

<p>1 Thursday, 1 March 2012 2 (10.00 am) 3 LORD JUSTICE LEVESON: Mr Jay, I am concerned to hear that 4 over the last two days requests have been made to the 5 Metropolitan Police for confirmation of details which 6 suggest that there have been prior disclosure of the 7 statements of some of the witnesses who are due to give 8 evidence to this Inquiry. 9 I am disturbed about it not only because leaks would 10 constitute a breach of the confidentiality agreement 11 that everybody has signed, but also because it runs the 12 risk of disrupting the way in which this Inquiry can 13 proceed. 14 I don't intend to seek to make enquiries as to these 15 particular leaks, but if this continues, I shall review 16 the way in which I provide prewarning to core 17 participants of statements of witnesses, and that will 18 not be in order to make it easier. 19 Thank you. 20 MR JAY: Sir, yes. The first witness today, please, is 21 Mr Clarke. 22 MR PETER JOHN MICHAEL CLARKE (sworn) 23 Questions by MR JAY 24 MR JAY: Thank you, Mr Clarke. Your full name, please? 25 A. It's Peter John Michael Clarke.</p> <p style="text-align: center;">Page 1</p>	<p>1 your final, as it were, senior positions. 1996 to 2001: 2 head of the royalty and diplomatic protection 3 department. And then 2002 to 2008 you were head of the 4 MPS anti-terrorist branch and national coordinator of 5 terrorist investigations. This until 2006, I believe, 6 was SO13; is that right? 7 A. That's correct. 8 Q. And it was renamed SO15 I think evidence we've heard was 9 in 2006? 10 A. Yes it was not only a renaming, it was a merger of two 11 departments. 12 Q. Thank you. You deal generally with the issue of media 13 relations, starting at paragraph 9 of your statement at 14 0090. Can we seek to deal with this quite generally and 15 then address your particular experience? You say in 16 paragraph 9 that you don't believe it's helpful to speak 17 of a culture of relations between the police and the 18 media. Why is that, Mr Clarke? 19 A. Because in my experience there's no such thing as an 20 overall culture. Different people dealt with the media 21 in different ways. At local level there would be 22 a different type of relationship to that which pertained 23 at perhaps the central level at Scotland Yard, but even 24 within Scotland Yard different departments, different 25 people dealt with the media in different ways, and so</p> <p style="text-align: center;">Page 3</p>
<p>1 Q. Thank you. In the bundle of witness statements, which 2 I hope is the bundle immediately to hand, I hope you'll 3 find a copy of your witness statement. 4 A. Can you help me which tab it will be at, sir? 5 Q. I'm not sure which bundle you have. I think you have it 6 separately available. 7 A. Actually, this is Select Committee reports. 8 LORD JUSTICE LEVESON: I don't think it will be in that. 9 MR JAY: No. We'll provide you with a copy. I think you 10 had a copy -- 11 LORD JUSTICE LEVESON: Here we are, here's one. Behind my 12 tab 1. 13 MR JAY: You provided a statement to the Inquiry on 14 31 January of this year. You signed and dated it and 15 you appended to it the standard statement of truth. Is 16 this your formal evidence to the Inquiry? 17 A. Yes, it is. 18 Q. Mr Clarke, you are no longer a serving officer in the 19 Metropolitan Police, but you were an officer in the MPS 20 between 1977 and 2008, when you retired in the rank of 21 Assistant Commissioner. 22 A. That's right. I retired from the position of Assistant 23 Commissioner specialist operations. 24 Q. Thank you. If we look, please, at paragraph 7 of your 25 statement, which is our page number 00088, we can see</p> <p style="text-align: center;">Page 2</p>	<p>1 I can't identify an overall culture. 2 Q. At a local level, although I understand you don't wish 3 to generalise, how, if at all, would you characterise 4 relations between the police and the press and vice 5 versa at that level, and the purpose of those relations? 6 A. Well, I can draw on my own experience as divisional 7 commander of the Brixton division in the mid-1990s. 8 Relationships were generally very good and of course 9 they were focused on matters of local interest, local 10 crime, things that were happening locally, so on and so 11 forth. Local events. 12 Q. Then moving perhaps more centrally when you are working 13 I suppose in Scotland Yard itself at Assistant 14 Commissioner level, or possibly from your time, 1996, 15 head of royalty and diplomatic protection branch, how 16 would you characterise, at least from your perspective, 17 the nature of relations between police and the press and 18 vice versa? 19 A. Again, that depended upon the role I was fulfilling. 20 When I was commander of the royalty and diplomatic 21 protection department, because of the nature of the work 22 I had very little contact with the press indeed because 23 general policy is that for obvious reasons one doesn't 24 comment or discuss matters of security. 25 But that changed quite dramatically when I went into</p> <p style="text-align: center;">Page 4</p>

<p>1 the anti-terrorist branch where there was a very clear 2 operational requirement, in my view, to have more 3 contact with the media. 4 Q. Thank you. You discuss those matters at paragraph 15 of 5 your statement. You explain what the nature of the 6 contacts were in the various bullet points we see at 7 page 00093. Those included off-the-record briefings for 8 the CRA, formal press statements and conferences, 9 occasional lunches with members of the CRA. Can I ask 10 you, please, what the purpose of those lunches was? 11 A. Yes. Very easily. The position with regard to counter 12 terrorism in the early part of the last decade was there 13 was a considerable amount of scepticism from many 14 commentators about the reality of the terrorist threat 15 in the United Kingdom, and to my mind there was an 16 absolutely clear requirement that the scepticism, and 17 particularly the allegation that some were making that 18 the terrorist threat was being exaggerated as some sort 19 of support for British foreign policy, needed to be 20 addressed. 21 In discussions with the directorate of public 22 affairs it was felt that it would be useful to have more 23 informal meetings with groups of journalists from across 24 media outlets, so not one particular media company 25 represented but across the outlets, at lunches, and over Page 5</p>	<p>1 discussion, the public discussion, so that communities 2 could have confidence in the objectivity and the 3 integrity of what we were doing on their behalf to try 4 and counter terrorism. 5 LORD JUSTICE LEVESON: Is that any different from what you 6 might have done at local level when talking to your 7 local press when their concerns were vandalism or 8 drunkenness on the streets? 9 A. Essentially no, but of course the issues were at 10 a higher level. 11 LORD JUSTICE LEVESON: You don't need to convince me about 12 that, but it's the same idea. It's trying to become 13 more open and transparent and thereby bringing the 14 press, the megaphone that the press has, into the 15 picture to provide a more -- from your perspective, more 16 balanced picture. Is that -- 17 A. A more balanced and a more informed picture, yes. 18 LORD JUSTICE LEVESON: Yes. 19 MR JAY: Do you consider that you favoured any particular 20 media outlet -- we're talking about the print media 21 here -- or do you consider that you were disinterested 22 as between them? 23 A. I was totally disinterested as between them. The 24 groupings were arranged by the directorate of public 25 affairs, and if my memory serves me right, it tended to Page 7</p>
<p>1 the period that I was in that job for six years, perhaps 2 there were five or six of these where we would discuss 3 broad issues of strategy, the concept of operations that 4 was being applied. You will remember there was a lot of 5 criticism at one time that a lot of people were being 6 arrested from particular communities and not being 7 brought to trial. We felt that there was a need to 8 rebalance this discussion to actually say that, look, 9 there are a lot of -- there's a lot of very clear 10 evidence of the terrorist threat to the United Kingdom 11 waiting to come to court, and what we mustn't do is 12 diminish the confidence, particularly of the Muslim 13 communities, in the law enforcement effort to counter 14 terrorism at that time, because obviously we needed the 15 support of those communities, it was critical, and my 16 sense was that that support was potentially being 17 undermined by some of the negative comment in the media. 18 LORD JUSTICE LEVESON: So what you're explaining is 19 a positive decision to be transparent to such extent as 20 was appropriate or safe, to bring those who comment on 21 these matters into the picture in a more controlled way 22 and thereby provide some balance to the stories that 23 would otherwise be published? Is that -- 24 A. That's absolutely right, sir, and the purpose was not to 25 make the police look good, but to try and balance the Page 6</p>	<p>1 be that perhaps on one occasion we would have 2 broadsheets, on another occasion the red tops, on 3 another occasion the broadcast media. It worked in that 4 way, and there were representatives there from across 5 all the media groups. 6 Q. Thank you. Can I deal with paragraph 18 of your 7 statement, where you refer to a briefing you gave to 8 News International, and present were the editors of the 9 Times, Sunday Times, the Sun and the News of the World. 10 Was this in about 2004, Mr Clarke? 11 A. This was in the autumn of 2004, yes. 12 Q. Then you say: 13 "The meeting was unexpectedly (at least to us) 14 joined by Rupert Murdoch who, we were told, happened to 15 be in London at the time." 16 Can you remember in general terms what was discussed 17 at this meeting? Was it the matters you've just told us 18 about? 19 A. I can remember specifically. In August 2004 a terrorist 20 called Dhiren Barot had been arrested together with his 21 network and there was clear evidence there that they 22 intended to try to construct a dirty bomb in the United 23 Kingdom and to attack the transport network and indeed 24 to mount attacks in America. 25 Lord Stevens, then Sir John Stevens, was the Page 8</p>

<p>1 Commissioner then. He saw some of this evidence, he was 2 appalled by it and he directed that he and I should 3 visit the whole range of media outlets, not just 4 News International. We went to all the other media 5 groups as well. We saw the editors, I think, of all the 6 major national newspapers to explain again the reality 7 of the threat that the country faced. 8 Q. Thank you. Dealing with these issues at an even higher 9 level of generality, paragraph 20 of your statement, 10 Mr Clarke, where you're dealing with media strategy 11 extremely generally and you refer to slides you deployed 12 at a conference on 7 November 2007. This is 00096. The 13 aims and objectives included: informing the public, 14 reassuring the public, demonstrating the integrity and 15 independence of the investigation and preventing future 16 prejudice to any judicial process. 17 Is it your view, speaking generally, that the proper 18 purpose of engagement with the press is to promote the 19 public interest as opposed to the police interest? 20 A. Obviously there's an extent to which the police interest 21 and the public interest overlap, but overwhelmingly, the 22 police exist to serve the public interest, so the public 23 interest is obviously paramount. 24 LORD JUSTICE LEVESON: Would you not include into those 25 bullet points: engage the public? In other words, Page 9</p>	<p>1 public interest? 2 A. Throughout this I'm referring to my specific area of 3 responsibility in counter terrorism at that time, and 4 the reason why I had engagement with the media at all in 5 any shape or form was to try to basically help protect 6 the public, to keep the public safe in any way possible, 7 and if that meant giving communities confidence so that 8 they could come forward with important intelligence or 9 evidence or balance the media discussion of what was 10 going on to enhance that confidence, then that was in 11 the public interest. I was not interested in trying to 12 make the police look good. That's not part of my 13 agenda. It was entirely about trying to support the 14 counter terrorist effort at that time. 15 Q. In any large organisation, there's always what might be 16 described as an orthodox establishment view of public 17 interest or indeed the interests of the organisation, 18 and there might be at the margins heterodox views or 19 unorthodox views, and proponents of those views might 20 say, well, these matters should enter the public domain 21 because it is in truth in the public interest that they 22 should do so, even though the establishment view might 23 be that they absolutely should not. Do you have any 24 opinion as to that conundrum? 25 A. I think there are two points here. One is that Page 11</p>
<p>1 ensure that those who had information came forward to 2 give it? 3 A. Yes. 4 LORD JUSTICE LEVESON: Or not? 5 A. Probably I could have built that into the -- 6 LORD JUSTICE LEVESON: I'm not trying to rewrite your slide, 7 I'm just -- 8 A. I'm just thinking back to the next slide, which actually 9 said: and over all this, the purpose of the context of 10 any media interaction, this is post an incident, is to 11 support the investigation. So to inform, reassure the 12 public, and if possible encourage them to come forward 13 with any information, absolutely. 14 LORD JUSTICE LEVESON: So this policy is exactly the same as 15 the policy that is trying to be developed in relation to 16 confidence in the criminal justice system or our systems 17 generally. It's the same idea. Is that fair? 18 A. Well, I'm not aware of the precise -- 19 LORD JUSTICE LEVESON: All right, all right. 20 MR JAY: Can I just try and understand the difference 21 between the public interest and the police interest, 22 that those two terms aren't precisely congruent, but 23 they overlap? In terms of the public interest, 24 obviously you don't mean -- or do you mean -- the police 25 view of the public interest? How would you define the Page 10</p>	<p>1 obviously I was operating in an arena at that time where 2 I could not possibly put a lot of what I knew into the 3 public domain because most of these matters were sub 4 judice, so I couldn't run the risk of prejudicing future 5 trials. So that was not an option. 6 But I could speak to responsible journalists safe in 7 the knowledge that they could not report some of the 8 things I was telling them because they were forming part 9 of the case that was going to come before the courts. 10 The second point is I think that mine was 11 a particular area of specialist interest, counter 12 terrorism, so I don't really think I'm qualified to 13 comment at that time on whatever the Metropolitan 14 Police's broader view of the police/public interest was. 15 Q. Fair enough. Some of your statement I'm going to take 16 as read, and I'm going to move to the gifts and 17 hospitality section, which starts at page 00103. I can 18 assure you, Mr Clarke, the Inquiry has read the 19 intervening pages. 20 You provide us with copies of the hospitality 21 register as it relates to you during your time as Deputy 22 Assistant Commissioner, so to be clear about that, is 23 that part of the period 2002 to 2008, because you were 24 promoted, I think, to Assistant Commissioner? 25 A. No, what happened was I was Deputy Assistant Page 12</p>

<p>1 Commissioner from 2000, in fact. 2002 I took up 2 responsibilities in the counter terrorism world, and 3 then at the end, in December 2007, because the then 4 Assistant Commissioner decided to retire, I had to 5 postpone my planned retirement and I agreed to stay on 6 at the request of the Commissioner in the position of 7 Assistant Commissioner for a few months whilst 8 a successor was found.</p> <p>9 Q. Thank you. Arguably in contradistinction to others, 10 whether or not that's a fair observation we'll see later 11 on today, there are only two items in the gifts and the 12 hospitality register which apply. The one in 2005, 13 which I think was a Rugby League game against Australia, 14 and then there was football at the Millennium Stadium in 15 Cardiff in 2006.</p> <p>16 The CRA lunches, which were presumably paid for by 17 the CRA, are not on this register. Is that because 18 someone has simply failed to include them on your 19 behalf?</p> <p>20 A. I don't know. To be quite frank, those entries would 21 have either been made by my staff officer into 22 a register or, in the case of the CRA lunches, they were 23 arranged by the directorate of public affairs, it may be 24 they put them into their register. I don't know.</p> <p>25 LORD JUSTICE LEVESON: CRA is?</p> <p style="text-align: center;">Page 13</p>	<p>1 there is your own experience in counter terrorism, is 2 it? So you're looking at it from that perspective when 3 you refer to the deliberate leaking of highly sensitive 4 operational intelligence?</p> <p>5 A. That's right.</p> <p>6 Q. You refer as well to: 7 "... a small number, I'm sure, of misguided 8 individuals who betrayed confidences. Perhaps they 9 looked to curry favour with certain journalists or to 10 squeeze out some short-term presentational advantage. 11 I do not know what motivates them."</p> <p>12 You're not including there providing information in 13 consideration for payment, which I suppose might 14 occasionally happen, but you have no direct knowledge or 15 it?</p> <p>16 A. I would certainly include giving information in 17 consideration for payment if it fell into the category 18 I was talking about here of highly confidential 19 classified information.</p> <p>20 Q. You say in paragraph 43, towards the end, that from your 21 experience of over 30 years: 22 "... I think the extent of leaks from the MPS has 23 been greatly exaggerated, although I would not suggest 24 for a moment that that is not a problem."</p> <p>25 What is your evidence base for stating that,</p> <p style="text-align: center;">Page 15</p>
<p>1 A. Crime Reporters Association.</p> <p>2 LORD JUSTICE LEVESON: I should have corrected Mr Jay or 3 explained it when Mr Jay first used the acronym. What 4 is that association?</p> <p>5 A. I'm not sure of its actual status in terms of an 6 association, but it's a grouping of journalists who -- 7 and I don't understand, I don't know, actually, the 8 background to it, but they seem to be a group of 9 journalists who have a relationship with the directorate 10 of public affairs so they can operate as a corporate 11 body.</p> <p>12 By way of comment, I must say I always felt that 13 perhaps one thing that was missing from that grouping 14 was the international media. It seemed to me to be 15 predominantly, if not exclusively, UK-based.</p> <p>16 LORD JUSTICE LEVESON: Thank you.</p> <p>17 MR JAY: I'm sure, Mr Clarke, that if you'd had dinners with 18 members of the press at their expense, you would have 19 remembered them.</p> <p>20 A. Absolutely.</p> <p>21 Q. Were there any such occasions?</p> <p>22 A. No.</p> <p>23 Q. May I move on to the subject of leaks. You gave 24 a lecture about this. The relevant extract is at 25 paragraph 42 of your statement at 00105. The context</p> <p style="text-align: center;">Page 14</p>	<p>1 Mr Clarke?</p> <p>2 A. What, that it's not a problem or that it's been 3 exaggerated?</p> <p>4 Q. It's been exaggerated.</p> <p>5 A. Apart from my personal experience over the years, I mean 6 I could refer back to an incident in this Inquiry 7 earlier this week, when reference was made to a counter 8 terrorist operation and the suggestion was made that it 9 could only possibly have occurred as a result of 10 improper contact between somebody in the police and the 11 media. That particular operation I have intimate 12 knowledge of and I find that suggestion very strange 13 indeed, because the operation was on 29 July 2005, the 14 intelligence was developed overnight in that 15 operation -- do you want me to go on with the details, 16 sir?</p> <p>17 LORD JUSTICE LEVESON: You'd better tell me a bit more, 18 because you're now telling me about something in 19 connection with the Inquiry that I'm not sure I know 20 about, so I think I would like to know more.</p> <p>21 A. It was evidence from Mr Paddick earlier this week, sir.</p> <p>22 LORD JUSTICE LEVESON: Oh, okay.</p> <p>23 A. He made that suggestion about this particular operation. 24 The intelligence was developed overnight. Early in that 25 morning on 29 July, an observation point was put in and</p> <p style="text-align: center;">Page 16</p>

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<p>1 then cordons, firearms officers and evacuation of the 2 block of flats started. This went on for several hours, 3 and indeed then the stand-off with the terrorists inside 4 who refused to come out took more time. 5 I think we know throughout that month every time we 6 mounted a high-profile operation with armed officers in 7 London, there was huge amount of media interest and they 8 were turning up very quickly at all of these because of 9 the obvious interest in the wake of 7/7 and 21/7 about 10 what was going on. 11 This is exactly what happened here. Over the hours, 12 with the amount of local disruption that was caused, 13 evacuating people from their houses, clearly the media 14 got to hear about it and they turned up, and since that 15 comment was made earlier this week, I've spoken to 16 colleagues who were involved even more deeply than I was 17 in that operation and none of them recognised the 18 suggestion that it was anything out of the ordinary. 19 LORD JUSTICE LEVESON: Now I understand. I thought what you 20 were saying was a leak from the Inquiry. 21 A. No, no, no, sir. Absolutely not. 22 LORD JUSTICE LEVESON: That's what I thought you were 23 saying. I remember Commander Paddick's evidence. 24 I remember what he said. Now I'm on the same page. 25 A. Sorry to have confused the issue.</p> <p style="text-align: center;">Page 17</p>	<p>1 between the police/press and vice versa, obviously we 2 need rules, we need guidance, and those were available 3 to the Inquiry, but we also need the right culture, 4 I suppose, or the right series of attitudes. How would 5 you recommend to the Inquiry that that right culture is 6 inculcated, particularly at a senior level in the 7 police, or even lower down? 8 A. Well, it just seems to me that in view of all the public 9 debate and discussion there's been around this subject, 10 there is a need for some guidelines, but my sense -- and 11 I haven't been asked to prepare any thoughts on this -- 12 is that whatever guidelines emerge do need to be 13 flexible, they do need to take account of the particular 14 circumstances and position of who they're intended to 15 apply to. It would be I think, from a policing 16 perspective, unhelpful to have such a rigid guideline 17 that the Commissioner of the Metropolitan Police was 18 subject to exactly the same rigidity as a very junior 19 officer in a completely different role. It seems to me 20 there needs to be commonsense flexibility about this. 21 LORD JUSTICE LEVESON: I agree with that. Of course, by 22 saying "I haven't been asked to prepare any thoughts on 23 this", you then lead to the inevitable question whether 24 you would be prepared to prepare some thoughts on it 25 from your perspective as a former very senior police</p> <p style="text-align: center;">Page 19</p>
<p>1 LORD JUSTICE LEVESON: Well, in the light of what I said 2 earlier, I am rather sensitive about this just at the 3 moment. 4 A. Indeed. 5 MR JAY: There was a leak inquiry at your instigation in 6 2007. It's a rare example of a leak inquiry which, as 7 it were, catches the culprit, and the culprit was found. 8 You explain in paragraph 44 what happened. Is that 9 right? 10 A. Yes. 11 Q. Most leak inquiries leak nowhere; is that correct? 12 A. They're very difficult. On this particular occasion, 13 the particular intelligence that had been leaked, it was 14 not too hard to find an audit trail of where it had been 15 and because of the particular systems on which it had 16 been stored, it was able to be found out who had 17 accessed it and when. 18 Q. Because if a police officer, just for the purposes of 19 argument, speaks to a journalist discreetly on a mobile 20 phone after hours, it would be virtually impossible to 21 ascertain that that's happened, would you accept? 22 A. If a police officer or anybody else talks to 23 a journalist discreetly after hours, yes. 24 Q. In order to encourage, foster, inculcate proper 25 relationships, proper professional relationships,</p> <p style="text-align: center;">Page 18</p>	<p>1 officer? 2 A. I certainly would, sir. 3 LORD JUSTICE LEVESON: Well, if you would, that engaged the 4 appropriate degree of flexibility, then I would be 5 interested to see them at some stage. 6 A. Certainly. 7 LORD JUSTICE LEVESON: Thank you. 8 MR JAY: Mr Clarke, I'm going to move on now to Operation 9 Caryatid, which does mean passing over a few pages of 10 your statement, which I reiterate have been considered, 11 particularly the fact that a referral was made by the 12 MPA to the IPC, and it was you and others, of course, 13 including the former Commissioner Mr Yates, and 14 Mr Hayman, in relation to the phone hacking case, and 15 the IPC concluded that there was no evidence of 16 recordable conduct against you, and gave their reasons. 17 But your evidence in relation to Operation Caryatid 18 really starts at our page 00119, paragraph 65 of your 19 statement. 20 Can we just be clear, please, the general position? 21 You say there were regular briefings by the senior 22 investigating officers and you in relation to Operation 23 Caryatid and of course other operations, but can we put 24 to one side those other operations for the moment. How 25 often approximately did those briefings occur?</p> <p style="text-align: center;">Page 20</p>

<p>1 A. I don't recall exactly how often they were. They would 2 be irregular rather than on a regular day, date or time. 3 I would be very -- as they're officers -- as part of the 4 anti-terrorist branch, I'd meet them on a regular basis, 5 but I can't say how regular or when. 6 Q. We've seen evidence in the documents which were 7 disclosed in judicial review proceedings of briefing 8 notes which were prepared on occasion and which were 9 submitted up for your consideration. One good example 10 of that is the briefing note from Mr Surtees to you, 11 31 May 2006, which we saw yesterday. But the briefing 12 meetings themselves don't appear to be documented or 13 minuted. Is that standard practice? 14 A. It is, yes. Let me explain how this worked in the 15 anti-terrorist arena. The vast majority of the very 16 serious counter terrorism cases would be subject to 17 a process called the executive liaison group, which is 18 a meeting held between the Security Service and the 19 police, chaired by me as the national coordinator of 20 terrorist investigations. All those meetings were fully 21 minuted by a secretariat provided by the Security 22 Service. 23 In the case of other meetings, if there was 24 a briefing for me about what was going on, I would be 25 briefed. Those meetings wouldn't be minuted, but the</p> <p style="text-align: center;">Page 21</p>	<p>1 given by the senior investigating officers because of 2 course they had the knowledge of the detail of this 3 case, which I didn't. 4 Q. So from what you said, the first briefing was likely to 5 have been in or about May 2006, because that's when 6 Goodman and Mulcaire came into view. Goodman earlier, 7 but Mulcaire May 2006. Then there were informal 8 briefings subsequently, and other briefings which 9 Mr Williams and others gave Mr Hayman. Is that broadly 10 speaking right? 11 A. Yes. 12 Q. I'll come back to that in a moment. 13 In paragraph 66, you tell us that the first occasion 14 you saw decision logs which related to Operation 15 Caryatid was in July 2011 when you were preparing to 16 give evidence to the Home Office -- Home Affairs Select 17 Committee. Is it standard practice that decision logs 18 are not shown to the Deputy Assistant Commissioner? 19 A. Absolutely. 20 Q. The reason may be entirely obvious to you and indeed 21 probably to me, but why? 22 A. Well, the records of decisions kept by the senior 23 investigating officer and -- I don't mean to sound 24 pompous about this, but there are two or three layers of 25 management between me and the senior investigating</p> <p style="text-align: center;">Page 23</p>
<p>1 product of those meetings would, I expect, go into the 2 senior investigating officer's decision log. 3 Q. Was that standard practice for the product to enter the 4 decision log? 5 A. I'd expect -- if there's anything coming out of the 6 meeting which required the senior investigating officer 7 to record a decision, absolutely, or an observation, if 8 he or she wished to do so, yes. 9 Q. I think immediately senior to you at this material time 10 was Assistant Commissioner Hayman; is that correct? 11 A. That's right. 12 Q. How often did you brief him about Operation Caryatid? 13 Can you recall? 14 A. Personally, probably not very often. I remember the 15 first occasion I briefed him -- I don't remember exactly 16 when it was -- was after it had been established that 17 Goodman and Mulcaire were coming into view as being 18 strong suspects for this, and therefore there was an 19 involvement of the media, because until that time we 20 hadn't known who had been responsible or indeed if 21 anyone had been responsible for interfering with 22 voicemails in the royal household. So that was the 23 first briefing. 24 I probably discussed it with him at irregular 25 intervals after that, but more detailed briefings were</p> <p style="text-align: center;">Page 22</p>	<p>1 officer. My role is to be aware of the overall strategy 2 and to where an investigation fits into the overall 3 objectives of what the branch is trying to achieve. 4 Q. I know you want to explain to the Inquiry -- it is in 5 your statement, but you wish to explain orally -- both 6 the nature of the terrorist threat at the material time 7 and in quantitative terms the number of operations that 8 were going on. It is in your statement, but please give 9 that explanation, Mr Clarke. 10 A. Certainly. I think it's a question not only of the 11 number of the operations, because 70 operations is 12 a lot, but it doesn't actually convey the nature and 13 quality of what was involved. 14 Since 2004, we'd seen repeated attempts by Al-Qaeda 15 networks in the United Kingdom to commit mass casualty 16 suicide attacks. The first two of these very large 17 operations were in 2004. The first was the one that's 18 commonly referred to as the fertiliser plot, and the 19 second was the one I referred to earlier which involved 20 Dhiren Barot and his network who were looking to 21 construct dirty bombs and so on. 22 Then of course in July 2005 we had the attacks in 23 London and then the follow-up obviously on 21 July. In 24 between all those major cases, there was a plethora of 25 other cases that posed a greater or lesser threat to the</p> <p style="text-align: center;">Page 24</p>

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<p>1 public.</p> <p>2 I think the thing that's often missed is the sheer</p> <p>3 scale of the resources that were needed to bring those</p> <p>4 operations to a successful conclusion. If you take the</p> <p>5 fertiliser plot in early 2004, that was a group of young</p> <p>6 British citizens who wanted to construct a large vehicle</p> <p>7 bomb and to blow up probably a nightclub or a shopping</p> <p>8 centre. Now, in order to control the threat posed by</p> <p>9 suicide bombers, potential suicide bombers, you have to</p> <p>10 have an order of magnitude on the resources you apply</p> <p>11 which is far in excess of anything that had been applied</p> <p>12 in any previous terrorist campaign, such as the Irish</p> <p>13 campaigns, simply because you're trying to control</p> <p>14 a different threat and trying to prevent the public</p> <p>15 being subject to some outrage whilst you're actually in</p> <p>16 the process of investigating.</p> <p>17 So if you take Operation Crevice, which is what the</p> <p>18 fertiliser bomb plot was called, we had an unprecedented</p> <p>19 number of surveillance teams allocated to that</p> <p>20 operation. We used every single surveillance team in</p> <p>21 London and most of those from the areas around London.</p> <p>22 It meant that other serious crime was not being</p> <p>23 investigated. I believe that perhaps one team was kept</p> <p>24 back to deal with life-threatening kidnap cases, but</p> <p>25 apart from that, murder investigations, armed robbery,</p> <p style="text-align: center;">Page 25</p>	<p>1 analysts, operators of the HOLMES system, investigators</p> <p>2 or whatever. So these were precious resources which I'd</p> <p>3 been dragging from across British policing for a number</p> <p>4 of years.</p> <p>5 I hope that gives some context of the scale of the</p> <p>6 threat.</p> <p>7 Allied to which of course, in July 2005, only, what,</p> <p>8 five months before this allegation of phone hacking</p> <p>9 first came into my department, we'd had 52 people</p> <p>10 murdered and some 800 people seriously injured in the</p> <p>11 attacks in London. The subsequent plot the following</p> <p>12 year, the airline plot, was designed to kill literally</p> <p>13 thousands of people. So that was the context in which</p> <p>14 we were operating and in which I had to prioritise the</p> <p>15 comparatively small resource that we had available in</p> <p>16 terms of the anti-terrorist branch.</p> <p>17 Q. Thank you. In December 2005 -- this is paragraph 82</p> <p>18 then of your statement, page 00126 and 127 -- you took</p> <p>19 the decision that owing to the obvious security</p> <p>20 implications and sensitivities surrounding members of</p> <p>21 the Royal Family, it was appropriate that SO13 should</p> <p>22 take control of this investigation; is that right?</p> <p>23 A. That is right.</p> <p>24 Q. Another factor was the need to keep this investigation</p> <p>25 covert, and SO13 were extremely well equipped to achieve</p> <p style="text-align: center;">Page 27</p>
<p>1 drug dealing, indeed even internal police corruption</p> <p>2 investigations had to be put on hold to service the</p> <p>3 requirement of the counter terrorist investigation.</p> <p>4 That was just one case.</p> <p>5 These carried on throughout the following two to</p> <p>6 three years, and of particular relevance to what we're</p> <p>7 discussing here is the plot which led to arrests in</p> <p>8 August 2006, the day after Goodman and Mulcaire were</p> <p>9 arrested. That plot -- the investigation had been</p> <p>10 building since earlier in the year, and that led to the</p> <p>11 biggest ever deployment of surveillance capacity in July</p> <p>12 2006 as we moved towards the arrest phase, as I say, in</p> <p>13 early August.</p> <p>14 In order to service all of these investigations,</p> <p>15 I had to borrow, to put it politely, officers not only</p> <p>16 from across the Metropolitan Police but across the</p> <p>17 country. In the wake of the 7/7 attack, I borrowed over</p> <p>18 1,000 officers who were brought in to support that</p> <p>19 investigation. The airline plot investigation in August</p> <p>20 2006 involved some 300 officers, if I recall right,</p> <p>21 being drafted in. By January 2007, I still had,</p> <p>22 I think, about 200 officers on loan from elsewhere, and</p> <p>23 these were not just -- I don't mean it pejoratively --</p> <p>24 any old officers, these were highly experienced</p> <p>25 detectives with specialist skills, be it surveillance,</p> <p style="text-align: center;">Page 26</p>	<p>1 that objective?</p> <p>2 A. That played into the decision, but primarily it was</p> <p>3 because the concern was: was there somebody, we knew not</p> <p>4 who, trying to find out information about members of the</p> <p>5 Royal Family which could pose a security threat to them?</p> <p>6 Q. Would you, if you could, have donated this investigation</p> <p>7 to a different division within the Metropolitan Police</p> <p>8 at any stage?</p> <p>9 A. At any stage?</p> <p>10 Q. Yes.</p> <p>11 A. Possibly -- certainly later on, much later, it was</p> <p>12 something that I gave serious consideration to, but not</p> <p>13 at this very early stage, no.</p> <p>14 Q. No. You say later on you gave serious consideration to</p> <p>15 it. At what point did this consideration arise,</p> <p>16 Mr Clarke? Can you recall?</p> <p>17 A. I would have thought from about probably the spring of</p> <p>18 the following year, spring 2006, all the way through.</p> <p>19 When it was becoming clear that actually what we were</p> <p>20 looking at was something that was quite wide, endemic</p> <p>21 might be an expression, within a particular part of the</p> <p>22 media, and that there were more victims, as we later</p> <p>23 discovered, than we had originally known about,</p> <p>24 obviously it's something that I considered very</p> <p>25 seriously.</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 Q. In essence, what were your reasons for not offloading 2 this elsewhere?</p> <p>3 A. Initially it was because by that stage my officers were 4 very familiar with the quite complicated technical 5 aspects of this offence, which you heard about 6 yesterday. They had also engendered the confidence of 7 the royal household in the way in which they were 8 conducting themselves and the investigation, and because 9 of the wider nature of what was happening, it would have 10 meant picking apart the investigation and perhaps hiving 11 off one part to one department, keeping another part 12 with us, and that would have not made any sort of 13 operational sense. So at that stage I decided it should 14 stay where it was.</p> <p>15 Q. When you said "quite wide" and then "endemic", did that 16 statement just relate to the number of potential victims 17 or did it relate to the number of people within the 18 media who might have been carrying out this practice?</p> <p>19 A. I suppose it referred to a feeling of mine that if one 20 journalist and a private investigator had found a means 21 of doing this, it was probably inconceivable that others 22 were not engaged, whether in that particular paper or 23 wider. I suppose it's a cynical view of an old police 24 officer that if somebody is arrested for burglary, the 25 chances of it being the first time they committed</p> <p style="text-align: center;">Page 29</p>	<p>1 A. I'm not sure if I understand you, sir. Warning 2 potential victims or perpetrators?</p> <p>3 Q. More specifically -- we'll come to the victims, but 4 warning the possible perpetrators within the relevant 5 organisation. Warning them as to their conduct, telling 6 them that your suspicions were, indeed you had evidence 7 to this effect, that this was widespread or might have 8 been a widespread practice, and making absolutely clear 9 to them that the practice must stop and steps must be 10 taken to prevent it in future. Is that what you had in 11 mind in paragraph 85?</p> <p>12 A. Not at that stage, because that was very early. Those 13 parameters were set at the beginning of the 14 investigation, and that's -- the normal sort of approach 15 that one would take when looking at criminality is to 16 think not only possibly that arrest and prosecution are 17 potential outcomes but also deterrents and prevention. 18 What is it that people are doing? Is there something 19 that can be done to stop this happening in the future? 20 In this case, clearly working with the mobile phone 21 industry was one way of achieving that prevention.</p> <p>22 Q. We'll come back to that in a moment, Mr Clarke. 23 Paragraph 88: 24 "As the investigation progressed, it became clear 25 that there may have been many other people being</p> <p style="text-align: center;">Page 31</p>
<p>1 a burglary are slim.</p> <p>2 Q. Just while I'm on this theme, although I accept it's 3 outside the chronological sequence, but when you decided 4 later on, September, possibly early October 2006, that 5 the parameters of the investigation would not be 6 broadened, did you consider at that stage passing this 7 investigation to another division within the MPS?</p> <p>8 A. Yes, I did. I thought about it very carefully, because 9 quite clearly I, as a police officer and as an 10 investigator, would like criminality to be dealt with. 11 But on this particular occasion I had to look at it and 12 decide: could I realistically ask anyone else in the 13 police service to take this on? For a number of 14 reasons, I decided it was totally impractical to ask 15 another department to take this on, and so I didn't.</p> <p>16 Q. We may come back to that. The original parameters of 17 the investigation, paragraph 85, Mr Clarke: 18 "To investigate the unauthorised interception of 19 voicemails in the royal household ... impossible to 20 prosecute those responsible." 21 And then this point: 22 "To take all necessary steps to prevent this type of 23 abuse of the telephone system in the future." 24 Might those steps have included warnings to relevant 25 people which were short of prosecuting individuals?</p> <p style="text-align: center;">Page 30</p>	<p>1 targeted ... and there was a potential for the 2 investigation to become much wider. I took the decision 3 that this was not appropriate for a number of reasons." 4 That, I think, is a reference to a decision you made 5 on or shortly after 31 May 2006 when you were briefed to 6 that effect by Mr Surtees. The relevant tab number, but 7 we're not going to turn it up, is tab 59 of the judicial 8 review bundle. Do you think that's approximately the 9 date you were referring to here?</p> <p>10 A. It probably is, sir, yes.</p> <p>11 Q. Of course at that point the operation was covert, and 12 you point out in paragraph 88 that there were two 13 unacceptable risks, first that the investigation would 14 be compromised and evidence lost, and second that the 15 much wider range of people who were learning -- were the 16 victims of this activity would continue to be victimised 17 while the investigation took its course. Those are 18 matters which are referred to in tab 59. 19 Can I move on to paragraph 90, which is the point at 20 and shortly after the arrest of Goodman and Mulcaire, 21 8 August 2006. Did there come a time when you learnt 22 two things: first, that News International had at least 23 in the perception of the police been obstructive on the 24 day, and secondly that News International, through their 25 solicitors, were not providing much further evidence</p> <p style="text-align: center;">Page 32</p>

8 (Pages 29 to 32)

<p>1 pursuant to your requests?</p> <p>2 A. Yes.</p> <p>3 Q. What was your view, if anything, as to the significance</p> <p>4 of that in terms of your investigation?</p> <p>5 A. Well, in terms of the investigation, it became</p> <p>6 immediately apparent that we weren't going to get any</p> <p>7 co-operation whatsoever from News International.</p> <p>8 Unusually, when normally when one deals with something</p> <p>9 that's happening within a large international</p> <p>10 corporation, or indeed a large national corporation,</p> <p>11 companies bend over backwards to try to preserve their</p> <p>12 reputation and assist in enquiries. This was a closing</p> <p>13 of the ranks from very early on.</p> <p>14 Q. You told the Select Committee on 14 July 2011 that</p> <p>15 obstructive behaviour, I paraphrase, tends to make you</p> <p>16 more dogged. Is that what happened on this occasion or</p> <p>17 not?</p> <p>18 A. That is a paraphrase, sir. What I said was that that</p> <p>19 sort of attitude would be likely to make me more</p> <p>20 determined to pursue an investigation, but obviously one</p> <p>21 has to take into account the realities of what is</p> <p>22 achievable within the resources and the context -- the</p> <p>23 overall context.</p> <p>24 Q. Did you give specific consideration to seeking</p> <p>25 a production order from a magistrate to force compliance</p> <p style="text-align: center;">Page 33</p>	<p>1 a production order in place or not.</p> <p>2 LORD JUSTICE LEVESON: Well, we'll doubtless reflect on that</p> <p>3 evidence shortly.</p> <p>4 MR JAY: Paragraph 92 where you say:</p> <p>5 "We had considered undertaking an exhaustive</p> <p>6 analysis of the material that had been seized in August</p> <p>7 2006, and I made the decision not to do so."</p> <p>8 Pausing there, the evidence from the officers</p> <p>9 yesterday was along the lines that your decision was</p> <p>10 probably made towards the end of September 2006, perhaps</p> <p>11 early October. Does that accord with your recollection?</p> <p>12 A. The ultimate decision, yes, although of course remember</p> <p>13 that back in August we had decided on the victim</p> <p>14 strategy, and that involved, as I think Mr Surtees</p> <p>15 described yesterday, some 30 officers doing not</p> <p>16 a peremptory but a brief examination of all that</p> <p>17 documentation for a couple of very specific purposes:</p> <p>18 the CPIA issues and to identify where national security</p> <p>19 might be at risk.</p> <p>20 So the next stage, at least what I was considering,</p> <p>21 was: should we do a proper analysis of this 11,000</p> <p>22 pages, as I've since learnt it was? If you want me to</p> <p>23 explain the reasons why I decided not to, I'll gladly do</p> <p>24 so, because --</p> <p>25 Q. We will come to that, but I want to try and understand</p> <p style="text-align: center;">Page 35</p>
<p>1 by News International?</p> <p>2 A. I didn't personally give specific consideration to that,</p> <p>3 but I'm aware that consideration was being given in</p> <p>4 consultation with, I believe, both the Metropolitan</p> <p>5 Police's own legal services and with the Crown</p> <p>6 Prosecution Service.</p> <p>7 Q. Paragraph 92, Mr Clarke.</p> <p>8 LORD JUSTICE LEVESON: Are you surprised that didn't happen?</p> <p>9 A. In view of the first response from the</p> <p>10 News International lawyers Burton Copeland, I'm probably</p> <p>11 not surprised because that was phrased in such a way</p> <p>12 that one could argue very -- well, not convincingly, but</p> <p>13 you could argue that that amounted to co-operation and</p> <p>14 therefore would prevent the application for a production</p> <p>15 order.</p> <p>16 In terms of what subsequently happened, when clearly</p> <p>17 it was just lip service being paid in the responses to</p> <p>18 the letters from us asking for further information about</p> <p>19 who else was involved and so on, I don't think surprise,</p> <p>20 because quite frankly, sir, even if a production order</p> <p>21 had been granted, for me the question was: would that</p> <p>22 alter my decision about whether it was appropriate to</p> <p>23 continue with a much broader and lengthier</p> <p>24 investigation? My thinking around that was it wouldn't</p> <p>25 actually make any difference whether there's</p> <p style="text-align: center;">Page 34</p>	<p>1 when this decision was made.</p> <p>2 A. The ultimate decision I think would have been around the</p> <p>3 end of September.</p> <p>4 Q. And that ultimate decision is not evidenced by any</p> <p>5 documents, would you agree?</p> <p>6 A. It seems not.</p> <p>7 Q. Was this because it was at an informal briefing in line</p> <p>8 with the practice you mentioned towards the start of</p> <p>9 your evidence or was it something we should be surprised</p> <p>10 about?</p> <p>11 A. You shouldn't be at all surprised about it. I think</p> <p>12 what happened -- and I'm relying on the best of my</p> <p>13 memory here -- is that in about the third week of</p> <p>14 September 2006, I went to Australia on business for</p> <p>15 about eight days or so, and on return I would have been</p> <p>16 briefed by my two immediate senior colleague -- members</p> <p>17 of the senior management team, Commander John McDowall</p> <p>18 and Detective Chief Superintendent Tim White, about</p> <p>19 everything that had been going on, and that would have</p> <p>20 included, obviously, reference to where things had got</p> <p>21 with this particular inquiry, although it was, to be</p> <p>22 honest, not anywhere near the top of our level -- our</p> <p>23 concerns because, remember, we are dealing with the</p> <p>24 airline plot and a whole range of other terrorist</p> <p>25 operations at that time.</p> <p style="text-align: center;">Page 36</p>

<p>1 My belief is that what happened is that having 2 received that briefing, I have said to them, "Okay, go 3 and see the SIOs, tell them that we're not going to go 4 into the enormous exercise that going through all that 5 material would involve." 6 Q. Can I just understand what your perception was of what 7 had already been done by your team? Were you aware that 8 the 11,000 pages of Mr Mulcaire's material had already 9 been analysed by Mr Williams' team over a week-long 10 period? 11 A. It hadn't been analysed. It had been looked at but not 12 analysed. In order to do a proper piece of analysis on 13 that material, such that it could in any way be useful 14 in evidence, it would have to be indexed, and in those 15 days manually, because there was no way of scanning onto 16 the HOLMES system, which was the major inquiry system 17 which manages the material in this sort of 18 investigation. It would have to be indexed, 19 cross-referenced. Every phone number would have had to 20 be researched and subject to an individual RIPA 21 application for the -- to get the data, and then all of 22 that data would have had to have been subject to 23 subsequent analysis. 24 That, quite clearly, would have been an enormous 25 undertaking. It would have taken dozens of officers</p> <p style="text-align: center;">Page 37</p>	<p>1 material. 2 Q. But is that right, Mr Clarke? We know in relation to 3 what did happen, counsel advised on 21 August 2006, when 4 they were looking at Goodman and Mulcaire alone: it will 5 take up to six victims to get a representative picture. 6 You might have taken, say, 20 victims. You might have 7 made further progress with the three journalists in 8 particular who were in Mr Maberly's sight lines, and 9 carried out a far more limited and streamlined analysis 10 of this you say gargantuan material, rather than do the 11 whole lot. Do you see that? 12 A. I see what you're saying and with hindsight there are 13 probably all sorts of approaches that could have been 14 taken, but in the light of what I was aware of at the 15 time, what I knew and the competing demands, I made the 16 decision that we would not do so. 17 Q. But were you aware of the quality of the circumstantial 18 evidence which potentially incriminated other 19 journalists? 20 A. I wasn't aware of -- if you're referring to something 21 that emerged in evidence here yesterday, I don't think 22 I was aware of that, no. 23 Q. Were you aware, forgetting what may or may not have 24 happened yesterday, of the existence of corner names, 25 first names, in the Mulcaire material?</p> <p style="text-align: center;">Page 39</p>
<p>1 over months, if not years. Indeed, as we've seen since 2 January last year with Operation Weeting, we've seen the 3 scale of the effort they have had to put in. I don't 4 know how many officers it is now, I believe it's in the 5 hundreds, working on that very case. 6 It was the fear that that scale of resource 7 commitment would -- where this would inevitably take us 8 was mainly what led me to take the decision that we 9 would not go into it. It was disproportionate in terms 10 of the other competing demands at the time. 11 Q. Wouldn't it have been possible to have done a more 12 abbreviated analysis; in other words, a sample of 13 victims and then have considered possibly three 14 journalists who were in the sight lines of Mr Maberly, 15 in particular? 16 A. I don't believe so, sir. The Home Affairs Select 17 Committee, a member of that committee, asked me why 18 didn't we skim this material, skim 11,000 pages. I know 19 you're not suggesting that, you're suggesting that 20 perhaps we could have gone through it and tried to focus 21 on particular journalists. Well, potentially, but I 22 don't see how you could take part of that material and 23 subject it to analysis without all the cross-referencing 24 and so on that would have to happen, and so inevitably 25 I think it would lead to an analysis of all the</p> <p style="text-align: center;">Page 38</p>	<p>1 A. I was aware that there were all sorts of references to 2 all sorts of people in there, yes. 3 Q. And that it was possible, equipped with that evidence, 4 the corner names, and other evidence such as Mulcaire 5 phoning out to the mobile phone of a journalist, hacking 6 a voicemail -- may have been a number of voicemails we 7 heard from Mr Maberly yesterday -- and then phoning the 8 journalist back on his or her mobile phone, that we're 9 beginning to build up a convincing picture of a pattern 10 of activity which is, at the very least, extremely 11 suspicious? Was that something you were made aware of? 12 A. I was well aware of the fact that there was material 13 there that if we wanted to go out and make -- I hesitate 14 to describe them as speculative arrests, but they 15 wouldn't be arrests supported by evidence. To get to 16 the position where we could arrest Goodman and Mulcaire, 17 it had taken six months of intensive work and very 18 technical work with mobile phone companies to amass that 19 evidence, so that when they were arrested, whatever they 20 said -- and of course they said nothing -- they were 21 going to be charged. 22 Would it be reasonable, bearing in mind that we were 23 being completely thwarted and receiving no co-operation 24 from News International whatsoever, to go out and arrest 25 two or three journalists, invite them to make a full and</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 frank confession of what they'd been doing, because we 2 wouldn't, without analysis of all that material, have 3 substantial issues to put to them? It would be 4 a complete reverse of good investigative practice to do 5 that.</p> <p>6 LORD JUSTICE LEVESON: There are two features coming out of 7 this, Mr Clarke, both of which are of interest to me.</p> <p>8 The first is a systemic one. You are, as you've 9 correctly said, in overarching control of an operation 10 which is covering many, many extremely serious 11 investigations and you have to prioritise.</p> <p>12 There are then several ranks below you who are doing 13 the work on their specific operations, and one of the 14 concerns that might be expressed is that your Olympian 15 position -- I'm not being disrespectful -- because of 16 your over-arching responsibilities, is very far removed 17 from the sort of detail that would be necessary.</p> <p>18 The point that Mr Jay has just made to you is 19 actually, of course for Mulcaire and Goodman, where you 20 didn't have the Mulcaire material, you were going to 21 have to do a lot of groundwork, but here you have some 22 paperwork, which the police had looked at very, very 23 quickly, and when they were interviewing Mr Mulcaire, 24 they'd got the names, they'd seen who was involved.</p> <p>25 So they knew names, addresses, mobile phone numbers,</p> <p style="text-align: center;">Page 41</p>	<p>1 interviews which are highly unlikely to lead to any -- 2 LORD JUSTICE LEVESON: You don't need to persuade me -- 3 A. No, I'm not.</p> <p>4 LORD JUSTICE LEVESON: -- that speculatively arresting 5 people is not going to be of great value in the 6 circumstances such as obtained here.</p> <p>7 A. Yes.</p> <p>8 LORD JUSTICE LEVESON: But more difficult, more difficult, 9 is the fact that the police for the purposes of 10 interviewing Mulcaire had done some work -- let's not 11 call it analysis, and I'm certainly not going to use the 12 word "skim", but they'd done some work to identify 13 a fair amount of material, which revealed a picture 14 which linked to some journalists, so it appeared, 15 because of the corner names, and because of some of the 16 numbers. So query whether you knew that sufficiently to 17 make -- as it were, to put that into your mental 18 equation. I understand the size of the overwhelming 19 problem that you faced.</p> <p>20 A. Indeed, yes.</p> <p>21 LORD JUSTICE LEVESON: And you don't need to convince me of 22 the enormously important work that counter terrorism was 23 doing then and the pressures that it was under. I fully 24 recognise that and I'll make that quite clear now. But 25 there were other things in play here. So if, for</p> <p style="text-align: center;">Page 43</p>
<p>1 PIN numbers, personal details for a series of focused 2 people, and the systemic question is whether you had 3 enough information to make a decision -- not necessarily 4 to do it yourself, maybe one officer to go to somebody, 5 but to be able to make an over-arching decision to say, 6 "Stop, enough", or whether the system was such that that 7 sort of fine detail, the buzzword of the day I suppose 8 is granularity, was missing from the consideration that 9 you brought to bear.</p> <p>10 Do you see the question I'm asking?</p> <p>11 A. I see the point entirely, sir. I think it's a very fair 12 one. I'm not quite sure what the answer to that is, 13 other than that this is not uncommon. It may be 14 uncommon for a Deputy Assistant Commissioner to have 15 such direct influence on an investigation, but that was 16 the nature of the counter terrorism command and the 17 anti-terrorism branch before that. But I'm confident 18 that the briefings I received gave me enough information 19 to be able to make an informed judgment. They may not 20 have been down into the level of the detail about who's 21 been contacting whom, but the fundamental question is: 22 can we take this investigation forward in any meaningful 23 way without embarking on the enormous exercise of going 24 through that material, or is the only way -- is there 25 another way of doing it, which would involve arrests or</p> <p style="text-align: center;">Page 42</p>	<p>1 example, one takes the Deputy Prime Minister of the 2 country, whose details are all over this material in 3 a way that is much more complex than just his name, and 4 the police have it, because they're asking Mulcaire 5 about his PA, and therefore all these numbers are there, 6 whether there isn't something in all that that had you 7 known about you might have said, "Actually, that is 8 something we ought to think about". I'm not trying to 9 cast blame here.</p> <p>10 A. No, no.</p> <p>11 LORD JUSTICE LEVESON: I'm trying to understand. Because 12 what the police are now facing, as you well know, is: 13 this was a deliberate decision to cover it all up. The 14 trouble is that each step we take, you can say actually 15 this is the reason and that's the reason, and then you 16 put it all together and that's one of the reasons I'm 17 here.</p> <p>18 A. Yes.</p> <p>19 LORD JUSTICE LEVESON: So I'm really keen to drill into that 20 about that problem. The systemic issue of the detail.</p> <p>21 My second series of questions -- and just to alert 22 you, and I know Mr Jay will come on to deal with it, and 23 if he doesn't, I will -- concerns what you do not do to 24 pursue the alleged and possible criminals, but what you 25 do for those who are the victims, which may not involve</p> <p style="text-align: center;">Page 44</p>

1 your most sophisticated officers involved in the most
 2 difficult work that you're doing, but that's a separate
 3 question.
 4 MR GARNHAM: I hesitate to rise but you said a moment ago
 5 there was reference to Mr Prescott as he then was all
 6 over the papers. I think the evidence you've heard is
 7 that there were four or five references to his name.
 8 LORD JUSTICE LEVESON: Yes, but when I say that I mean that
 9 there was a reference to his name, his details, his
 10 personal assistant, which the police had put together,
 11 telephone numbers. However many there were, and I take
 12 your point, this isn't something the police at the time
 13 were unaware of.
 14 MR GARNHAM: No, I don't suggest that. It was the
 15 expression "all over".
 16 LORD JUSTICE LEVESON: Right, thank you very much. I stand
 17 corrected.
 18 MR JAY: Well, onto the first of Lord Justice Leveson's
 19 points, the systemic issue: not enough information
 20 coming to you to make a properly informed decision?
 21 **A. Even though I didn't know some of the intimate details**
 22 **of the case, and indeed details which, with hindsight,**
 23 **you could say were very important, I still think I had**
 24 **enough information available to me to make the overall**
 25 **decision about the future direction of the inquiry,**

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1 **because I still can't see any way in which we could have**
 2 **done that without exhaustive analysis of all of that**
 3 **material.**
 4 Q. To what extent was your decision influenced or impacted
 5 upon by your understanding of the quality of the
 6 evidence insofar as it related both to the number of
 7 victims and the number of possible perpetrators?
 8 **A. The quality of the evidence we had in respect of Goodman**
 9 **and Mulcaire was excellent. It was technical and it had**
 10 **taken many months to assemble. I think if you're going**
 11 **to try and prosecute journalists from a national**
 12 **newspaper, you need to have that quality of evidence.**
 13 **Inviting them to give an account of their actions**
 14 **because they appeared on various pieces of paper I think**
 15 **would be the wrong way around to conducting an**
 16 **investigation. You have to start from a position of**
 17 **strength, you have to have something to actually put to**
 18 **them.**
 19 **So I think overall that the information I had was**
 20 **sufficient for me to make an informed decision.**
 21 Q. But of course now you know a lot -- possibly you know
 22 a lot more, I think appeared before Select Committees,
 23 reviewed the decision logs as you tell us you did
 24 preparing for the Select Committees, and possibly having
 25 heard some of the evidence which has come out in this

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1 Inquiry. Has that exercise given you more information?
 2 Logically it must have given you more information than
 3 you had in September 2006, but has it given you
 4 a different impression or understanding of what the
 5 quality of the evidence was insofar as other journalists
 6 were concerned?
 7 **A. It's told me that there's more information there. To**
 8 **what extent that was evidence, to what extent that would**
 9 **contribute to a prosecution, I'm not in a position to**
 10 **say.**
 11 **What I can say is that I haven't seen anything which**
 12 **would cause me to make a different decision than the one**
 13 **I did then in terms of the allocation and resources, and**
 14 **I say that because we referred earlier to the overall**
 15 **strategy, which was to try to bring this criminality to**
 16 **an end by the prosecution of a senior, high-profile**
 17 **journalist, through working with the industry and**
 18 **through passing information to government.**
 19 Q. Does it follow, Mr Clarke, that even if one could fairly
 20 characterise the evidence, particularly in relation to
 21 three journalists, as strong circumstantial or
 22 inferential evidence, that your decision not to pursue
 23 this would be exactly the same?
 24 **A. I think it probably would. Strong circumstantial**
 25 **evidence in terms of trying to prove a conspiracy within**

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1 **a major newspaper group, it might -- it won't get you,**
 2 **I would suggest, it would be very unlikely to get you to**
 3 **the position of a successful prosecution.**
 4 LORD JUSTICE LEVESON: You could actually say this,
 5 Mr Clarke, I suppose: actually, none of this matters at
 6 all. This decision wasn't even close. Not because of
 7 the quality of the evidence, not because of the
 8 strategy, but because I'm coping with 70 terrorist
 9 operations of the monumental scale that you describe, so
 10 although in a different world at a different time
 11 I might have liked to do this, at that time, at that
 12 place, this wasn't close.
 13 Now, that's a line that you could take, in which
 14 case this debate is utterly irrelevant.
 15 **A. Well --**
 16 LORD JUSTICE LEVESON: But is that right?
 17 **A. I think -- I think it's very close to being absolutely**
 18 **spot on, sir, if I may say so, because the minutiae of**
 19 **whether there was circumstantial evidence against**
 20 **journalist A, B or C is a minor consideration in**
 21 **comparison with the consideration of what poses a threat**
 22 **to the lives of the British public. Invasions of**
 23 **privacy are odious, obviously. They can be**
 24 **extraordinarily distressing and at times they can be**
 25 **illegal, but, to put it bluntly, they don't kill you.**

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<p>1 Terrorists do.</p> <p>2 LORD JUSTICE LEVESON: Well, that's fair enough,</p> <p>3 I understand that, and if that's the answer, that's the</p> <p>4 answer. And then one has to review each decision</p> <p>5 thereafter, when the terrorist threat is in a slightly</p> <p>6 different perspective, and one looks at it against that</p> <p>7 background. But then it's wrong to start characterising</p> <p>8 the decision as flowing from a -- if not detailed,</p> <p>9 a true consideration of the material or the work; it</p> <p>10 just isn't in the same division. It's not in the same</p> <p>11 ballpark.</p> <p>12 A. I think that was precisely my point, sir. I probably</p> <p>13 expressed it badly.</p> <p>14 LORD JUSTICE LEVESON: No, no.</p> <p>15 A. But it would have taken a huge amount of very strong,</p> <p>16 compelling evidence to persuade me that we should take</p> <p>17 a different course, but what that would have done, if</p> <p>18 there had been something extraordinarily compelling</p> <p>19 and -- probably an and, might be an or -- co-operation</p> <p>20 from News International, I would have had then better</p> <p>21 grounds on which to go to another part of the police</p> <p>22 service and suggest that enormous resources should be</p> <p>23 dedicated to this problem.</p> <p>24 MR JAY: But it flows from that, Mr Clarke, that the</p> <p>25 evaluation of the strength of the evidence is in part</p> <p style="text-align: center;">Page 49</p>	<p>1 that as part of Mulcaire's project, as he described --</p> <p>2 this is our tab 157 -- the victim protection scheme had</p> <p>3 been compromised?</p> <p>4 A. No, I wasn't aware of that.</p> <p>5 Q. Or the witness protection scheme. Does that knowledge</p> <p>6 impact on the decision you made in September/October</p> <p>7 2006 if you had it?</p> <p>8 A. You're asking me would I have made a different decision</p> <p>9 had I known that?</p> <p>10 Q. Yes.</p> <p>11 A. No.</p> <p>12 Q. And why not?</p> <p>13 A. Because I think the proper way to deal with that would</p> <p>14 be to approach the witness protection department to find</p> <p>15 out whether there was a compromise and obviously to take</p> <p>16 appropriate mitigation measures.</p> <p>17 Q. Were you told that the Deputy Prime Minister's messages</p> <p>18 had been compromised? I'm using the term deliberately</p> <p>19 loosely. I'm not suggesting that his voicemail was</p> <p>20 compromised, but the voicemail of his agent, in other</p> <p>21 words his personal assistant?</p> <p>22 A. I think -- and forgive me, it's a long time ago, my</p> <p>23 memory might be at fault here -- I think I was aware</p> <p>24 that one of his assistants appeared on the Mulcaire</p> <p>25 documentation, and that was in the category of people</p> <p style="text-align: center;">Page 51</p>
<p>1 relevant to your decision, but you're saying that it's</p> <p>2 no good having evidence which was strong circumstantial</p> <p>3 evidence. You would need in truth enormously compelling</p> <p>4 evidence to justify you going further steps to</p> <p>5 investigate this. Is that correct?</p> <p>6 A. If officers had come to me and said, "Look, we have very</p> <p>7 clear technical evidence here that these journalists are</p> <p>8 involved in phone hacking", that would have given me</p> <p>9 something more than to try to move the operation</p> <p>10 somewhere else, something to explain to colleagues why</p> <p>11 they should devote their own precious resources to what</p> <p>12 would inevitably be an enormous operation, but that</p> <p>13 simply wasn't there.</p> <p>14 Q. Were there not possible national security concerns which</p> <p>15 flowed from the very fact that the voicemails of cabinet</p> <p>16 ministers, those in the military, those in the police,</p> <p>17 were hacked into? Or might have been?</p> <p>18 A. Yes, there are national security concerns, but they're</p> <p>19 very different from the evidential issues which you were</p> <p>20 just asking me about. The national security concerns we</p> <p>21 hoped to address through the -- to call it this, the</p> <p>22 victim strategy. As I explained to the Home Affairs</p> <p>23 Select Committee, I've since discovered that that</p> <p>24 strategy didn't work as intended.</p> <p>25 Q. We'll come to that. The other point is were you aware</p> <p style="text-align: center;">Page 50</p>	<p>1 that I hoped would fall within the victim notification</p> <p>2 strategy, where the police themselves were going to do</p> <p>3 the notification.</p> <p>4 Q. May I put three direct points to you for you to comment?</p> <p>5 Was your decision in any way influenced or impacted on</p> <p>6 by pressure from News International, or your perception</p> <p>7 of it?</p> <p>8 A. No, absolutely not.</p> <p>9 Q. Did you discuss any of the issues you've shared with us</p> <p>10 with Assistant Commissioner Hayman?</p> <p>11 A. Obviously I briefed Mr Hayman, because he was my</p> <p>12 immediate line manager and I would meet him on a regular</p> <p>13 basis, and I certainly briefed him at the outset when it</p> <p>14 was discovered that Goodman and Mulcaire looked to be</p> <p>15 responsible, and I am pretty sure that I probably</p> <p>16 briefed him in the run-up to the arrest phase, but</p> <p>17 I don't remember specifically.</p> <p>18 Q. Do you believe that you briefed him in relation to the</p> <p>19 decision made probably at the end of September 2006,</p> <p>20 namely not to broaden the investigation?</p> <p>21 A. I don't remember specifically briefing him on that.</p> <p>22 Whatever decisions I made he certainly didn't disagree</p> <p>23 with.</p> <p>24 Q. Do you remember anything he said in relation to those</p> <p>25 decisions, which might assist this Inquiry?</p> <p style="text-align: center;">Page 52</p>

13 (Pages 49 to 52)

<p>1 A. No, I don't.</p> <p>2 Q. One possible consequence of informing Lord Prescott, or</p> <p>3 then the Deputy Prime Minister, and of course we know</p> <p>4 that he wasn't informed, some might say that had he been</p> <p>5 informed, it might not have been possible to, as it</p> <p>6 were, put the lid on this. There might have been -- I'm</p> <p>7 not disparaging Lord Prescott in any way -- an</p> <p>8 explosion. This would have entered the public domain,</p> <p>9 and you might have been forced to have carried out the</p> <p>10 investigation you did not want to carry out. Was that</p> <p>11 a consideration which entered your mind?</p> <p>12 A. Well, it wouldn't be for me to go direct to</p> <p>13 Lord Prescott. I discussed this with the then Home</p> <p>14 Secretary, Dr Reid. He was aware of the investigation.</p> <p>15 LORD JUSTICE LEVESON: The point about Lord Prescott is if</p> <p>16 he'd been alert to the extent to which his personal</p> <p>17 information was available, the limited extent to which</p> <p>18 Mr Garnham has reminded me, then as a victim he might</p> <p>19 have had a reaction which would have meant it very</p> <p>20 difficult for the police not to pursue it.</p> <p>21 A. He might well have done, but perhaps I haven't explained</p> <p>22 very clearly: I wasn't aware that the victims strategy</p> <p>23 hadn't worked as intended until perhaps two years after</p> <p>24 I retired, and so my assumption was that all those</p> <p>25 people in those categories where the police were going</p> <p style="text-align: center;">Page 53</p>	<p>1 LORD JUSTICE LEVESON: I'm just keen to cope as</p> <p>2 comprehensively as I can with the allegations that have</p> <p>3 been made, which are, of course, extremely damaging to</p> <p>4 the Metropolitan Police. Mr Garnham, I think you'd</p> <p>5 better think about that.</p> <p>6 MR GARNHAM: We will.</p> <p>7 LORD JUSTICE LEVESON: Thank you.</p> <p>8 MR JAY: In terms of the victim notification strategy, which</p> <p>9 did not work as intended, the strategy as a whole had</p> <p>10 three elements, it went wider than victim notification.</p> <p>11 It's paragraph 93 of your statement, page 00131.</p> <p>12 First, it was the very public prosecution of</p> <p>13 a senior journalist from a national newspaper, secondly</p> <p>14 it was collaboration with the mobile phone industry and</p> <p>15 thirdly it was briefings to government, et cetera.</p> <p>16 In terms of notifying victims and collaborating with</p> <p>17 the mobile phone industry to the extent to which they</p> <p>18 might notify victims, what oversight, if any, did you</p> <p>19 exercise over that strategy or its execution?</p> <p>20 A. Not over its execution. I agreed the strategy at</p> <p>21 a meeting I think in late August, that this should be</p> <p>22 the strategy, and I don't think I had much to do with it</p> <p>23 after that. Other issues intervened. But my hope was</p> <p>24 that that would be comprehensive and would work. Sadly,</p> <p>25 it turned out not to be the case and to this day I don't</p> <p style="text-align: center;">Page 55</p>
<p>1 to do the notification had been informed.</p> <p>2 MR JAY: So was it your understanding that the Deputy</p> <p>3 Prime Minister did fall within the relevant category and</p> <p>4 therefore ought to have been notified by the police?</p> <p>5 A. Absolutely.</p> <p>6 Q. But as you explained, the strategy did not work as</p> <p>7 intended.</p> <p>8 Can I just go back to your discussion with Dr Reid,</p> <p>9 the then Home Secretary. Did you make is clear to him</p> <p>10 that although the investigation had clearly and</p> <p>11 conclusively implicated Goodman and Mulcaire, (a) the</p> <p>12 range of victims was far wider than the royal household,</p> <p>13 and (b) that other journalists might well have been</p> <p>14 involved?</p> <p>15 A. I think it did. I don't remember the exact content of</p> <p>16 that discussion. I know that a briefing paper went from</p> <p>17 the Metropolitan Police to the Home Office and that</p> <p>18 Dr Reid was aware of it and it was on the basis of that</p> <p>19 that he asked me some questions in the margins of</p> <p>20 another meeting, a meeting actually about the airlines</p> <p>21 terrorist plot.</p> <p>22 LORD JUSTICE LEVESON: Do we have that briefing paper?</p> <p>23 MR JAY: No, no. We can ask for it, but there may be a PII</p> <p>24 claim for part of the document. There's no reason why</p> <p>25 the Inquiry shouldn't see it, though.</p> <p style="text-align: center;">Page 54</p>	<p>1 really understand why it didn't work.</p> <p>2 Q. Was it your intention that all those who were, as it</p> <p>3 were, potential victims, in other words we know to be</p> <p>4 418 or 419 names, on the original list which was</p> <p>5 prepared shortly after 8 August, that all those</p> <p>6 individuals would be notified one way or the other,</p> <p>7 either directly by the police or by the mobile phone</p> <p>8 companies?</p> <p>9 A. Yes, absolutely.</p> <p>10 Q. Specifically in relation to Lord Prescott, that would be</p> <p>11 a matter that the police would handle, rather than the</p> <p>12 mobile phone companies; is that right?</p> <p>13 A. Yes. And if you draw a parallel, the former Home</p> <p>14 Secretary, David Blunkett, I think was informed</p> <p>15 personally by the then Commissioner.</p> <p>16 Q. So given his status as Deputy Prime Minister, it</p> <p>17 wouldn't be, with respect, a detective constable who</p> <p>18 would go round and see him, it would be somebody</p> <p>19 extremely senior who would inform him out of courtesy</p> <p>20 and go through the details; is that correct?</p> <p>21 A. It could be, or it could be that one of the senior</p> <p>22 investigating officers would go to speak to his office.</p> <p>23 That would probably be the more realistic first step.</p> <p>24 Q. As you just said, to this day you don't know why that</p> <p>25 didn't happen?</p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

<p>1 A. No, I don't.</p> <p>2 Q. The only other point I was going to cover was the</p> <p>3 evidence you gave to the Select Committee, but that was</p> <p>4 only to draw attention to it. I don't think I need</p> <p>5 specifically refer you to it, but just for the</p> <p>6 transcript, and we can look at it in due course --</p> <p>7 obviously I've read it all -- it's questions 451, 466,</p> <p>8 482 and 483.</p> <p>9 Have you had the opportunity to review the evidence</p> <p>10 you gave to the Select Committee recently, Mr Clarke?</p> <p>11 A. Yes, I've read through the transcript.</p> <p>12 Q. Is there anything you would wish to draw to the</p> <p>13 attention of the Inquiry by way of qualification of that</p> <p>14 evidence or are you content that we read it and accept</p> <p>15 it as it is?</p> <p>16 A. Unless there's something specific that you have in mind,</p> <p>17 sir, I'm very happy for it to be taken as it is. You</p> <p>18 know, subject, of course, to the obvious restrictions</p> <p>19 that it was a very different environment to this, and,</p> <p>20 should I say, a less forensic environment.</p> <p>21 Q. There's another restriction that constitutionally one</p> <p>22 can't impugn the proceedings in Parliament --</p> <p>23 A. I wouldn't wish to do so.</p> <p>24 MR JAY: -- so I can't cross-examine you on the basis of</p> <p>25 anything you said but I can say to you if you wish to</p> <p style="text-align: center;">Page 57</p>	<p>1 you think ought to be learnt from the operation.</p> <p>2 I will ask all those involved that question, because</p> <p>3 I'm very conscious that if I am to make recommendations,</p> <p>4 they ought to be grounded in an understanding of the</p> <p>5 reality of police service. I have the assistance of an</p> <p>6 adviser, which I value, but I wanted to give you, as</p> <p>7 a Commissioner rank officer, the opportunity to give me</p> <p>8 some thoughts on that.</p> <p>9 If that's something also you would like to think</p> <p>10 further about, then you can do that, but I wanted to</p> <p>11 give you the opportunity.</p> <p>12 A. Thank you, sir, and I will give it further thought and</p> <p>13 maybe combine it with the invitation you gave me to</p> <p>14 submit some thoughts around the media.</p> <p>15 An immediate thought that comes to mind is that if</p> <p>16 the police make a decision that arrest and prosecution</p> <p>17 is not the preferred way of dealing with a particular</p> <p>18 piece of criminality, perhaps there are circumstances in</p> <p>19 which that needs to be shared with others, so that</p> <p>20 there's a clear understanding, so that the sorts of</p> <p>21 insinuations that have been made about my officers who</p> <p>22 conducted that inquiry in 2006 can more easily be shown</p> <p>23 to be baseless. Those officers conducted an honest</p> <p>24 inquiry, they were uninfluenced, as was I, by anything</p> <p>25 to do with News International or any media group, but if</p> <p style="text-align: center;">Page 59</p>
<p>1 add to what you told Parliament, please do so now, but</p> <p>2 you've made it clear that you don't wish to.</p> <p>3 Those are all the questions, Mr Clarke, I had for</p> <p>4 you. I don't know whether there are any other matters.</p> <p>5 LORD JUSTICE LEVESON: Let me just give you the opportunity,</p> <p>6 Mr Clarke. There is no doubt that there is a rather</p> <p>7 unfortunate catalogue of events in connection with this</p> <p>8 Inquiry, the result of which is now potentially</p> <p>9 extremely damaging, and therefore needs to be explained.</p> <p>10 That's why it's important to go through each of the</p> <p>11 decisions at each of the times the decisions were made,</p> <p>12 as I'm sure you appreciate. Not just yours; yours is</p> <p>13 merely the first of a series of very senior police</p> <p>14 decisions that are coming under scrutiny, which, as you</p> <p>15 have heard, some people put together to create an</p> <p>16 inference which you utterly reject, as is clear from</p> <p>17 your evidence.</p> <p>18 I recognise that you view material from</p> <p>19 a policeman's eyes, whereas I will look at it as</p> <p>20 a lawyer and might take a different view, and that's</p> <p>21 understandable, but I would like to know if there is</p> <p>22 anything that you would like to add either by way of</p> <p>23 comment to your role in this operation or in relation to</p> <p>24 what you know about what's happened subsequently, based</p> <p>25 upon your experience as a police officer, what lessons</p> <p style="text-align: center;">Page 58</p>	<p>1 you're going to go down a path which talks about crime</p> <p>2 prevention, disruption, public information, informing</p> <p>3 government, perhaps there needs to be a more accountable</p> <p>4 and clear way of demonstrating that that is the</p> <p>5 preferred course of action, because I think it's the</p> <p>6 lack perhaps of that overall clarity that has given rise</p> <p>7 to some of the difficult issues and accusations in this</p> <p>8 case.</p> <p>9 LORD JUSTICE LEVESON: Right.</p> <p>10 MR JAY: I've just been asked to put to you one other short</p> <p>11 point, Mr Clarke: did you have any discussions with</p> <p>12 Mr Yates in 2009 in relation to Operation Caryatid?</p> <p>13 I know you'd left the police by then, but did he contact</p> <p>14 you?</p> <p>15 A. No, he didn't. My memory is that the first time I spoke</p> <p>16 to Mr Yates about this was probably in 2011, not long</p> <p>17 before I was invited to give evidence to the Home</p> <p>18 Affairs Select Committee.</p> <p>19 Q. So that's in July 2011?</p> <p>20 A. Yes, that's my memory.</p> <p>21 MR JAY: Thank you very much.</p> <p>22 LORD JUSTICE LEVESON: Mr Clarke, thank you very much and</p> <p>23 thank you for the obvious effort you've put into</p> <p>24 preparing your statement.</p> <p>25 A. Thank you, sir.</p> <p style="text-align: center;">Page 60</p>

1 LORD JUSTICE LEVESON: Right. Now tell me what you want me
2 to do now, Mr Jay. I think you want me to go and have
3 lunch.
4 MR JAY: Brunch I described it as. We're starting at
5 12 o'clock with Mr Yates by video.
6 LORD JUSTICE LEVESON: Yes. And we need to go through that
7 entire exercise in one piece, so we have to sit
8 through --
9 MR JAY: We can have a short break.
10 LORD JUSTICE LEVESON: Depends how long it's going to take.
11 MR JAY: Yes.
12 LORD JUSTICE LEVESON: I'm not asking you to commit
13 yourself. All right, we'll rise now, I'm sorry to
14 disrupt everybody's eating habits. 12 o'clock.
15 (11.35 am)
16 (The luncheon adjournment)
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