

P W Hill
13 December 2011
2nd
Exhibits: PHW2 and 3

IN THE MATTER OF THE LEVESON INQUIRY

SECOND WITNESS STATEMENT OF PETER WHITEHEAD HILL

I, **PETER WHITEHEAD HILL**, Journalist, of ()

WILL SAY AS FOLLOWS:

- A. I am the former editor of The Daily Express Newspaper. I make this statement in response to a request of the Leveson Inquiry (the "Inquiry") to the solicitors for Express Newspapers dated 25 November 2011 regarding to circumstances surrounding the publication of articles in The Daily Express between September 2007 and January 2008 about Drs McCann.
- 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 25 November letter.

1. By way of introduction, on 28 April 2009 I gave evidence to the Culture, Media and Sport Committee into press standards, privacy and libel ["the Committee"]. Much of the evidence which has now been asked of me by the Inquiry was previously given to the Committee. I exhibit at PHW2 a transcript of my evidence to the Committee and the written statements which I also provided. I stand by the evidence which I provided to the Committee and which I confirm to be true to the best of my knowledge and belief. Accordingly, to assist the Inquiry, I set out below where appropriate extracts of the evidence which I gave to the Committee.

Question 1: What checks if any did you undertake or cause to undertake to verify the accuracy of these articles?

2. I repeat the following evidence which I gave to the Committee [emphasis added]:

"Q614 Philip Davies: Given that there were so many stories which were inaccurate as it happened, could you explain to us what fact-checking your paper indulged in, either then or now, to make sure what you do print is true? It seems in this particular case something went badly wrong.

Mr Hill: That is a very, very good question. In this particular case, as I explained to you, the Portuguese police were unable, because of the legal restrictions in Portugal, to make any official comment on the case. What happened was that they resorted to leaking things to the Portuguese press. We did our best to check up on these things but of course it was not very easy to do so. We always put the stories to Mr and Mrs McCann's PR team but most of the time the people they had then, after the McCann's had been named as suspects, did not return our calls. So this was a more difficult situation than any of us had ever encountered. Yes, there was a clamour for information and we did our best to provide it. Of course we do check as thoroughly as we can. Newspapers operate at very high speed and it is quite true that sometimes it is not possible to check things as thoroughly as you would like.

Q615 Chairman: You said there were 38 headlines which the McCanns complained about.

Mr Hill: Yes, there were.

Q616 Chairman: When you approved those headlines were you in each case confident that they were justified?

Mr Hill: At the time, yes, of course, otherwise I would not have approved them.

Q617 Chairman: So things like "Parents' car hid a corpse" "Someone's holding back the truth".

Mr Hill: Many other newspapers and the media used that. This was also on television. This was what happened at the time. This came from the police and this also came from the British forensic science laboratory which had also briefed people on that. I do not know where it came from but we had every reason to believe that it was a genuine line at that time. Absolutely.

Q618 Chairman: But you printed it as fact and you say you did not know where it came from. Surely it was your duty to know where it came from?

Mr Hill: We do know where it came from. It came from the Portuguese police and similar lines came from the British forensic scientists who examined samples from the car. I agree that it is an astonishing thing but at the time it was not thought to be untrue. We had no reason to believe that it was untrue. You have to remember that this was the most astonishing train of events that anybody has seen in living memory. This was not just any old bit of a story; nothing comparable to this had been seen since the Lindbergh kidnaping in 1932. It was a very, very extraordinary situation and I certainly believe that it was a unique situation. I am a very, very experienced journalist and I have never seen anything like this, neither have my colleagues ever in their experience. The longevity of the story was another remarkable factor because it went on month after month.

Q619 Chairman: You said in your apology: "We trust that the suspicion that has clouded their lives for many months will soon be lifted". You will acknowledge that the reason for that suspicion was in large part the activities of your newspaper and other newspapers?

Mr Hill: No. We were part of that process but the principal reason for that suspicion has to be laid at the door of the Portuguese police. They were the people who named Mr and Mrs McCann as the suspects and repeatedly questioned them for many, many hours and they were the people who leaked all the information about them. Yes, we were reporting what happened. The alternative would have been for the British press not to report anything. Do you think that would have been a possibility, when the rest of the world was reporting on this case, for the British press to say nothing? It is not practical. We are all talking here in hindsight and

hindsight is a marvellous thing but the fact of the matter is that at the time these reports and these leaks were happening on a daily basis and that is the truth.

[.....]

Mr Hill: I was not making these allegations. I repeated the allegations: I was not making them. The allegations were made by the Portuguese police who appeared to be very confident of the rightness of what they were saying but of course it turned out to be nonsense. How was I to know that? It was a reputable police force of a civilised reputable country. I did not know that they were behaving like some tin-pot Ruritanian idiots. How would I know that?."

Question 2: Why did you not seek comment from the McCanns before publishing these stories?

3. As stated above, we always put the stories to Drs McCann's PR team but most of the time the people they had, after Drs McCann had been named as suspects, did not return our calls.

Question 3: What legal advice, if any, was taken in relation to these issues?

4. In common with other national news media, we had lawyers on duty every day and night whose job it was – and still is – to read every word that goes into the newspaper. We would consult the lawyers directly on any story which appear legally problematic.

Question 4: Please explain the nature of the sub-editorial and editorial involvement in each of the stories you published explaining in particular the steps taken to satisfy yourself that the stories were accurate and that there was a public interest in their publication?

5. I repeat the following evidence which I gave to the Committee [emphasis added]:

"Q623 Chairman: Did you say to your reporters in Portugal, "I want a McCann story"?"

Mr Hill: No, I do not think so. They were there and they provided them.

Q624 Chairman: You never said to them, "I don't care what it is I want a McCann story for my front page"?

Mr Hill: No.

Q625 Chairman: All the stories which appeared originated in Portugal without your pressurising them.

Mr Hill: No, not all the stories originated in Portugal because some of them of course originated in Britain in various places.

Q626 Chairman: So you completely reject the accusation that your paper particularly, but not alone, was so desperate to increase sales that you were actually seeking out, and if necessary fabricating, Madeleine McCann stories?

Mr Hill: Completely reject. This is not the way that anyone works as far as I know. People do not think that way. What they do is follow the news. They follow the hot story. This was the hottest story for many decades.

[.....]

Q642 Paul Farrelly: Your submission asserts that the McCann case was unique but we have heard evidence that actually it is pretty much the tip of the iceberg and exposes a culture which is commonplace in the British tabloid press. How do you respond to that?

Mr Hill: I would say that I have never ever come upon a series of events anything like this particular case. I absolutely believe that it was unique in every sense of that word. No-one can recall anything like this ever. Here you had a successful professional couple on holiday with their family and their friends, an absolute nightmare thing happens, their daughter disappears and of course we have no idea still, absolutely no idea what happened to Madeleine. We do not know whether she was kidnapped or simply disappeared; no-one knows. This in itself was a tremendous thing that happened. On top of that, immediately Mr and Mrs McCann orchestrated the most brilliant public relations campaign, a professional public relations team was hired, they flew in a private jet to have an audience with the Pope, they themselves—this is not a criticism because who would not have done this—courted publicity as much as they possibly could day after day and we responded

to that. The newspapers and the media did have a genuine wish to help to find Madeleine. Everybody wanted to know what had happened to Madeleine and people hoped and prayed she would be found. This in itself was an extraordinary thing to happen; it had never been seen before and it came at a time when, unlike in the Lindbergh case when really the newspapers were all there were, television is such a pervasive part of life; but not just television, also the internet was at that time starting to be a most astonishing phenomenon. Since then it has grown and grown and grown and now there is so much information on the internet that it is like a wild place. On top of that, if that were not enough, out of the blue Mr and Mrs McCann, this perfectly respectable couple, were accused of being responsible by the Portuguese police and, not only that, named officially as suspects and questioned repeatedly by the Portuguese police. How can anybody pretend this was anything but the most extraordinary, extraordinary chain of events? If anyone can say this was just another story, it is absolute nonsense to pretend that. Nothing like this has ever been seen before.

[.....]

Q650 Paul Farrelly: And that is a defence?

Mr Hill: And every other newspaper that might have had a single copy go to Portugal was breaking the law. In that case yes, technically everybody was breaking the law, but I tell you this was the most astonishing chain of events which simply had to be reported; it simply had to be reported. We did not report this maliciously and our concern was genuinely to help to find Madeleine McCann. By the way, that continued all the time Mr and Mrs McCann were suspects because during that time we did not only carry stories which were making accusations against Mr and Mrs McCann, we carried many, many reports on continuing the hunt for Madeleine McCann. You are trying to present this as being a completely one-sided thing but it was not that. This entire phenomenon changed all the time. It was the most astonishing thing; absolutely."

6. In summary, the reporters would file their story with the News Desk. The News Editor and sub-editors would then amend the story as they considered fit and necessary. I would then give my input and final approval of the story before it was published.

Question 5: Please provide details of the circulation figures of the Daily Express on a weekly basis between 1/1/07 and 31/12/08.

7. Since I am no longer employed by Express Newspapers I do not have access to this information. However, I have been provided by Express Newspapers with a summary of this information, which I exhibit at PHW3.

Question 6: Please state whether the continuing interest in this story was believed at the time to be apt to increase the circulation figures of the Daily Express, if not, why not?

8. I repeat the following evidence which I gave to the Committee [emphasis added]:

“Q620 Chairman: So you reported a story about Madeleine McCann on your front page over many, many days. Can you tell us in terms roughly of newspaper sales the difference between the sales of the Daily Express on the day when you had a Madeleine McCann story and the days when you did not?”

Mr Hill: It certainly increased the circulation of the Daily Express by many thousands on those days without a doubt. As would any item which was of such great interest. It also massively increased the audiences on the BBC as their Head of News has acknowledged. It did this for all newspapers. The way that newspaper people work is that their job is to report on the events which are of interest to their readers and of course this was of consuming interest to readers of all the newspapers not just the Daily Express. Yes, it was a consequence. This is what newspapers do. Their job is to sell newspapers; that is what they do.

Q621 Chairman: Their job is to sell newspapers as long as they are also telling the truth.

Mr Hill: At the time we had no reason to believe we were not telling the truth.

Q622 Chairman: *You also took the decision to run a McCann story day after day. To what extent was that because you had seen the consequence it would have on your circulation?*

Mr Hill: *You have to understand that this was the only show around at that time. We were getting 10,000 messages—I am not just talking about hits—on our website; we were getting at least 10,000 messages a day, comments from people. Nothing like this had ever been seen. It was quite clear to me that this was what the readers wanted to read about. So naturally I would do this because that is what newspapers do.*

9. These stories were not printed merely to boost the newspaper's circulation. At that time, the Madeleine McCann story had major and intense public interest. There was a clamour for information and the nation was divided in its opinion as to what might have happened to her. This public interest intensified when Drs McCann were declared "arguidos" by the Portuguese police.

Question 7: Please state whether a decision was taken to publish these stories, regardless of the litigation and other risks, because the increase in circulation would more than cover any resultant damages and costs?

10. My decision to publish these stories was not made regardless of the litigation and other risks because the increase in circulation would more than cover any resultant damages and costs. My decision was made because I believed that the stories were true and that the readers of The Daily Express had an interest in them. The Daily Express was not the only medium that published offending stories. They appeared widely in the press and on every TV station. I have never made up a story or asked anyone else so to do. Of course, if there is a big story, there is also pressure to get the best lines because it is a highly competitive industry. However, that does not mean that journalists will

invent stories and that newspapers will print made up stories. Ultimately, a newspaper's readership depending on the quality of its stories and its reputation. If a newspaper made up stories or otherwise acted to damage its reputation and its integrity to the public, the public would lose confidence and stop buying that newspaper. It can be seen from the demise of The News of the World what happens when a newspaper's reputation is substantially damaged.

STATEMENT OF TRUTH

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

.....
PETER WHITEHEAD HILL
Dated: 13 December 2011



P W Hill
13 December 2011
2nd
Exhibit: "PWH2 and 3"

IN THE MATTER OF THE LEVESON INQUIRY

SECOND WITNESS STATEMENT OF
PETER WHITEHEAD HILL

rosenblattsolicitors

9-13 St Andrew Street
London EC4A 3AF
DX: LDE 493
Tel: (020) 7955 0880
Fax: (020) 7955 0888
Ref: AF/EXP9-95