

Tom Watson MP



House of Commons, London, SW1A 0AA

Mr Keir Starmer QC  
Director of Public Prosecutions  
The Crown Prosecution Service  
Rose Court  
2 Southwark Bridge  
London  
SE1 9HS

25 January 2011

Dear Mr Starmer,

**The News of the World and the Metropolitan Police  
Conspiracy to pervert the course of public justice**

Thank you for publicly declaring that you will accept all new evidence regarding the investigation into phone hacking by the News of the World. I shall write to you later in the week with a list of evidence that I think requires further investigation.

The purpose of this letter is to make the case that there has been a conspiracy to pervert the course of public justice. As fragments of evidence have been forced out of News International and the Metropolitan Police Service by civil litigations and Parliamentary enquiries, the case for a deep investigation by an outside force is now, I think, insurmountable.

As you know, acts done with the intention of concealing the fact that a crime has been committed can amount to the criminal offence of perverting the course of public justice, even if no proceedings in respect of it are pending or have commenced: *R. v Sharpe and Stringer*, 26 Cr.App.R. 122, CCA; and see *R. v Wilde* [1960] Crim.L.R. 116. Also, acts which amount to an abuse of the public's trust in a public office holder can amount to the criminal offence of misfeasance in public office.

Recent civil actions against the News of the World (NOTW), and court orders against the Metropolitan Police Service (MPS), have revealed evidence which confirms that it was not just one "rogue" NOTW reporter, Mr Goodman, who arranged for voicemails to be accessed, or "hacked" illegally. At least three other employees of NOTW, all of them senior to Goodman, also instructed Mr Glenn Mulcaire to commit this serious criminal offence.

When they arrested Mulcaire, the police searched his office and seized his papers. As we now know, his papers included in each case details of the NOTW's target as well as the identity of the NOTW journalist giving the instruction. Even a cursory examination of these papers will therefore have allowed the police to identify any NOTW journalist who instructed Mulcaire.

Since then, evidence in civil litigation has identified three senior members of the NOTW staff who allegedly gave instructions to Mulcaire to hack illegally info voicemails. These were the NOTW [redacted] NOTW [redacted] and former NOTW [redacted].

Although MPS officers visited the NOTW offices and searched Goodman's desk and computer, taking away material, they did not search desks or computers used by [redacted] or [redacted] nor those of any NOTW journalist except Goodman. Inexorably, no attempt was or has ever been made by the MPS to question [redacted].

Yet it must have been apparent to the MPS on the face of the papers seized from Mulcaire, that instructions to hack phones came not just from Goodman but from the above-mentioned [redacted]. The civil cases have since revealed that the MPS was, all along, in possession of unambiguous evidence to that effect.

These three men were thus *prima facie* leading participants in the very conspiracy of which Goodman and Mulcaire were convicted. Here was criminality so serious that Goodman, a first offender with no criminal record, went to prison. Yet the police, despite their direct knowledge from the evidence in their possession, made no attempt to question, arrest or search three senior NOTW journalists who were apparently guilty of the same crime as Goodman, possibly on a much larger scale.

The person in charge of the police investigation in 2006 was Assistant Commissioner Andy Hayman. Mr Hayman left the police in December 2007 and has been employed by the owners of NOTW ever since.

An explanation for Mr Hayman's failure to question [redacted] and [redacted] or search their desks and computers was offered by his successor, Assistant Commissioner John Yates, in evidence to the Culture, Media and Sport Select Committee on 2 September 2009 (Report at Q1890).

According to Mr Yates, Mr Hayman decided that a letter to the NOTW's solicitors was preferable to questioning [redacted] or [redacted] searching their computers and desks (see also, eg, Q1938 and Q1960). Mr Hayman's letter drew a "robust" refusal (Report at EV 376/377).

I question whether it is usual for the police to content themselves with writing to lawyers acting for criminal suspects and then take no further action when the lawyers reply with a "robust legal approach"? Is it usual for the police to allow their access to information in a criminal enquiry to be restricted to

matters chosen by such lawyers themselves (Ev 376/377, MPS response to Question 6)? (These are rhetorical questions. The answer in both cases is no).

The MPS also failed to notify the vast majority of those whose names appeared as actual or potential targets for Mulcaire's intercepts, despite, as I understand it, having given an undertaking to the CPS to do so. Furthermore, lawyers acting for the targets attest that when asked to provide copies of Mulcaire's notes with a view to litigation against NOTW, the MPS have been uncooperative to the point of obstruction.

The impression of a deliberate and concerted attempt to conceal the commission of serious crime is reinforced by the conduct of the NOTW itself. In at least two cases, NOTW has settled privacy actions brought by victims of its phone hacking for sums in the order of 100 times greater than any likely award of damages by a court. In each case this settlement followed quickly upon a court order for disclosure and included a confidentiality clause and the sealing of court documents.


Read in the light of the latest information, the Report of the Select Committee, paragraphs 399 to 495, reinforces the impression that evidence has not been properly investigated and indeed has been suppressed. See particularly paragraphs 442 and 467.

On the face of it, it appears that certain officers in the MPS have not only failed properly to follow the evidence, but have taken active measures to conceal it. At least one very senior officer concerned followed quickly into the pay of News International. The possibility that these officers are guilty of perverting the course of justice and/or misfeasance in public office and/or conspiracy now requires urgent investigation by an independent police force.

I feel sure you will agree that it is wholly inappropriate that a further review of the phone hacking evidence be left in the hands of police officers who may themselves already have committed criminal offences during an earlier phase of the investigation.

I look forward to hearing from you as soon as possible.

Yours sincerely



Tom Watson  
Member of Parliament for West Bromwich East