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Thursday 24 March 2011
Culture, Media and Sport Committee
Follow-up to Press Standards, Privacy and Libel
John Yates QPM

Q10 Paul Farrelly: The DPP, Mr Starmer, wrote to the *Guardian* and said, "It is regrettable that John Yates has taken one sentence of my evidence to the Culture, Media and Sport Committee out of context." That is wrong, isn't it? He is wrong.

John Yates: As far as I am aware, I am in heated agreement with the DPP about these matters now, and I think there has just been some confusion about what he thought he may have been responding to, but you would have to ask him that-not me-and what I was responding to around what Chris Bryant has said in the adjournment debate. I am very clear, as I have said to you-and I have set out a letter in detail-that Chris Bryant was wrong. I believe I have a very clear factual-

Paul Farrelly: No matter what-

John Yates: Hang on. I have a very clear factual audit trail that supports that view, and I do not want to get into a fight with the DPP. It is unedifying; it is unnecessary.

Mr Watson: You are already in one.

Q11 Paul Farrelly: Well, he has got into a fight with you.

John Yates: Whatever. We are in agreement now-the letters are clear; the DPP's letters are clear.

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Q45 Mr Watson: Did they offer any information that was rejected by the Metropolitan Police?

John Yates: I am not aware of any-I am not aware of any.

Mr Watson: But you would be concerned if that was the situation?

John Yates: It depends what it was.

Q46 Mr Watson: Can you suggest any explanation for the numerous instructions from Edmondson and other journalists to Mulcaire, combined with the notes of mobile telephones and direct dial numbers, other than illegal hacking?

John Yates: Mr Watson, that is a matter for the new investigation.

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Mr Watson: It was the previous investigation.

John Yates: I really cannot comment on it.

Q47 Mr Watson: Okay. Can you think of any lawful purpose for assembling a list of 91 mobile phone PINs?

John Yates: It would be difficult to think of a lawful purpose.

Mr Watson: Would you say that it is like finding 91 credit cards in someone's house all in different names?

John Yates: I am not sure that is a parallel.

Q48 Mr Watson: Do you think the average policeman that works for you would think that that would warrant further inquiry?

John Yates: It is how you focus your resources, Mr Watson, in terms of these matters. It is quite proper, with the discretion that we have and you know we have, to focus your resources where you are going to get the best evidence and show the broader spectrum of criminality in these issues. That is what they did in 2006; that is how the whole prosecution was framed, to ensure the court was aware and had the full sentencing powers available to it in order to ensure they could show the full level of criminality.

You do not go into every matter. It is simply impossible. We do not have the resources to do it. The Chief of Defence Staff this Monday would have made some very difficult decisions about where his resources are because of Libya. What they were doing before would have been very useful, but he would be moving his resources. That is what happens in policing. The context of this case, and I do reiterate it-8 August 2006-is that, in terms of the airline plot, all the arrests in the airline plot took place the following day. So those that were managing this case at that time would have made perfectly proper decisions about how those resources were going to be used, and that is what happened. If you applied 100 detectives at this, you would find lots more details. It would not be, in certain circumstances, the best use of resources because there are other priorities.

Q49 Mr Watson: Mr Yates you have said that; I take your point. But the devil is in the detail, as we now know with the case. In January 2010 you told Mr Whittingdale, the Chairman, you did not know about the 91 PINs when you gave evidence in 2009. Can you tell us when you learnt about that?

John Yates: I cannot remember exactly, but the decision to put it on the HOLMES system took a number of months and a number of police officers. I think it was about 10 or 12 police officers full time for a number of months.

Q50 Mr Watson: If you could let us know a date, but when you learnt of the 91 PINs, why did you not immediately launch an inquiry?

John Yates: Because we kept to that very high threshold of what constitutes an offence. We can go to and from on this all the time. I have said in my opening that I am quite happy to reflect in a mature way about the level of resources perhaps put to this case in 2006/2007.

Q51 Mr Watson: I am asking you to reflect now. Do you think it was appropriate that you did not launch an inquiry?

John Yates: An inquiry into which aspect, Mr Watson?

Mr Watson: The fact that 91 PINs were found, suggesting pretty clearly that criminality had taken place.

John Yates: Criminality or breach of privacy is a different issue.

Q52 Mr Watson: Criminality under RIPA.

John Yates: There is a new investigation going on under a new definition, and I think we need to let that happen. I have reflected on these matters and have been quite happy to agree to you-

Mr Watson: But you have not concluded in front of us yet, though, Mr Yates. You may have reflected, but you have not concluded. That is what I am trying to get.

John Yates: I have reflected about how we could have done more around victims, however you describe a victim. You can bash me on whatever you want-

Q53 Mr Watson: Your colleague Mr Williams told the Committee at Question 1907 that you could not pursue the "For Neville" email because it was all you had, and at Question 1953 you said you had no evidence as to whom Mulcaire was doing these inquiries for. You told the Committee at 1904 you had no evidence to put before Thurbeck. These statements are all untrue, are they not?

John Yates: They are not untrue. They were to the best of my knowledge at the time. I do not know what the position is now around these matters because, as I say, there is a new investigation, but to the best of my knowledge at the time that was the case and we answered the questions as we knew it at that time.

Q54 Mr Watson: Mr Williams went further. He said that there is nothing that points me to any other journalist at the *News of the World*. That is just simply untrue, is it not?

John Yates: But you are making judgments now about the events that have taken place, particularly in the last few months, that may make those statements not untrue but in the sense that they are not factually correct now but were then. Events move on. New information comes to light. What I have said throughout this is if new evidence comes to light we will consider it and take appropriate action. That is exactly what we have done.

Q55 Mr Watson: Mr Yates, in addition to other documents you had Mulcaire's notes, which recorded Thurlbeck, Edmondson and others instructing him to hack phones.
John Yates: No, no-hang on.

Mr Watson: Hold on. You were content to sit there and let this Committee receive information from Mr Williams knowing that it was grossly misleading.

John Yates: No, that is not right, and you are doing wonderful leading question in terms of it. I knew no evidence that the people you have mentioned had instructed Mulcaire to hack phones. There is no evidence to that that I am aware of. There is a new investigation, so again, at the risk of being boring, that has to take its course, but I knew no evidence at the time there were any instructions. It is pretty unfair of you to suggest that I did.

Q56 Mr Watson: Do you accept that you did not give the Committee the full picture the last time you were in front of us?

John Yates: I gave the fullest picture that I knew at the time. That was July. I then applied considerable resource to it because I was concerned about the level of detail that was there that we needed to properly analyse and research. I do not think this Committee would expect to receive a running commentary on how an investigation is developing.

Q57 Mr Watson: You told the Committee that there were no reasonable grounds to question Thurlbeck and Hindley. Do you now accept that that was untrue?

John Yates: I already said that we should have interviewed Thurlbeck.

Mr Watson: You should have interviewed Thurlbeck-did you interview Thurlbeck in 2009 then?

John Yates: Again, I want to come back to what I said earlier in terms of some assurances around that.

Q58 Mr Watson: You told the Committee, and you have told us again this morning, that the principal point in establishing the facts was whether there was any new evidence, but you already knew at the time that evidence existed that is only now emerging in the civil actions. Is that true?

John Yates: Again, at the risk of repetition, it was about establishing the facts-anything new in the *Guardian* article and there was not. Any new evidence anywhere? Both I and the DPP, with counsel, reviewed it again and he came to the same conclusion about two weeks later. So that is two individuals who have come to the same view.

Q59 Mr Watson: With that evidence in your hands that we now know about, why did you need new evidence?

John Yates: In terms of the new material, new material can radically change a view of previous material. So I think it is unwise of me to try to comment or analyse that

particular question because one bit of new material comes in and it can throw a whole different light on old material. I think I need to be absolutely clear that the new investigation must run its course and you are taking me into areas where I perhaps should not go.

Q60 Mr Watson: Did you think that that evidence was not significant?

John Yates: Which bit?

Mr Watson: The evidence you had at the time that we did not know about, but we now do.

John Yates: It is information. They took a view at the time that that would perhaps not take them to the areas where it would show the full extent of the criminality and how the prosecution was framed. Armed with new information and new material, provided only very recently, they are maybe taking a different view, but I do not know that, Mr Watson.

Q61 Mr Watson: Why did you not draw the Commissioner's attention to it?

John Yates: Because like the DPP and like senior counsel who reviewed it in 2009, we took the view that there was nothing new there that warranted reopening the inquiry.

Q62 Mr Watson: You told us at the time that the questions you put to the *News of the World* were put to their lawyers on a lawyer-to-lawyer basis. Is that your usual procedure when dealing with a corporation whose employees are suspected of a crime?

John Yates: Certainly, the law absolutely requires us, unless you absolutely know you are going to be lied to and misled, to engage in that way in the first steps.

Q63 Mr Watson: *News of the World*, when they gave evidence to us, and you will have noted this, told us repeatedly-they stressed-that in their evidence they allowed the police free rein. Were they lying to us?

John Yates: We asked them questions; they provided answers. In a number of areas we had some very helpful answers, and in a number of areas they said they did not have any information so we had to accept that on that basis. The law is very clear on this, Mr Watson; you can take a view any way you like, but the law is very clear that if you think you are going to get cooperation, you have to seek cooperation first.

Q64 Mr Watson: You had available all the evidence that is now emerging in the civil cases, and you chose not to pursue it.

John Yates: That is not the case; you know that is not the case. We have had new evidence that has come in in the last matter of months. As I said in my opening, that is the sole reason why they have reopened the inquiry. So that would tend to support the view that there was no material before that that justified reopening the inquiry.

Q65 Mr Watson: Final question: did you and your colleagues deliberately suppress the evidence of wrongdoing by journalists and others working for News Group newspapers and its subsidiaries?

John Yates: Absolutely not.

Q66 Mr Watson: Did you set out to shield News Group newspapers and its journalists?

John Yates: Absolutely not.

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Q89 Mr Watson: Just a follow-up point. Just for clarity: was Neil Wallis interviewed or investigated as part of the original investigation?

John Yates: No.

Q90 Mr Watson: When did you last meet Mr Wallis for lunch or dinner?

John Yates: I have known Neil for a number of years. I cannot recall the last time.

Q91 Mr Watson: Could it be this year?

John Yates: Yes. What are we, April? It could easily be.

Q92 Mr Watson: Could it be February?

John Yates: It may well be.

Q93 Mr Watson: Would you have discussed phone hacking with him?

John Yates: No.

Q94 Mr Watson: He does not work for News International now.

John Yates: No. In spite of all of this, we are professional people; we just would not do it.

Q95 Mr Watson: In answer to my colleague you said that, if you received information about police being paid for information, it would be investigated. Can I take it that you then investigated Rebekah Brooks after she told this Committee that she paid police for evidence?

John Yates: I think we went through this hoop last time. It was 2003 and that is not my responsibility. I am happy to go back and look at what happened in 2003, but that is eight years ago.

Q96 Mr Watson: But, to clarify it, you are aware that the chief executive of News International told a parliamentary committee that she paid the police for evidence.

John Yates: I remember seeing it in glorious technicolour, Mr Watson, yes.

Q97 Mr Watson: You have just said that when information like that-

John Yates: I think the actual question I answered to Mr Sheridan-you are right on that point anyway-was about police officers providing information for cash, in which case I said we have done in the past; we have caught them and there have been investigations.

Q98 Mr Watson: So, when someone admits to paying police for evidence it is your view that it should be investigated.

John Yates: It is my view that there are possible offences there, yes.

Q99 Mr Watson: And they should be investigated.

John Yates: There are possible offences there, but you have to look at what is appropriate.

Q100 Mr Watson: To get a straight yes or no, should they be investigated?

John Yates: Obviously, you have to look at the availability of any evidence, the scope of the inquiry and all those issues.

Q101 Mr Watson: You are not answering my question, which requires a straight yes or no answer.

John Yates: I am trying to explain that it is not straightforward.

Q102 Mr Watson: When that information is provided, should it be investigated-yes or no?

John Yates: I am trying to explain that there is not a straightforward answer to that question, because there are a number of other issues you would have to consider before you launched an inquiry.

Q103 Mr Watson: If I said to you in public that I had paid police for evidence, would you investigate it?

John Yates: We may want to speak to you, yes, and on that basis we would then determine how we would go forward.

Q104 Mr Watson: Likewise, Rebekah Brook said that.