

The Leveson Inquiry

Witness Statement for Part 1, Module 2

WITNESS STATEMENT OF BARON PRESCOTT OF KINGSTON UPON HULL

I, JOHN PRESCOTT, Baron Prescott of Kingston Upon Hull, of [REDACTED]

[REDACTED] WILL SAY AS FOLLOWS:-

1. I make this statement to assist the Inquiry in relation to Module 2 which deals with relationships between the press and the police and the conduct of each. The facts in this statement are from matters within my own knowledge. Where I refer to matters not within my knowledge, I refer to the source of that knowledge. I attach hereto as exhibit JP1 a bundle of relevant documents. The page references are to this bundle.

Background

2. I have been a politician for over 40 years. I represented Hull East as the Labour Member of Parliament between 1970 and 2010. I was the Deputy Prime Minister from 1997 until 2007. In July 2011 I entered the House of Lords as a life peer.
3. As a politician and Cabinet Minister I have been the subject of significant media interest and scrutiny for many years. In April and May 2006, I was the subject of particularly intense tabloid interest. A number of stories were published in the tabloid press at this time concerning my private life. The interest followed a story that was published by the Daily Mirror on 26 April 2006 concerning an extra marital affair which I admitted when I was confronted about it. As I understand it the story was disclosed to the press by both Tracey Temple (with whom I had the relationship) and her boyfriend who disclosed their accounts (many of which were false) to the Mirror and Daily Mail respectively.

4. Although it was inevitable that I would be targeted by journalists and photographers after this story had been published, the behaviour of journalists and the frenzy for more information shocked me. The Mirror's story was followed by numerous other intrusive stories in every tabloid newspaper, including the Sun and the News of the World. I certainly did not expect the newspapers' interest to extend to those who were known to me but otherwise unrelated to the story and outside the public domain. By way of example, I arranged to see some family friends during the time of the scandal and was horrified to learn that tabloid journalists arrived at their house. I could not explain how they knew to be there or why they would be there. The lady concerned complained to the PCC about the behaviour of the journalists.
5. On other occasions, colleagues including civil servants who worked with me would say that they had been called on their private numbers by journalists asking for information about me. They did not know how the press had got hold of their numbers. It was an extremely distressing time for my family and friends but it was also extremely unpleasant for the many others who would be pestered by journalists for more information.

My contact with the MPS over voicemail interceptions

6. Later in 2006, a few months after the stories about me were published in the tabloid press, the News of the World's royal correspondent, Clive Goodman, and a private investigator, Glenn Mulcaire, were arrested as a result of a police investigation and both pleaded guilty and served short prison sentences.
7. At the time of their arrest, I was not aware that I had been of interest to either individual. Although the Metropolitan Police indicated at the time that they had information that there were some additional individuals who may have been victims or potential victims of these individuals, I believed them when they said that any victims would be contacted. As I was Deputy Prime Minister at the time and had regular dealings with senior police officers including Mr Hayman (who was then Assistant Commissioner overseeing the investigation), I thought it inevitable that I would be told if there was any suggestion that I had been targeted.

8. I was therefore astonished by reports published in the Guardian newspaper on 8 July 2009. The article claimed that a large amount of information was obtained about a large number of individuals, many of whom were public figures, who had been the targets of Mr Goodman and/or Mr Mulcaire and therefore may have had their private telephone messages intercepted. The Guardian alleged that its sources revealed that my name and the names of other politicians were referred to in the documents obtained by the Metropolitan Police in 2006. Given the Guardian's allegations and the tabloid interest in me in 2006, I became extremely concerned that I could have been one of those targeted by Mulcaire and I decided to contact the Metropolitan Police to see whether, as a result of their investigation, they held any information about me which could indicate that I was a target and/or they had any evidence that I had my messages intercepted.
9. As I have mentioned, in 2006 I was the Deputy Prime Minister. As well as using my mobile telephone for private calls with friends and family, I would also use it for my work. As Deputy Prime Minister, in addition to my constituency responsibilities, I would be consulted by individuals such as the Prime Minister Tony Blair and the Chancellor Gordon Brown on numerous issues including those concerning national security. If my messages and/or telephone calls were being intercepted, it would be of both personal and professional concern to me. My personal assistant, Joan Hammell, also had a mobile telephone and I left numerous messages for her about personal and constituency matters. Her number was also used by many people to leave messages for me or to arrange meetings with me as she managed my diary.
10. On 9 July 2009, I wrote to the Assistant Commissioner of the Metropolitan Police, John Yates ("Mr Yates"), and referred to the Guardian allegations stating *"that I would like to know if you do have such information [as referred to in the Guardian]. And, if so, why were we not informed and why no was action [sic]. It is important that you make the police's position clear"*. My correspondence with the Metropolitan Police is at pages 1 and 2 of exhibit JP1. The same day, 9 July 2009, Mr Yates telephoned me (I was in my car at the time) and told me that he was on his way to a press conference to deal with this

issue and there was no evidence that my mobile telephone messages had been hacked. I asked Mr Yates to put this information in writing.

11. Later that same day, Mr Yates gave the press conference he had referred to in his conversation with me. During this conference he made the following comment: *"there has been a lot of media comment today about the then Deputy Prime Minister, John Prescott. This investigation has not uncovered any evidence to suggest that John Prescott's telephone had been tapped"*. I believe he directly addressed whether my mobile telephone had been tapped because I was a senior Cabinet Minister at the time and that he knew that a failure to properly investigate telephone tapping of the then Deputy Prime Minister, done at the behest of tabloid newspapers, would be considered scandalous and needed to be specifically denied. He also said during the press conference *"Where there was clear evidence that people had potentially been the subject of tapping, they were all contacted by the police"*.
12. This statement does not of course deal with the information the Guardian reported from its sources that I was a person targeted by Mulcaire and that my voice mail messages may have been unlawfully accessed or listened to. I was not satisfied with Mr Yates' explanation on the telephone or the comments he made in the press conference.
13. On 10 July, my then solicitors Steel & Shamash wrote to the editor of the News of the World, Mr Colin Myler, requesting any personal data they held about me (pages 3 to 8). This request was made under the Data Protection Act. My solicitors also wrote that day to Director of Public Prosecutions Keir Starmer QC, asking that material allegedly sealed as part of the case involving Gordon Taylor (which originally exposed the tapping scandal) be unsealed so that we could investigate if my name appeared (pages 9 to 10).
14. I received a letter from the CPS, to whom my letter to Keir Starmer had been forwarded, on 16 July 2009 (pages 11 to 16). They were not forthcoming with any new information, though they did provide me with a copy of the DPP's statement on the issue. On 7 August, solicitors instructed by News of the World responded substantially to my letters (pages 17 to 19). They relied on John

Yates's statement when saying that my phone had categorically not been tapped, and so the News of the World had not acquired any of my personal data. They were not helpful on other points raised.

15. At this point, John Yates had still not responded in writing to my letter of 9 July, and so on 21 August 2009 I wrote once again to Mr Yates enclosing a copy of my previous letter and asking for his response (page 20). Mr Yates replied on 11 September 2009. A copy of his response is exhibited (page 21) in which he put in writing that the Metropolitan Police investigation of 2005/2006 "did not uncover any evidence to suggest that your telephone had been tapped". He added that, at the time, the Metropolitan Police had taken the decision to inform any individuals where they had information that their mobile telephones had been intercepted who fell within certain category: individuals in the royal household, MPs, Cabinet Office, police and military. As a senior figure in the Cabinet, clearly I fell into this category. I was also working closely with Mr Hayman at this time on anti-terrorism issues. Given what I now know of the information that was held referring to me and that I fall squarely into Mr Yates' categories, I find it both inexplicable and shocking that I was not contacted at the time.
16. Mr Yates also told the DCMS committee on 2 September that there was no evidence that my phone had been tapped, despite being pressed on this by the Committee.
17. Later that year, I was advised that the Metropolitan Police had undertaken a further review of the evidence they held in relation to the 2006 investigation and that it would be worth writing to the Metropolitan Police's legal department to see if they had identified anything referring to me. On 24 November 2009 I wrote to the Director of Legal Services at the Metropolitan Police (page 22).
18. On 15 December 2009 I received a reply from Naz Saleh of the Metropolitan Police Legal Services (pages 23 to 24). Ms Saleh confirmed in her letter that documentation existed which indicates that I was a "person of interest" to Mr Mulcaire. For the first time I was told that this information consisted of a piece of paper with the words "John Prescott" and "Hull", as well as two self-billing

tax invoices dated 7 May 2006 and 21 May 2006 which were addressed to News International Supply Company Limited and contained the words "*Story: Other Prescott Assist - TXT*" and "*Story: Other Prescott Assist - TXT: Urgent*".

19. To my mind it is perfectly clear that this documentation alone shows that the Metropolitan Police were in possession of some evidence that my phone could have been compromised in some way and that my privacy might have been invaded. Mr Mulcaire was known to have been engaged by individuals within News International to intercept phone messages and it is surely evidence that warrants, at the very least, further police investigation. I was staggered that the Metropolitan Police had been in possession of this information, and similar information about other public figures, since 2006 and not only had I not been informed of this fact, I was positively told that there was no evidence.
20. I was also horrified to realise that, even on the Metropolitan Police's analysis, I was a "person of interest" to Mr Mulcaire and I may have had my voicemail messages intercepted by him without knowing anything about it. I wanted to understand exactly what did happen and whether any relatives, colleagues or friends of mine were also targeted in this way and what other private information was in the possession of the Metropolitan Police. This is clearly an extremely serious matter.
21. On 5 August 2010 my new solicitors Collyer Bristow LLP wrote to the Commissioner of the Metropolitan Police notifying them of a potential application for judicial review and presented an opportunity whereby his (or the Metropolitan Police's) lawyers could seek to avoid such a step (pages 25 to 29). A reply to this letter was received on 15 September 2010 (pages 30 to 34).
22. When he gave evidence to the Home Affairs Committee on 7 September 2010 Mr Yates said about me "*he has never been hacked to my knowledge and there is no evidence that he has*"
23. At the same hearing, in answer to the question of whether the police had written to those whose PIN numbers were on the list, Mr Yates said that they had taken "*all reasonable steps in conjunction with the major service providers ... to ensure where we had even the minutest possibility that they may have been the*

subject of an attempt to hack' that they had been informed. I knew this was not an accurate analysis of the facts.

24. These misleading statements, and the continuing failure of the Metropolitan Police to investigate this matter fully and provide me with the information I was entitled to left me deeply dissatisfied and so I decided to join the judicial review of the Metropolitan Police and instructed Bindmans LLP to make an application for me to be joined so as to challenge these failures in the High Court. I was duly joined to the judicial review proceedings.

Judicial review proceedings

25. On 4 February 2011 the Court handed down its judgment in the application for permission for judicial review. It relied on the Police case that there was no evidence that my telephone had been tapped (or my voicemails intercepted), and that there was simply a small amount of documentary information about me. That information provided to the Court was incorrect and, together with other incorrect information about some of the other Claimants, misled the Court into refusing permission for judicial review.
26. On the 9 February, I received a further letter from the police which indicated that they had received an email from News International dated 28 April 2006 which was headed "*Joan Hammell (advisor for Prescott) (sic)*" and which contained a message giving instructions on how to access the voicemail box and saying that there were 45 messages to be listened to (pages 34A and 34B). The obvious reason for intercepting Joan's telephone was to obtain information about me. I had indeed left numerous messages for Joan around that time, and many others had left messages for me with her as she was used to passing on messages when I couldn't be reached.
27. The police indicated that they had only recently been given a copy of this email by News Group, but I was amazed to learn that, despite everything the police had told me, that there was in fact even more information about me in the documents they held -- a notebook page with the words "*Prescott Advisor, Joan Hammell*" and her mobile number. I met officers from Operation Weeting on 9 and 11 February and I was shown this material.

28. Mr Yates then gave evidence to the Culture Media and Sport (CMS) select committee on 24 March 2011 in which he claimed that the reason that the investigation did not proceed any further than it did was that the CPS advised that there were technical problems with the offence (i.e. in order to show that an offence had been committed under RIPA, the Police would have to prove that messages were intercepted before being listened to). His comments were strongly contradicted by the Director of Public Prosecutions, Keir Starmer QC. He appeared before the Home Affairs Committee on 5 April, and produced evidence to demonstrate that (1) the investigation did *not* proceed on the basis of any such advice; (2) the CPS considered throughout that offences had been committed under the Computer Misuse Act, and (3) that the narrow view of RIPA advanced by Mr Yates was not in fact taken in the successful prosecutions of Mr Goodman and Mr Mulcaire (pages 35 to 44).

29. Mr Yates' claim that the MPS asked the mobile telephone companies to liaise with their customers and warn them about possible interceptions has also been contradicted by the mobile telephone companies concerned. Each of the four main mobile telephone providers has publicly confirmed that they were *not* asked by the Defendant to contact potential hacking victims

30. Mr Yates, in a letter to the Select Committee dated 13 April 2011, has also now confirmed that only 36 people were told about the way in which their private information was unlawfully accessed (pages 45 to 47). That is despite the fact that there are several thousand potential victims. In that letter he said that, in evidence to the Committee he had accepted "*that more could and should have been done in relation to those who may have been potential victims.*"

31. The application for permission for judicial review was then renewed and the new information about me (and the other claimants) was presented to the Court. Permission was then granted, and in his Judgment of 24 May 2011, Foskett J noted that the information provided by the police was incomplete and said:

I do not think that there can be any doubt that Mitting J placed considerable reliance on the reliability of what was asserted on behalf of the Defendant in

the Amended Acknowledgement of Service and Grounds for Contesting Claim when rejecting the application for permission on the papers in relation to Mr Bryant, Mr Paddick and Lord Prescott. Given the well-established duty of candour on the part of a public authority in the context of proceedings of this kind, that was not surprising.

Documents disclosed about me in the legal proceedings

32. Disclosure in this matter was finally received on 30 September 2011. When I read it, I was astonished to see that the Police had indeed decided to warn all victims and potential victims and had intended to begin by warning those where there was a potential security risk i.e. Police, Military, Royals and Politicians. As Deputy Prime Minister at the time, I was obviously in that category. There is no indication in the documents I have seen as to why those steps were not taken.
33. I have also seen a transcript of an interview with Glenn Mulcaire on 8 August 2006 in which the interviewing police officer said this to Mr Mulcaire: *"another page here has got the name John Prescott. There's another name underneath, first of all it says advisor and then the name Joan Hammel. You've got her telephone numbers and DI numbers, password numbers and Vodafone passwords that I've already mentioned and an address*
34. I had never been told about this before and I find it quite staggering. This reference to me was not specifically disclosed to me by the police at any time and I was left to find it in the records of the interviews.
35. I also issued a claim against News Group in the High Court for breach of privacy in May 2011. As a result of the disclosure in relation to common issues in Summer 2011, I now know that an application was prepared in draft in 2006 for a warrant to search News Group's offices and that this application referred specifically to me. This information was known to the police, but disclosed by NGN and not by the Police, either to me individually or in the course of the Judicial Review. The application said *"Also found at Mulcaire's business*

premises were a number of invoices and other material in relation to payments from the News of the World. This material reveals that, in addition to the weekly retainer, he also received other payments, typically of £250, which appear to be linked to assistance given in relation to specific stories...The details contained in the invoices demonstrate these stories involved individuals in the public eye, such as..'Prescott', In my view the failure to disclose this to me in individually or in the Judicial Review proceedings is inconsistent with the duty of candour referred to by the Judge giving permission.

36. I have now settled my claim against News Group newspapers who have apologised and paid substantial damages to both me and to Joan Hammell. It is beyond doubt that Mr Yates' statements about me and the police statements to the Court in the judicial review are untrue.

37. I am appalled about the way the MPS misled the claimants and the wider public by stating that there were only a "handful" of victims, that where there was evidence of hacking, victims were told. When those who thought they might have been victims contacted the Defendants for fuller information, many were wrongly told that there was no evidence of hacking.

38. It has now emerged, contrary to the picture painted by the police, that telephone interception was extremely widespread, numerous other journalists were involved, including those in senior editorial positions, the 2006 investigation did not question any of those people, the offending behaviour may have continued well beyond 2006, and the potential victims of crime were not informed. As a result of the Judicial Review, the MPS have now accepted that the failure to inform victims was a breach of its legal obligations.

39. In relation to my own position, I was first told that there was no information whatever to suggest I was a victim of interception, then that there was a small amount of documentary evidence which did not prove anything, then it emerged that there was in fact an email instructing a journalist how to access voicemails left by me for my assistant, then that there was in fact further documentary

evidence about me which had been in the possession of the Metropolitan Police all along.

40. This has emerged despite, not because of, the police investigations. The unfolding evidence of a vast conspiracy to intercept mobile phones has been obtained because of the tenacity and conviction of certain journalists, lawyers and litigants. The police appear to have put their relationships with the Newspapers before their duties to victims and I find that extremely shocking. Had the victims been told in 2006, it seems obvious to me that there would have been a public outcry and the press would have faced extremely serious criticism.

41. The Judicial Review has now concluded with the Court making a Declaration. I am very pleased that the Commissioner has accepted that the failure to warn victims was a breach of his legal obligations under Article 8 of the Convention.

Impact of the MPS failure to warn victims or properly to investigate

42. The effect of the Police failures, whether intended or not, has been to allow News Group Newspapers to cover up their wrongdoing. News Group have relied heavily on the Police conduct in seeking to justify their behaviour and to cover up the extent of criminality at the News of the World. I note in particular the following:

- On 6 March 2007 Les Hinton told the CMS committee on self regulation of the press that he believed that Clive Goodman was the only person who knew what was going on. [Q95] In response to a question about what investigations were carried out to determine whether or not anybody else was aware of what Clive Goodman was doing, Les Hinton referred to the "*pretty thorough investigations carried out by the police*".
- In February 2008 Managing Editor of the News of the World said on radio when asked about voicemail interception: "*It happened once at the News of the World. The reporter was fired; he went to prison. The editor resigned.*"

- On 8 July 2009 The Guardian published its allegations that voicemail interception went much wider than originally thought. Mr Yates was requested to *"establish the facts"*. On the following day, he concluded that no further investigation was required, that there was no evidence to suggest my phone had been tapped. He concluded his statement saying *"The case has been the subject of the most careful investigation by very experienced detectives....No additional evidence has come to light since this case has concluded. I therefore consider that no further investigation is required"*.
- On 10 July 2009 News International made its own statement. It referred to the thoroughness of the police investigation, saying *"The raid on Mulcaire and Goodman's premises and on the News of the World office seized all relevant documents and all available evidence. The police investigation continued after the arrests and all relevant activity was studied and analysed...The police investigation was incredibly thorough ...From our own investigation, but more importantly that of the police, we can state with confidence that apart from the matters referred to above, there is not and never has been evidence to support allegations that:*
 - *News of the World journalists have accessed the voicemails of any individuals;*
 - *News of the World or its journalists have instructed private investigators or other third parties to access the voicemails of any individuals;*
 - *There was systemic corporate illegality by News International to suppress evidence*

It goes without saying that had the police uncovered such evidence, charges would have been brought. Not only have there been no such charges, but the police have not considered it necessary to arrest or question any other member of the News of the World Staff"
- That was followed on 11 July 2009 by an article published in the Times by Andy Hayman who headed the original investigation. He said that no stone was left unturned and claimed that there was *"a small number – perhaps a*

handful – where there was evidence that their phones had actually been tampered with. Had there been evidence of tampering in the other cases, that would have been investigated as would the slightest hint that others were involved.” He also mentioned me by name in this article, suggesting that the facts had got lost and that there was no evidence my phone was hacked.

- On 12 July 2009, the News of the World editorial said *“So let us be clear neither the police nor our own internal investigations have found any evidence for allegations that News of the World journalists have accessed voicemails of any individuals”*

- On 21st July 2009, Colin Myler told the CMS committee Inquiry into Press Standards and Libel in relation to the issue of whether they knew that others at the News of the World had been involved in phone hacking that *“Both the prosecution and the Judge at the Goodman/Mulcaire trial accepted that the annual retainer agreement between the News of the World and Glenn Mulcaire, and the work he did under it, did not involve criminality. At no stage did the police arrest or question any member of the News of the World staff besides Mr Goodman.”*

- Mr Myler also referred to and relied upon AC Yates’ statement of 9 July that all victims had been contacted and no further investigation was required and added *“The police have not considered it necessary to arrest or question any other member of the News of the World staff.”*

- In questioning by the Culture Media and Sport Committee on 2 September 2009, AC Yates was asked about the ‘For Neville’ email and why the Police did not follow up clear evidence of the involvement of other journalists – he responded *“there is no clear evidence as to who Neville was or who is Neville. It is supposition to suggest Neville Thurlbeck or indeed any other Neville within the News of the World or any other Neville in the journalist community.*

Mulcaire's computers were seized and examined. There is nothing in relation to Neville or Neville Thurlbeck in those computers and, supported by counsel latterly and by the DPP, they both are of the view, as we are, that there are no reasonable grounds to suspect that Neville has committed any offence whatsoever and no reasonable grounds to go and interview him." The Chairman refers to the fact that the chief reporter of the News of the World is called Neville and he was not asked if he was the Neville referred to, to which Mr Yates responded "Well, there is no evidence of an offence being committed, which is what I said first." In the same session, Paul Williams who was in charge of the 2006 investigation

- I also refer to the questioning of Andy Coulson on 21 July 2009. Mr Coulson referred extensively to a "rogue reporter" saying there was not a lot he could have done if a rogue reporter decides to act in that fashion and that Goodman was a very unfortunate rogue case [Q1670]. He added that so far as he is aware there is no evidence linking the non-Royal phone hacking allegations made against GM to any member of NoW staff. [Q1589]

43. It is absolutely clear to me that News Group were able to rely upon the inadequate Police investigation to justify its (untrue) claim that the wrongdoing was limited to one person at the News of the World. For 4 years the MPS did not contradict any of these claims. In my view, the MPS has supported and assisted an organisation guilty of criminal behaviour and prioritised this over the rights of thousands of potential victims, including ordinary people whose privacy rights had been seriously violated and who knew nothing about it.

44. That is deeply shocking. The public duty of the MPS is to deal with crime and to protect victims of crime. In this case they appeared to have protected the perpetrators and misled the victims.

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

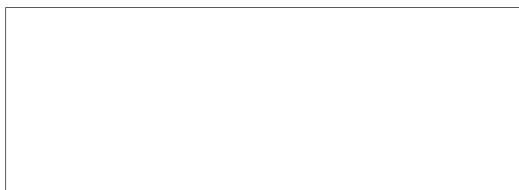
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Signed



John Prescott

Dated

17. February 2012