

<p>1 Monday, 28 November 2011 2 (10.00 am) 3 Housekeeping 4 LORD JUSTICE LEVESON: Good morning. 5 Before we start, I am sure that most, if not all of 6 you have seen the events of the weekend, and in 7 particular, the disclosure, prematurely, of a statement 8 from a witness who is due to give evidence on Wednesday 9 of this week on a website. I am obviously concerned 10 about the security of the information that is available 11 and to maintain the integrity of the Inquiry as we move 12 forward. As a result, I am intending to enquire, to 13 such extent as I can, into the circumstances in which 14 this statement came to be made available for 15 publication. 16 There are two features to that. First, 17 retrospectively, and making absolutely no allegation of 18 any sort, I would be grateful if core participants who 19 have access to statements for the vital purpose of 20 preparing questions would re-examine their own 21 arrangements to ensure that the statements are kept 22 confidential, confirm that they are in order and prevent 23 obviously not only deliberate leaking but accidental 24 leaking. I repeat, I am not alleging against anyone 25 that they have done so in this case but I'm obviously</p> <p style="text-align: center;">Page 1</p>	<p>1 If that was to happen, I would wish to make 2 representations that it should not. 3 LORD JUSTICE LEVESON: Mr Caplan, you better had. I'll tell 4 you why: because I am absolutely not prepared to allow 5 the gentleman who has this statement on his website at 6 the moment the oxygen of additional publicity so that 7 all can see it there but nowhere else. 8 MR CAPLAN: Yes. 9 LORD JUSTICE LEVESON: So my view last night was that it 10 should be published today, two days in advance. I mean, 11 this has afforded people 72 hours' notice, which is, in 12 the great scheme of things, not itself the gravest but 13 it has consequences that concern me, so that I recognise 14 the position. 15 Now, if you don't think that's appropriate, then of 16 course you must make submissions. 17 MR CAPLAN: Thank you. 18 LORD JUSTICE LEVESON: And I haven't done it as yet. 19 MR CAPLAN: Thank you. Can I just say this? I do not know 20 if it still is on his website. I'm sure it would be 21 extremely unwise if it still was. 22 MR SHERBORNE: Sir, can I just tell you that it is on his 23 website still. 24 MR CAPLAN: The three reasons that we would advance against 25 taking that step really are these. Firstly, the fact is</p> <p style="text-align: center;">Page 3</p>
<p>1 concerned for the future. 2 The second step I intend to take, subject to any 3 representations that might be made to the contrary, is 4 to make an order under Section 19 of the Inquiries Act 5 restricting the publication or disclosure, whether in 6 whole or in part, outside the confidentiality circle 7 which comprises me, my assessors, the Inquiry team, the 8 core participants and their legal representatives, of 9 any statement prior to the maker of the statement giving 10 oral evidence to the Inquiry. 11 So that I explain the meaning of that, it is this: 12 any person who acts in breach of an order made under 13 Section 19, which binds everybody, is potentially liable 14 for breach of the order and can be referred to the High 15 Court for appropriate action. In that way, for the 16 future, howsoever the document has come into the 17 possession of the person who puts it into the public 18 domain, that person will potentially be liable. 19 Does anybody have any representations to make about 20 my making an order in those broad terms? Silence, in 21 these circumstances, I think, connotes assent. 22 MR CAPLAN: Can I just say one thing. It might follow on 23 from what you have said. Because of this leak, I don't 24 know whether there would be any intention by the Inquiry 25 to publish Mr Campbell's statement earlier than usual.</p> <p style="text-align: center;">Page 2</p>	<p>1 that although the leak itself has been widely published, 2 the fact of the leak, the contents of Mr Campbell's 3 statement, it appears, have not been widely 4 disseminated. 5 Secondly, the contents of Mr Campbell's statement, 6 when we get to it, clearly make a number of points 7 against a number of different organisations and possibly 8 individuals, and if it is widely published now, those 9 organisations and individuals will not be able to 10 respond obviously within the Inquiry until he gives his 11 evidence, and that is highly undesirable. 12 Thirdly, the principle of confidentiality, which you 13 have quite rightly insisted upon and done all you can to 14 maintain, we suggest should be maintained and a leak 15 should not compromise that principle by, in effect, 16 recognising the inevitable and having advance disclosure 17 of the evidence which witnesses will not give for 18 another 48 hours. 19 LORD JUSTICE LEVESON: Yes. I'd be very interested if you 20 have a submission to make about the mechanism whereby 21 I can require the statement presently on this website to 22 be removed. 23 MR CAPLAN: Yes. Well, it is confidential information, of 24 course. It should be confidential. But I'd need to, if 25 I may, just ponder that.</p> <p style="text-align: center;">Page 4</p>

<p>1 LORD JUSTICE LEVESON: Yes. It wasn't how I intended to 2 spend Sunday evening either.</p> <p>3 MR CAPLAN: No.</p> <p>4 LORD JUSTICE LEVESON: Well, I won't publish it until you've 5 had a chance to think about that.</p> <p>6 MR CAPLAN: Thank you very much.</p> <p>7 LORD JUSTICE LEVESON: But I am concerned to deprive the 8 particular website of that oxygen, for reasons which 9 I am sure you will readily understand.</p> <p>10 MR CAPLAN: I do understand.</p> <p>11 LORD JUSTICE LEVESON: I ought to say that I intend to issue 12 a notice under section 21 of the 2005 Act addressed to 13 Mr Paul Staines, requiring him to provide information as 14 to the circumstances in which he came by this statement, 15 and I intend to require him to give evidence to the 16 Inquiry during the course of this week.</p> <p>17 Right, Mr Jay. Observations upon Mr Caplan's point, 18 which I understand and I recognise?</p> <p>19 MR JAY: The first point is that the version of 20 Mr Campbell's statement which is on the website you 21 referred to is not the same as the version which the 22 core participants have.</p> <p>23 The reason for that has been explained to me but I'd 24 wish, before making it public, to give further 25 consideration to it, and I can take that matter forward</p> <p style="text-align: center;">Page 5</p>	<p>1 order under Section 19 which prevents any further 2 publication. Before I elevate that into a submission 3 rather than just a musing, may we give thought to that 4 over the course of the morning?</p> <p>5 LORD JUSTICE LEVESON: Yes. Of course, I then have to 6 ensure that he has notice of it, and presumably the 7 opportunity to argue to the contrary.</p> <p>8 MR JAY: Yes. He can always pick it up at 2 o'clock and 9 tell us what he thinks.</p> <p>10 LORD JUSTICE LEVESON: That's entirely right. I don't want 11 to dignify this with more time --</p> <p>12 MR JAY: No.</p> <p>13 LORD JUSTICE LEVESON: -- than is absolutely necessary. All 14 right.</p> <p>15 MR JAY: Those are my submissions and thoughts at the 16 moment.</p> <p>17 LORD JUSTICE LEVESON: All right, thank you.</p> <p>18 MR JAY: Subject to your view, may I move to the first 19 witness of the day?</p> <p>20 LORD JUSTICE LEVESON: Before you do, does anybody else have 21 anything to say on that exchange?</p> <p>22 Right. I make an order under Section 19. It will 23 be published on the website as soon as possible, but is 24 effective immediately, and I will read out what I'm 25 presently minded to say:</p> <p style="text-align: center;">Page 7</p>
<p>1 formally at 2 o'clock.</p> <p>2 LORD JUSTICE LEVESON: Thank you very much. If that is 3 right, then although I still ask everybody to review 4 their arrangements, I'm very pleased to hear it.</p> <p>5 MR JAY: Yes.</p> <p>6 LORD JUSTICE LEVESON: In one sense. Where it leads is 7 something else.</p> <p>8 MR JAY: The second point: as to whether Mr Campbell's 9 statement should be published now, it's not in a form 10 where it could be published now, because one very small 11 change needs to be made to it.</p> <p>12 LORD JUSTICE LEVESON: Yes. I'm very conscious that 13 I understand that Mr Campbell actually, in the light of 14 some evidence that was disclosed to him, himself asked 15 the statement to be changed in a particular -- and so 16 therefore it's not the final version. It was only the 17 final version I ever was expecting that we should 18 disclose.</p> <p>19 MR JAY: Yes, and that change I would wish to check 20 personally before it were disseminated.</p> <p>21 LORD JUSTICE LEVESON: I understand that.</p> <p>22 MR JAY: The third point is that, musing aloud, the question 23 you put to Mr Caplan, what can we do about it now in 24 terms of further or continued publication by Mr Staines 25 on his website or blog -- it may be possible to make an</p> <p style="text-align: center;">Page 6</p>	<p>1 "No witness statement provided to the Inquiry, 2 whether voluntarily or under compulsion, nor any exhibit 3 to such statement, nor any other document provided to 4 the Inquiry shall be published or disclosed, whether in 5 whole or in part, outside the confidentiality circle 6 comprising of the chairman, his assessors, the Inquiry 7 team, the core participants and their legal 8 representatives, prior to the maker of the statement 9 giving oral evidence to the Inquiry or the statement 10 being read into evidence or summarised into evidence by 11 a member of the Inquiry team as the case may be, without 12 the express permission of the chairman.</p> <p>13 "2. This order is made under Section 19(2)(b) of the 14 Inquiries Act 2005 and binds all persons, including 15 witnesses and core participants to the Inquiry and their 16 legal representatives and companies, whether acting 17 personally or through their agents, servants, directors, 18 officers or in any other way.</p> <p>19 "3. Any person, including any company, affected by 20 this order may apply for it to be varied pursuant to 21 section 20 of the Inquiries Act 2005.</p> <p>22 "4. In the case of any public authority, 23 restrictions specified in this order take effect subject 24 to section 20, subsection 6 of the Inquiries Act 2005."</p> <p>25 Thank you very much.</p> <p style="text-align: center;">Page 8</p>

<p>1 Right, let's get on with the business of the day.</p> <p>2 MR JAY: Sir, may I call now Mr Christopher Jefferies.</p> <p>3 MR CHRISTOPHER JEFFERIES (sworn)</p> <p>4 Questions from MR JAY</p> <p>5 MR JAY: Your full name please, Mr Jefferies?</p> <p>6 A. Christopher Jonathan Edward Jefferies.</p> <p>7 LORD JUSTICE LEVESON: Mr Jefferies, thank you very much</p> <p>8 indeed for coming and for making the effort to prepare</p> <p>9 a statement for me. It must be singularly unpleasant to</p> <p>10 have to revisit the events through which you lived and</p> <p>11 then to have to recount them in public for all to hear,</p> <p>12 thereby giving further oxygen to the unpleasantness that</p> <p>13 you have suffered. I'm very grateful to you for having</p> <p>14 done so. I'm sure you appreciate the importance that</p> <p>15 I attach to trying to get to the issues that I have to</p> <p>16 resolve, but I do recognise the imposition of a breach</p> <p>17 of your privacy that it involves. Thank you.</p> <p>18 A. Thank you.</p> <p>19 MR JAY: Mr Jefferies, you provided the Inquiry with</p> <p>20 a witness statement. It's dated 4 November of this</p> <p>21 year. You've signed it. There's also a statement of</p> <p>22 truth. Subject to one minor correction, which has been</p> <p>23 drawn to your attention, is that your evidence,</p> <p>24 Mr Jefferies?</p> <p>25 A. It is, yes.</p> <p style="text-align: center;">Page 9</p>	<p>1 Q. What is your proudest achievement, would you say, in</p> <p>2 relation to your career?</p> <p>3 A. I suppose I'd sake two things. One would be setting up</p> <p>4 the department which I have just mentioned, and the</p> <p>5 other is having the opportunity to fire pupils with the</p> <p>6 same sort of enthusiasm for English literature that</p> <p>7 I have myself.</p> <p>8 Q. Are you in contact with any of your former pupils --</p> <p>9 A. Oh yes, quite a number, several of whom are now personal</p> <p>10 friends.</p> <p>11 Q. Thank you. You tell us in paragraph 4 of your statement</p> <p>12 that you own three flats within one building in Bristol.</p> <p>13 You live in one of them and rent the remaining two flats</p> <p>14 to tenants.</p> <p>15 A. Yes.</p> <p>16 Q. We, of course, know about the horrific murder of Joanna</p> <p>17 Yeates which led to the conviction for murder of Vincent</p> <p>18 Tabak in July this year. Joanna Yeates disappeared, so</p> <p>19 we have our bearings, on 17 December of last year; is</p> <p>20 that right?</p> <p>21 A. Yes.</p> <p>22 Q. Equally, so we have our bearings in terms of the</p> <p>23 chronology, you were arrested by the police on</p> <p>24 30 December?</p> <p>25 A. I was.</p> <p style="text-align: center;">Page 11</p>
<p>1 Q. The minor correction relates to paragraph 44, please,</p> <p>2 where you deal with the fines for contempt of court</p> <p>3 imposed by the Divisional Court presided over by the</p> <p>4 Lord Chief Justice in relation to two newspapers, the</p> <p>5 Sun and the Daily Mirror. We believe that the fines are</p> <p>6 the wrong way around. The Sun was fined £18,000 and the</p> <p>7 Daily Mirror £50,000.</p> <p>8 A. Yes. That is indeed the case and I apologise for that</p> <p>9 slip.</p> <p>10 Q. Mr Jefferies, you are a retired school master. For 34</p> <p>11 years, you taught English -- in particular, English</p> <p>12 literature -- at Clifton College in Bristol. You</p> <p>13 retired in 2001. Could you just tell us, please,</p> <p>14 a little bit about your career as an English teacher?</p> <p>15 A. Yes. I initially spent a term teaching at Clifton</p> <p>16 College in the early part of 1967, as a result of which</p> <p>17 I was asked to join the staff full-time. While I was</p> <p>18 there, I first of all was responsible for setting up</p> <p>19 a new department which dealt with a quarter of the</p> <p>20 teaching time of all pupils in the sixth form in</p> <p>21 an attempt to broaden the A level curriculum.</p> <p>22 I was, for most of my time there, deputy head of</p> <p>23 English, with one or two spells when I was head of</p> <p>24 English. I was also responsible for the commercial</p> <p>25 running of the college theatre.</p> <p style="text-align: center;">Page 10</p>	<p>1 Q. And not released on police bail until 1 January; is that</p> <p>2 right?</p> <p>3 A. That's correct, yes.</p> <p>4 Q. Before your arrest, did you provide any statements to</p> <p>5 the police?</p> <p>6 A. Yes, I provided two statements, one at the same time</p> <p>7 that everybody else in the locality was being asked to</p> <p>8 give detailed statements, and the second short statement</p> <p>9 because it occurred to me there was something material</p> <p>10 which hadn't occurred to me at the time I was giving</p> <p>11 that original statement, which I thought it important</p> <p>12 for the police to be aware of.</p> <p>13 Q. You explain in your statement the circumstances of your</p> <p>14 arrest. It was 7.00 in the morning of 30 December.</p> <p>15 Those circumstances must have been extremely disquieting</p> <p>16 at the time. You were taken into custody and then</p> <p>17 questioned. Is that, broadly speaking, right?</p> <p>18 A. That's right, yes.</p> <p>19 Q. Of course, there's litigation surrounding those</p> <p>20 circumstances and for that reason it's not appropriate</p> <p>21 for this Inquiry to go into that particular aspect of</p> <p>22 the case.</p> <p>23 A. Yes.</p> <p>24 Q. But can I ask you about the press coverage. Before you</p> <p>25 were arrested, was there any press interest in you,</p> <p style="text-align: center;">Page 12</p>

<p>1 Mr Jefferies?</p> <p>2 A. Yes, there was. I think it was the day immediately</p> <p>3 before I was arrested, I was greeted by a large number</p> <p>4 of reporters and photographers as I was leaving the</p> <p>5 house one day, who seemed particularly interested to</p> <p>6 question me about the details of the second subsidiary</p> <p>7 statement that I had given to the police.</p> <p>8 Q. Is the Inquiry to draw the inference from that last</p> <p>9 answer that the press in some way knew the contents of</p> <p>10 your second statement?</p> <p>11 A. The press had certainly, I think, acquired a somewhat</p> <p>12 garbled version of what that second statement contained,</p> <p>13 yes.</p> <p>14 Q. At that time, do you believe or know whether the press</p> <p>15 were making contact with your neighbours or former</p> <p>16 pupils?</p> <p>17 A. Oh yes. They were certainly, I think, talking to some</p> <p>18 of the neighbours. I do not think that at that time</p> <p>19 they were trying to contact any former pupils or indeed,</p> <p>20 as far as I'm aware, any relatives.</p> <p>21 Q. Thank you. The first article which you draw to the</p> <p>22 Inquiry's attention is dated 30 December. We'll come to</p> <p>23 that in a moment. You tell us in your statement that</p> <p>24 the Attorney General issued a public statement warning</p> <p>25 newspapers of the impact of the Contempt of Court Act</p> <p style="text-align: center;">Page 13</p>	<p>1 in the light of --</p> <p>2 A. Oh, yes. Very much to my surprise, I have to say,</p> <p>3 because the media interest was so enormous, I was very</p> <p>4 strongly advised, both by friends and lawyers, not to go</p> <p>5 out, and in any case, if it had been apparent where</p> <p>6 I was staying, those friends would have been besieged by</p> <p>7 reporters and photographers, and since some of those</p> <p>8 friends had young children, that was the very last thing</p> <p>9 that anybody wanted to happen. So in effect, for</p> <p>10 a period after I was released, I was effectively under</p> <p>11 house arrest and went from friends to friends rather as</p> <p>12 if I were a recusant priest at the time of the</p> <p>13 Reformation, I suppose, going from safe-house to</p> <p>14 safe-house.</p> <p>15 Q. Thank you, Mr Jefferies. When did that process stop?</p> <p>16 We know that you ceased to be a suspect in early March.</p> <p>17 A. That's right.</p> <p>18 Q. When was it possible for you to lead more or less</p> <p>19 a normal life? Are you able to help me?</p> <p>20 A. I suppose when I returned to living in my flat, which</p> <p>21 was at the very beginning of April of this year.</p> <p>22 Q. You say in paragraph 20 of your statement -- I'm going</p> <p>23 to read this out, Mr Jefferies:</p> <p>24 "I can see now that, following my arrest, the</p> <p>25 national media shamelessly vilified me. The UK press</p> <p style="text-align: center;">Page 15</p>
<p>1 1981. Are you able to recall when that was,</p> <p>2 Mr Jefferies?</p> <p>3 A. I believe it was during the time that I was in custody.</p> <p>4 I wasn't aware of it at the time, as indeed I was</p> <p>5 entirely unaware of the nature of any of the reporting</p> <p>6 while I was in custody.</p> <p>7 Q. For obvious reasons, you weren't reading those articles</p> <p>8 until you, as it were, were released on police bail,</p> <p>9 which was on new year's day 2011. Can you tell us,</p> <p>10 please, the circumstances in which you were made aware</p> <p>11 of some of the reporting?</p> <p>12 A. Well, when I was released from custody, both the</p> <p>13 solicitor who had represented me and friends with whom</p> <p>14 I was staying outlined in very general terms the sort of</p> <p>15 press coverage that there had been. They did suggest</p> <p>16 that it would probably be good for my psychological</p> <p>17 health if I didn't, at least for the time being, read</p> <p>18 any of that coverage since a great deal of it was so</p> <p>19 defamatory. So it was -- I started to read some of the</p> <p>20 coverage in detail only after I was asked to do so as</p> <p>21 a result of the commencement of the libel action.</p> <p>22 Q. At that stage, did you have a solicitor who was advising</p> <p>23 you in relation to these matters?</p> <p>24 A. Indeed, yes.</p> <p>25 Q. In terms of you going out, did you refrain from doing so</p> <p style="text-align: center;">Page 14</p>	<p>1 set about what can only be described as a witch-hunt.</p> <p>2 It was clear that the tabloid press had decided that</p> <p>3 I was guilty of Ms Yeates' murder and seemed determined</p> <p>4 to persuade the public of my guilt. They embarked on</p> <p>5 a frenzied campaign to blacken my character by</p> <p>6 publishing a series of very serious allegations about</p> <p>7 me, which were completely untrue, allegations which were</p> <p>8 a mixture of smear, innuendo and complete fiction."</p> <p>9 So that, in summary, is your position, but we need</p> <p>10 probably -- indeed certainly -- to elaborate on that,</p> <p>11 Mr Jefferies. First of all, you say in paragraph 21</p> <p>12 that you were told by others that extraordinary efforts</p> <p>13 were made by the media to contact anyone who may have</p> <p>14 had knowledge about you, including friends from school</p> <p>15 days you hadn't seen for some considerable time. Do you</p> <p>16 know who those individuals were?</p> <p>17 A. I certainly know who some of them were because they have</p> <p>18 subsequently been in contact with me. The efforts which</p> <p>19 some members of the press went to to contact some of</p> <p>20 these people was quite extraordinary, and indeed worthy</p> <p>21 of a professional detective, I'd have thought.</p> <p>22 Q. That which was attributed to your former pupils in the</p> <p>23 press articles, was it true or untrue, as a general</p> <p>24 statement or proposition?</p> <p>25 A. Well, a number of those who were contacted by the press</p> <p style="text-align: center;">Page 16</p>

<p>1 very properly refused to make any statements. I'm 2 certainly aware that very many of the comments which are 3 contained in the articles which were published are not 4 attributed. Only a handful of them are attributed and 5 I certainly haven't been in contact with any of those 6 whose names have been attached to supposed quotations. 7 Q. As a matter of generality, before we look at some of the 8 detail -- and I understand you're content that the 9 Inquiry does look at some of the detail -- a number of 10 themes emerge from the material to which you make 11 reference. One of the themes was that you were 12 supposedly associated with a convicted paedophile. 13 A. Indeed, yes. 14 Q. Could you tell us a bit about that, please, 15 Mr Jefferies? 16 A. Yes. This was somebody who was not actually on the 17 staff of the establishment where I was teaching but the 18 preparatory school for that establishment. He had, at 19 one time, lived in one of the flats in the building 20 where I live. He had sold that flat to somebody else, 21 who in turn had sold it to yet another person, and it 22 was that person from whom I eventually bought the flat. 23 So there was a very, very considerable time gap between 24 his selling the flat and my buying it. I think I was 25 supposed to be a friend of his. I very, very rarely</p> <p style="text-align: center;">Page 17</p>	<p>1 recognisable. I suppose it would be fair to say that 2 I had a distinctive appearance and it was as a result of 3 the entire world, apparently, knowing what I looked like 4 that it was suggested to me that really I ought to 5 change my appearance so that I wouldn't be immediately 6 recognised and potentially harassed by the media. 7 Q. What you describe as the worst offending articles you 8 list in paragraph 25 of your statement. 9 A. Mm-hm. 10 Q. I'd just like to identify these, first of all to make it 11 clear or to ask you whether these eight were the subject 12 of proceedings in defamation brought by you in due 13 course? 14 A. Yes, they certainly were. 15 Q. You tell us in paragraph 26 that ultimately -- there 16 will be evidence in due course as to when that was -- 17 you brought legal proceedings for libel against eight 18 newspapers in relation to allegations contained in 40 19 articles. Now, we don't by any means have all 40. 20 A. No, this is a comparatively small selection, yes. 21 Q. That is the defamation. There's an additional feature 22 of this case, namely that the Attorney General brought 23 proceedings for contempt in relation to three articles 24 and these are the articles, if you go back to 25 paragraph 25, which are numbered 4, 6 and 7. So to be</p> <p style="text-align: center;">Page 19</p>
<p>1 came across him, and indeed only came across him on 2 a comparatively small number of professional occasions. 3 Q. You demonstrated there the entirely tenuous -- indeed, 4 fatuous, if I may say so -- association. 5 Another theme which you touch on, it's fair to say, 6 in paragraph 22 of your statement, is the portrayal of 7 you as a sexually perverted voyeur. A number of 8 suggestions were made which I think you believed to be 9 mutually contradictory in relation to that. Could you 10 help us a bit with that, Mr Jefferies? 11 A. Yes. I mean, it was certainly suggested that there may 12 well have been some sort of sexual motivation for the 13 murder of Joanna Yeates, and at the time obviously I was 14 suspected of that murder. On the other hand, it was 15 suggested in some of the articles that I was gay, so 16 that created a bit of a problem as far as that 17 particular line was concerned. I think it was then 18 suggested in another article that the answer might be 19 that I was bisexual, so the press were trying to have it 20 every possible way. 21 Q. A feature of the press reporting -- there was copious 22 use of photographs, namely of you, on the front pages of 23 quite a few publications. The answer to this question 24 is obvious, but what was the impact of that? 25 A. The impact of these photographs was that I was instantly</p> <p style="text-align: center;">Page 18</p>	<p>1 clear, paragraph 4, an article in the Daily Mirror on 2 31 December, headlined: 3 "Jo suspect is peeping tom." 4 That was held in due course in July of this year to 5 be a contempt of court. 6 LORD JUSTICE LEVESON: Is that right? 7 MR JAY: I sincerely hope it is. 8 A. Yes, there were -- 9 LORD JUSTICE LEVESON: Yes, sorry, yes. 10 MR JAY: Yes, it's paragraph 4 of the Lord Chief 11 Justice's -- 12 LORD JUSTICE LEVESON: Yes, thank you. 13 MR JAY: The summaries that the Lord Chief Justice gives of 14 each of these articles cannot, if I may say so, be 15 improved on. I'm not going to read them out, but seek 16 to bring out the evidence economically in a different 17 way. 18 The next article which was deemed to be a contempt 19 of court is number 6 in your list on paragraph 25: 20 "Jo suspect scared kids -- obsessed by death." 21 That's the Sun on new year's day, 1 January 2011. 22 Then item 7: 23 "Was killer waiting in Jo's flat?" 24 Daily Mirror, 1 January 2011. Those are the three 25 comments.</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 A. Mm-hm.</p> <p>2 Q. You draw attention to the headlines on some of the other</p> <p>3 articles and we have them available. If I just read out</p> <p>4 some of the headlines, making it clear that these are</p> <p>5 only -- I don't diminish it in that way -- the subject</p> <p>6 of successful libel action, not contempt of court.</p> <p>7 Item 1:</p> <p>8 "The strange Mr Jefferies."</p> <p>9 The Sun, 31 December.</p> <p>10 Item 2:</p> <p>11 "Murder police quiz 'nutty professor' with a blue</p> <p>12 rinse. Was Jo's body hidden next to her flat?"</p> <p>13 Daily Mail, 31 December 2010.</p> <p>14 Item 3:</p> <p>15 "The strange Mr Jefferies, creepy."</p> <p>16 Daily Record, 31 December.</p> <p>17 Then item 8 I'm going to come to separately, because</p> <p>18 a separate point arises there.</p> <p>19 You have provided in paragraph 28 extracts from --</p> <p>20 or maybe the bullet points which could be derived from</p> <p>21 the articles to which you refer.</p> <p>22 A. Mm-hm.</p> <p>23 Q. We have the articles themselves. It's probably not</p> <p>24 necessary to go through much of this, Mr Jefferies, but</p> <p>25 you'd probably like me to alight on a few highlights.</p> <p style="text-align: center;">Page 21</p>	<p>1 that article, it also says:</p> <p>2 "He was fascinated by making lewd sexual remarks.</p> <p>3 It was really disturbing."</p> <p>4 A. Extraordinary comment to make. I would imagine that had</p> <p>5 that been true, I would have instantly been dismissed.</p> <p>6 Q. Yes. The Daily Mirror article of 31 December, which is</p> <p>7 page 10 of this bundle. This was one of the articles</p> <p>8 the subject of contempt proceedings, the emblazoned</p> <p>9 headline:</p> <p>10 "Jo suspect is peeping Tom."</p> <p>11 Possibly a more recent photograph, but then there's</p> <p>12 the old photograph at the top right-hand side.</p> <p>13 A. Mm-hm.</p> <p>14 Q. It appears to be linking you in some way to an old</p> <p>15 murder and to paedophile crimes.</p> <p>16 A. The paedophile reference we referred to a few moments</p> <p>17 ago. I believe at one point the police were considering</p> <p>18 reopening an unsolved murder case of some 30 plus years</p> <p>19 earlier and considering whether there was any common DNA</p> <p>20 evidence between the two.</p> <p>21 Q. Yes. Another article in the Daily Mail -- this one is</p> <p>22 page 4, 31 December:</p> <p>23 "Was Jo's body hidden next to her flat?"</p> <p>24 In that article, it's said that you had an obsession</p> <p>25 Christina Rosetti --</p> <p style="text-align: center;">Page 23</p>
<p>1 Tell me, please, if there are any additional highlights.</p> <p>2 A. Yes.</p> <p>3 Q. The first article in paragraph 28 is the first page of</p> <p>4 the exhibit CJ1. I'm not going to ask for it to be put</p> <p>5 on the screen. The headline is:</p> <p>6 "The strange Mr Jefferies."</p> <p>7 Then there's a photograph of you which seems to be</p> <p>8 possibly of some antiquity, if I may say so.</p> <p>9 A. Considerable antiquity, I think.</p> <p>10 Q. Apparently -- well, we can see from the next page:</p> <p>11 "weird", "strange talk, strange walk". You were</p> <p>12 described as "posh, loved culture and poetry". You</p> <p>13 probably do still love culture and poetry. "Lewd",</p> <p>14 "made sexual remarks" and "creepy". Then you are</p> <p>15 described -- you were branded "a creepy oddball" by</p> <p>16 ex-pupils.</p> <p>17 LORD JUSTICE LEVESON: If you love culture and poetry, does</p> <p>18 that make you posh?</p> <p>19 MR JAY: No. Two separate propositions. I wasn't trying to</p> <p>20 make them --</p> <p>21 LORD JUSTICE LEVESON: No, all right.</p> <p>22 MR JAY: You're described there as "very flamboyant", and</p> <p>23 then in the next sentence:</p> <p>24 "We were convinced he was gay."</p> <p>25 I'm not going to ask you to comment on that. But in</p> <p style="text-align: center;">Page 22</p>	<p>1 A. If I have anything that could remotely be described as</p> <p>2 an obsession, it would be my dislike of Christina</p> <p>3 Rosetti, at least Christina Rosetti's verse. Certainly</p> <p>4 I never taught it and wouldn't dream of encouraging</p> <p>5 other people to read it.</p> <p>6 Q. Mr Jefferies, clearly I have never read it, as my</p> <p>7 ignorance of her name is demonstrated.</p> <p>8 If I move to page 19 another one of the articles</p> <p>9 which was the subject of contempt proceedings in the Sun</p> <p>10 on 1 January 2011. I think this one is one you're</p> <p>11 particularly concerned about. The headline is:</p> <p>12 "What do you think I am ... a pervert?"</p> <p>13 A. Yes. This is the most extraordinary article. The</p> <p>14 episode that is described is one of which I have</p> <p>15 absolutely no knowledge. Certainly I was never involved</p> <p>16 in any such episode, any such event. Now, whether, to</p> <p>17 put the most charitable construction on it, the person</p> <p>18 who's described as the victim in this article, having</p> <p>19 seen me on television or in the media or whatever,</p> <p>20 genuinely believed that I was the same person who had</p> <p>21 harassed her I have absolutely no idea, or whether</p> <p>22 somebody was paid to say this or whether she voluntarily</p> <p>23 came forward wanting some sort of attention -- there's</p> <p>24 obviously no end to the speculation, but it is</p> <p>25 100 per cent fabrication as far as I'm concerned.</p> <p style="text-align: center;">Page 24</p>

<p>1 Q. Yes. The article is also objectionable in other 2 respects because it refers to some sort of nickname 3 which apparently was applied to you, probably 4 entirely -- 5 A. Of which I have no knowledge. 6 Q. Yes. On the next page -- we're still in the Sun 7 article. In our internal numbering, it's page 20. What 8 is attributed to one of your students is that you 9 apparently had an academic obsession with death and you 10 were particularly fascinated by Victorian murder 11 novel -- is that "The Moonstone"? 12 A. On one or two occasions, I did teach the Wilkie Collins 13 novel "The Moonstone" and it is a Victorian novel, but 14 it's not a murder novel. It's quite well-known as being 15 the first significant detective novel in English. 16 Q. Thank you, and then in the same bracket, as it were, 17 what's described as "disturbing Holocaust documentary 18 'Night and Fog'", which, of course -- 19 A. Which is an extremely important and extremely moving and 20 in no way exploitative film. It's a documentary that 21 Alain Resnais was asked to make by the Allied 22 governments following the liberation of the 23 concentration camps. It's probably one of the most 24 important films made in the 20th century and a film 25 which as many people as possible should be encouraged to Page 25</p>	<p>1 of the press, I should say -- how they reported on this 2 statement. 3 What the statement said is: 4 "Jo's life was cut short tragically but the 5 finger-pointing and character assassination by social 6 and news media of as yet an innocent men has been 7 shameful. It has made me lose a lot of faith in the 8 morality of the British press and those who spend their 9 time fixed to the Internet in this modern age." 10 Then he asks for a more sensitive and impartial 11 view. 12 Go to page 25 of the exhibits bundle, CJ1. The way 13 that that's reported in the Sunday Mirror is on the 14 left-hand side. I've read it twice now, but I see no 15 reference in that report to the important point 16 Mr Reardon was making, "the finger-pointing and 17 character assassination by social and news media of as 18 yet an innocent man has been shameful". 19 A. Indeed. 20 Q. They reported other things, but not that important 21 statement. 22 A. That particular aspect of the statement was very largely 23 ignored for, I suppose, obvious reasons. 24 Q. You refer in paragraph 30 to this inaccurate reporting. 25 So that we're clear about it, the exhibit bundle Page 27</p>
<p>1 see. It's perhaps worth noting that a number of years 2 ago, when France experienced the desecration of a number 3 of Jewish cemeteries, the French television channels 4 entirely broke from their -- what they were televising 5 and showed this particular film. 6 Q. The final article which attracted contempt 7 proceedings -- I merely refer to it but it does deserve 8 to be bracketed with the other articles -- is at 9 page 21, Daily Mirror, new year's day: 10 "Was killer waiting in Jo's flat?" 11 The suggestion being that it was or may have been 12 you because you were nearby and equally, the suggestion 13 is, well, you had the wherewithal. 14 A. Because I was the landlord, I had therefore keys to the 15 flat. I must have been or quite possibly I was waiting 16 there for her when she returned, yes. 17 Q. The final article I'd like to refer to -- it is right to 18 say that the material you draw to our attention is all 19 equally important, but the same sort of defamatory and 20 scandalous themes come out of each of them, with varying 21 degrees of intensity, I suppose. We know that Mr Greg 22 Reardon gave a public statement. This is paragraph 29 23 of your witness statement on new year's day. This was 24 read out by Mr Sherborne when he opened the case but 25 it's important to see how one publication -- one organ Page 26</p>	<p>1 contains the Sunday Mirror. It doesn't contain the 2 other two publications you refer to, so I haven't been, 3 as it were, able to satisfy myself. I'm not doubting 4 for one moment you're wrong, but the reporting -- 5 LORD JUSTICE LEVESON: You're not doubting that he's right. 6 MR JAY: I just haven't read it -- 7 LORD JUSTICE LEVESON: No, you said you're not doubting he's 8 wrong. You're actually saying he's right. 9 MR JAY: Yes. 10 A. I think the only reason that those particular newspapers 11 are not in the bundle is that copies weren't readily 12 available at the time that the photocopying was being 13 compiled. 14 Q. Yes, thank you. You've already told us, Mr Jefferies, 15 about what happened in relation to your experiences 16 after you were released, what must have been an 17 extremely difficult time. You describe it in your own 18 words as surreal, at least in part. On 4 March, 19 I probably said earlier, the police lifted your bail 20 conditions and you were no longer a suspect, but -- 21 A. But certainly the couple of months immediately preceding 22 that, while I was still under suspicion, without doubt, 23 were the most difficult period I think I have spent, 24 living this hole-in-corner existence and with my life, 25 in effect, being in abeyance. Page 28</p>

<p>1 Q. What happened then is that contempt proceedings were 2 started by the Attorney General, and we know that 3 judgment was handed down at the end of July of this 4 year, but at about the same time, you commenced libel 5 actions against eight separate publications. 6 A. Mm-hm. 7 Q. I think the exact chronology is that letters before 8 claim were sent on 28 April of in year. Does that sound 9 about right? 10 A. That sounds about right, yes. 11 LORD JUSTICE LEVESON: Is there anywhere listed the titles 12 against which proceedings were commenced? 13 MR JAY: They include the eight listed in paragraph 25, but 14 we don't have a list of all of them, Mr Jefferies; is 15 that right? 16 LORD JUSTICE LEVESON: All I ask is that at some stage -- 17 I just want to know the names of the titles. I'm not 18 asking -- 19 A. There were eight titles -- eight newspapers, 20 therefore -- which were the subject of legal 21 proceedings, and those eight are indeed listed in the 22 witness statement. 23 LORD JUSTICE LEVESON: Are they? 24 MR JAY: We have some separate evidence which covers this, 25 which you've provided to us and I can provide the eight</p> <p style="text-align: center;">Page 29</p>	<p>1 quite early admissions of liability -- we needn't go 2 into the details -- there were discussions between your 3 legal advisers and the eight newspapers as to the amount 4 of damages? 5 A. That is true, yes. 6 Q. I'm not going to give evidence, but I think in the 7 experience we have of defamation, that is pretty fast, 8 Mr Jefferies, but whether that observation -- 9 A. Yes, obviously I have no other experience of bringing 10 defamation proceedings. 11 Q. No, I'm sure you haven't. I be sincerely hope you have 12 no future experience of it either. Thank you. 13 You tell us in your witness statement that there was 14 one interview you gave and that was to the 15 Financial Times, Mr Brian Cathcart. 16 A. Indeed, Professor Brian Cathcart. 17 Q. Pardon me, you're absolutely right. His article is in 18 our bundle CJ1 at page 27. 19 A. Yes. 20 Q. It was published in the Financial Times on 8 October 21 2011. This followed an interview with you; is that 22 right, Mr Jefferies? 23 A. That's right, yes. I think that Professor Cathcart does 24 a particularly good job in distilling the essence of the 25 allegations that were made in the various newspapers.</p> <p style="text-align: center;">Page 31</p>
<p>1 now. They're the Sun, the Daily Express, the 2 Daily Mirror, the Daily Mail, the Scotsman, the 3 Daily Record, the Star and the Sunday Mirror. 4 A. That's right. 5 Q. Unfortunately, that's nine. 6 LORD JUSTICE LEVESON: Thank you. 7 MR JAY: So that we understand the sequence of events, did 8 the newspapers contest the libel claims, Mr Jefferies? 9 A. No, they didn't. 10 Q. How quickly did they admit the libel claim? Can you 11 give us a sense of the chronology? 12 A. I suppose I don't need to remind those in this room that 13 legal proceedings are never speedy, or rarely speedy, 14 but I suppose we're talking about a period of three 15 months or so between the original letters being sent out 16 and an agreement as to settlement being arrived at. 17 Q. We know there was a statement in open court on 29 July 18 of this year. 19 A. Mm-hm. 20 Q. The newspapers admitted liability, gave the standard 21 apologies on these occasions -- 22 A. Mm-hm. 23 Q. -- and agreed to pay you substantial damages. 24 A. Yes. 25 Q. So in that three-month period, following, presumably,</p> <p style="text-align: center;">Page 30</p>	<p>1 If I could just take the opportunity to draw 2 people's attention to one particular part of that 3 article, which is page 31 of the bundle -- 4 Q. Thank you? 5 A. -- and page 5 of the article itself, in which he says: 6 "This hostile evidence was founded almost entirely 7 on unnamed witnesses, with some of the most contentious 8 quotations reproduced in several papers. The careful 9 reader who relied only on quotes from people who were 10 identified by name would probably have seen a very 11 different picture." 12 He then lists one or two of those and goes on to 13 say: 14 "They described in various papers, although usually 15 towards the end of articles, a man who was a dedicated 16 teacher, a responsible landlord and an active member of 17 his community. Several expressed amazement at his 18 arrest or downright disbelief at the idea of his killing 19 anyone. Put these together with some readily available 20 facts and it would have been possible to flip the 21 picture entirely." 22 And it continues to the end of the paragraph. 23 LORD JUSTICE LEVESON: But ending: 24 "... but editors did not give prominence to that 25 interpretation."</p> <p style="text-align: center;">Page 32</p>

<p>1 A. Indeed, yes. 2 MR JAY: Another flight of understatement. There was 3 absolutely no reference to that interpretation. 4 A. No, it's -- 5 LORD JUSTICE LEVESON: Some of the facts were in fact 6 reported, weren't they? 7 A. Oh yes. 8 LORD JUSTICE LEVESON: Some of the positive facts were 9 reported? 10 A. Yes, that's entirely true. But it is, I think, 11 incontestable that the whole slanting of the reporting 12 was intended to be as sensational, as exploitative, as 13 titillating and to appeal in every possible way to 14 people's voyeuristic instincts. 15 LORD JUSTICE LEVESON: It's worse than that, because besides 16 doing that, it was creating a picture of you which was 17 extremely damaging and potentially abusive to any 18 proceedings. 19 A. Oh, indeed, yes. Yes. 20 LORD JUSTICE LEVESON: Besides being entirely false. 21 A. Mm. 22 MR JAY: Is that to date the only interview you've given, 23 Mr Jefferies? 24 A. No. I did give an interview for ITN News. One of the 25 reasons that I gave that was that the interviewer</p> <p style="text-align: center;">Page 33</p>	<p>1 paragraph: 2 "It may well be that ..." 3 A. Yes: 4 "It may well be that had I chosen to make 5 representations to the PCC concerning my treatment by 6 the press over the new year period, they would have 7 found in my favour. However, such redress as you are 8 able to provide would have been wholly inadequate as 9 a remedy for the wrongs committed. You have no powers 10 to fine newspapers, nor to order them to make financial 11 compensation to their victims, and it is, to my mind, 12 entirely improper that those against whom complaints are 13 being made -- in this case, newspaper editors -- should 14 be in the position of assessing the validity of those 15 complaints. It is no wonder that the PCC is held in 16 such low esteem. Indeed, I would suggest that the 17 shocking and reckless irresponsibility displayed by 18 sections of the media is in part attributable to the 19 failure of the current regulatory system and the 20 weakness of the voluntary code of practice. I was 21 startled to hear the editor of the Scotsman, one of the 22 papers sued by me for libel and himself a member of the 23 PCC, describe his paper's coverage of my arrest as 24 a mistake. Plainly that was the case, but the word does 25 not begin to describe the journalistic failures which</p> <p style="text-align: center;">Page 35</p>
<p>1 happened to be somebody whom at one stage I taught. 2 Q. Thank you. In terms of the legal process, the contempt 3 proceedings have been determined. There's ongoing 4 litigation against the police. 5 May I deal with the issue of the Press Complaints 6 Commission? 7 A. Oh yes. 8 Q. You tell us in paragraph 47 that one of your relatives 9 was so concerned about the press hounding that she 10 contacted the PCC. Were you involved ultimately in 11 correspondence with the PCC? 12 A. Yes, I was, because on 2 August this year, the director 13 of the Press Complaints Commission wrote to my solicitor 14 indicating that the PCC would now wish to examine -- I'm 15 quoting from the letter -- how the problems within the 16 newspapers arose and what could be done in future in 17 order to prevent recurrence. I offered to write a reply 18 to the Press Complaints Commission, which I duly did on 19 10 August, and that letter is part of the bundle. 20 Q. Maybe you should read it out in full, Mr Jefferies. We 21 have a transcript which is at the very end of our tab 1 22 bundle we have caused to be prepared for you. It's 23 addressed to the director of the PCC. 24 A. Yes. 25 Q. Could you read it all out, beginning with the second</p> <p style="text-align: center;">Page 34</p>	<p>1 allowed the dissemination of allegations, suggestions 2 and innuendos that were entirely untrue. Unless 3 a regulatory body is in possession of powers so severe 4 that they act as a genuine deterrent, there seems little 5 prospect of any real reform in press standards. The 6 sacred cow of press freedom has been allowed to excuse 7 licence, irresponsibility and, in the coverage of my 8 case, flagrant lawlessness. As things stand, it seems 9 that newspapers, in the search for sensation and 10 increased sales, will take almost any risks, knowing 11 that the penalties available are unlikely seriously to 12 hurt them. That has nothing whatever to do with public 13 service journalism. If the PCC wishes to show itself at 14 all concerned to uphold the standards of responsible 15 journalism, it will publish a strongly worded statement 16 welcoming the Attorney General's prosecution of the Sun 17 and the Daily Mirror for contempt of court and 18 condemning the libellous and scurrilous reporting that 19 accompanied the arrest of an innocent man." 20 It may be worth adding that I didn't actually 21 receive an acknowledgment. 22 Q. Thank you, Mr Jefferies. 23 LORD JUSTICE LEVESON: Do you know whether anything was in 24 fact published by the PCC? 25 A. I am not aware of anything published by the PCC.</p> <p style="text-align: center;">Page 36</p>

<p>1 LORD JUSTICE LEVESON: Thank you. 2 MR JAY: I don't believe there was, but we will check. 3 A. Right. 4 Q. We've heard, in relation to some evidence we heard last 5 week, that there were front-page apologies in the case 6 of the McCanns, of course. Were there apologies in any 7 of the eight or nine newspapers -- 8 A. There were indeed apologies printed, although not front 9 page apologies. My memory is that they were printed on 10 page 2, towards the top of the page. 11 Q. Did you receive any communication from the editors of 12 any of those papers or -- 13 A. No communication whatsoever, no. 14 Perhaps there is just one other thing I could say at 15 this stage. Obviously we are -- we have been concerned 16 so far with tabloid titles, but there was some concern 17 about the coverage of my arrest in at least one of the 18 broadsheet titles. I don't intend to refer to that 19 specifically, but I am aware that quite a large number 20 of people wrote to that particular newspaper to complain 21 about its coverage of my arrest because they got in 22 touch with me and in some cases sent me copies of their 23 letters. None of those letters were published in that 24 broadsheet and there was no response to those letters, 25 even when one of their own columnists brought the</p> <p style="text-align: center;">Page 37</p>	<p>1 are concerned, but when coverage is so widespread, as it 2 was in my case, and the smears were so extensive then 3 I suppose it's true to say that there will always be 4 people who don't know me, people who don't know anybody 5 that I know, who will retain the impression that I am 6 some sort of very weird character indeed, who is 7 probably best avoided, even if they were not guilty of 8 those specific criminal activities. 9 Q. In terms of the funding of the libel actions, we're 10 naturally aware that these proceedings are capable of 11 being extremely expensive. 12 A. That's right. 13 Q. You obtained the services of solicitors on a conditional 14 fee agreement? 15 A. Indeed, yes, without which it would really not have been 16 possible to bring the actions. 17 Q. In terms of the longer term -- this is paragraph 57, 18 Mr Jefferies -- you say this: 19 "I will never fully recover from the events of last 20 year. The incalculable effect of what was written about 21 me by these highly influential tabloid newspapers is 22 something from which it would be difficult ever to 23 escape. The purpose of my agreeing to give this 24 statement is that I hope it may prevent the same fate 25 befalling someone else."</p> <p style="text-align: center;">Page 39</p>
<p>1 attention of those letters to one of the editors. 2 Q. Deal with the impact on you, particularly in the context 3 of the libel and the overall context. 4 Because by the time the libel actions were 5 settled -- indeed, before then -- it was conclusively 6 established that you were not guilty of the murder of 7 Joanna Yeates because someone else was. At that stage 8 the someone else, who of course has now been convicted, 9 the possibilities were only murder or manslaughter, but 10 his involvement was definitively established. 11 A. Yes. 12 Q. We also know that you received substantial libel 13 damages. Do you feel -- 14 A. If I could just interrupt you for one moment, it wasn't 15 just a question of it being conclusively established 16 that I had been in no way implicated in the murder of 17 Joanna Yeates. It was also accepted, for example, that 18 I had never behaved improperly towards any pupil at any 19 stage in my career, which obviously had been part of the 20 defamatory allegations. 21 Q. Indeed. Do you feel that the existing system which 22 enables you to bring proceedings for libel, that system 23 has effectively cleared your reputation or reinstated 24 your reputation? 25 A. Certainly so far as those specific original allegations</p> <p style="text-align: center;">Page 38</p>	<p>1 A. Yes. 2 Q. Does that remain the position? 3 A. Indeed it does, and I very much hope that as a result of 4 the present Inquiry, it will be possible to put in place 5 arrangements whereby it will be very difficult indeed 6 for newspapers to behave in the future in the way in 7 which they behaved in my case. 8 Q. I've been asked to put this question to you by another 9 core participant. Do you follow me, Mr Jefferies? 10 A. Mm. 11 Q. It's this: do you recall if anyone on your behalf 12 offered to sell your exclusive story to any newspaper? 13 A. I certainly have an agent who is in contact with all 14 those media organisations who are interested in what 15 happened to me. As you will appreciate, there are 16 a very large number of contacts which were made 17 following my release from custody and it certainly would 18 not have been possible for me to deal myself with all 19 those approaches, and I have left it entirely up to him 20 to deal with those approaches as he feels fit, or indeed 21 to approach any organisations, should he so see it as 22 being fit on my behalf. 23 Q. In terms of the timing, might that have been as early 24 as February of this year? 25 A. Certainly he was acting on my behalf in February of this</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 year, yes.</p> <p>2 MR JAY: Mr Jefferies, I have no further questions for you,</p> <p>3 save to reserve and thank you for the way in which</p> <p>4 you've given your evidence.</p> <p>5 LORD JUSTICE LEVESON: Thank you very much. I would be</p> <p>6 grateful if you would supply me with a copy of the</p> <p>7 broadsheet newspaper article to which you've referred.</p> <p>8 I'm not asking you to go into further detail, but I'd</p> <p>9 just like to see it.</p> <p>10 I repeat my thanks to you for the reasons that</p> <p>11 I gave as you started your evidence.</p> <p>12 A. Thank you very much indeed.</p> <p>13 LORD JUSTICE LEVESON: Right. That's a convenient moment to</p> <p>14 have five minutes and some of the things that we've</p> <p>15 spoken about this morning prior to Mr Jefferies'</p> <p>16 evidence could be thought about. Thank you. Five</p> <p>17 minutes.</p> <p>18 (11.12 am)</p> <p>19 (A short break)</p> <p>20 (11.25 am)</p> <p>21 LORD JUSTICE LEVESON: I apologise for not keeping to my own</p> <p>22 timetable. I'm concerned to put into place the relevant</p> <p>23 orders and requirements and to find out what effect they</p> <p>24 have before further considering Mr Caplan's point.</p> <p>25 MR JAY: Thank you. The next witness, sir, is Mr Ian Hurst,</p> <p style="text-align: center;">Page 41</p>	<p>1 Ireland over many years which add a layer of complexity,</p> <p>2 which I think is probably --</p> <p>3 A. That's being very polite, sir.</p> <p>4 LORD JUSTICE LEVESON: -- an Inquiry all of its own.</p> <p>5 A. Yes, sir.</p> <p>6 LORD JUSTICE LEVESON: So you won't consider it</p> <p>7 disrespectful if I take the view that there are some</p> <p>8 areas that I just don't think I have the time to</p> <p>9 investigate.</p> <p>10 A. I have no interest in going into those areas now, sir.</p> <p>11 LORD JUSTICE LEVESON: Thank you.</p> <p>12 MR JAY: Mr Hurst, your redacted witness statement with your</p> <p>13 signature at the end of it and the statements of</p> <p>14 truth --</p> <p>15 A. Yes.</p> <p>16 Q. Is that your formal evidence?</p> <p>17 A. It, sir, yes.</p> <p>18 Q. Please give us a bit of background. You tell us that</p> <p>19 you're a former member of British military intelligence</p> <p>20 and you served in that capacity in covert units in</p> <p>21 Northern Ireland between 1980 and 1991; is that correct?</p> <p>22 A. That's true, sir, yes.</p> <p>23 Q. In a nutshell, what was your role, without going into</p> <p>24 any detail, of course?</p> <p>25 A. I think it's probably wise just to make it clear so that</p> <p style="text-align: center;">Page 43</p>
<p>1 please.</p> <p>2 LORD JUSTICE LEVESON: Right.</p> <p>3 It may be that when we've finished this witness and</p> <p>4 the next witness, we'll have a break so that we can</p> <p>5 resolve all these other matters.</p> <p>6 MR IAN HURST (affirmed)</p> <p>7 Questions from MR JAY</p> <p>8 MR JAY: Thank you, Mr Hurst. I'll invite you to sit down,</p> <p>9 please, and make yourself comfortable as you can.</p> <p>10 First of all, may I invite you to give us your full</p> <p>11 name?</p> <p>12 A. My name is Ian James Hurst.</p> <p>13 Q. There is available to you, Mr Hurst, a redacted version</p> <p>14 of your witness statement, which was signed by you on</p> <p>15 9 November of this year. May I ask you, please, to</p> <p>16 bring that to hand?</p> <p>17 A. Yes.</p> <p>18 LORD JUSTICE LEVESON: Mr Hurst, thank you very much indeed</p> <p>19 for putting the work into preparing this statement, and</p> <p>20 of course we'll go through what you have to say, but</p> <p>21 I feel it's appropriate just to start your evidence, as</p> <p>22 we deal with events in Northern Ireland, to make the</p> <p>23 point that there is a whole range of issues over and</p> <p>24 above the issues which are clearly within my terms of</p> <p>25 reference but connected to what happened in Northern</p> <p style="text-align: center;">Page 42</p>	<p>1 we don't stray into any areas of the existence of the</p> <p>2 gagging order, which you're well aware of, so if I can</p> <p>3 rely upon the statement, sir. I think that's been</p> <p>4 imaginatively constructed to give you a flavour,</p> <p>5 basically in a round up: to recruit, develop and exploit</p> <p>6 human agents unit(?) within the paramilitary</p> <p>7 organisations, specifically Republican paramilitaries.</p> <p>8 Q. Thank you. In going through the history -- in your</p> <p>9 words, you describe it as a gagging order -- in formal</p> <p>10 terms, you are subject to an injunction brought out by</p> <p>11 the Crown against you in 1999 that fetters what you can</p> <p>12 say generally and indeed in particular to this Inquiry</p> <p>13 in relation to any of the detail?</p> <p>14 A. Yes.</p> <p>15 Q. So we'll keep off that, but what is relevant is that in</p> <p>16 2004, I think you went off to live in rural France. Is</p> <p>17 that so?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Have you maintained links with the intelligence</p> <p>20 community informally?</p> <p>21 A. Yes, sir.</p> <p>22 Q. We know that there was a programme which came out on</p> <p>23 Panorama in March of 2011 and which I saw yesterday for</p> <p>24 the first time. I'm grateful for you providing me with</p> <p>25 the DVD of it.</p> <p style="text-align: center;">Page 44</p>

<p>1 A. Yes, sir. 2 Q. But in terms of the chronology, you were approached, 3 I believe, by the producer of that programme, Mr Stephen 4 Scott, in December of last year; is that correct? 5 A. That's correct, sir, yes, the Thursday before Christmas. 6 Q. Thank you. The documentary, in essence, was about 7 allegations of phone and computer hacking that was 8 engulfing the News of the World at that time; is that 9 correct? 10 A. Indeed it was, sir, yes. 11 Q. Did you provide a short interview for the purposes of 12 that Panorama programme? Or at least, to be more 13 precise, what we see on the programme is an edited 14 version of any interview you provided; is that correct? 15 A. Yes. There was a sketch which was done in my office, 16 but then we also covertly recorded the -- one of the 17 hackers involved. From memory, that coverage lasts 18 about two and a half hours, and I think Panorama shows 19 approximately one minute. 20 Q. Yes, and so to provide us with the background to the 21 precise evidence you can give about computer hacking -- 22 you start dealing with this, Mr Hurst, in paragraph 106 23 your statement -- you were told by Panorama that it had 24 information that showed that one of -- you say "our 25 computers"; that's your computers -- had been hacked by</p> <p style="text-align: center;">Page 45</p>	<p>1 during the course of that interview? 2 A. In fairness, sir, the fax that I was shown on screen, 3 which was the first time I'd seen is it, from memory 4 I think was a three-page fax. I know later, from my own 5 identifications -- I've identified it's 6 a seven-page fax. 7 That fax actually had not only material from my 8 computer -- there was one specific extract from an email 9 which I was familiar with and recognised -- but it also 10 had other material which hadn't directly been connected 11 to my machine. So it was a composite. It was a precis 12 of information which they had collected and had 13 forwarded to Dublin. 14 Q. Yes, but amongst that information -- I'm just focusing 15 on one aspect of it -- was there transcripts of emails 16 which had been sent by or to you? 17 A. Yes, there was extracts. They'd actually cut and pasted 18 emails out, so they were the original. 19 Q. You tell us in your statement that the extracts of those 20 emails had been sent by fax to the Dublin office of 21 News of the World on 5 July 2006; is that correct? 22 A. That's correct, sir, yes. 23 Q. Naturally enough -- this is so obvious it goes without 24 saying -- you must have been very surprised by that 25 information?</p> <p style="text-align: center;">Page 47</p>
<p>1 News of the World or someone engaged on the paper's 2 behalf in 2006; is that right? 3 A. Yes. The reason I make the point -- said one, we had 4 a number of computers, one being the family computer 5 that my daughters and my wife would use, and I had 6 a laptop which was separate, and unfortunately the 7 laptop went its merry way not that long ago, but before 8 the programme, and we didn't have access to the hard 9 drive. And clearly we were looking, in the sense -- 10 just to give you some context as to why I had the hard 11 drive, in November of 2007, the Ministry of Defence 12 resurrected committal proceedings against me and 13 I thought it was a wise move to remove material which 14 I probably didn't want them to be able to access. So 15 therefore I removed the hard drive to my machine and 16 deposited it with a friend. And when Panorama came 17 knocking, clearly that computer was of evidential value 18 and it was my wife, actually, who remembered that I'd 19 removed it for safe storage. So that became the focus. 20 Q. During the course of the Panorama interview of you -- 21 and I've seen it for myself -- you were provided with 22 a sheaf of printed-off emails, I believe, which you were 23 told had been obtained from your computer. Now -- 24 A. Well -- 25 Q. -- did you confirm that to the Panorama interviewer</p> <p style="text-align: center;">Page 46</p>	<p>1 A. Yes, sir. 2 Q. You say in paragraph 11, in terms of the technology, 3 that at least for an expert it's not that difficult to 4 hack into emails. You use a worm called the Trojan. Is 5 that right? 6 A. That's correct, sir, yes. 7 Q. We've heard reference to that. The way the Trojan is 8 usually administered, if that is the right verb -- 9 A. That's right, yes. 10 Q. -- is that it's sent by email from X. 11 A. Yes. 12 Q. Usually the email has to be from a source you recognise, 13 otherwise you won't open it as a matter of common sense. 14 A. Indeed. 15 Q. You open the email and the effect of opening the email 16 is to trigger a process whereby the Trojan starts 17 burying into your hard drive, put very, very simply. Is 18 that it? 19 A. Well, yes. In reality, sir, the type of Trojan which is 20 deployed by newspapers or private detectives isn't that 21 sophisticated and you have to open an attachment. The 22 ones which would be used by governmental agencies would 23 be -- 24 Q. Well -- 25 A. -- for instance, would be on a microdot, on a full stop,</p> <p style="text-align: center;">Page 48</p>

<p>1 so you wouldn't need to open the attachment, but the 2 reason that is relevant, sir, is because in my case 3 I had to -- either me or one of the family members would 4 have had to have opened an attachment. But that's been 5 helpful for forensic examination because clearly there's 6 an audit trail to that actual action. 7 Q. Thank you. Can we be precise then as to how this might 8 have happened in your case? You take up the narrative 9 in paragraph 12 of your witness statement, Mr Hurst. 10 What you were told by the BBC, through their reporter, 11 who is Mr Vivian White, was that they had ascertained 12 that someone at the News of the World had engaged 13 a private investigator to target you. Is that correct? 14 A. That's correct, sir, yes. 15 Q. We're not naming that someone at the News of the World 16 or the private investigator for these purposes. That 17 private investigator had then employed a private 18 detective specialising in applying and controlling 19 computer viruses to do the hacking job, and this 20 individual, who is the specialist hacker, as it were, 21 was someone who was known to you, having served with you 22 in the intelligence community in Northern Ireland for 23 over three years; is that correct? 24 A. That's correct, sir. 25 Q. That individual, the specialist hacker, we're going to</p> <p style="text-align: center;">Page 49</p>	<p>1 Q. The meeting with Mr X at this local hotel was secretly 2 filmed by you; is that correct? 3 A. That's correct, sir, yeah. 4 Q. And some of that film was shown on the Panorama 5 programme; is that correct? 6 A. Yes. When he -- I won't name the person, but when he 7 names the person within the media who directed him to 8 carry out that act. 9 Q. Then you say that when the meeting had finished, X 10 agreed to let Mr Scott -- he's the producer of Panorama 11 -- "be present for the summary of the points we had 12 talked about". Is that right? 13 A. Yeah, I did that, sir, because I'm well-versed that 14 mechanical means could fail, so the covert recording may 15 fail, so it made sense to -- if he was agreeable, to 16 bring in the producer and we did a complete review of 17 the information which he voluntarily passed to me. 18 Q. I want to be clear, please, Mr Hurst, what your evidence 19 is as to what Mr X told you and therefore which you have 20 recorded. This is paragraph 14 of your witness 21 statement. 22 A. Okay. 23 Q. Can you tell us, please, in your own words what Mr X 24 told you? Maybe you don't want to the depart from 25 paragraph 14. If so, just read it out.</p> <p style="text-align: center;">Page 51</p>
<p>1 call X for these purposes. Fair enough. During the 2 making of the documentary, you asked if you could 3 confront Mr X about what you'd learnt to allow him, as 4 it were, to record his position; is that right? 5 A. Well, not true, sir. Let me just explain to you why. 6 I was aware that there was probably gaps in knowledge at 7 the BBC, and the reality is we needed to confront him 8 and it was my suggestion that we confront him. It 9 wouldn't be normal for the BBC to allow a member of the 10 public to go and confront, possibly in a hostile 11 environment, these type of characters but clearly I was 12 intent on doing that and they sought and were given 13 permission to do that. 14 So I was aware there was a gap in knowledge and 15 I needed to extract that information to be able to put 16 together the jigsaw puzzle. 17 Q. What happened is I think you telephoned Mr X, you sought 18 to arrange a meeting with him and it culminated in 19 a meeting at a local hotel; is that correct? 20 A. That's correct, sir, yes. 21 Q. As you say in your statement, X said he was not 22 surprised that you had made contact as someone else had 23 told him two or three days earlier that Panorama were 24 sniffing about. 25 A. Yes.</p> <p style="text-align: center;">Page 50</p>	<p>1 A. No, I can quickly precis it for you. 2 Q. Thank you. 3 A. We had a meeting -- and bear in mind I had known Mr X 4 for a number of years -- and we had a drink, and in 5 a relaxed atmosphere, he made it clear that these events 6 took place a long time ago and there had been a lot much 7 water under the bridge. He -- there was nothing 8 personal in it, it was purely professional instruction, 9 which I accepted and remain to this day accepting that 10 position, and he outlined the majority of people 11 involved in the conspiracy. I say "the majority". He 12 was keen to leave out one or two for his own personal 13 reasons, and I was happy for that to continue. 14 And he more or less charted the events from the 15 middle of June 2006 -- he states for a three-month 16 period, and all documents he could access via the back 17 door Trojan: our emails, the hard drive, social media, 18 the whole range of -- I mean, he didn't say this, but 19 the Trojan that we've identified would have allowed the 20 cam, your web cam, so he could have actually seen me or 21 my kids at the desk. 22 Q. Yes, but we don't know yet from your evidence precisely 23 as to how this Trojan got into your machine. Could you 24 tell us about that? 25 A. Well, we know that because he has admitted he placed it.</p> <p style="text-align: center;">Page 52</p>

<p>1 We know that because forensically there is a Trojan on 2 the hard drive, and we know -- or I should say I have 3 seen the evidence of the material which was recovered 4 from my hard drive.</p> <p>5 Q. Did he tell you that he'd sent an email to you from 6 a bogus address that you'd opened, clearly you must have 7 opened the attachment, and it's by that means that the 8 Trojan entered your hard drive?</p> <p>9 A. Yes.</p> <p>10 Q. Can we be clear as to the secret address, because what 11 he said to you in the interview -- and I have the 12 transcript of it here and I've checked it itself against 13 the DVD, which, as I said, I viewed yesterday morning -- 14 you asked him:</p> <p>15 "How did you get it off my computer? Just I'm [and 16 then some words bleeped out] curious here.</p> <p>17 "Question: Easy.</p> <p>18 Then Mr X said it wasn't that hard, and he laughed.</p> <p>19 Is that right so far?</p> <p>20 A. That's very true, sir, yes.</p> <p>21 Q. And then you said:</p> <p>22 "No, okay."</p> <p>23 Then Mr X said:</p> <p>24 "I sent you an email that you opened and that's it, 25 it's in."</p> <p style="text-align: center;">Page 53</p>	<p>1 Q. Because in your witness statement at paragraph 14, you 2 suggest something different, that it may have come from 3 a trusted media contact?</p> <p>4 A. Yes.</p> <p>5 Q. From a well-known newspaper?</p> <p>6 A. Yes.</p> <p>7 Q. Is that right?</p> <p>8 A. I do, sir, yeah.</p> <p>9 Q. To be clear about that, your witness statement is your 10 own deduction or inference? It may be obtained from 11 some various of evidence --</p> <p>12 A. No, it's evidence-based, sir. It's evidence-based upon 13 the forensic examination, the direct confrontation with 14 the -- again, we won't name him, but there is, 15 subsequent to this statement, further confrontation by 16 me with the -- an individual who -- I'll give you an 17 example, sir. Before we'd even had the machine 18 examined, on 30 July I received a phone call from 19 a former Times Newspaper senior person who stated that 20 he'd received a phone call that morning and that they, 21 the Times, the Sunday Times, wanted him to ring me --</p> <p>22 Q. To be fair, Mr Hurst, this isn't in your witness 23 statement?</p> <p>24 A. It isn't, sir, because it's happened this week but I'm 25 giving you some context as to --</p> <p style="text-align: center;">Page 55</p>
<p>1 A. It's in.</p> <p>2 Q. Then your question was:</p> <p>3 "From [and then words bleeped out] or from somebody 4 else?"</p> <p>5 And he said:</p> <p>6 "No, I think I sent it from, erm, a bogus email 7 address."</p> <p>8 Is that right?</p> <p>9 A. That's what he says, yeah.</p> <p>10 Q. Then you said:</p> <p>11 "Do I have to open it in an --"</p> <p>12 And then he said:</p> <p>13 "It's off now, it's gone. It shouldn't even be on. 14 It shouldn't remain on the hard drive."</p> <p>15 What he then says is that it's programmed to be on 16 the hard drive for three months.</p> <p>17 A. Yes.</p> <p>18 Q. And then, as if were, in "Mission: Impossible" terms, it 19 self-destructs. Is that the sort of --</p> <p>20 A. It does, but forensically there's always fragmentation.</p> <p>21 Q. What he's saying to you then -- is that correct -- is it 22 was he who sent it to you from a bogus email address? 23 Would you agree with that?</p> <p>24 A. I agree that's what he said. I don't necessarily agree 25 that's what happened.</p> <p style="text-align: center;">Page 54</p>	<p>1 Q. There's a bit of a problem about this. Can I just point 2 it out to you? I'm not seeking to stop what you're 3 saying, but if it isn't in your witness statement, the 4 Inquiry hasn't received notice and --</p> <p>5 A. Absolutely, sir. I'm just trying to give you a bit of 6 context but if you don't want to take it, we can do it 7 in part 2. I can give you the phone records and you can 8 listen to it yourself.</p> <p>9 Q. Can we just divide this up into two parts and see if we 10 can agree to this extent?</p> <p>11 A. Okay.</p> <p>12 Q. That in terms of what Mr X told you, rather than what 13 you may have learnt subsequently, what he was telling 14 you was it was he who'd sent you the bogus email?</p> <p>15 A. Indeed, sir.</p> <p>16 Q. But in terms of what you may have learnt subsequently, 17 can we agree to this extent: that you have a different 18 interpretation?</p> <p>19 A. Well, it's not an interpretation, sir. People tell you 20 porky pies and you're trying to work out -- deduce the 21 wood from the trees, and you do that by evidence, not 22 from conjecture.</p> <p>23 Q. Yes. Unless someone says otherwise, that's as far as 24 I want to go into that issue. You've made your position 25 very clear, if I may say so, and maybe it has to be</p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

<p>1 investigated further in part 2.</p> <p>2 A. I think it will be, sir.</p> <p>3 Q. In some months, if not some considerable time in the</p> <p>4 future.</p> <p>5 Can I go to paragraph 15, please, Mr Hurst.</p> <p>6 A. Just before we move off on Mr X -- no, okay, okay.</p> <p>7 Let's go to 15. We can do it at the end.</p> <p>8 Q. Mr X also told you he'd attended a meeting in Leeds in</p> <p>9 mid-2006 with someone, another News of the World</p> <p>10 journalist:</p> <p>11 "Apparently X's, instructions were to obtain</p> <p>12 information and documents about activities connected to</p> <p>13 [your] ongoing investigations relating to matters in</p> <p>14 Northern Ireland. X confirmed to you that he had</p> <p>15 supplied the information obtained from my computer to</p> <p>16 others involved in the conspiracy."</p> <p>17 Is that part of the tape you have of Mr X?</p> <p>18 A. We've got 14 hours' supplementary taping in addition to</p> <p>19 Panorama, but on Panorama he details this. As I say,</p> <p>20 that's contained -- that's an extract basically taken</p> <p>21 from the filming and also with the separate recordings</p> <p>22 that we had obtained independently.</p> <p>23 Q. So the unusual feature of your case is that the</p> <p>24 targeting of you is likely to have been not for the</p> <p>25 purpose of investigating issues relating to your</p> <p style="text-align: center;">Page 57</p>	<p>1 hardware seized in 2007 during the arrest of [someone</p> <p>2 whose name has been redacted] showed that the security</p> <p>3 of my computer had been compromised and information had</p> <p>4 been obtained from it."</p> <p>5 The position was reinforced by the arrest of X</p> <p>6 during 2009 when further information was obtained from</p> <p>7 his seized computers.</p> <p>8 You weren't told by the police of hacking of your</p> <p>9 computer until October of this year; is that correct?</p> <p>10 A. That's correct, sir, yeah.</p> <p>11 Q. Which police force are we talking about here?</p> <p>12 A. Metropolitan Police.</p> <p>13 Q. Thank you.</p> <p>14 A. Can I put it into slightly more understandable symmetry?</p> <p>15 Q. Of course.</p> <p>16 A. The police were aware in February 2007, when documents</p> <p>17 were recovered from a hard drive involved in a separate</p> <p>18 investigation. At that stage, they were aware that not</p> <p>19 only my documents but that the phone records of the</p> <p>20 person that I refer to in the statement -- that his</p> <p>21 phone records had been obtained and that</p> <p>22 News of the World had paid £850 for that. At that</p> <p>23 stage, when they -- because me and the subject of that</p> <p>24 phone record are intimately linked, for one reason or</p> <p>25 another, they -- the police were aware in 2007,</p> <p style="text-align: center;">Page 59</p>
<p>1 personal privacy, if I can describe it in those terms --</p> <p>2 A. Absolutely.</p> <p>3 Q. -- but perhaps in a very different and, in one sense,</p> <p>4 sinister way, matters bearing upon your work in the</p> <p>5 intelligence community in Northern Ireland and any</p> <p>6 aftermath which flowed from that. Is that a fair</p> <p>7 analysis of it?</p> <p>8 A. I don't think that's a fair analysis, sir. I think they</p> <p>9 were looking to obtain a commercial advantage as well.</p> <p>10 Q. Yes.</p> <p>11 A. By necessity, but equally that information that they</p> <p>12 were looking to obtain, because I was living in</p> <p>13 a foreign jurisdiction, was more than useful to others</p> <p>14 which some of these people have close associations to,</p> <p>15 which again will be a part 2 matter and not necessarily</p> <p>16 for part 1.</p> <p>17 Q. Thank you. You say in paragraph 16 that you also think</p> <p>18 they were trying to obtain information on an IRA</p> <p>19 informer or informant; is that correct?</p> <p>20 A. He has told me that. That's what's contained in</p> <p>21 Panorama.</p> <p>22 Q. Thank you. In paragraph 17, you give a general opinion,</p> <p>23 which you're, of course, quite entitled to give, but</p> <p>24 more specifically in paragraph 18:</p> <p>25 "Police have admitted to me that documents and</p> <p style="text-align: center;">Page 58</p>	<p>1 directly, unambiguously, that I and my family's security</p> <p>2 had been compromised and they took a decision not to</p> <p>3 inform us.</p> <p>4 That information was then leaked a matter of weeks</p> <p>5 later to a journalist, who will be giving evidence to</p> <p>6 this Inquiry shortly, and it was then produced in a book</p> <p>7 which was published in 2008, but unfortunately I didn't</p> <p>8 see sight of that book and wasn't aware of it.</p> <p>9 And then in April of 2009, when Mr X was arrested,</p> <p>10 again documents which clearly show that mine and</p> <p>11 specifically that my wife's information had been</p> <p>12 accessed -- my wife's a nurse, and they had obtained her</p> <p>13 CV, her PIN number and other associated documents</p> <p>14 concerned with our telephone, our address, and that</p> <p>15 information had then been passed on to a further</p> <p>16 specialist person, who I'm well aware of and well</p> <p>17 acquainted with his techniques, who then obtains the</p> <p>18 exact people that you are dialling, so the phone</p> <p>19 records.</p> <p>20 So there's copious amounts of knowledge that the</p> <p>21 police had. But more worryingly, my investigations</p> <p>22 identified the Serious Organised Crime Agency had</p> <p>23 possession of documents and computers which were</p> <p>24 relevant to me. I then made contact with the Serious</p> <p>25 Organised Crime Agency and engineered a meeting,</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 a confrontation, which is video-recorded, two hours, and 2 I put a series of questions to them, which is quite 3 heated in points. I then write to the director general 4 of the Serious Organised Crime Agency, inviting him 5 to -- I detailed my children -- this is for key word 6 purposes, so there's no excuse, me, and a whole range of 7 subjects and then requested him to inform us of any 8 documentation that he holds, and he politely refused, 9 citing a public interest.</p> <p>10 And then we exchanged further communication, which 11 I'm more than happy to provide under discovery to his 12 Honour, and he then relented subsequently, which was 13 very good of him, and passed it to the MPS.</p> <p>14 So I don't -- my major bone of contention here today 15 is focused upon those who have knowingly contrived and 16 have conspired to place me and my family in a position 17 of danger.</p> <p>18 MR JAY: It sounds as if, Mr Hurst, that apart from you 19 being of considerable assistance to the Inquiry now, 20 will continue to be of assistance to the Inquiry in 21 part 2, when that takes place, but I think for present 22 purposes, that's all I have to ask of you, Mr Hurst.</p> <p>23 LORD JUSTICE LEVESON: Hmm. Yes. Thank you very much. 24 A. Thank you, sir. Can I take this opportunity -- because 25 we're dealing with culture and the way that they have</p> <p style="text-align: center;">Page 61</p>	<p>1 there, sir. I've seen it. It's out there in 2 journalistic circles today and it's incumbent upon the 3 MPS to provide to you all material which is relevant to 4 the culture and practice, which has resulted in this 5 debacle.</p> <p>6 LORD JUSTICE LEVESON: I would certainly be very keen to see 7 any evidence that goes to the culture of the 8 relationship between the press and the police, because 9 that is the module to which I am going to turn when 10 I have concluded this particular phase of the Inquiry.</p> <p>11 A. The reason I make that point, sir -- I understand it's 12 for part two, and as I make clear --</p> <p>13 LORD JUSTICE LEVESON: No, it's not quite part two; it's 14 module two. It's the next bit.</p> <p>15 A. Okay. The documentation that I've seen and others have 16 seen, including Parliamentarians, clearly shows the 17 corruptness which was allowed to continue and the 18 culture was encouraged, which would not have allowed 19 phone hacking or computer hacking to have taken place 20 over such a sustained period if it didn't have the cover 21 and the protection of very senior police officers.</p> <p>22 LORD JUSTICE LEVESON: Let's unpick that a bit, Mr Hurst. 23 If you have any documentation --</p> <p>24 A. Absolutely, sir.</p> <p>25 LORD JUSTICE LEVESON: -- that impacts upon that issue, then</p> <p style="text-align: center;">Page 63</p>
<p>1 operated, can I read out a very short sentence which 2 encapsulates, from the hackers' point of view, exactly 3 the mindset?</p> <p>4 LORD JUSTICE LEVESON: Where is this sentence from?</p> <p>5 A. It's from the Panorama programme.</p> <p>6 LORD JUSTICE LEVESON: All right.</p> <p>7 MR JAY: That's fair enough.</p> <p>8 A. If I may, sir.</p> <p>9 LORD JUSTICE LEVESON: Yes.</p> <p>10 A. I actually have the recording, sir, but I wouldn't be so 11 bold as to play it without your permission.</p> <p>12 LORD JUSTICE LEVESON: You can read it.</p> <p>13 A. This, I think, sums it up:</p> <p>14 "Then again, when all this was happening, Andy 15 Coulson was the editor and he is fucking big pals with 16 a lot of powerful people, including top police 17 officers."</p> <p>18 That is exactly what you're dealing with here, 19 ladies and gents: corruption.</p> <p>20 Just to reiterate on that, sir, when that sentence 21 was made to me, I then investigated further, as I made 22 clear in my statement, and I would ask, sir, with 23 respect, that you make it clear to the MPS that they 24 provide with you all intelligence of police corruption, 25 including at the very highest level, because it is</p> <p style="text-align: center;">Page 62</p>	<p>1 I'd be very grateful if you would send it in to the 2 Inquiry.</p> <p>3 A. I think it's incumbent upon the MPS first to make a full 4 disclosure to you, sir.</p> <p>5 LORD JUSTICE LEVESON: It may be it is, it may be it isn't, 6 but if I know what I'm looking before because you've 7 provided me with it then I can --</p> <p>8 A. I'm sure if you speak to Mr Davies, who's coming to 9 tomorrow, he'll confirm the existence of it. But it is 10 a matter, sir -- it is a serious matter. There's a lot 11 of material out there which the MPS hopefully have 12 already disclosed to you, but I understand from your 13 tone now that you haven't seen it.</p> <p>14 LORD JUSTICE LEVESON: No, no, don't draw any inferences 15 from my reaction to your observations. That would be 16 quite wrong.</p> <p>17 A. Okay, sir.</p> <p>18 LORD JUSTICE LEVESON: All I do say is that if you have any 19 documentation that you think will assist the Inquiry in 20 relation to any of the modules that I'm now currently 21 considering -- that's press and the public, which I'm 22 now doing, press and the police and press and 23 politicians -- if you pass it through to the Inquiry, 24 then it will be given appropriate attention.</p> <p>25 A. I do say in the final paragraph that we will be making</p> <p style="text-align: center;">Page 64</p>

<p>1 a detailed submission for part 2, so, you know. 2 LORD JUSTICE LEVESON: Yes, ma'am. 3 A. All this will happen in due course, I'm certain, sir, 4 but I'd like to just stress, sir, it is really -- it's 5 not for the member of the public to do the work of the 6 MPS here. The MPS have let society down. They should 7 be making a full disclosure to you. I've written to 8 them, asking them to make those documents available to 9 you. 10 LORD JUSTICE LEVESON: Yes, Mr Hurst, that's as may be, but 11 what I don't want to do -- 12 A. I understand. 13 LORD JUSTICE LEVESON: -- is to dance around the topic. 14 I need to know what I need to know. If you can help 15 point me in the direction of what questions I should 16 ask, pointed questions -- 17 A. Absolutely. 18 LORD JUSTICE LEVESON: -- then provide it, and the fact that 19 you've done it as a member of the public as opposed to 20 the police having volunteered doesn't matter to me. 21 I just need to know. What I don't know is what I don't 22 know. Do you see the point? 23 A. I take your point, sir. 24 LORD JUSTICE LEVESON: Right. But this isn't part 2 of the 25 terms of reference.</p> <p style="text-align: center;">Page 65</p>	<p>1 and we monitor the human rights dimension of the 2 conflict and the peace process in Northern Ireland. 3 Q. Do you adopt a political position? What are the aims 4 and objects of your organisation? 5 A. We're absolutely not political. We work with people on 6 all sides of the community. Our own criteria is whether 7 their human rights have been affected by the conflict or 8 not, and we'll assist people from all walks of life who 9 have sadly been affected by the conflict. 10 LORD JUSTICE LEVESON: Ms Winter, thank you very much for 11 making this statement and coming today. I'm sure you 12 heard me say to Mr Hurst that the conflict in Northern 13 Ireland is an extra dimension to this problem that I am 14 considering, which is an extra dimension among many 15 other dimensions, and I'm sure you will understand why 16 that aspect of it could be an Inquiry of its own -- I'm 17 not suggesting there should be one, but it could be -- 18 and therefore to keep within my terms of reference, 19 I have to be rather careful about how far I go. I hope 20 you understand that that's not a discourtesy to you and 21 it's not a demonstration of lack of interest. I hope it 22 could be considered a demonstration of focus on what 23 I really have to pay attention to. 24 A. Thank you. 25 MR JAY: Ms Winter, you've seen Mr Hurst's witness</p> <p style="text-align: center;">Page 67</p>
<p>1 A. No, I understand. 2 LORD JUSTICE LEVESON: Which, of course, is some time off. 3 A. I understand, sir. 4 LORD JUSTICE LEVESON: Right. Thank you very much. 5 MR JAY: The next witness is Ms Jane Winter, please. 6 LORD JUSTICE LEVESON: Thank you. 7 MS JANE SARAH JOY WINTER (affirmed) 8 Questions from MR JAY 9 MR JAY: Make yourself comfortable, please. 10 A. Thank you. 11 Q. Your full name, please? 12 A. Jane Sarah Joy Winter. 13 Q. Thank you. You provided a witness statement to the 14 Inquiry on 11 November. It's quite short. 15 A. Yes. 16 Q. You've signed it and you say at the end that you believe 17 the facts contained in this statement are true. So 18 that's your primary evidence. You've also provided 19 a supplemental statement but we've agreed, I think, that 20 we will cover that in part 2, if we may, and therefore 21 can we proceed with your first statement. 22 You're a director of British Irish Rights Watch, and 23 you give your professional address. Could you tell us 24 about that organisation? 25 A. Yes. It was set up in 1990. We're a registered charity</p> <p style="text-align: center;">Page 66</p>	<p>1 statement. It goes without saying that you've heard his 2 evidence this morning, but in terms of where you fit in, 3 this is made clear from paragraph 2 of your witness 4 statement, that he told you in July 2011 that email 5 communications and documents which you had sent to him, 6 of course amongst other people, had been illegally 7 accessed; is that right? 8 A. That's right. 9 Q. Before he told you that, were you aware that this sort 10 of thing had been going on? 11 A. I was aware that his computer had been hacked, but 12 I didn't know that correspondence from me was involved 13 until that stage. 14 Q. Thank you. Have you been interviewed by the 15 Metropolitan Police in relation to these matters? 16 A. Yes. 17 Q. Have you seen evidence which confirms what Mr Hurst told 18 you, namely that emails and associated communications 19 that you sent him were unlawfully accessed? 20 A. What the police showed me was attachments to emails that 21 I had sent to Ian Hurst. They didn't show me the actual 22 emails. It looked as if whoever did the hacking had 23 extracted the attachments and that's what they were 24 interested in, not my covering note, as it were, in the 25 email.</p> <p style="text-align: center;">Page 68</p>

<p>1 Q. We're not going to go into what the attachments 2 contained or anything more about them, save to make the 3 general observation that they might well have been 4 highly confidential, if not sensitive; is that right? 5 A. They were both very confidential and sensitive, yes. 6 Q. Thank you. So what your evidence demonstrates -- and 7 this perhaps is fairly obvious -- is that if you hack 8 into one person's computer, you will see a panoply of 9 information of a confidential nature which may be 10 derived from third parties such as yourself? 11 A. Indeed. I should perhaps say that I'm not in a position 12 to know whether my own computer had been hacked because 13 I no longer have that computer in my possession and when 14 I replaced it, the hard drive was wiped and the computer 15 was given away to a charity that gives computers to 16 poorer people, so it's no longer available. That's the 17 only other possible explanation I can think of as to why 18 Mr X had possession of these documents. 19 Q. You make a number of bullet points in paragraph 3. 20 I think we've really covered the first bullet point. 21 The second bullet point is the ongoing ripple effects of 22 this, Ms Winter. The first is at the top of the page, 23 that persons/organisations sending material to you that 24 you passed on to Mr Hurst have had their documents 25 accessed. So it's not just you, but people further down Page 69</p>	<p>1 hacking was conducted at the request of a journalist 2 working for News International, it is not apparent that 3 my documents were taken solely for publication as news 4 stories. Therefore, the possibility of the hacking 5 having another purpose rather than simply gathering news 6 stories must be contemplated and investigated." 7 That's a very reasonable inference, I think. 8 A. In fact, the material that came into Mr X's possession 9 had appeared in the newspapers as long as three years 10 earlier, so it clearly wasn't about simply trying to 11 find a story to put in the paper. 12 Q. Without going into your supplementary statement, at 13 least at this stage, is there anything else you would 14 like to add to assist the Inquiry with, Ms Winter? 15 A. I'd simply like to say that from the point of view of my 16 organisation, we really rely on trust and 17 confidentiality, and we do deal with people from all 18 sides of a very difficult situation in Northern Ireland, 19 and when I first heard that these documents had been 20 compromised, my first thought was: if all of the people 21 that we help hear about this, they will lose confidence 22 in us, through no fault of our own, through nothing that 23 we have done, and that's a very chilling thought for our 24 organisation. We can only hope that the trust that 25 we've built up over the years will convince people who Page 71</p>
<p>1 the line, as it were? 2 A. That's right. 3 LORD JUSTICE LEVESON: Once you're into somebody's computer, 4 then you can see everything that that person has sent or 5 received, including communications that have been sent 6 to that person which might themselves have been 7 forwarded from any number of different sources. It 8 becomes, if not a mushroom, at least an ever-expanding 9 circle? 10 A. That's right, sir. 11 MR JAY: Thank you. In your own words: 12 "This ripple effect is particularly chilling for an 13 organisation such as BIRW, which handles extremely 14 sensitive and confidential documents and information. 15 Unauthorised access to that material has the potential 16 to compromise both official investigations and the 17 safety of individuals, including myself." 18 A. That's right. 19 Q. Indeed. In the final bullet point: 20 "It is not clear what the purpose of taking my 21 documents and communications was in this case. The 22 material does not readily appear to be newsworthy and it 23 is not clear that it was obtained for the purposes of 24 publication. Even though the evidence in Ian Hurst's 25 statement (paragraph 15) appears to indicate that the Page 70</p>	<p>1 work with us that we can still be trusted, but it is 2 a real issue for us that this could dent our reputation 3 for confidentiality. 4 MR JAY: Thank you. That's very clear. 5 LORD JUSTICE LEVESON: I understand, thank you. Thank you 6 very much indeed. Thank you. 7 Right. We have two witnesses left. I am very keen 8 to resolve what I should be doing about the statement 9 and promulgating the order that I made, and I think, 10 subject to how long it's thought the two witnesses will 11 take and their convenience, it may be appropriate to do 12 that now. 13 Help me, Mr Jay. 14 MR JAY: Our belief is that according full and appropriate 15 time to the last two witnesses, were we to start at 16 2 o'clock, we would conclude both of them by 4.30, and 17 therefore the important administrative matters to which 18 you refer, which I need to take some oversight of, if 19 I could do that over an extended lunchbreak, we can 20 start at 2 o'clock and there will be no difficulty 21 receiving all this evidence. 22 LORD JUSTICE LEVESON: All right. How about restarting at 23 1.45? That gives us just a little bit of leeway in the 24 afternoon, if we should need it. 25 MR JAY: Certainly. Page 72</p>

1 LORD JUSTICE LEVESON: Mr Sherborne, do you disagree with
2 that which Mr Jay has said?
3 MR JAY: Sir, not at all.
4 LORD JUSTICE LEVESON: Very good.
5 MR SHERBORNE: Just so I'm clear, does Mr Jay have an idea
6 as to how long we may take at the beginning of the
7 afternoon session, which is going to start at 1.45, to
8 deal with what I might call the administrative issues?
9 LORD JUSTICE LEVESON: No, I might have dealt with them
10 already and I will only come and ask your assistance if
11 I feel it necessary. I have to deal with Mr Caplan's
12 point, but that may or may not collapse; we'll see. If
13 it's necessary, I would deal with them after I've dealt
14 with the witnesses. If the witnesses are here and ready
15 to go, I'm not going to keep them waiting.
16 MR SHERBORNE: Sir, I'm grateful, I understand. I can tell
17 them that we'll start at 1.45 with their evidence.
18 LORD JUSTICE LEVESON: I think that's right, subject to two
19 or three minutes if I want to expatiate about something
20 or other.
21 MR SHERBORNE: I'm sure, sir.
22 LORD JUSTICE LEVESON: Could I say in relation to another
23 matter that the ruling that I intended to give in
24 relation to the protocol is available and is either now
25 or very shortly will be on the website together with

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1 a finalised protocol. Thank you.
2 (12.12 pm)
3 (The luncheon adjournment)
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