

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
BUSINESS LIST

IN THE MATTER OF THE MOBILE TELEPHONE VOICEMAIL INTERCEPTION
LITIGATION

BEFORE: THE HONOURABLE MR JUSTICE FANCOURT

B E T W E E N:

EVAN HARRIS

Claimant

and

NEWS GROUP NEWSPAPERS LIMITED

Defendant

STATEMENT IN OPEN COURT

1. In this action for voicemail interception and misuse of private information, I appear for the Claimant, Evan Harris. Dr Harris was elected MP for Oxford West and Abingdon in 1997 a seat he held until 2010. In his role within the Hacked Off Campaign (in 2011 and subsequently), he was heavily engaged with the Leveson Inquiry and creating opportunities for victims of press abuse to put the case for reform of newspaper regulation to senior politicians. From 2016 Dr Harris has worked as a specialist paralegal researcher and consultant for the Claimants in the “phone-hacking” litigation against News Group Newspapers (“NGN”).
2. The Defendant, NGN, is the publisher of *The Sun* and the *News of the World* newspaper, which has (or, in the case of the *News of the World* before its closure, had) an extensive readership in this country and abroad.
3. In 2016, NGN sought to strike out from any claim all allegations that *The Sun* was involved in unlawful information gathering. This was rejected by the Managing Judge, disclosure was ordered and in March 2017 a number of documents were disclosed, including a memo sent in late January 2006 by a News Desk Secretary to a News Desk Executive at *The Sun*. That email appeared to show that *The Sun’s* News Desk had

obtained the itemised home phone bill of someone whose identity was redacted by NGN, and listed the “*ten most commonly dialled numbers*” but again these were redacted. The Court ordered the unredaction of the emails and disclosure of any related emails, and by the end of 2017, it was clear to Dr Harris that the itemised phone bill was that of his friend and close associate, Simon Hughes MP, and it appeared to Dr Harris that it was used by *The Sun* to “out” Mr Hughes as having called a gay chat-line.

4. Emails, disclosed in the litigation and seen by Dr Harris, between members of the News Desk appearing to circulate Mr Hughes’ private phone billing data, and from the Editor to her Deputies and Associate Editors about how the story should be presented and published, suggested to Dr Harris that journalists at *The Sun* had obtained and were analysing private telephone information. This revelation shocked Dr Harris, because he considers that this was not lawful newsgathering and that should have been obvious.
5. Dr Harris believes that these documents were obtained by the police from News International in 2012 during Operation Weeting. As such, Dr Harris believed that NGN must have known about this when it sought to strike-out claims of unlawful activity at *The Sun* in 2016. Dr Harris is aggravated by this and the vehement denials of any *Sun* involvement in unlawful information gathering by News International executives including in their sworn statements to both the Leveson Inquiry.
6. In late December 2017, when NGN was required to unredact the “most commonly dialled numbers” it emerged that one of them was the mobile phone number of Dr Harris. Dr Harris considers that the frequency, time and length of calls to him from the landline of Mr Hughes was and is a private matter, which *The Sun* had no business in obtaining.
7. Then, in 2018, Dr Harris was shocked to discover that, when the itemised records of calls from NGN to the “*ten most commonly dialled numbers*” in January 2006 were disclosed, there were several short calls from the Wapping HQ “hub” telephone to his mobile number. Dr Harris believed these calls were suspicious of phone-hacking because he did not recall ever being called at that time by any journalist working for *The Sun* or the *News of the World*, both based in Wapping. Dr Harris believes that this was evidence that his voicemails had been intercepted in January 2006.
8. In 2020, Dr Harris brought a claim for misuse of private information against NGN. Dr Harris believed that subsequent disclosure indicated that he had been targeted in or

around May 1998 by a private investigator called Steve Whittamore, who appeared to be acting on the instruction of a journalist who, at the time, was working for the Features Desk at the *News of the World*. Dr Harris believes the disclosed material shows that Mr Whittamore was commissioned to “turn” the ex-directory number of Dr Harris’s London flat and to carry out credit traces on some of Dr Harris’ former addresses and at least two relating to his ex-wife’s family, both of which actions Dr Harris considers to be unlawful. Further disclosure led Dr Harris to believe that, around the same time, he was the target of surveillance by Mazher Mahmood and his team, as shown by records of several payments made to a photographer who Dr Harris believes worked with Mr Mahmood. Dr Harris was especially concerned as he believed he had been targeted by Mr Mahmood who-he believes was engaged both in widespread unlawful information gathering, and in falsifying evidence provided to the police, other authorities and the Courts.

- 9 Disclosure provided by NGN in 2020 showed that 384 calls were made from NGN’s Wapping HQ to Dr Harris’ mobile number between 5 September 2003 and 9 December 2011. Twenty of these were made after the closure of the *News of the World* in 2011, and therefore Dr Harris believes these must have come from journalists working at *The Sun*. 232 of these calls were under two minutes in duration and are therefore highly indicative of phone hacking in Dr Harris’ view. Given the volume of voicemails Dr Harris received, particularly during his ‘phone free’ periods in Parliament or constituency surgeries, and the time it would have taken to listen to the totality of all messages received, Dr Harris contends that the remaining 152 calls, which exceed two minutes in duration, are also indicative of phone-hacking.
- 10 Other than a handful of calls from the Parliamentary lobby, and very occasional calls from *The Sun*’s specialist health correspondents, Dr Harris’s position is that he was never phoned by NGN journalists. In Dr Harris’ view, there are only three published stories about him in *The Sun* or the *News of the World* during the entire period, 1997-2010, which were the result of anything other than the quoting of Dr Harris’ news releases, or the reporting of his speeches or Parliamentary contributions. Dr Harris believes two of these articles to be the product of unlawful information gathering. Dr Harris believes there is no legitimate explanation for the volume of calls to his mobile from the Wapping Hub. In its Defence, NGN stated that “it is reasonably to be inferred that the Claimant had legitimate contact by telephone with journalists at News International during the period to which the call data relates” but otherwise “is unable to admit or deny” the allegation.

- 11 Furthermore, Dr Harris was appalled to see disclosed documents indicating to him that private investigator activity, which he considers to be unlawful, had been directed by *The Sun* and the *News of the World* against some of his close friends and associates, including senior Parliamentary colleagues. Worse still as far as he was concerned, the call data that NGN was required to disclose revealed that several friends, colleagues and campaigners, on whose mobile phones he had left private messages, had similar patterns of calls, which those colleagues told him were not, in their view, explained by anything other than voicemail interception. These calls to Dr Harris' phone and some of his associates continued into the period after the *News of the World* had closed and during the Leveson Inquiry. Such calls were made to the phones of Leveson Inquiry witnesses including Tom Watson MP, Norman Lamb MP, and Rt Hon Vince Cable MP. Dr Harris believes that disclosed documents show that private investigator activity (which he considers to be unlawful) was directed against Hugh Grant (with whom Dr Harris was working closely at Hacked Off) a few days prior to Mr Grant giving evidence at the Leveson Inquiry in November 2011.
- 12 NGN have made no admissions of liability (in relation to phone hacking and other unlawful activity carried out at the *News of the World* and *The Sun*, including by its Political Desks) in this claim, thereby placing the onus on Dr Harris to prove his case at trial. Dr Harris found this refusal to own up to any wrongdoing to be a particular source of aggravation.
- 13 Dr Harris has endured what he considers was serious aggravation during the bringing of his claim. In its Defence, NGN claimed that Dr Harris claim was statute barred because he brought it more than 6 years after the events he complained about and that he had sufficient knowledge, or could with reasonable diligence have gained sufficient knowledge, by 2014 (ie 6 years before his claim) to formulate a claim that he was a victim of phone-hacking or unlawful information gathering. Dr Harris considered this "Limitation Defence" added insult to injury because it was NGN's position in this litigation in 2016 that the Claimants' application for permission to amend their generic particulars of claim in order to add allegations relating to *The Sun* (and the Features Desk of the *News of the World* at the time that Dr Harris alleges that it targeted him) should be refused.
- 14 Further, NGN's pleaded position was that because of his role at Hacked Off, he had detailed knowledge as to the allegations of unlawful voicemail interception and unlawful

information gathering made against the Defendant more than 6 years before he brought his claim. Dr Harris finds this argument to be an insulting attack on his integrity, not least because his ignorance of *The Sun's* alleged involvement was based on denials by senior NGN executives at the Leveson Inquiry, Select Committee hearings and elsewhere. He finds it especially aggravating given that he was a Core Participant at the Leveson Inquiry and invested considerable time and cost in attending almost every day for a year to seek to understand what the Defendant had done, and he has dedicated the last 10 years of his professional life to expose wrongdoing at NGN and by executives at News International/News UK and News Corp.

- 15 Dr Harris has, to his deep consternation, seen documents which have led him to believe (and plead) that in late 2010, and again in 2011, Senior Executives at NGN were involved in what looked to him like a large-scale plot to destroy emails. That allegation is denied by NGN. Dr Harris believes the evidence suggests, as is also pleaded in his claim, that a false allegation was created by NGN to the effect that—Dr Harris' former colleagues Gordon Brown MP and Tom Watson MP were seeking to obtain or purchase or had obtained or purchased private email data and that this was used as an excuse to destroy incriminating material. Mr Brown and Mr Watson have told Dr Harris that that was most definitely not the case.-
- 16 In the run-up to the trial of the remaining claims in the current wave, NGN offered to settle the claim (specifically on the basis of a non-admission of liability at *The Sun*). The parties agreed terms of settlement in this matter as set out in an agreed signed order that was submitted to the Court on 5 October 2021, which provides for payment of substantial damages (the quantum of which is confidential, though not at Dr Harris' request), undertakings to the Court and for payment of Dr Harris' reasonable legal costs in relation to the bringing of this claim.
- 17 Dr Harris very much wanted to pursue his claim to trial, and is deeply concerned by the continuing lack of any admission from NGN. However, he was not in a position to reject NGN's offer, without the risk of bankruptcy from the costs of a trial, as a result of the rules on costs, he has been unable to do so. This was a matter of considerable frustration for him.
- 18 Most upsetting of all is that Dr Harris believes he may never know the precise extent of NGN's activities, due, as alleged in his pleaded case, to the way he believes it was concealed at the time and covered up since.

19 NGN's position throughout these proceedings is that it makes no admissions in relation to *The Sun* newspaper, and nor - in this claim – in relation to the *News of the World*, and the parties have settled the claim on that basis, However, given NGN has agreed to pay such a substantial sum by way of damages, and has thereby avoided a public trial, in relation to his claim for unlawful information gathering, as well as the knowledge and concealment of those illegal activities by the Editor and Senior Executives there, the Claimant believes, notwithstanding that the settlement was reached on the agreed basis of no admissions of liability, that this is tantamount to an admission of liability on the part of NGN and he therefore feels vindicated in having brought this claim.