

Further legal action possible in News of the World phone hacking scandal

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The arrest of senior journalists, a limited admission of liability by News International, the pressing of civil test cases for damages, and the possibility of a further police investigation into illegal payments to officers, have deepened the crisis surrounding the *News of the World* (NoW) phone hacking scandal.

The case continues to reveal the close relations of the media, police and politicians. Last week, Prime Minister David Cameron rejected calls for a public inquiry into phone hacking. He did so in an interview with the News Corporation channel Sky News. Pre-empting further investigations he said, "I'm not sure anyone fully knew how widespread it was".

The matter first came to light in 2006, when the NoW published stories concerning members of the royal family. The NoW's royal editor Clive Goodman and a private investigator he employed, Glen Mulcaire, were jailed for four and six months respectively in 2007 for illegally accessing mobile phone messages.

The line taken by the paper was that Goodman was a rogue reporter, and Mulcaire an out of control investigator. The NoW's then editor, Andy Coulson, resigned, denying any wider knowledge of phone hacking. He later became Cameron's director of communications.

When Metropolitan Police officers searched Mulcaire's home, they found 4,332 names, 2,978 mobile phone numbers, and 91 PIN codes to access voicemails. But they interviewed only one journalist, Goodman, and a senior officer later told MPs that they had only identified "8 to 12" possible victims. Andy Hayman, who led the original police inquiry, resigned shortly afterwards and started writing a column for the *Times*, another News International paper.

A number of public figures questioned whether their messages had been hacked, and suggestions mounted that many politicians had been targeted. Former Prime Minister Gordon Brown asked the police to investigate whether his phones had been hacked in 2005-2007 when he was chancellor.

From 2009 the *Guardian* published further revelations of the scale of hacking. News International invited the *Guardian* to submit any evidence of wrongdoing to the police and the Metropolitan Police obligingly decided that "no additional evidence has come to light" and refused to open a new inquiry.

It then emerged that News International (NI, the UK subsidiary of News Corporation) had paid out more than £1 million in damages and costs to settle claims of phone-hacking against three people involved in football. These were not disclosed during the

earlier trial because of gagging clauses.

The Press Complaints Commission (PCC) conducted an investigation that accepted the News International line at face value. A second Parliamentary Select Committee said it was quite clear that many voicemails had been hacked, and that News International showed a marked "unwillingness to provide detailed information". One police officer suggested up to 6,000 people had been intercepted. The Select Committee found no direct evidence that Coulson had known about the hacking.

In subsequent evidence to the High Court, Mulcaire admitted that executives at the NoW were aware of the practice. He confirmed that Ian Edmondson, the NoW's assistant editor (news), had asked him to hack voicemails. Edmondson was sacked. This made the position of Coulson, Edmondson's editor at the time, unsustainable, and he resigned as Cameron's director of communications. Cameron defended Coulson, saying he had been "punished twice for the same offence".

A public dispute arose between the Metropolitan Police's acting deputy commissioner, John Yates, and Director of Public Prosecutions Keir Starmer QC. Yates had told MPs that the original investigation was limited by legal advice on the Regulation of Investigatory Powers Act 2000. Starmer contradicted this flatly. MP Chris Bryant has suggested Yates should reconsider his position.

Faced with a rising wave of civil litigation against the NoW for matters the Metropolitan Police did not investigate in 2006—and demands for a judicial review of that investigation from former Scotland Yard commander Brian Paddick—the force began a new investigation into the hacking, Operation Weeting. Paddick, who suspects his own voicemail may have been hacked, has called for another force to conduct the investigation: "Otherwise, certainly some of the victims of phone-hacking will not be satisfied that the thing has been investigated thoroughly".

Two weeks ago Edmondson was arrested and released on police bail along with chief reporter Neville Thurlbeck. Among the matters not investigated by the 2006 inquiry was an email "for Neville" containing details of more than 30 messages hacked from the phones of Gordon Taylor, head of the Professional Footballers' Association. Thurlbeck denies receiving or viewing this email.

Three days later News International sought to alleviate pressure by admitting limited liability for the period 2004-2006. A third senior reporter, James Weatherup, who was news editor during

that period, was subsequently arrested.

The company offered an unreserved apology and compensation to eight victims of hacking, although it said it would continue to contest other allegations. (There were then 24 cases pending.) Among the eight were Tessa Jowell, culture secretary for the Labour government at the time, and Joan Hammell, aide to then Deputy Prime Minister John Prescott. The actress Sienna Miller has indicated her unwillingness to accept the settlement. A High Court judge has recommended that four test cases, including hers, should be heard before February 2012.

George Galloway, who says he has been shown evidence his phone was hacked, said the apology was a “cynical attempt to protect the company’s chief executive Rebekah [Brooks née] Wade”. Brooks, who announced the apology, was editor of the NoW between 2000 and 2003. Labour MP Chris Bryant told the House of Commons he believed hacking had been conducted at the NoW from 2002.

Bryant said “members and former members of this House have said they were warned off pushing this issue in the House and in select committees. When I raised the question of parliamentary privilege last September, my friends were told by a senior figure allied to Rupert Murdoch and a former executive of News International to warn me that this would not be forgotten”.

When Brooks refused to give evidence to a Select Committee, MPs decided against issuing a subpoena to force her to attend. According to former Plaid Cymru MP Adam Price, this was “to some extent because of what I was told at the time by a senior Conservative member of the committee, who I know was in direct contact with NI execs, that if we went for her...they would go for us—which meant effectively that they would delve into our personal lives in order to punish [us]”.

An ex-minister in Gordon Brown’s government recently told the *Observer* that Murdoch had sent messages to Brown, via a third party, urging him to take the political heat out of the phone-hacking scandal, which was in danger of damaging his company. News International dismisses the claim as “rubbish”.

Both Labour and the Conservatives have close links with Murdoch’s corporation, and depend on the multibillionaire’s backing. Cameron has dined with Brooks and Murdoch’s son, James. Former Labour cabinet minister David Blunkett resigned after disclosure in the NoW and the *Sun* of details of his affair with Kimberly Quinn. Blunkett suspects his phone was hacked, but is pursuing no legal case. The day after his resignation, he dined with Brooks and has written a column for the *Sun* since 2005. The Liberal Democrats challenged Coulson’s claims to be ignorant of the hacking, but have defended him in parliament.

There are also close links with the police. Metropolitan Police Commissioner Paul Stephenson had seven dinners at the NoW between 2006 and 2010, when his force turned down requests to reopen the hacking investigation. Three weeks ago the force revealed a further 20 hospitality meetings with News International. This included a lunch Andy Hayman had at the *Times* in February 2006, while he was conducting the original NoW investigation. Only later were another five engagements Hayman had at the NoW disclosed.

In 2003 Brooks told MPs, “We have paid the police for

information in the past”. News International issued a denial, and Brooks said she was speaking generally rather than specifically about her own paper. Former NoW journalist Paul McMullan alleges that a fifth of Metropolitan Police officers have taken money from tabloid journalists for information.

The Metropolitan Police are now conducting a “scoping exercise” to see if there are grounds for a criminal investigation. Following the recent collapse of a murder trial amid allegations of police corruption, the closer connections between such activity and the political establishment have begun to emerge.

Jonathan Rees was facing trial for the murder of Daniel Morgan in a London pub in 1987. The fifth trial brought in connection with this case collapsed when the Metropolitan Police discovered four boxes of undisclosed documentation, which the Crown Prosecution Service decided rendered the proceedings unsustainable. A senior police officer has admitted that “police corruption was a debilitating factor” in the failure to investigate.

Rees was a private investigator who obtained illegal information from a network of contacts among corrupt police officers, bank workers, and phone company employees. According to a police intelligence report he was “for a number of years...involved in the long-term penetration of police intelligence sources”. Between 1993 and 2000 he was employed by the NoW.

That year he was convicted of perverting the course of justice, after planting cocaine to discredit a woman fighting a custody battle. On his release in 2005 he was re-employed by the NoW, now under Coulson’s editorship. Rees’s name had not been made public up until now because of the ongoing court case, but the *Guardian* reported last month that it had written about him to Coulson before he took up the Downing Street post. The paper said that Cameron had been made aware of Rees’s record and employment before he gave Coulson the job.



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