

In the matter of the Leveson Inquiry into the Culture, Practices and Ethics of the Press

THIRD WITNESS STATEMENT OF COLIN JOSEPH THOMAS MYLER

I, Colin Joseph Thomas Myler () will say as follows:-

1. There is now produced to me a paginated bundle of documents marked Exhibit "CJTM3" to which I shall refer in the course of this statement.
2. I received a letter, dated 23 November 2011, from the Deputy Solicitor to the Leveson Inquiry into the Culture, Practices and Ethics of the Press ("the Leveson Inquiry"). A copy of the letter is exhibited at pages 1 to 2 of CJTM3. I have been asked to provide a witness statement to the Leveson Inquiry answering a number of questions. My answers to those questions are set out below.
3. Save where otherwise appears, I am able to make this statement on the basis of facts and matters within my own knowledge and which I know to be true. Where I refer to some other source of information, I believe that information to be true. This statement relates to my time at the News of the World ("the Newspaper").
4. Before addressing the questions posed in the Inquiry's letter of 23 November 2011, I wish to explain the nature of the Newspaper's relationship with Kate and Gerry McCann, and those representing them, and the personal relationship which I established, in particular, with Gerry. It may also help the Inquiry's understanding if I may explain the background to how major stories developed and the editorial meetings that took place before an edition of the Newspaper was printed.

My relationship with the McCanns

5. The Newspaper was very supportive of Kate and Gerry and their campaign to find their daughter. It was decided early on in that campaign that the Newspaper would not adopt the stance that other national newspapers had taken by printing malicious stories which had no foundation and emanated largely from the Portuguese press.
6. We were very happy to undertake a number of things unconditionally on behalf of Kate and Gerry. One example of this was the appeal we mounted to raise donations to the Madeleine campaign fund. This was very successful and raised £1.5 million in 48 hours. Additionally, we initiated discussions with Vodafone to endeavour to set up a Europe wide Amber Alert system by which Vodafone would send without charge a message to all of its

customers to notify them of them of missing people. It was also hoped that other mobile phone networks would adopt the system.

7. I spoke to Gerry on the telephone on a frequent basis about developments in the case, or more often than not, just to catch up. The News Editor, Ian Edmondson, was at one stage in almost daily contact with Kate and Gerry's spokesman, Clarence Mitchell. Mr Mitchell was Kate and Gerry's right hand man and the immediate point of contact and channel of communication to the McCanns.

Editorial process

8. To the best of my recollection, the article published on 14 September 2008 under the headline "Kate's Diary, In Her Own Words" developed in the way described below. Without referring to any files or discussing the matter with ex-colleagues, I cannot recall exactly when the News Desk first became aware of the diary. It was not a story which was produced in a matter of days.
9. The reporter who worked on the story was Dan Sanderson. He was based in Portugal and reported to the News Desk. It was normal for staff reporters to be based in Portugal when covering the Madeleine case. Mr Sanderson was a very good, reliable and straightforward reporter. We never had any issues with his conduct. Mr Sanderson would discuss his stories at length with Mr Edmondson and other members of the News Desk and I feel sure that he did so with this story before it was presented to me as a proposed lead story.
10. The story would have been presented to me by Mr Edmondson. He would also have presented the story at our regular editorial meetings. These would start with an informal meeting in my office on a Tuesday morning which would last for approximately one hour. The meeting was customarily attended by me, by the Deputy Editor, the News Editor, the Picture Editor, the Sports Editor and the Features Editor. I would ordinarily hold editorial meetings every day of the week thereafter until Saturday. From Wednesday onwards these editorial meetings would also be attended by the Night Editor, the Chief Sub-Editor and, more often than not, their deputies.
11. Some stories which were presented early on in the week would be excluded from the list before the Saturday meeting. By the Friday editorial meeting, we would concentrate on the stories which would be targeted to be printed on pages 1, 4 and 5, and the early page leads. The story concerning Kate's diary would have been discussed at the Friday and Saturday editorial meetings before it was published. I remember the story being a focus of the Friday editorial meeting. I was very concerned to ensure that we did not print the story without seeking authorisation from Kate. I made clear at that meeting that I did not want Kate to leave church on Sunday morning and find that her diary had been printed in the Newspaper without her prior authorisation. There could be nothing to gain from such an action and everything to lose by damaging the good relationship we, and I, had developed with Kate and Gerry. I repeated this specific remark concerning her attendance at church at the final editorial meeting on the Saturday morning when we finalised the stories for the paper the next day.
12. Mr Edmondson assured me that he had notified Mr Mitchell that the diary was going to be printed and Mr Mitchell had not asked him not to run the story. Mr Edmondson was very clear about this and since he was in daily contact with Mr Mitchell I had no reason to doubt it and accepted this assurance. I anticipate that Mr Edmondson will have made a note of his conversations with Mr Mitchell.
13. I was very distressed when I found out about Kate's reaction to the story and the publication of her diary.

The Inquiry's questions

Please explain exactly how NoW obtained a copy of Dr Kate McCann's diary: you are not required to name any sources, but you are required to identify the precise provenance of the diary, explain the circumstances in which NoW received it, and confirm (if it be the case) that it was of the original which had been seized by the Portuguese authorities.

14. I was satisfied about the provenance of the diary at the time the story was printed, but because I no longer have access to my business and office records I cannot now recollect how it was obtained. If a source was paid for the diary, a record will have been made by the Managing Editor's office in order to authorise such a payment.
15. The inability to access my records from my time at the Newspaper prevents me from being able to check how the diary was obtained. I wrote to Linklaters, who act on behalf of News International, on 29 November 2011 to request copies of relevant documents so that I could be in a position to provide the Inquiry with a full response. A copy of this letter is exhibited at page 3 of CJTM3. Linklaters replied on 1 December 2011 and informed me that they are currently conducting an urgent review of this matter and will inform the Inquiry of the results as soon as possible. A copy of the letter from Linklaters is exhibited at page 4 of CJTM3.
16. I am unable to seek assistance from Mr Edmondson or Mr Sanderson because I anticipate that they will have been asked to provide a statement to the Inquiry on this matter. Moreover, I am advised that it is not appropriate to contact Mr Edmondson given his status as an arrested suspect in the current police investigation into phone hacking. As a result, I am not at this stage able to provide any further information in response to this question. I may be able to assist the Inquiry further once I have had an opportunity to review the results of Linklaters' search for relevant documents.

Was the copy NoW obtained in English or Portuguese?

17. Without access to relevant documents or consultation with Mr Edmondson or Mr Sanderson, I regret that I am unable to check whether the copy of the diary was obtained in English or Portuguese.

What steps, if any, did you take to establish its authenticity and that it was a document which you were entitled to possess?

18. Without access to documents or consultation with Mr Edmondson or Mr Sanderson, I am unable to comment on the steps that were taken to establish the authenticity of the document. However, at the time the story was printed, I was fully satisfied with its provenance and neither the McCanns nor their representatives alleged at any time that the diary had been obtained improperly.

What was paid for the diary and to whom?

19. I do not know what, if anything, was paid for the diary or to whom any such payment would have been made. However, in the event that a payment was made, the Managing Editor's office would have been required to obtain and keep a record.

By what reasoning process did you and others at News International (whom the Inquiry requires you to identify) deem it appropriate to publish extracts from the diary given the obvious privacy implications, including the fact that you knew or must have known that the diary was confidential (if it is your position that you did not know this, please explain its basis)?

20. I was very distressed when I was told that Kate was unaware in advance of the publication of our story. I would not have permitted the printing of Kate's diary unless I had been

confident that we had her permission to do so. Mr Edmondson told me in terms that he had sought permission from Mr Mitchell and I had no reason to doubt him. Not only was Mr Edmondson in daily contact with Mr Mitchell but the story would have been worked on for some time before it was printed. In addition, Mr Edmondson's job would have been at risk if he had not sought permission when he told me that he had. There was nothing to be gained for the Newspaper or for me, in particular, given the extent to which I had spent time fostering a relationship with Kate and Gerry (a relationship which I valued), in publishing such an intimate story without Kate's prior knowledge and approval. The consequential damage which in fact redounded to the paper's reputation demonstrates that.

21. Following publication of the story, Brian Kennedy, a benefactor and adviser who had supported Kate and Gerry's campaign, telephoned me to try to mediate between the Newspaper and Kate and Gerry. The resolution to the issue was, to my belief, settled during the course of the following week. I required an explanation from Mr Edmondson. He repeatedly maintained that he had discussed the matter with Mr Mitchell in advance of the story's publication and had explained the nature of the proposed story to be published. I, of course, agreed to a prominent public apology. This was printed in the next edition of the Newspaper. A copy of the apology is exhibited at page 5 of CJTM3. The apology noted that our belief that we had Kate's permission to print her diary was "misplaced". The matter did not lead to any complaints being made to the Press Complaints Commission.
22. To recognise how remorseful and embarrassed the Newspaper was, we made a donation to the Madeleine fund. I personally wrote a handwritten apology to Kate and Gerry. I believe a copy of this letter will have been kept in my files.

Why did you not contact Dr Kate McCann in advance of publication in order to check the facts and in particular to obtain her consent to publication?

23. As explained above, Mr Edmondson was in regular contact with Mr Mitchell and I had his assurance that Mr Edmondson had discussed the story with Mr Mitchell who had not objected to the story and the contents of the diary being published.

What consideration if any was given by you to any public interest considerations; and if so, what were they?

24. In my view, within the context of approval from the McCanns, there were clear public interest reasons for printing the story. The content of the diary served to discredit many of the untrue stories that were being printed by the press in Portugal and which were also being promoted by other national newspapers in the UK.

What legal advice, if any, did you take on any of the foregoing issues?

25. I did not feel that we needed specific external legal advice with regard to the story. I considered that there was a clear public interest in running it and I believed that we were doing so with Kate's permission. Every major story was reviewed by either Tom Crone, the Newspaper's Legal Manager, or his deputy, Justin Walford, before such a story was published. Either Mr Crone or Mr Walford would have read this story. If either had had any concerns, he would have raised them with the News Editor before the story was presented to me.

Please outline the discussions you had at sub-editorial and editorial level on the foregoing issues.

26. I have outlined above, in paragraph 11, the discussions that I had about this story at editorial meetings.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed

Full name Colin Joseph Thomas Myler

Dated 2 December 2011