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[] December 2011
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IN THE MATTER OF THE LEVESON INQUIRY

WITNESS STATEMENT OF TERRY EVANS

I, **TERRY EVANS**, Journalist, of The Northern and Shell Building, Number 10 Lower Thames Street, London, EC3R 6EN, **WILL SAY AS FOLLOWS:**

- A. I am the Picture Editor of the Sunday Express. I make this statement in response to a request of the Leveson Inquiry (the "Inquiry") to the solicitors for Northern & Shell dated 1 December 2011 to provide witnesses who might attest to the circumstances pictures used in newspapers might be bought or obtained.
- B. I confirm that all matters in this statement are true and, unless I specify to the contrary, are based upon my own knowledge and a review of the relevant documents. Where matters are not within my own knowledge, I state the source and believe the same to be true.
- C. For convenience, I have reproduced as subheadings the questions asked of me in the 1 December letter.

Please provide a brief description of your career history to date

1. I began my career working for an educational publishing company, later moving to the Birmingham Evening Mail. I joined Express Newspapers in 1973, firstly as a member of the night picture desk team, before moving to be Assistant Picture Editor and then Deputy Picture Editor of the Daily Express. I have been the Picture Editor of the Sunday Express for the past 12 years.

How are the photographs which appear in your newspaper obtained? The Inquiry assumes that some are bought from paparazzi or other freelance photographers, and others are taken by staff photographers. Are there any other sources of photographs?

2. We use a variety of sources for our photographs including picture agencies, picture libraries, public relations companies, amateur photographers and members of the public.

Please provide a copy of any code of practice or manual which regulates the activity of your employed photographers. What sanctions are imposed if your photographers fail to act in accordance with that code? How many times have you imposed sanctions on your employed photographers over the last four years? Please give specific examples. If there is no code, then please explain how photographers are given guidance as to which photographs it is appropriate to take?

3. The Sunday Express employs no staff photographers. Any freelancers commissioned to work on our behalf are expected to abide by the Editors Code of Conduct. Failure to do so would result in our not using such persons again.

How do you ensure that photographs taken by your employed photographers have not been taken in a private context, or taken in a situation that has caused distress or fear to the subject of the photograph? How often do you refuse to publish a photograph on the grounds that it was taken in a context of harassment, or without regard to privacy?

4. The Sunday Express does not employ staff photographers. In the case of pictures offered to us, we will not use any image if we feel that privacy or intrusion is an issue.

To what extent do you, or can you, regulate the conduct of agency photographers?

5. We are not able to control the activities of agency photographers, but we will not use photographs if we suspect that they have been taken when the subject could have reasonably expected privacy or when the photographer has not followed the Code of Conduct.

How do you ensure that photographs taken by agency photographers have not been taken in a private context, or taken in a situation that has caused distress or fear to the subject of the photograph?

6. If we suspect that a photograph has been taken without permission and in an intrusive situation, we would ask the photographer for a detailed account of the circumstances under which he obtained the image. If we feel that privacy or intrusion is an issue we will not publish the image. As far as I know we have never been accused of harassment.

What sanctions are you able to impose against photo agencies or individual photographers if you discover that photographs have been taken in an unacceptable context?

7. The only way we can sanction outside agencies is by not using their photographs.

What measures are taken to ensure that any photo provided to your newspaper by an employed photographer or otherwise has not been digitally altered?

8. If we suspect that a picture has been digitally manipulated we will, after first questioning the photographer or agency concerned, use technical experts to advise whether there are any signs of changes having been made. Very often these can be detected, but unfortunately there are occasions when such alterations cannot be identified. The only time that digital enhancement can be justified is to improve the quality of the image without in any way changing its content.

Did your newspaper instruct any photographer, employed or otherwise, to follow or take photographs of the mother of Hugh Grant's baby (Tingiang Hong) before or after the birth of her child?

9. We made no attempt to take photographs relating to the birth of Hugh Grant's baby.

Was an employed photographer from your newspaper present outside the home of the mother of Hugh Grant's baby in the first two weeks of November 2011?

10. No.

Were you offered pictures of the mother of Hugh Grant by any agency or individual photographer? Were any pictures purchased?

11. We were offered pictures of the mother by an agency, but neither purchased nor published any such photographs.

Has your newspaper published any photographs of the mother of Hugh Grant's baby?

12. No.

Did your newspaper instruct any photographer, employed or otherwise, to follow or take photos of Kate McCann on her return from Portugal in September 2007? Did your newspaper publish any photos of Kate McCann taken in this period? If so, did the picture editor inquire into the context in which the photos were taken? If so, what in your view justified the publication of these photos?

13. Due to the resurgence of interest in the Madeleine McCann story caused by her parents' return from Portugal, their appointment of a media spokesman, and the misinformation released by the Portuguese police and media, we required photographic coverage from local freelances. The photographers who supplied pictures to us were fully aware of the Editors Code of Conduct and worked in close conjunction with the local police and community support officers. As instructed, they stood at the end of the road alongside these officers and made no attempt to follow Dr and Dr McCann when they left their home. Paparazzi photographers, on the other hand, behaved differently and at no stage did the Sunday Express consider purchasing pictures from them.

Has your newspaper ever published photographs of the children of JK Rowling? If so, what is the justification for such publication?

14. The Sunday Express has not published photographs of the children of J.K. Rowling's children. However, one photograph researched from a picture agency library, did appear in our sister magazine. As I am not the Picture Editor of the magazine, I am unable to comment on the circumstances surrounding the decision to publish this photograph.

Did your newspaper ever instruct a photographer, employed or otherwise, to take photos up the skirt of Charlotte Church? Has your newspaper ever published photos taken up the skirt of Charlotte Church, or up the skirt of any other individual? What is the justification for such publication?

15. No in every case. I have no idea why anyone would want to publish such images. I am the Picture Editor of a responsible family newspaper.

Is there anything else you would like to add?

16. There are a number of people supplying stories and pictures to newspapers; and I mean this as no criticism of them, who would benefit from the training that used to be given. When I started working in this industry I was told in no uncertain terms what I could and could not do, and made fully aware of the Law as it relates to newspaper coverage. Today, however, there are certain people offering information and images to newspapers who have received no such training.
17. In some respects, the fact that most modern cameras can produce images suitable for reproduction in newspapers has made it easy for untrained "photographers" to claim to be "working for the Press". In the past, cameras were more difficult to use, and taking suitable photographs was a skill which had to be acquired, usually during an apprenticeship. At the same time a knowledge of correct newspaper practice was imparted to the person learning his or her trade. Now however even the most advanced cameras are much easier to use, can take many images in a short space of time, and can produce photographs suitable for use in a newspaper without necessarily any knowledge of the restrictions imposed by the Code of Practice and the Law.

18. Producing newspaper quality photographs does not indicate that one is in any way subject to Fleet Street rules. Picture Editors will always do their best to encourage good conduct by photographers, but this is not something that can be imposed through newspapers themselves. The only way that this can be accomplished is by establishing a code of responsibility for the photographers and agencies themselves.

STATEMENT OF TRUTH

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


TERRY EVANS

Dated: 31 December 2011