

IN THE HIGH COURT OF JUSTICE

CLAIMS NO: HC11C02792

CHANCERY DIVISION

BETWEEN:

SIMON HUGHES

Claimant

and

(1) NEWS GROUP NEWSPAPERS LIMITED

(2) GLENN MICHAEL MULCAIRE

Defendants

STATEMENT IN OPEN COURT

Leading Counsel for the Claimant

1. In this action for misuse of private information, breach of confidence and harassment, I appear for the Claimant. My learned friend, Michael Silverleaf QC, appears for the First Defendant.
2. The Claimant is a barrister and a Member of Parliament and has been a Member of Parliament since 1983. He was President of the Liberal Democrats from 2004-2008, which is the second most senior Liberal Democrat party post, and he has twice run for his party's leadership. He is currently Deputy Leader of the Liberal Democrats in the House of Commons.
3. The First Defendant was the publisher of the 'News of the World' newspaper which had a considerable readership in this jurisdiction and which also published its content on its website www.newsoftheworld.com. The Second Defendant was a

private investigator engaged by the First Defendant to carry out various Investigative activities. His methods included blagging information from mobile phone companies and the unlawful interception of voicemail messages.

4. At all relevant times, the Claimant had the same mobile telephone number, with Orange, for both parliamentary and personal purposes. This was, and remains, a private number, which was not advertised anywhere and which was only given to known Journalists and constituents. The Claimant's mobile phone was his main way of communicating with parliamentary colleagues, friends and family, because he considered it to be the most secure way of communicating. He believed, wrongly, that his messages could only be accessed by him, unlike his office landline or emails which were available to his staff team.
5. Due to the nature of the Claimant's work, he received many voicemail messages, and sometimes there were long periods between him receiving a voicemail message and listening to it. On an average day, he would receive about 15 to 30 voicemail messages about his work, private and family life, as well as the private lives of others. In late 2005 and early 2006, there would have been a large number of highly sensitive messages left on his phone relating to party business.
6. In 2005-2006, the Claimant had problems with his mobile phone and his voicemail messaging service. More than once, family or friends complained that he had not responded to a message that they had left on his voicemail, when, in fact, he had never received it. On other occasions, he came across stored messages that he had never originally listened to. On at least one occasion, he contacted Orange and explained the problem and they reset his phone so that he was able again to access his voicemail messages. However, the number he was given by Orange was the same number as his mobile phone number or a simple standard number.

7. On 2 October 2006, the Claimant was informed by Metropolitan Police officers that he had been subject to unlawful monitoring of his voicemails. In order to assist, he provided a statement to the police. However, he was not shown any of the Second Defendant's notebooks or transcripts of messages and he was not told the full extent of what had happened. As a result, in his statement he simply described the phone he had been using, the system for listening to his voicemails and why he might have been a target. On 29 November 2006, the Second Defendant and Mr Goodman pleaded guilty at the Old Bailey to conspiracy to intercept communications, contrary to section 1(1) of the Criminal Law Act 1977, and the Second Defendant pleaded guilty to additional offences, namely the unlawful interception of communications, contrary to section 1(1) of the Regulation of Investigatory Powers Act 2000, which included the communications of the Claimant. The Claimant was one of six people but the only Member of Parliament to give evidence in this case. At the sentencing hearing in January 2007, Mr David Perry QC, Leading Counsel for the prosecution, told the Court that there had been numerous references to the name "Clive" at the top left hand corner of the Second Defendant's notes.

8. This was the last the Claimant heard about the unlawful interception of voicemail messages until the reports in *'The Guardian'* in July 2009. As a result of this article, the Claimant raised the matter in parliament, pressing the then Labour government to investigate it further.

9. On 25 May 2011, the Claimant had a meeting with Detectives from Operation Weeting. At this meeting, he was shown the 19 pages of documents which related to him, which were seized from the Second Defendant by the Police during their initial investigation in August 2006. The Claimant was shocked to discover that there were three different journalists at the *'The News of the World'* as corner names on these documents, especially given that the prosecution had been limited to one journalist, Clive Goodman. The documents also included his mobile number, his account number and password as well as a lot of other confidential details such as his

address, other private numbers and the names of people he had been in contact with. The Claimant was also shown transcripts of messages that had been left on his voicemail service and one schedule of call data which showed 8 phone calls made by the Second Defendant to his mobile phone.

10. Having seen this evidence, on 9 August 2011, the Claimant issued proceedings against NGN Limited and Glenn Mulcaire for misuse of private information, breach of confidence and harassment. On 13 December 2011, the First Defendant made a series of extensive admissions in relation to the activities of Glenn Mulcaire and the unlawful practice of intercepting voicemail messages at the 'News of the World'. The First Defendant now accepts that the Defendants targeted the Claimant and the Claimant's voicemail messages from at least 2002 to 2006.

11. On 16 January 2012, the First Defendant provided the Claimant with disclosure. This disclosure was extremely limited, containing no more than 10 articles and 1 entry showing the Claimant's name on a contact list. As a result, the First Defendant has agreed to ongoing disclosure obligations to the Claimant to enable him to find out more information in the event that there is more evidence still in existence. This is because the Claimant's main aim in taking action was to find out the extent of the wrongdoing.

12. I am here today to announce that the First Defendant has accepted liability and has agreed to pay damages to the Claimant in the sum of £45,000 plus his legal costs. Furthermore, both Defendants have also undertaken not to further access the Claimant's voicemail messages or to publish the Claimant's unlawfully obtained private information.

Counsel for the First Defendant

13. My Lord, on behalf of the First Defendant, I confirm everything my Friend, Mr Thomson, has said.

14. The First Defendant is here today through me to offer its sincere apologies to the Claimant for the damage, as well as the distress, caused to him by the blagging of his confidential information from sources such as phone companies and the accessing of his voicemail messages. The First Defendant acknowledges that the information should never have been obtained or used in the manner it was and that the First Defendant is liable for misuse of private information and breach of confidence.

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Leading Counsel
Solicitor-Advocate for the Claimant

15. In the light of the order which has been made and this statement, the Claimant considers that he is fully vindicated.


Hugh Tomlinson QC

Michael Silverleaf

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Michael Silverleaf QC