

The Sun, News Group Newspapers Limited
S. Waring
First Statement
"SW1 – 5"
16 January 2012

**IN THE MATTER OF THE LEVESON INQUIRY INTO THE CULTURE, PRACTICES AND
ETHICS OF THE PRESS**

**WITNESS STATEMENT OF
STEPHEN WARING**

I, Stephen Waring, c/o The Sun, News Group Newspapers Limited, 3 Thomas More Square, London E98 1XY, will say as follows:

- A.** I am the Publishing Director of The Sun. I have been a production journalist on The Sun for 24 years, in which time I have worked on the news, features and sport desks. I was appointed as the Publishing Director in June 2007 to oversee the production of the news and feature pages in preparation for our move to full-colour. Before that, I was an Assistant Editor and then an Associate Editor. I worked as The Sun's Head of Sport between 2001 and 2007 and was the Assistant Features Editor for eight years, between 1993 and 2001. I originally joined the paper in 1987 as a news sub-editor before becoming an Assistant Night Editor and then the news Chief Sub-Editor. I have been on the editing rota in these various roles since 2001.
- B.** The purpose of this witness statement is to respond to the questions set out in a letter from the Inquiry dated 1 December 2011 concerning The Sun's coverage on 1 January 2011 of the arrest of Christopher Jefferies. I am responding to these questions because I was the Duty Editor for the edition of The Sun published that day. The Editor of The Sun, Dominic Mohan, was on holiday during this period.
- C.** The coverage of Mr Jefferies which appeared in the edition of The Sun published on 1 January 2011 comprised three separate articles presented over a front page and two inside pages. On the front page was an article headlined, "Obsessed with death", which turns on to the inside right-hand page ("**Article 1**"). The inside left-hand page of the 1 January 2011 edition contained two articles headlined: "What do you think I am...a pervert?" ("**Article 2**") and "Meddler let himself in our flat" ("**Article 3**").
- D.** I note that on 29 July 2011, The Sun, together with the Daily Mirror, the Sunday Mirror, the Daily Mail, the Daily Record, the Daily Express, the Daily Star and the Scotsman agreed to pay damages to Mr Jefferies to settle a libel action. The Sun made an apology in court as regards its coverage of Mr Jefferies on 29 July 2011 and published an apology to Mr Jefferies in the 30 July 2011 edition (see Exhibit SW1).

- E. News Group Newspapers Limited, as publishers of The Sun, and Mirror Group Newspapers Limited, as publishers of the Daily Mirror, were found on 29 July 2011 to have been guilty of contempt of court, and fined £18,000 and £50,000 respectively.
 - F. I would like to put on record my sincere personal regret that my actions directly contributed to, and exacerbated, the acute personal distress that Mr Jefferies suffered at being named and wrongly arrested as a murder suspect. I apologise, both personally and on behalf of The Sun, to Mr Jefferies for not taking adequate precautions in our coverage of these events.
 - G. I have set out below the questions raised by the Leveson Inquiry and my answers to them.
- 1 Insofar as this article contains assertions of fact, please set out, without naming individual sources, your belief as to where the evidence allegedly supporting such assertions came: in particular, stating (a) whether such evidence came from the police (if so, when, and in general terms by what means), (b) the nature of the investigations and inquiries you believe were carried out, and (c) whether such investigations and inquiries entailed contacting Mr Jefferies' former pupils (if so, setting out how many, providing the gist of what they said, and supplying your notes of any relevant conversations, redacting them to protect your sources as appropriate).**
- 1.1 On Friday 31 December 2010, in line with standard practice at The Sun, copy filed with the news desk by reporters was prioritised by the news desk and presented to the Duty Editor for consideration. A number of articles were submitted and discussed in the daily morning news conference at 11.30am. At this conference, the major stories for the following day's edition were put forward to the Duty Editor by the News Editor. The Duty Editor is responsible for overseeing the content of the entire paper and would not normally personally conduct interviews with sources or write material for that day's edition. Therefore, whilst I was briefed on the stories that were being researched and filed by news reporters, I did not myself conduct any interviews for that day's stories. Nor did I write any copy or take any notes of my meetings or conversations that day. I of course acknowledge that, as Duty Editor, one of my responsibilities was to be satisfied with the accuracy and appropriateness of each story in that day's edition.
 - 1.2 After the daily morning conference on Friday, 31 December 2010, I discussed the nature of the material in the coverage of Mr Jefferies in greater detail with the News Editor at around 1pm, when we had an in depth discussion about which stories would be given prominence in the paper. I made inquiries with the News Editor about the accuracy of the information and was assured that the individuals interviewed were genuine, that the quotes were an accurate reflection of their views and that we had spoken to the people concerned.
 - 1.3 As far as I recall, the information given to me by the news desk was that the police had provided very general guidance on the case in media briefings to reporters. Beyond this, as I have outlined in my statement below, the sources for the story were not members of the police and we did not offer or make any payments to any members of the police force in return for information on this story.
 - 1.4 For the purposes of this witness statement, inquiries have been made as to the sources of the stories published on 1 January 2011 and I have been informed that the position is as follows:

Article 1

- 1.4.1 The ex-pupil quoted in this article called The Sun's news desk on 30 December 2010 to pass on his impression of Mr Jefferies from his time as a pupil at Clifton College in Bristol. I understand that the witness statement of Gary O'Shea will address the preparation of this article in more detail.

Article 2

- 1.4.2 This article was based on information provided to Emily Nash, a news reporter at The Sun, from a source who wished to remain anonymous. A friend of the source called the news desk and provided the source's contact details to John Sturgis, the duty News Editor, on 30 December 2010. John sent an email regarding this call to Emily the same day (see the email at SW2). Emily then called the source (transcripts prepared from the tapes of the two calls are at SW3) and the majority of the contents of Article 2 are based on these discussions.
- 1.4.3 The final section of Article 2 refers to comments made by ex-tenants of Mr Jefferies who were likely identified using the electoral roll or Tracesmart (a reputable database containing electoral roll information). These comments were provided to Ryan Sabey, a news reporter at The Sun, in a face to face meeting with the couple (for which there is no recording) on 31 December 2010. Ryan then followed up this meeting with a call to the couple a short while afterwards and spoke to one of them. A transcript prepared from the tape of this call is at Exhibit SW4.

Article 3

- 1.4.4 Tracesmart was used to identify individuals who had previously lived at 44 Canynge Road, where Joanna Yeates lived when she went missing. The Andertons' name appeared as past residents. Their names were then checked using a "names search" on Tracesmart, which found an address in Berkhamsted, Hertfordshire. Vince Soodin, a news reporter at The Sun, visited this address on 31 December 2010. The Andertons agreed to do an interview with him and provided a photo of them to publish. Please see Exhibit SW5 for a copy of Vince's handwritten contemporaneous notes of this meeting and a typed summary of the comments made by the Andertons. Vince prepared the article on the basis of this interview and copy provided by a news agency, which had interviewed the Andertons earlier the same day.

2 State the nature of the steps, if any, you took or caused to be taken to verify the accuracy of any information you received.

- 2.1 As outlined above, I made inquiries with the News Editor regarding the sources for these stories. I asked if we were happy that the sources were genuine and that we had spoken to them and properly represented their views. No issues were identified to me. From an operational point of view, it is not practical, particularly during a holiday period when there are fewer staff around, for the Duty Editor to interview individual reporters about their sources once the News Editor has confirmed he is satisfied in this respect.

3 State the nature of the discussions, if any, which took place between journalists and yourself in relation to the foregoing matters.

- 3.1 During the early evening on 31 December 2010, we were confident that the majority of the material for the next day's edition had been submitted. Around this time I had the first of

many discussions with the duty night lawyer regarding Mr Jefferies (see further below in this respect) and began to prepare the pages for production. I was concerned about ensuring that we provided a degree of balance alongside the critical comments about Mr Jefferies. I emphasised the importance of this to the News Editor in the afternoon and to the Chief Sub-Editor around 6pm, as the material was reviewed and prepared for publication. Whilst more serious allegations were made against Mr Jefferies by various sources, including the sources discussed in paragraph 1.4 above, I did not want include them in the paper. The articles in The Sun on Saturday, 1 January 2011 relating to Mr Jefferies do have qualifying statements, although now I appreciate that these were insufficient.

4 What legal advice, if any, was taken in relation to any of the foregoing matters; and if you are prepared to waive privilege, what was the nature of that advice?

4.1 Following the widespread coverage of Mr Jefferies' arrest in the press on Friday, 31 December 2010, the Attorney General was asked about media coverage of Mr Jefferies on the BBC Radio Four news programme, The World At One. He declined to talk specifically about the coverage but emphasised the purpose and importance of the Contempt of Court Act. I read the Attorney General's comments, which were reported by the Press Association.

4.2 In light of this and the nature of the material for the stories on Mr Jefferies, I had intensive discussions during the afternoon and evening with the News Editor and sought legal advice with respect to which areas we would and would not cover. I recall speaking to Justin Walford, then Deputy Legal Manager of News Group Newspapers Limited, by phone and we discussed the overall coverage of the arrest and, I believe, the Attorney General's comments. We agreed that our coverage needed to be very carefully reviewed to ensure compliance with legal norms and standards pertaining to contempt and libel. I agreed to discuss the material in detail with the experienced duty night lawyer.

4.3 I discussed the material in detail with the duty night lawyer on a number of occasions from the early evening until the first edition went to press at 10.15pm. I read the material in proof form from around 8pm and then worked on the proofs closely with the duty night lawyer in the office. This involved a line-by-line legal analysis and, where necessary, the deletion of material deemed to be inappropriate. I do not waive privilege with respect to the legal advice received.

5 What consideration, if any, was given to the Editors' Code?

5.1 I considered the Code carefully and did not believe the articles were in breach of the Code, as I understood the material we were proposing to publish was accurate and had not been gained by harassment. The sentiments of the sources had been accurately reported and we had ensured anonymity for those who asked for it in accordance with the Code.

6 What consideration, if any, was given by you to public interest issues?

6.1 In terms of public interest I was acutely aware that this was a particularly shocking murder of a young woman, which had terrified the local community over the Christmas period. People were afraid that the killer was still on the loose and subsequently the police warned local women not to go out after dark.

6.2 We have assisted the police in the past by publicising information in high-profile criminal cases. The story had been on the front page of The Sun and other national newspapers for the previous seven days and Mr Jefferies' arrest had attracted enormous coverage in the

previous 24 hours. Following the edition published on 1 January 2011, the story was published on the next 10 front pages of The Sun, reflecting the extraordinary way in which this murder continued to dominate the news agenda. There were many false allegations made against Mr Jefferies on the internet and in digital social media. In the midst of this, I considered it in the public interest to report what information we could, although I now acknowledge that the degree of balance I had sought to achieve was insufficiently reflected in these articles.

6.3 Throughout the murder investigation The Sun endeavoured to maintain good relations with Avon and Somerset police and where possible sought to assist them in appeals for information while also respecting the wishes of the grieving family. Our readers also urged us to help and, on 7 January 2011, The Sun announced that it would put up a £50,000 reward for information leading to the arrest and conviction of Joanna Yeates' killer. This was arranged with the full support of police and family. Posters were put up around the area and football players from Bristol City FC helped to publicise it. Detective Chief Inspector Phil Jones of Avon and Somerset police said: "I am grateful for the generosity of The Sun newspaper, and I am sure that Jo's family will be touched by this kind gesture." Jo Yeates' parents, David and Teresa Yeates, said: "We hope that the reward will encourage someone to come forward and talk to the police if they have not already done so. As a family we need answers and someone out there may have them. When we were told that such a large amount of money had been offered by The Sun we were overwhelmed."

7 **Was there a spike in circulation/sales at the time of and/or following the publication of this story or stories; and if so, what was or were the profits which ensued? Please comment on the proposition that a decision was taken to publish the story, or these stories, regardless of the litigation or other risks, because the increase in circulation/sales of your titles or titles would more than cover any resultant damages and costs?**

7.1 The proposition that a decision was taken to ignore risks of potential litigation because of the sales increase is not correct, for two key reasons. Firstly, a significant amount of time was spent reviewing the material to ensure that it complied with the relevant laws and to ensure our internal lawyer had fully reviewed the articles in question. I appreciate now the conclusions drawn from this process were not correct.

7.2 Secondly, any sales increase that might have resulted from the story would not have been sufficient to justify ignoring a risk of litigation. On a rough internal estimate the Joanna Yeates' coverage in the 1 January 2011 edition of The Sun is believed to have generated approximately 30,000 extra sales, slightly over 1% of that day's sale, and £18,000 in additional revenue (based on a price per copy of 60p as it was a Saturday edition). These are modest figures for a mass-market newspaper such as The Sun. By comparison, the reporting in The Sun of the death of Michael Jackson is considered to have increased sales by approximately 300,000 copies.

7.3 With respect to the publication of the stories on 1 January 2011 in particular, sales during the holiday period are significantly lower than usual in any event and there is an exemption for reporting the circulation figures from this day to the Audit Bureau of Circulations. This makes sales from this day less relevant as a measure of the paper's performance. Furthermore, the headline for Article 1 on the front page only takes up about a third of the page (with the majority of the rest of the page taken up promoting the free TV guide included with the paper that day). If the coverage of Mr Jefferies was considered likely to

provide a significant boost to circulation, it would have been given greater prominence on the front page.

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

Signed

Dated

16th January 2012