

WITNESS STATEMENT OF DEBORAH JANE GROBBELAAR

For Leveson inquiry into culture, practices and ethics of the press

I Deborah Jane Grobbelaar will say as follows:

I wrote to Tom Watson MP on 15 July 2011 summarising my family's battle against News Group Newspapers which had reached conclusion in June 2011 after 17 years of enormous stress and financial pain. During those 17 years our family had been torn apart by highly intrusive press interest, numerous Court appearances, Bruce Grobbelaar's bankruptcy, an acrimonious divorce, my total insolvency and the recent deaths of my father and mother. My letter was sparked by the hacking scandal at the News of the World and by the setting up of the Leveson Inquiry. I copied my letter to Tom Watson to Lord Justice Leveson and a copy of that letter is shown as an Exhibit to this Witness Statement.

Below I summarise the facts set out in my letter and elaborate on the Press action which caused our family so much distress.

1. In our family's case the Sun Newspaper paid a known financial conman, Chris Vincent, to entrap my husband, Bruce Grobbelaar, into appearing to accept bribes to throw football matches.
2. The Sun Newspaper provided the bribes and arranged for the "acceptance" by Bruce to be filmed. The Sun ran the story in 1994 and the case was taken up by the Crown Prosecution Service. The Crown Prosecution Service decided to prosecute Bruce and other footballers. Surprisingly they did not prosecute Chris Vincent and/or the reporters at the Sun who, if Bruce was guilty of accepting bribes to throw matches, were equally guilty of the crime of bribery to cause Bruce to throw matches.
3. The impact on our family at this time with two young daughters -- Tahli was 10 and Olivia was 7- does not bear thinking about. When the story broke, Bruce was catching a plane to Zimbabwe to play for the Zimbabwean national football team. This meant that myself and the 2 girls were alone at home in Heswal, the Wirral. We became the target of intense media attention. Our house was surrounded by journalists, photographers, TV cameras etc. Our cul-de-sac was blocked by vehicles and equipment so that it was virtually impossible to leave the house. The Press followed us whenever we left the house even when the girls were driven to school. At night the house was bathed in dazzling bright light from specially installed arc lights waiting for photo opportunities. We had to wear wigs and disguises and to stay away from the house during daylight hours. After a week or so I was forced to take the

girls out of school and leave the country. We went to Zimbabwe for over a month waiting for the press and media interest to die down. As it happens on our return the press interest was still intense and it continued to be so through the Criminal Trials and the libel case which was heard in the High Court, the Court of Appeal and finally the House of Lords in 2002.

4. My parents were also subjected to unwarranted Press attention at their home in Ubley, Somerset. The press did not confine their attention to my parents but insisted on "door stepping" neighbours as well. Ubley is a small village and the invasion by the press caused considerable distress to my parents. I believe Press harassment on this scale should not be permitted particularly when it is remembered that Bruce, the person alleged to have taken bribes and thrown matches, was not even in the country.
5. Bruce was acquitted by the Criminal Courts in 1997 and won his libel action in the House of Lords in 2002, some 8 years after the story was published. However, Bruce spent all our family savings and investments, about £500,000, in defending himself in the criminal case. On top of that because Bruce only received £1 in damages from the House of Lords in the civil case, he was awarded two thirds of the News Group Newspapers' (the Sun's owner) legal costs against him, almost £700,000 thereby ensuring his bankruptcy. And ultimately my own total insolvency.
6. Meanwhile the Sun got away with its own dishonest (possibly criminal) actions in "setting up" Bruce using Chris Vincent as agent provocateur. Clearly Chris Vincent was guilty of criminal activity in attempting to bribe Bruce, but Chris Vincent was never charged. Nor were any of the reporters of the Sun who were party to the criminal conspiracy of attempted bribery. So even though Bruce had won in the Courts, the Sun was able to retain the 8 years of profit generated by publishing untrue stories in the "public interest". It was only after the House of Lords judgement in November 2002 that an injunction was made to stop the publication of any further falsehoods.
7. Bruce's Bankruptcy in 2004, as a result of the award of costs against him, then resulted in another 7 years of enormous emotional strain and huge financial pain to our family as Bruce's Trustee in Bankruptcy pursued me for all my assets including the family home regardless of the merits of the case. In the course of this Bruce and I divorced and I was made totally insolvent because of the costs incurred in defending myself from the Trustee. Furthermore I did not qualify for legal aid because of my BA cabin crew salary. Last year both my parents died having suffered 16 years of immense uncertainty and worry as to what would happen to me and the girls. I believe the stress caused their relatively early deaths and certainly ruined their retirement.
8. The two girls have had to live for 17 years with the huge stresses and strains caused by the Sun story and its aftermath and during this time have more or

less lost contact with their father -- who has now remarried and lives in Nova Scotia- and suffered the grief of losing their grandparents within months of each other. The experience has had a lasting impact on each of them particularly as the experiences happened at such an early age and over such a long period.

9. All of the above happened because 17 years ago, the Sun published a story – in the “public interest” – which they had manufactured using the services and evidence of a financial conman who engaged in criminal activity, and which has been found by both the Criminal Courts and the House of Lords to be untrue.

10. It is a fact that tabloid Newspapers are driven by circulation figures and profits. Getting and generating stories is their business with little regard to the means, or to the impact or the long term consequences on their “victims”. In my view the fact that the Sun got away with their dishonest (possibly criminal) actions in 1994 gave the tabloid press the confidence to continue the pursuit of their business using highly dubious and frankly dishonest/criminal activity throughout the 1990s and into the 2000s culminating in the phone hacking scandal, without any real challenge.

11. The only weapon the public have to redress their grievances once publication takes place is to sue for libel and of course this is a very costly business. Bruce took advantage of a Contingency Fee Agreement under which his legal fees would be paid out of costs awarded to him against News Group Newspapers in the civil case. Whilst this protected him from paying his own legal costs it did not protect him from the Court awarding the News Group Newspapers’ legal costs against him of some £700,000 and which caused his Bankruptcy and my financial insolvency. Indeed I do not believe he was aware of this possible outcome before he decided to sue News Group Newspapers: and he certainly was not aware that if he actually won his civil case, which he did, he may still have to pay News Group Newspapers’ legal costs! I can honestly say that no one advised me of the disastrous consequences should Bruce either lose his libel action or win his libel action but not sufficiently well to be awarded costs. So anyone using a Contingency Fee Agreement should be mindful of this very real and potentially hugely dangerous time bomb.

12. All legal action is a risky business so the public should not have to rely on this as the only weapon in their armoury to counter the might of the press. For the tabloid press legal costs and the payment of damages to libel victims are simply part of the cost of doing business. A system which relies entirely on the right to sue for libel can never prevent injustice unless the amount of damages is raised to such a level that it entirely eliminates the benefits to the press of

publishing untruths.

13. I would like to make one last point on Contingency Fee Agreements and Bankruptcy cases. Bruce's Trustee in Bankruptcy entered into a Contingency Fee Agreement with his lawyers who also acted for News Group Newspapers the principal creditor in Bruce's Bankruptcy. This meant that the Trustee had no commercial reason to settle with me and continued to pursue me through the Courts even though I was made insolvent as a result of my legal costs. Commercially the Trustee could not obtain any funds for Bruce's creditors because there were no funds available and yet the Contingency Fee Agreement enabled the Trustee to ignore commercial reality and pursue me out of pure vindictiveness. At the same time if I had won in Court and was awarded my legal costs against the Trustee, I could not actually obtain any reimbursement from the Trustee because the Trustee had no assets out of which to pay me. In my view Conditional Fee Agreements should not be permitted in Bankruptcy cases as they are a one way bet for the Trustee and encourage senseless legal action. In addition, because they allow lawyers to "ratchet up" their fees by a 75% premium if the Trustee is successful they very often result in the Bankrupt's Estate being entirely exhausted so that in many cases Creditors receive no or minimal returns from the Bankruptcy action.

I believe the facts stated in this Witness Statement are true.

Signed



Deborah Jane Grobbelaar

Dated 29/11/2011

From Debbie Grobbelaar
Exhibit to Witness Statement dated 29 November 2011
For Leveson inquiry into culture, practices and ethics of the press

Tom Watson MP
House of Commons
London SW1A 0AA

15 July 2011

Dear Mr Watson

Bruce Grobbelaar v News Group Newspapers

I am writing to you as a leading and tireless campaigner against an all powerful press with a brief resume of the above case and its enormous impact on our family.

This year marks the end of our family's 17 year battle against News Group Newspapers. Ironically it also marks the demise of the News of the World and with what now appear to be much wider repercussions for the Murdoch empire both here and overseas as the various investigations and enquiries unfold.

For us the battle started in 1994 when the Sun engaged the services of a known financial conman, Chris Vincent, to bribe my then husband, Bruce Grobbelaar, to match fix by letting in goals, a charge which he has always denied. The Sun published a story based on Chris Vincent's evidence claiming that Bruce had let in goals for cash. Of course this was all done in the "public interest" to show that match fixing was endemic in the English game!

The Crown Prosecution Service took up the case pursuing Bruce through the Criminal Courts. Eventually in 1997 a jury at the Winchester Crown Court found Bruce not guilty and he was acquitted of all criminal charges but not before he had expended more than £500,000 of family money on legal costs, including his testimonial fund from Liverpool FC, in defending himself against the allegations.

But the nightmare had only just begun. Bruce on legal advice sued the Sun for libel. The case went to the House of Lords where, in 2002, Bruce won the case albeit winning a nominal £1 in damages. However the House of Lords in their wisdom decided that Bruce was an undeserving victor and awarded two thirds of the News Group's legal costs against him, nearly £700,000, thereby ensuring his bankruptcy. Bruce's solicitors expressed amazement at this outcome and suggested that he take the case to the European Court but we had had enough having spent 8 years fighting the case and all of our savings.

Meanwhile the Sun which had made a great deal of money out of the story got away with their own dishonest actions in "setting up" Bruce using Chris Vincent as agent provocateur; such underhand and dishonest actions presumably being justified as in the "public interest".

Bruce was declared Bankrupt in August 2004 since when his Trustee in Bankruptcy, Baker Tilly and their solicitors, Davenport Lyons, who also act for News Group Newspapers, have pursued me relentlessly for my assets regardless of merit, ostensibly, so that they can repay News Group the costs they were awarded by the House of Lords. That is, until June this year when the matter was settled out of Court. Needless to say News Group did not receive a penny towards its costs as the Trustee's legal costs vastly exceeded the assets available.

During our 17 year battle, Bruce has been made Bankrupt, we have been through an acrimonious divorce and I am now totally insolvent because of the costs incurred in defending myself against Bruce's Trustee in Bankruptcy. I did not qualify for legal aid because of my salary from BA as a member of their cabin crew, and so for the last 3 years have been fighting this case on my own, without any funds, but with the help of some very good friends.

These bare facts do not begin to describe the horrendous stress and emotional strains on me, our two daughters and my parents who both died last year having suffered 16 years of uncertainty as to what would happen to me and their granddaughters.

All of this because 17 years ago, the Sun published a story – in the "public interest" – which they had manufactured using the services and evidence of a financial conman and which has been found by both the Criminal Courts and the House of Lords to be untrue.

Now Parliament and the public have woken up to the fact that many of the methods used by the tabloid press are indeed dishonest and in some cases are against the law. Unfortunately this is too late to help us and many other families who have suffered at the hands of the press, often with the help of the Courts who have chosen to support the press and their methods in the "public interest", instead of the victims of their dishonest actions.

With the news that News Corp does not intend to proceed with its bid for BSkyB and the Government's announcement of a Public Enquiry headed by Lord Justice Leveson into the relationships of the press with the police and politicians it appears that the tide has finally turned and from now on the press will be under pressure to act like any other citizen – honestly and within the law – or face the consequences. Hopefully my own story of a how the Sun caused such financial and emotional pain to our family will add further encouragement for real change so that other families do not suffer as we have.

Mr Watson I also see that you are a member of the "hacked off" campaign which Lord Fowler is heading and is aimed at victims of press dishonesty like my family. I am happy for you to use this letter in that campaign and in any other way that you think fit.

Yours sincerely

Debbie Grobbelaar