

The Leveson Inquiry

Witness Statement for Part 1, Module 2

**WITNESS STATEMENT OF SIMON HUGHES MP**

I, **SIMON HUGHES** of the House of Commons, London, SW1A 0AA, **WILL SAY** as follows:-

**Introduction**

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 SH1 a bundle of relevant documents. The page references are to this bundle.
2. I am 60 years old. I am a Member of Parliament, and have been since 1983 in the most northerly seat in the London Borough of Southwark, originally called Southwark, Bermondsey and now called Bermondsey and Old Southwark. I was President of the Liberal Democrats from 2004-2008, which is the second most senior post within the party, and chosen by all the members; I have twice run for the party leadership, and am currently the elected Deputy Leader of the Liberal Democrats in the House of Commons.
3. As I have been a frontbench MP holding senior positions for 28 years I have a high public profile. This has, inevitably, brought press attention, much of it positive, but some of it negative and with allegations that have often been unfounded and not based on truth or facts. I accept that, as a politician, I need to have tougher skin than the average person - and I do. However I do not accept

that, by becoming a politician, I have waived my right to a private life, or that there is any justification for tabloid journalists or others to intercept my communications or to trade illegally in confidential data relating to me in order to find out private information to publish.

**My mobile telephone communications**

4. Between 2002 and 2006 my mobile telephone was the main way I had of communicating with parliamentary colleagues, friends and family. I considered this, at the time, to be the most secure and personal way of communicating and it never occurred to me that my voicemail messages might not be secure. I believed that these messages could only be accessed by me, unlike, for example, messages left with individuals answering calls on my landline telephone in my parliamentary or constituency office, or left on the answerphone machines which are checked by others in the office, or left by emails which are also read by my staff team. I therefore used my mobile phone for private and confidential work and personal communications.
5. On an average day, I can receive up to about 15 to 30 voicemail messages about my work, private and family matters, as well as the private and confidential issues affecting them. Out of these, about a third could be more confidential or important work messages, such as messages from colleagues about parliamentary or party business; from 2005 to date, there have been few days when I would not receive this type of voicemail. I also receive messages from family and friends, but these were and are more likely, though not always, to be along the lines of 'phone me when you can'.

**Resetting my mobile telephone PIN number**

6. I recall that I had a problem with my mobile phone in 2005 or 2006 and at one time was unable to receive any voicemail messages. Because of this, I became increasingly concerned about the functioning and reliability of the voicemail message service on my mobile phone. On some occasions, family or friends

complained that I had not responded to a message that they had left on my voicemail, when, in fact, I had never received it. On other occasions, I came across stored messages that I had never originally listened to. On at least one occasion, I contacted Orange and explained the problem and they reset my phone so that I was able again to access my voicemail messages. I believe that the new number that I was given in order to access my messages was the same number as my mobile phone number or a simple standard number.

**Mobile telephone messages left for me in 2005/2006**

7. In late 2005 and early 2006, there would have been a larger than usual number of highly sensitive messages left on my phone relating to party business. On 5 January 2006, Charles Kennedy, who was then the Leader of the Liberal Democrats, admitted to having a serious drink problem. He resigned two days later, on 7 January 2006. I was the Federal President of my party at that time and, as a result, received a large number of calls on my mobile phone, from parliamentary colleagues and others, about Mr Kennedy and issues relating to his circumstances, some expressing sensitive and private views and giving expressly confidential information. For example, I remember one call, from Mr Kennedy's brother-in-law, in which he confidentially informed me about Mr Kennedy's position and resignation plans.
8. Following Mr Kennedy's resignation, there was a party leadership election was called in which I decided a little later to declare myself a candidate. I became the odds-on favourite at the bookmakers. Later in January I was approached by  He told me that 'The Sun' had telephone call records showing that I had called a gay chatline. Although I thought then, and still believe, that my sexuality is a private matter, I immediately admitted to this.
9. As a result, on 26 January 2006, my admission that I had had sexual relationships with men and women was revealed in 'The Sun'. On the day after this article was

published, the BBC reported that my poll ratings had fallen and that I was now a 4-1 outsider. I remained a leadership candidate but did not win the election.

**Discovery in 2006 that my mobile phone messages had been intercepted**

10. On 2 October 2006, I was informed by Metropolitan Police officers that I had been subject to unlawful monitoring of my voicemails. In order to assist, I provided a statement to the police. I was not shown any of Mr Mulcaire's notebooks or transcripts. As a result, in my statement I simply described the phone I had been using, the system for listening to my voicemails and why I might have been a target. I was told that other people had been informed that they had been the subject of voicemail interception but they were reluctant to come forward. I queried whether such individuals included any of my parliamentary colleagues and was told they did, but that these individuals were reluctant to assist. I was not told how many 'other' voicemail interception victims there were; the police just referred to 'others'.

11. As a consequence, I felt that it was even more important that I offered my support and assistance to the police investigation. I considered this to be a very important matter.

12. I continued actively to follow and participate in the public debates on protection of privacy, including that generated by the Information Commissioner's report, 'What Price Privacy?', published in May 2006, and his follow up report 'What Price Privacy Now?', published in December 2006. I believed then and believe now that all of those responsible for publishing the newspapers and magazines which were shown by the police and the Information Commissioner's reports to be regularly involved with breaking the law should be held to account – and should be prosecuted. I publicly supported the Information Commissioner's call for the penalty for the offence to be significantly increased.

13. In January 2007, Glenn Mulcaire and Clive Goodman were convicted of illegally intercepting voicemail messages.

14. This was the last I heard about voicemail interceptions until July 2009 when *'The Guardian'* published its article about phone hacking at *'The News of the World'*. As a result of this article, I raised the subject again in parliament, pressing the Labour government to investigate it further. I also raised the issue in parliament on 9 September 2011, where I called for a commission into broadcasting and the media.

#### **Operation Weeting**

15. On 25 May 2011, I had a meeting with Detective Superintendent Mark Kandiah and DC Joel Pailles from Operation Weeting. At this meeting, I was finally shown the documents which relate to me, which were mostly pages from notebooks seized from Mr Mulcaire by the police during their initial investigation in August 2006. The police showed me my original police statement from October 2006 and then 12 A4 pages from these notebooks. I was also shown transcripts of messages which had been left on my voicemail service. In addition to this, I was shown a schedule of call data, which showed phone calls made by Mr Mulcaire to my mobile phone.

#### **Information about me in Mulcaire's notebooks seized by the police in 2006**

16. I was shocked to discover the level of detail in these notes. On one page alone, Mr Mulcaire had recorded my mobile number, my direct dial number, an account number which I believe may have been my mobile phone account number at the time, the password for my mobile phone account which I was using in 2005/2006, and the name of my network. This was everything Mr Mulcaire would have needed to listen to my voicemail messages at will.

17. Another page is headed up 'Hughes' and has a series of telephone numbers which all relate to me. The numbers include the number for the main switchboard of the

national headquarters of the Liberal Democrats, in Westminster; my direct line in the House of Commons, which is a private number available to very few people; a phone number which is for the private 'hotline' through to my office in the constituency, which is only used by colleagues and a few others; the public number for my constituency office in Bermondsey, and the number for the local party office in Bermondsey. The word "Southwark" also appears.

18. In addition to this, there is reference to 'data', the date '10 Dec 2004' and a reference to '10.39 - 41 sec' next to my telephone number. I infer from this that Mr Mulcaire obtained data about my use of my home telephone or, perhaps, my mobile. At the very least, it seems that he established that there had been a call lasting 41 seconds at 10.39 on 10 December 2004.
19. One of the pages has the name of a journalist who was at the time in a senior position at '*The News of the World*' in the top left hand corner with a date in early 2006. I infer that this relates to instructions given to Mr Mulcaire by that person, who was not mentioned during the original criminal proceedings. I understand that in 2011 the police produced a schedule of communications for the purposes of the civil claims and there were two phone calls made by Glenn Mulcaire to that journalist on that day. On this page of notes there are, among other details, my name, including my middle names; my home address; my date of birth; my private home phone number; my telephone account number; the name of my network provider; my mobile number; my mobile phone password, and a pin number.
20. There is another page of notes which has the same name in the top left hand corner. Once again, I infer that this is a reference to this senior journalist, who was the person at the '*The News of the World*' giving instructions to Mr Mulcaire. The document is headed '.....URGENT.....' and it contains the telephone number for Liberal Democrat headquarters, my name, my mobile number and my private home number.

21. There is also a page with the name of a second *'The News of the World'* journalist in the top left hand corner, which is dated early 2006. I infer that this refers to the individual instructing Mr Mulcaire to obtain information about me on that date.

22. Another page has the name of a third *'The News of the World'* journalist in the top left hand corner and a date in early 2002. I infer that this journalist must have been giving instructions to Mr Mulcaire on that date to obtain information about me.

23. There are a number of transcriptions of voicemail messages that relate to me, which could only have been obtained by the illegal interception of my voicemails.

**The police investigation in 2006**

24. I find it very surprising that I was not shown these documents in 2006 or asked to explain back then their significance to the police. I am also amazed that the police investigation was limited to Glenn Mulcaire and Clive Goodman, as notebook extracts relating to me alone name at least three journalists at the *'The News of the World'* other than Clive Goodman in the corner of individual pages. Mr Goodman is not mentioned in these notes. The police were certainly aware of the significance of the so-called "corner names" of journalists as the prosecution told the Judge that the name Clive appeared in the corner of the notebooks during the criminal trial. The police and CPS were aware of and considered the notebook pages which referred to me as I was one of the sample victims. Those pages contained much more cogent evidence of a widespread conspiracy than the notorious "for Neville" email.

25. During the sentencing hearing Mr Justice Gross indicated that there was evidence of the involvement of other journalists in voicemail interception of the non-Royal victims (Max Clifford, Elle Macpherson, Skylet Andrew, Gordon Taylor and me) (paragraph G page 1 of SH1). I do not know what he had seen, but Tom Crone, formerly News International in-house solicitor, claimed in evidence to the

Culture, Media and Sport Select Committee on 21 July 2009 that he heard nothing in the prosecution case to justify the judge's statement that Mulcaire had not dealt with Goodman when dealing with the non-royals involved in the prosecution. He suggested that at that time the only case being looked at was access to the royal household and that the other names (i.e. my name) did not come out until 29 November 2006. He said that no evidence was found that there was anyone else involved with Mulcaire (pages 2-5 of SH1)

26. This cannot be true. I am aware from documents disclosed in the civil proceedings that the police seized Mulcaire's notebooks on 8 August 2006 and that they were analysed between 10-12 August 2006 and a list compiled. That list included my name and that of 418 others. Mr Mulcaire's computer was examined and a list of projects or targets was compiled on 23 November 2006. That list also included my name. There was clear evidence of the involvement of other journalists in that material. Either Mr Crone was misinformed by the police and his solicitors, or he was not telling the truth to the Committee.

27. I was not told about the fact that other journalists were mentioned in the documents relating to me and this evidence was ignored by the Police, making it possible for Mr Crone to deny its existence. I find this scandalous and suspicious.

#### **Payments to Mulcaire**

28. I am also concerned about the issue of payments to Mr Mulcaire. At the sentencing hearing, the prosecution accepted, and the Judge was told, that the only payments for unlawful activity were cash payments made by Mr Goodman to Mr Mulcaire totalling £12,300 which covered the period 2005-6. A confiscation order was made in that sum (pages 6 - 12 of SH1). I now believe that these figures were false. I have seen documents disclosed during the civil trials which are taken from the accounting records of NGN. They show that, in addition to the £12,300 paid in cash, £570,000 was paid directly to Mr Mulcaire. I attach a schedule of payments prepared for the civil proceedings which show the dates on which these payments

were made (pages 13 – 27 of SH1). The schedule includes further cash payments which were disclosed by News Group in the civil proceedings. It has not admitted that these payments were made to Mr Mulcaire (although there has been no explanation of to whom these payments were made if not to Mr Mulcaire).

29. The police were without question aware that Mr Mulcaire had been accessing voicemails from at least 2002 and that he had targeted thousands of individuals on behalf of numerous journalists. So far as I understand, his notebooks and the call data disclosed in the proceedings demonstrate that he was intercepting voicemails on a daily basis and that he was undertaking illegal work (voicemail interception and blagging) on an almost full-time basis. The payments made to him between 2002-6 must therefore have been for unlawful activities. That is the sum which should have been recovered from him in confiscation proceedings. However, the MPS, inexplicably, accepted NGN's misleading claim that he was only paid £12,300.

30. A note of a conversation between Rebekah Wade and the police records that the police estimated that £1m had been paid to Mr Mulcaire on the basis of the contracts and invoices they seized (pages 28 – 29 of SH1). I understand that the police in 2006 sought full accounting records from NGN, but NGN's solicitors refused access during the initial searches and then claimed there was no further evidence to disclose. This is despite the fact that Mr Crone claimed to the Select Committee that NGN's solicitors had access to the full details of payments made to Mr Mulcaire (page 4 of SH1). The MPS drafted an application for an Order that accounting and financial information be disclosed under Schedule 1 of Pace, but this was never made. I do not understand why this crucial evidence was not pursued.

31. As a result, it seems that the Criminal Court was misled. The sentencing hearing proceeded on the basis that on £12,300 had been paid to Mr Muclaire for his unlawful activities. A Confiscation Order was made in that sum, which meant that

was all Mr Mulcaire had to repay. If the police and prosecution had explained to the Court that the vast majority of his activities were unlawful, and pursued NGN's financial records, then the Court may have made a confiscation order of over £500,000. Between them, the police and NGN ensured that Mr Mulcaire benefitted improperly by a very large sum indeed. That left him deeply in News Group's debt.

32. I suspect that the police had shut down this investigation, much to the delight of News Group, and ignored evidence of long standing and widespread criminality. I do not know of any good or persuasive reason why this should be, and it makes me extremely suspicious.

**Concluding remarks**

33. Although many believe that people in the public eye submit themselves to greater public scrutiny, this cannot be true for people associated with me, whether friends, family staff or people who I need to deal with as part of my job as a constituency MP. It is my view after having looked at all the evidence available to me, relating to my case and others, that it is often these people who are subject to as much surveillance as the original subject of a newspaper's enquiries. This can have extremely damaging and sometimes irreparable consequences to their relationships, to their lives, employment or their health. These people had never consented explicitly or implicitly to their lives being public property. I am shocked and saddened that journalists at *'The News of the World'* were able to listen to my voicemail messages and intrude into my private life, but even more shocked, saddened and offended that they have invaded regularly and illegally the private lives of those personally or professionally close to me, or into those of my constituents and other friends. I am also horrified to think that confidential information left for me on my phone, from my colleagues, constituents, family and friends was compromised. It is very important to me that my colleagues and my constituents can trust me and that nothing they tell me in confidence goes any further. This is particularly important for constituents, who may be contacting me

for help in what are sometimes extremely difficult and sensitive cases. It therefore makes me extremely angry that, unbeknown to me, this information was reaching the ears of journalists and that I was, in effect, under surveillance over a period of five years.

34. As a result of the documents I have seen, and my knowledge about the case, I believe that phone hacking at *'The News of the World'* was considered to be an acceptable practice within the paper. I believe that it was 'the norm' to break the law in order to obtain a story and that senior executives at the *'The News of the World'* encouraged this behaviour. I am a strong advocate of a free press. However, I do not believe that this should entitle members of the press to commit criminal offences under the guise of their role as 'watchdog'.

35. I am also shocked that NGN Limited has gone to such lengths to conceal what happened. Their lawyer at the time, Julian Pike, has now admitted that NGN Limited lied to the Select Committee; it seems that NGN Limited thought they were above both the law and parliament. It also seems that the law was ineffective, incapable, or unwilling to pursue the wrongdoing.

36. The police role in this scandal is deeply worrying. Although Mr Mulcaire and Mr Goodman were prosecuted for offences committed against me and others, I was not told that at least three other senior journalists intercepted my voicemail messages or asked for that to be done in order to obtain confidential information about my personal life. If I had known that, I would have wanted the police to pursue all these journalists and for the full extent of the illegal behaviour to be prosecuted. The police decision to limit the investigation meant that the offenders were sentenced on a misleading basis. The Judge should have taken into account all the other offences and made a confiscation order for the full amount. Instead, some of the potential offenders escaped without charge or censure, Mr Mulcaire was permitted to keep money he should not have had and News Group were able to play down the wrongdoing and claim it was the work of one rogue journalist.

37. In my view criminal and civil sanctions need to be in place to prevent this sort of behaviour from happening and to ensure that appropriate steps can be taken to deal with any unlawful activity that does take place. I have recommended that steps be taken to strengthen the Data Protection Act 1998, section 55.

**Statement of truth**

I believe that the facts in this witness statement are true.



*20. 02. 2012*

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**SIMON HUGHES MP**

Dated the 20 day of February 2012