

IN THE MATTER OF AN INQUIRY UNDER THE INQUIRIES ACT 2005

LEVESON INQUIRY INTO THE CULTURE PRACTICES
AND ETHICS OF THE PRESS

Part 1 : Module 1

WITNESS STATEMENT
OF
PAUL DELAIRE STAINES

I, Paul Delaire Staines, c/o Bryan Cave, 88 Wood Street, London EC2V 7AJ, **WILL SAY** as follows:

Introduction

1. I was born on 11 February 2011 and attended Salvatorion College in Harrow. I am an Irish citizen. I am a former investment banker and I retired in 2000. In 2004 I set up the website www.order-order.com in 2004 (the “**Website**”). The Website reports on political rumours and scandal and current affairs from a right wing/libertarian perspective. The Website has won numerous awards, including the Guardian’s *Blogger Of The Year* award in 2005, and has been awarded the title of *Top Political Blog* at the Total Politics Blog Awards for the last three years.
2. I make this statement from information within my own knowledge, or, where indicated, from information provided to me by an identified source which I believe to be true. A paginated bundle of copy documents entitled “**PDS1**” is attached to, and forms part of, this statement. References in square brackets are references to pages of PDS1, in that [1] refers to page 1 of PDS1.
3. I am making this witness statement in response to a notice dated 28 November 2011 (the “**Notice**”) made by Lord Justice Leveson as chairman of the Leveson Inquiry into the Culture, Practices and Ethics of the Press (the “**Inquiry**”) under Section 21(2) of the Inquiries Act 2005. A copy of the Notice is at [1-3].
4. The Notice requires me to cover the following issues:

- 4.1 The date and time upon which I first obtained a copy of the witness statement which Alistair Campbell prepared for the Inquiry (the “**Witness Statement**”);
 - 4.2 How I first obtained the Witness Statement;
 - 4.3 From whom I first obtained the Witness Statement;
 - 4.4 If and insofar as I consider that I obtained the Witness Statement lawfully, why I consider that I obtained it lawfully; and
 - 4.5 Why, having obtained the Witness Statement I chose to publish it on the internet before Mr Campbell gave his evidence.
5. For the avoidance of doubt, nothing in this statement should be taken as any waiver of privilege, or any other protection I have under English or European Community law.

My Responses to the Questions in the Notice

The date and time upon which I first obtained a copy of the Witness Statement.

6. I received a copy of the draft on Friday, November 25, 2011 at 2:53PM.

How I first obtained the Witness Statement

7. I received the document in electronic form in the body of an email sent to me by a person to whom I shall refer as “X”. I know X to be a journalist. A redacted copy of the email to me from X is attached at [4-21].

From whom I first obtained the Witness Statement

8. I am not prepared to reveal the name of X. I would regard it as betraying a source.

If and insofar as I consider that I obtained the Witness Statement lawfully, please explain why you consider that you obtained it lawfully

9. I considered that I received the Witness Statement lawfully, taking into account the factors set out at paragraphs 10-11 below. Whilst I did not see any of them as conclusive on their own, taken together I considered that the Witness Statement was received lawfully. In the light of recent developments, it is clear that my earlier conclusion is correct.

10. I believe that X is a responsible journalist and would be unlikely to obtain information illegally. Certainly X gave no indication that he had received the Witness Statement by illegal means. I also believe that given the intense scrutiny which newspapers have received leading up to and during the Inquiry that any employee of the news media would be very wary of obtaining or passing on illegally obtained information relating to the Inquiry.
11. I further believed, and still believe, that the ultimate source of the Witness Statement was Mr Campbell himself, as it seemed to be the explanation which best fit the facts.
 - 11.1 X told me that the Witness Statement was in wide circulation amongst the media. To confirm this, after receiving the Witness Statement I made enquiries with other journalists with whom I have professional and/or social relations. On Friday 25 November 2011 I spoke with a broadsheet journalist, "Y". Y works for a rival newspaper to the newspaper X works for. I told Y that I had a copy of the Witness Statement. Y told me "*we have it already*". From this I deduced that the Witness Statement had a wide circulation in the media world. This suggested that it had been deliberately given a wide circulation rather than been obtained by the illegal activities of a single reporter, as such material would obviously be kept under closer guard.
 - 11.2 This impression was confirmed on Monday 28 November 2011, in the course of my being interviewed by a further journalist from a different broadsheet. This further journalist told me that he personally knew yet another journalist to whom Mr. Campbell had emailed the draft "*weeks ago*" for their opinion.
 - 11.3 Furthermore, the Witness Statement was clearly a preliminary draft which had had little or no input from lawyers. I have enough experience with litigation to know that a draft statement which has been looked at by lawyers will be a polished draft, with spelling errors corrected and written in a certain style. A non-lawyer, even an articulate and educated one, will not produce such a draft. The Witness Statement as clearly the work of a non-lawyer. By way of example, the Witness Statement uses the word "*sueing*". This is not a word which any lawyer would use.

11.4 I considered it very important that the Witness Statement was such a preliminary draft. Had I been sent what appeared to be a polished final version I would have considered it less likely that the source was Mr. Campbell and instead wondered whether it may have ultimately emanated from the Inquiry or Mr. Campbell's solicitor.

12. Furthermore, I understand that Mr. Campbell has since accepted that he did send out copies of his draft witness statement. I understand that in his evidence to the Inquiry when asked about the disclosure of the Witness Statement Mr. Campbell stated that:

"I sent various drafts at various stages to different people who were helping me, lawyers, three people in the media and various people from my time in politics.. I've not yet been able to check to whom I sent the draft that appeared."

13. In the light of Mr. Campbell's admission, it seems clear that my earlier conclusion was correct.

Why, having obtained the Witness Statement I chose to publish it on the internet before Mr Campbell gives his evidence in circumstance where the Inquiry has been careful to keep witness statements confidential until a witness gives evidence.

14. In my editorial judgment this was a good story with substance and a story that deserved to be published on the Website. To be precise, what I actually did was publish extracts from the Witness Statement on the Website, and uploaded the document in its entirety to www.scribd.com, a document hosting website. I posted a link to the relevant page on www.scribd.com from the Website.

15. I have done all I can with the Website to publish documents in full, where possible, rather than summarising them. I see this as an important service which sets the Website apart from much of the rest of the new and old media. Even the best and fairest summary will omit important information, and too many journalists write summaries slanted in favour of a cause or person with whom they sympathise. I have also tried to use the Website to publish stories in full where possible as too often stories are referred to as an "*open secret*" by the media after they are finally broken. Whilst I do accept that people may wish to keep some things secret, the so-called "*open secret*" is something different – it is the media and politicians and other influential people happily sharing with each other matters they seek to keep out of the eyes of

ordinary people. As it was clear to me that the Witness Statement was in circulation and likely to form at least the background of news coverage of the Inquiry. I wanted readers to be able to see the source which would lie behind a lot of the coverage over the next few days.

16. Also, as I have said above, I believed that the substance and form of the Witness Statement allowed readers to infer that the ultimate source was Mr. Campbell himself. I was also careful to say that I had obtained it lawfully to rebut any suggestion that it had been obtained by an unlawful disclosure from the Inquiry or a legal team. Mr. Campbell is a famous, and skilled, manipulator of the media. I believed, and still believe, that at least part of his motive in sharing drafts of his statement with journalists prior to giving evidence to the Inquiry was to “*sex up*” coverage of his evidence to the Inquiry for his own ends. I am sure that most or indeed all readers of the Website would draw the same conclusion. Given that Mr. Campbell sought in the Witness Statement to denounce unethical behaviour and low standards in the media I thought it in the public interest to show his evidence in the context of his own, current, behaviour.
17. Furthermore, at the time I posted the Witness Statement on the Website I did not believe that I was breaking any law or rule. I believed that I obtained the Witness Statement legally, and that X had also obtained it legally. As I believed (as has been proven to be the case) the ultimate source was Mr. Campbell, I did not believe that he would have any civil claim against me for my actions.
18. I also did not believe that there was any other reason in law why I should not post the Witness Statement on the Internet. The Inquiry had not, at that time, made the Restriction Order dated 28 November 2011 (the “**Restriction Order**”) (at [22-23]). There was accordingly no bar to my doing what I did.

Generally

19. I note that the Restriction Order states that “*a confidential witness statement provided to the Inquiry by a prospective witness [has been] put into the public domain through its publication on the internet*”. From the above, it ought to be clear that this is not the full story – although I can see how the Inquiry made the inference that it was. Mr. Campbell has admitted providing drafts of his witness statement to journalists and people he knew from

politics. Mr. Campbell is not a naïve man in such matters. He of all people must have anticipated that journalists and politicians might further circulate even such a “*dodgy document*”, and that it would inform political and media coverage of the Inquiry. He should also not be surprised that the document was eventually sent to someone who posted it on the internet.

20. I note that the Notice states that “*The Inquiry intends to serve a further notice upon you in due course covering wider issues relating to new media and reporting*”. I have accordingly confined this witness statement to the matters which are of current interest to the Inquiry and expressly reserve my rights to make further submissions in this matter.

Statement of Truth

21. I believe the facts stated in this witness statement are true.

PAUL DELAIRE STAINES

30 November 2011

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