this 17 particular type of offence? Do you see that? 18 A. Yes, I see that. Again, that wasn't a word that I would 19 have put into my copy. 20 Q. You mentioned lessons learnt. In terms of your own 21 journalism -- of course, there hasn't been normally case 22 quite like this overt last 13 months, but are there any 23 pieces, articles you want to draw to our attention which 24 you feel demonstrate that this case might properly be 25 seen as a watershed?</p> <p style="text-align: center;">Page 61</p>	<p>1 that's a part of a journalist's role, and if I didn't do 2 that, I wouldn't be doing my job properly. 3 Q. I think you're saying you discount the possibility that 4 these outside pressures were operating on your judgment, 5 I'm not saying to distort the picture but to paint and 6 describe the picture in a particular way, namely a way 7 which some might argue is sensationalist and hyperbolic. 8 You don't accept that? 9 A. I don't accept that, no, because as I say, we went to 10 a number of different sources on Mr Jefferies and 11 everything that we heard seemed to gel with the picture 12 painted in that article, that he was a very eccentric, 13 highly intelligent character, and that is why the term 14 "the nutty professor" was used, whether that was right 15 or wrong, but certainly it was a true reflection of the 16 man. 17 MR JAY: I think I've covered in my questions to you what 18 other evidence there may have been, but thank you very 19 much, Mr Parry. 20 LORD JUSTICE LEVESON: Mr Parry, I appreciate that you are 21 a reporter on the Mirror. I was told by somebody -- but 22 it may not be the Mirror, it may have been 23 News International -- that there was an application to 24 go to the Supreme Court in connection with this case. 25 Do you know anything about that?</p> <p style="text-align: center;">Page 63</p>
<p>1 A. None that jump to mind, I have to say, but I don't have 2 any involvement with those decisions. I mean, that's 3 certainly something for the content desk and the 4 executives of the newspaper. 5 Q. Sorry, one last question or series of questions. One 6 factor operating here is that you're not the only 7 journalist on the ground. Is this right: you are quite 8 friendly with many of your colleagues on other papers, 9 although you complete with them? 10 A. Yes. 11 Q. So are you aware generally on the grapevine, the 12 discussions you're having at the time in December 2010, 13 of the sort of things they may be writing about at the 14 same time as you're writing about them? Is that right? 15 A. Yes. I wouldn't be doing my job if I didn't know that. 16 Q. No. But is there a sense that there is a pervading 17 pressure almost to outdo your colleagues and present 18 a story in a way which is particularly powerful, 19 particularly impressive, particularly eye-catching? Do 20 you feel that that's a possible factor operating on you 21 on this occasion? 22 A. No, I wouldn't say that at all. There's a pressure on 23 you, as a reporter, to deliver and furnish the content 24 desk with all the relevant facts and all the stories of 25 the day, all the best information that's around and</p> <p style="text-align: center;">Page 62</p>	<p>1 A. No. 2 LORD JUSTICE LEVESON: I'd like to know what the position 3 is. 4 A. I think we're appealing, certainly. 5 MR BROWNE: Still no decision of the Supreme Court. We'll 6 let the Inquiry now. 7 LORD JUSTICE LEVESON: I'd be very grateful. 8 MR JAY: The Sun has withdrawn its application, or rather 9 NGN has, but the Mirror are still maintaining theirs. 10 LORD JUSTICE LEVESON: Thank you very much. I would 11 certainly like to know because it's not unimportant. 12 MR JAY: Thank you, Mr Parry. 13 LORD JUSTICE LEVESON: Thank you, Mr Parry. 14 MR JAY: Mr Gary O'Shea next, please. 15 MR GARY TIMOTHY O'SHEA (sworn) 16 Questions by MR JAY 17 MR JAY: Thank you, Mr O'Shea. Make yourself comfortable 18 and if you could give us your full name. 19 A. Gary Timothy O'Shea. 20 Q. Thank you. I hope you have to hand a witness statement 21 that you signed dated 17 January of this year, which has 22 two exhibits. This is your formal evidence to the 23 Inquiry pursuant to a request which was served on you; 24 is that so? 25 A. That is correct, yes.</p> <p style="text-align: center;">Page 64</p>

<p>1 Q. You've been employed by NGN, the Sun, since 2003 as 2 a journalist and you wrote a number of pieces in 3 relation to Mr Jefferies on 1 January 2011, together 4 with others; is that right?</p> <p>5 A. Yes, that's correct.</p> <p>6 Q. Can we just trace the genesis of one of the pieces. You 7 deal with this at the bottom of page 54911. I can 8 summarise the position: a staff reporter had 9 a conversation with an ex-pupil of Mr Jefferies and she 10 taped it and transcribed it and that is exhibit GTO1, 11 but I don't think you saw GTO1 at the time. Instead, 12 you saw GTO2, which was a memorandum which the staff 13 reporter prepared based on her interview with the 14 ex-pupil. Is that so?</p> <p>15 A. You're almost correct. What actually happened was the 16 transcript was drawn -- the full transcript was shown 17 just more recently for the benefit here of the Inquiry. 18 My colleague, Caroline Grant, who carried out the 19 interview, just produced the memo, as such, the 20 memorandum, and she extracted from the taped interview 21 the quotes which she believed were most pertinent, put 22 them in the memo and the memo was put to me. We've put 23 the transcript together for the benefit of the Inquiry 24 so that the Inquiry can see that we quoted this 25 gentleman faithfully and accurately in the piece.</p> <p style="text-align: center;">Page 65</p>	<p>1 his memories of Mr Jefferies, who was his teacher. His 2 memories were not always flattering. They were not 3 always kind. A decision was made that we would carry 4 his memories in the newspaper. We quoted him fairly and 5 accurately, I believe, as you'll see from the 6 transcript, and we have accepted -- and I'm happy to 7 accept here -- that our tone of coverage should have 8 been more neutral and dispassionate, and I can accept 9 that including this material in the piece which appeared 10 on that day -- that we didn't adhere to perhaps our 11 obligations to report on this case in a dispassionate 12 and neutral manner.</p> <p>13 Q. Some degree of editorial decision is made by you. The 14 starting point is this is under the rubric or headline 15 "Obsessed with death". The evidence that Mr Jefferies 16 is said to be obsessed with death is based on a film 17 about the Holocaust, which obviously is all about the 18 systematic murder of millions of people, but why is that 19 worthy of remark, save perhaps favourable remark because 20 that's exactly the sort of thing that school children of 21 a certain age should be shown because it is so 22 important.</p> <p>23 A. The "obsessed with death", as you can see there from the 24 memo and from the transcript which we've provided to you 25 is -- that's a verbatim quote from this gentleman. That</p> <p style="text-align: center;">Page 67</p>
<p>1 LORD JUSTICE LEVESON: Thank you. That's very helpful.</p> <p>2 MR JAY: Thank you. I'm not going to ask you to look at 3 GTO1, but GTO2, 54880, just a couple of points on that, 4 maybe how they struck you at the time in the context of 5 a piece which was under the headline "Obsessed with 6 death". It's under tab 8 if you're working from the 7 same bundle, Mr O'Shea.</p> <p>8 A. Yes, I have it here in front of me.</p> <p>9 Q. First of all, there's a reference to a Holocaust film. 10 Its given its German title and then translated, "Nacht 11 und Nebel", which is "Night and Fog", a film about Nazi 12 death camps. That film was made, we know, in 1955. The 13 source had given a slightly different description of it. 14 It probably doesn't matter much. He said it was "Night 15 and Day", made just after the war, so the facts were 16 slightly wrong but someone must have corrected it at 17 NGN. But then the source said, I quote: 18 "It was filmed at Auschwitz and he [that's 19 Mr Jefferies] just wanted to show us death." 20 I just wonder what the significance of that is in 21 the context of a film about concentration camps, why 22 there's anything remarkable or objectionable about it.</p> <p>23 A. I never said there was anything objectionable about 24 a teacher showing an historical film on the Holocaust on 25 the pupils. What we did was -- this pupil was giving</p> <p style="text-align: center;">Page 66</p>	<p>1 was his mature recollection, looking back on his 2 memories of Mr Jefferies.</p> <p>3 LORD JUSTICE LEVESON: "Mature"? You're talking about 25 4 years here.</p> <p>5 A. Yes, that's what I say.</p> <p>6 He was looking back, this was his memory, and as 7 I've acknowledged, it's not a very flattering memory but 8 I guess at the same time it's probably not unusual for 9 a pupil sometimes to look back on whatever teachers they 10 had and perhaps not have very fond memories of some of 11 them.</p> <p>12 This was a case in point. This pupil contacted us. 13 He wished to share with us his memories on Mr Jefferies. 14 He didn't seek payment from us. He didn't receive 15 payment from us. These were his honest recollections 16 and a decision was made to include those recollections 17 in the newspaper.</p> <p>18 MR JAY: Would you agree, though, that in a negative 19 context, because of the use of the term "obsessed with 20 death"?</p> <p>21 A. As I said to you a few moments ago, we've accepted the 22 fact that our coverage of this story should have been 23 more neutral and dispassionate. We made a libel 24 settlement with Mr Jefferies and I believe that's an 25 acknowledgment of the fact that we -- our presentation</p> <p style="text-align: center;">Page 68</p>

17 (Pages 65 to 68)

<p>1 should have been different than it was. 2 Q. The article itself, let's have a look at it now. The 3 front page is under tab 2 at 31983. 4 A. Tab 2. Yes, I have it in front of me now, yes. 5 Q. The headline itself is not your responsibility, but we 6 see "obsessed with death" four lines into the piece, 7 don't we? 8 A. Yes. Once again, the headline is the verbatim quote 9 from the gentleman who contacted us and a decision was 10 made by a subeditor in the office or the editor of the 11 day that that was what they were going to use for the 12 headline. I don't have any input into the presentation 13 or the headline process. 14 Q. No, no. 15 A. I was in Bristol at the time. Those are decisions that 16 would have been made in London and I was geographically 17 divorced from that decision-making. 18 Q. Of course that's accepted. The way you then put it: 19 "The former student said eccentric English teacher 20 Jefferies made them watch films about Nazi death camps 21 and scared some children with his macabre fascination". 22 Now, "macabre" is your choice of adjective, isn't 23 it? 24 A. I don't have my original copy as I filed it to London, 25 so looking back a year on, I can't tell you whether</p> <p style="text-align: center;">Page 69</p>	<p>1 MR JAY: So you feel that "macabre" might not have been in 2 your choice -- 3 A. I'm not saying it was or it wasn't. It's just a year 4 on, I can't give you an honest answer, but I'm sure 5 we'll endeavour to get you one. 6 Q. I think we'll leave that one with you. It's not going 7 to matter in the big picture. 8 A. Okay. 9 Q. The piece continues at 31985. 10 A. I have it before me. 11 Q. It's just what you meant by "academic obsession" in the 12 left column three paragraphs down. 13 A. I think, looking back on that now, the gentleman 14 contacted us. I don't think he used the term "academic 15 obsession"; I think he was quite straightforward and he 16 just said "an obsession with death", and perhaps we were 17 trying to qualify it by pointing out that this was not 18 necessarily a straightforward obsession with death but 19 perhaps how death is presented either cinematically or 20 poetically or in literature, and I think there was 21 reference to that -- a novel as well, a Victorian novel 22 that Mr Jefferies had taught as well. So ... 23 Q. It may be the point, really, that because Mr Jefferies 24 had shown some interest in a Victorian murder novel and 25 because he'd shown his -- or some students,</p> <p style="text-align: center;">Page 71</p>
<p>1 I chose that particular word myself. Perhaps we can 2 make enquiries at the office to see if that copy is 3 available as I filed it and come back to you on it. 4 LORD JUSTICE LEVESON: We could do, if you feel that for 5 your own purpose it is would be worthwhile. But you're 6 an experienced crime reporter, I assume? 7 A. I'm not a crime reporter. 8 LORD JUSTICE LEVESON: You're not? 9 A. No, I don't move in those circles. I'm a general news 10 reporter and there was a group of three or four general 11 news reporters on the ground in Bristol at that time. 12 I was one of them. We worked together every day, 13 I guess, as a co-op of equals, I suppose. We would, in 14 a diplomatic fashion, decide each day what each of us 15 should be doing and we would take guidance also from the 16 desk in London. I'm not a crime reporter, I'm not 17 a crime specialist, no. 18 LORD JUSTICE LEVESON: Are you aware of the contempt of 19 court legislation? 20 A. Yes. Now, with contempt of court, there are various 21 legal nuances, there are shifting interpretations, 22 shifting applications with those announces, and I take 23 the view, not unreasonably, that there are people at my 24 newspaper, lawyers, who were better able than me to make 25 judgment calls on that and I defer to them on that.</p> <p style="text-align: center;">Page 70</p>	<p>1 I understand, at a film club, but the precise context 2 doesn't matter -- these were adolescent students who 3 obviously are 15, 16, 17 -- a French film which was 4 extremely highly regarded in France and the Continent, 5 a well-known Holocaust film, didn't really justify, did 6 it, the soubriquet "obsession with death", which in this 7 context might lead one to think that he was the sort of 8 person who might want to kill people. Would you accept 9 that? 10 A. Again, these were the recollections of one of his former 11 pupils. I don't know Mr Jefferies personally. I did 12 meet him twice down there in quick succession, but once 13 again, these are the honest recollections. The 14 transcript is there. You have the transcript and I hope 15 you'll agree we have faithfully reported what that 16 student said to us. 17 I think, yes, what I'm happy to concede is that 18 there should have been filters applied to the material 19 from that gentleman, and we should have taken -- we 20 probably shouldn't have quoted him at the length that we 21 did and we've acknowledged that. We've put our hand up 22 to that, and -- yes. 23 Q. One thing that you weren't aware of from exhibit GTO2, 24 because it wasn't available, it hadn't been transcribed, 25 was that the source told your colleague -- this is in</p> <p style="text-align: center;">Page 72</p>

<p>1 GTO1: 2 "To be honest, my school -- I have really bad 3 memories of it so I basically destroyed everything when 4 I left." 5 So this person had a very negative memory of this 6 particular school, which might -- 7 A. He did. 8 Q. -- indicate that he wasn't giving an altogether 9 objective picture in relation to Mr Jefferies. Had you 10 known that fact, would this article have been 11 differently phrased, do you think? 12 A. I think this pupil didn't come to us in isolation. 13 There were other pupils who either spoke to us directly 14 or spoke to news agencies that were working the story or 15 they were quoted at length in other newspapers. The 16 content in this story chimed with what we were hearing 17 from other people who had attended this school. 18 LORD JUSTICE LEVESON: Not all of them, because we've just 19 seen a different account. 20 A. Yes, but you've seen a different account via emails that 21 came into the Daily Mirror office. I have no access 22 to -- 23 LORD JUSTICE LEVESON: Of course you haven't. I am not 24 for a moment suggesting that you have, but it's one much 25 the problems if you start to do this sort of job where</p> <p style="text-align: center;">Page 73</p>	<p>1 the newspaper whereby when a reporter like myself has 2 a dilemma, I can go to my news desk and put that dilemma 3 to them. They in turn can go to the managing editor, 4 Richard Caseby, and he can pick up the phone to the 5 Press Complaints Commission. So there is internal 6 processes whereby dilemmas can be sorted out. As I say, 7 we don't often go wrong and when it does look like we're 8 about to go wrong, we're usually put right. 9 MR JAY: The final question is really the same question 10 I put to the Mr Parry, whether you felt at the time or 11 feel now that you were under competitive pressure, 12 flowing either from your general position at the 13 newspaper or because your competitors were there on the 14 ground, to present the story in as pungent and as 15 powerful a way as it could possibly bear. Do you feel 16 that's a fair observation or not? 17 A. It's fair to say that it's a competitive business. It's 18 fair so say that we're competitive people and that I'm 19 a competitive person. But I'd like to think that my own 20 competitive instincts don't blind me personally to going 21 about my job with, you know, a fair and even-handed 22 manner. I acknowledge -- one much the things that 23 I wanted to acknowledge when I came in here -- that our 24 coverage, our tone, should have been more dispassionate 25 and neutral. As I say, though we are competitive</p> <p style="text-align: center;">Page 75</p>
<p>1 proceedings are active. You run the risk of creating 2 a prejudicial climate which could impact on a subsequent 3 trial. I know what you've said and I understand that, 4 but that's the risk, isn't it? 5 A. As you know, we've been found to be in contempt of 6 count. 7 LORD JUSTICE LEVESON: Yes, yes. 8 A. What you're saying to me is a given. I can't argue with 9 that because the courts have ruled on that. We're bound 10 by that and that's something that we have to take into 11 account in the future. 12 LORD JUSTICE LEVESON: You see, it raises the question that 13 I actually asked Mr Parry as well, that I hope -- and 14 I have no doubt that every single time there's an 15 incident, people say, "Well, we must learn", and that 16 works until there's another groundbreaking, very 17 important story, and then, because everybody else is 18 doing it, understandably perhaps, everybody does it. 19 A. I understand that that's an issue that you're grappling 20 with in your intention to perhaps formulate some sort of 21 a mechanism whereby a situation like this happens again. 22 I understand that. What I would say is this: we don't 23 often go wrong, we don't often make mistakes, and 24 I think when we do make mistakes, they're honest 25 mistakes and there's a constant referral process within</p> <p style="text-align: center;">Page 74</p>	<p>1 people, I don't let those competitive instincts blind me 2 whatsoever in how I go about my job. 3 MR JAY: Thank you very much, Mr O'Shea. 4 LORD JUSTICE LEVESON: Thank you, and thank you for starting 5 and concluding your evidence in the same way. Thank 6 you. 7 MR JAY: Sir, finally Mr Stephen Waring, please. 8 MR STEPHEN WARING (sworn) 9 Questions by MR JAY 10 MR JAY: First of all, please, Mr Waring, your full name? 11 A. Stephen Waring. 12 Q. Thank you very much. You provided us with a witness 13 statement dated and signed on 16 January this year with 14 five exhibits. Is this your truthful evidence? 15 A. It is. 16 Q. Thank you very much. You are currently the publishing 17 director of the Sun. You've worked at the Sun for 24 18 years in various positions and you were the duty editor 19 on 31 December, 1 January 2010, 2011; is that right? 20 A. That's correct. 21 Q. Because Mr Mohan was on holiday; is that correct? 22 A. Correct. 23 Q. Did you have any dealings with Mr Mohan about this 24 particular case? 25 A. I spoke to the editor on Sunday, which was the day of</p> <p style="text-align: center;">Page 76</p>

<p>1 the January 1 edition. We had a general chat about the 2 coverage and he said to me he thought we should be more 3 balanced.</p> <p>4 Following the January 1 publication, the Attorney 5 General issued an advisory notice as well and I took 6 that on board and we were more balanced from then on, 7 but we had had an advisory on the Saturday as well.</p> <p>8 Q. So Mr Mohan expressed that view to you on the Sunday, 9 which I think would have been or rather was 2 January 10 2011; is that right?</p> <p>11 A. Correct.</p> <p>12 Q. There are three articles with which we are concerned, 13 all published on the same day. We were looking most 14 particularly at the front page. It's under tab 2, 15 I hope, Mr Waring, page 31983. You'll see the front 16 page. It continues on 31985. Are you with me?</p> <p>17 A. Yes.</p> <p>18 Q. Mr O'Shea has told us about that. Were you responsible 19 for the headline or was someone else?</p> <p>20 A. I was responsible for it and I'd just like to make 21 a point on record that I'd like to express my sincere 22 personal regrets that my actions contributed to and 23 exacerbated the acute personal distress felt by 24 Mr Jefferies, his friends and his family due to the 25 articles that we published. I apologise personally and</p> <p style="text-align: center;">Page 77</p>	<p>1 At One programme, which he -- it wasn't an advisory 2 notice, but he said words to the effect that: "I don't 3 want to comment on today's particular coverage, but 4 I would point out that the contempt of court rules are 5 there to protect the rule of law."</p> <p>6 Clearly this story was going to figure as a major 7 piece in tomorrow's edition. It had been on the front 8 page of the previous seven edition of the Sun and other 9 papers and it would actually stay on the front page for 10 ten more editions.</p> <p>11 Now, I immediately spoke to our senior lawyer by 12 phone while he was on his holiday, Mr Walford, who I 13 think gave evidence a couple of weeks ago. We discussed 14 that morning's coverage in the other papers, in our own 15 paper. I hadn't edited the previous day but I was in 16 charge, obviously, of this edition and I talked to him 17 about the Attorney General's comments, and we discussed 18 the need for a fine line to be drawn as to how far we 19 could go.</p> <p>20 Clearly we'd subjected Mr Jefferies to some 21 unfavourable scrutiny throughout that previous edition. 22 There was even more on the news list for that day's 23 edition, including -- I was asked if we wanted to pursue 24 some lines in some of the other papers, two of them 25 being that he was an associate of a convicted paedophile</p> <p style="text-align: center;">Page 79</p>
<p>1 on behalf of the Sun newspaper for not taking more 2 appropriate precautions to prevent this.</p> <p>3 Yes, I was responsible for the headline.</p> <p>4 Q. Did you have any discussions with Mr O'Shea about it -- 5 I appreciate he was 120 miles away at the time in 6 Bristol -- or was this a discussion you had with the 7 news editor before this was published?</p> <p>8 A. As I say in the statement, it was -- my discussions were 9 with the news editor. It's not practice to talk 10 directly to reporters on a normal basis.</p> <p>11 Q. Look at page 31984. I think there are two separate 12 pieces, one on the left-hand side, which I think you 13 call article 2 --</p> <p>14 A. Correct.</p> <p>15 Q. -- in your statement and then the main piece. Mr O'Shea 16 told us he had no involvement in this. When you see 17 a piece like this and before it's published, do you 18 subject it to a line-by-line analysis? What do you do, 19 Mr Waring, to satisfy yourself that it's within, as it 20 were, the Contempt of Court Act and within the law of 21 defamation and, insofar as it is relevant, the law of 22 privacy?</p> <p>23 A. It's quite a lengthy process that ends up with 24 a line-by-line analysis. On this particular day, the 25 Attorney General had made some comments to the BBC World</p> <p style="text-align: center;">Page 78</p>	<p>1 and that a murder from 1974 was being reopened into 2 Glenis Caruthers' death as a result of his arrest. Both 3 of those lines seemed to me to be far beyond the mark of 4 where we should be going, and also some of the material 5 supplied even in these transcripts and other stories 6 were too strong.</p> <p>7 I perfectly readily accept that what we did publish 8 was too strong, but I attempted with the lawyer, and the 9 night lawyer when he came in in the evening, to try and 10 strike a balance between what we could say and what 11 would keep us the right side of the law. Obviously 12 those decisions were wrong, we made the wrong decision, 13 we committed contempt of court and we committed a libel, 14 for which we apologise.</p> <p>15 Q. Can I just ask you, please, about the headlines, all 16 three of them, or subhead lines. The first one, "What 17 do you think I am ... a pervert?" Did you choose that?</p> <p>18 A. Yes.</p> <p>19 Q. The one underneath, "Landlord's outburst at blonde". 20 Of course, a different blonde woman but Jo Yeates was 21 blown. Was that your choice of --</p> <p>22 A. Yes.</p> <p>23 Q. Then the one at the top, and one has to read it over the 24 top of the next page: "Murdered Jo: suspect followed 25 me, says woman."</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 The combined effect of that was to suggest that 2 Mr Jefferies was the sort of person who might follow 3 a blonde woman and be accused of being a pervert, which, 4 even without the advantage of hindsight, was straying 5 way over the line, wasn't it? 6 A. I agree it was. The overall impression here is far too 7 strong and there was a distinct lack of balance. 8 LORD JUSTICE LEVESON: Help me, Mr Waring. It's very easy 9 for lawyers to look at these things in the cold light of 10 day and to criticise. I'm conscious of that, and I'm 11 conscious that it's equally very easy to do so when the 12 Lord Chief Justice of England and Wales has made his 13 views perfectly clear. But you are a very experienced 14 editor. This is a job you've done many, many times for 15 a very, very large number of editions. 16 A. Mm. 17 LORD JUSTICE LEVESON: Help me, because to my untutored 18 mind -- untutored in the way of the operation of 19 newspapers -- this isn't even close, and I'm just 20 interested to know your thinking. I'm not suggesting 21 you decided: "I'm going to try and test the laws of 22 contempt here", because I don't for a moment think that, 23 but I am keen to understand, if I can, if you can now 24 reconstruct your thought process that suggested that 25 this was appropriate, permissible, on the right side of</p> <p style="text-align: center;">Page 81</p>	<p>1 character became part of the scrutiny. 2 But the key aspect of this is the light in which 3 this was legalised. I can't speak for the lawyer's own 4 mind, but we are talking about an era where there was 5 a far more liberal interpretation about what we could 6 get away with in print. 7 I'll give you two specific examples, one of which is 8 the arrest of the Night Stalker, Delroy Grant, and 9 another one, the 21/7 bombers' arrest, both of which 10 under the present Attorney General, I'm sure, would have 11 produced contempt of court summons. 12 Since the new Attorney General took his post, he's 13 made it clear that he wants a strict application of 14 contempt. In an address to the City University last 15 month, he said, "Before I was appointed, I perceived 16 a tendency in the press to test the boundaries of what 17 was acceptable in the reporting of criminal cases", so 18 he made it clear that he wanted to tighten up that law. 19 Since he was appointed, he's brought more contempt of 20 court cases than were brought in the previous ten years, 21 I believe, and he has certainly changed our attitude as 22 to how we report arrests and we have changed the culture 23 of the paper on the back of the Jefferies' case. I know 24 it's been described as a watershed moment, but it 25 genuinely is, for our newsroom.</p> <p style="text-align: center;">Page 83</p>
<p>1 the line. I understand what you've said now, but I'm 2 just trying to understand. 3 A. I'll take that -- to me there are three elements to 4 this. There's the material we'd previously published 5 the day before, ie the first day of Mr Jefferies' 6 arrest, and there was a lot of critical comment about 7 his character from four unnamed pupils, ex-teachers, 8 people -- former acquaintances, and that set 9 a particular tone, which coloured my judgment wrongly, 10 but that coloured the judgment. 11 There was the nature of the story, which, just to 12 put it in context, this story had been, as I say, on the 13 front page for seven previous editions, there was 14 a general bafflement as to the motive for this appalling 15 murder, and Mr Jefferies' inconsistency, as it was 16 perceived in his story the day before he was arrested 17 seemed, wrongly, to be the great breakthrough, and this 18 led to a great outpouring of adverse comment about his 19 character. 20 The police felt that he said something about seeing 21 Jo and two acquaintances outside her flat, which was 22 inconsistent with something else. Whether the rights 23 and wrongs of that, that's one of the reasons why he was 24 arrested and this story had been the focus of national 25 attention for a long period of time. Certainly his</p> <p style="text-align: center;">Page 82</p>	<p>1 LORD JUSTICE LEVESON: That's a word that was used by 2 somebody earlier. But it's not just contempt, is it? 3 It's also defamation and all the rest of it. 4 A. Mm-hm. 5 LORD JUSTICE LEVESON: And it comes on the back of all the 6 concerns about McCann and all the other breaking stories 7 of enormous interest. You heard me ask, I think, each 8 of the previous witnesses whether sometimes a story is 9 so big that perhaps not as much attention is paid to how 10 far it is appropriate to go. 11 A. I agree, under the licence that we felt we'd got 12 previously. I mean, the law is on the statute books, 13 but it's the application of it which counts. When the 14 contempt case was brought against us over Mr Jefferies, 15 there was another huge story six months later where we 16 had a heated debate about whether we should cover 17 material that we'd got. This was the conviction of Levi 18 Bellfield for the murder of Milly Dowler. We got an 19 enormous amount of material about Mr Bellfield, as you 20 might imagine, which we knew our rivals also had, which 21 we wanted to put in the paper, but the -- 22 Mr Justice Wilkie still had another charge overnight of 23 the attempted abduction of Rachel Cowles. The jury was 24 still out. There was a long conversation about whether 25 we should use this material and Mr Jefferies' name</p> <p style="text-align: center;">Page 84</p>

<p>1 obviously came up and the procedure and the mistakes 2 made over Jefferies and we talked about it in great 3 detail and decided not to put any of it in the paper. 4 So we reported that day's court action and none of our 5 background material. 6 LORD JUSTICE LEVESON: And those who went further? 7 A. Well, two of our rival papers published a lot of 8 detailed background material, which was good exclusive 9 material, had a commercial value, you might say. The 10 exclusive story of what a monster Mr Bellfield is. The 11 Sun didn't have that. But they were brought summonses 12 for contempt. They're currently facing those charges. 13 LORD JUSTICE LEVESON: The Sun is? 14 A. No, not the Sun; the two rival papers. 15 LORD JUSTICE LEVESON: The other two papers, that's the 16 point. 17 A. Yes. Beyond that, in the autumn there was 18 a high-profile murder again with an arrest which we had 19 interesting background on which we left out. This year 20 there was another arrest relating to Stepping Hill 21 Hospital. It's something which has affected us and 22 changed our attitude. That change of attitude would 23 have come in if there had been no Leveson Inquiry, no 24 Bribery Act, no investigation into media standards. It 25 came about because the Attorney General decided he was</p> <p style="text-align: center;">Page 85</p>	<p>1 LORD JUSTICE LEVESON: I understand. Thank you. 2 MR JAY: Thank you. 3 LORD JUSTICE LEVESON: We've actually finished before 4.30 4 MR JAY: There we go. 5 LORD JUSTICE LEVESON: Right. Thank you very much. 6 10 o'clock tomorrow. 7 (4.23 pm) 8 (The hearing adjourned until 10 o'clock the following day) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 87</p>
<p>1 going to change the way he interpreted contempt and he 2 was going to apply it that's changed our attitude. 3 LORD JUSTICE LEVESON: Interesting. 4 MR JAY: The final point, Mr Waring: is it possible that 5 there was a mindset 13 months ago which worked like 6 this: that, given what you knew or thought you knew in 7 relation to inconsistencies in Mr Jefferies' story and 8 the picture which was building up of someone who was 9 eccentric, that you felt in your waters, as it were, he 10 was probably guilty and it's that feeling which led you 11 to test the margins of what was permissible or not? 12 A. No. No. I didn't act on that behalf -- on that belief 13 at all. Mr Jefferies was an unusual character, we've 14 vilified him, we didn't present it in a balanced way, 15 but it wasn't through a conviction that this was 16 a guilty man. 17 MR JAY: Thank you, Mr Waring. 18 A. Could I just say one other thing? Please don't judge my 19 colleagues by the errors I've made in this edition, 20 because they are a bunch of very committed, hard-working 21 individuals, the finest journalists in Fleet Street, and 22 the Sun is a very vibrant paper that is a compassionate 23 paper. We produce 100,000 items a year. We got this 24 one badly wrong and I admit that, but these mistakes do 25 happen.</p> <p style="text-align: center;">Page 86</p>	

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