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[] December 2011
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IN THE MATTER OF THE LEVESON INQUIRY

WITNESS STATEMENT OF DAVID HAMILTON PILDITCH

I, **DAVID HAMILTON PILDITCH**, Journalist, of The Northern & Shell Building, 10 Lower Thames Street, London, EC3R 6EN, **WILL SAY AS FOLLOWS:**

- A. I am a General News Reporter at The Daily Express. 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 with regard to the 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 2011 letter.

Introduction

1. By way of introduction, I have been a journalist for 26 years. I started at a local newspaper, the Esher News and Mail, where I spent three years and was formally trained by the National Council for the Training of Journalists.
2. I worked for several years at Cassidy and Leigh, a national news agency. In 1995 I joined The Daily Mirror as a news reporter, before moving in 2003 to The Daily Express.

3. I was the first Daily Express reporter to arrive in Portugal following the disappearance of Madeleine McCann in May 2007. I spent six weeks in the country on my first visit, and over the course of the next nine months, until February 2008, I was there a total of six times.

Question 1: What was the evidential basis for each of the stories you wrote in relation to the McCanns, identifying (in each case) precisely the information on which you based each of them?

4. It became apparent in the days after arriving in Praia da Luz that covering the disappearance of Madeleine McCann was going to be uniquely challenging. Under Portugal's secrecy of justice laws it is illegal for anyone to publicly discuss the details of an on-going police investigation. This means even the most senior detectives in charge of an inquiry are not allowed to speak to the press and the media. Quite frankly this was a ludicrous state of affairs which made covering the story near impossible.
5. Even Kate and Gerry McCann, who were anxious to put out appeals for information, were made aware that speaking about the case could lead to a term of imprisonment of up to two years.
6. This lack of official co-operation between the police and the media, in my view, fatally flawed the investigation into Madeleine's disappearance from day one.
7. In this country the relationship between the police and the media is probably at its closest during a missing person inquiry. In the absence of any substantial leads the police rely on the public to provide information of possible sightings or people acting suspiciously. This helps ensure the police have as much information as possible available to them.
8. In Portugal, there were none of the basic strategies or systems that we would expect to be put into place in an investigation of this kind.
9. As Gerry McCann pointed out in his statement the lack of formal dialogue between the Policia Judiciaria (PJ) and the public was incredibly frustrating for everybody involved.
10. In the critical early hours and days after Madeleine McCann disappeared there were no public appeals. It took a number of days before police released details of the clothes Madeleine was wearing when she disappeared - and that was only done under enormous pressure from the international media.
11. Again under pressure from the media, the police held a series of press conferences in the early days after Madeleine's disappearance which turned out to be farcical because no useful information was forthcoming.
12. A detective from Lisbon who specialized in investigating art thefts was brought in as a media liaison officer. Unfortunately he refused to confirm or deny any information that was put to him and was unable to give any guidance either on or off the record. In short, his appointment was a complete waste of time.

13. As in every case, my stories were compiled using numerous sources of information. In my time in Portugal I interviewed witnesses, many locals connected with businesses, resort workers, holidaymakers and ex-pats - a number of whom became contacts and regular sources of information.
14. I incorporated copy filed by the Press Association and independent news agencies based in Britain and abroad, along with copy filed by colleagues back home - members of the McCanns' families were releasing information and photographs to help the search.
15. The McCanns themselves had various people representing them. In the early stages a spokesman was appointed by the holiday company the family had travelled with. Subsequently there were two Foreign Office officials who helped them one of whom was Clarence Mitchell.
16. In September 2007, after the McCanns returned to Britain, Mr Mitchell was taken on by the couple as their official spokesman.
17. I have written a great many stories about the disappearance of Madeleine McCann since May 4 2007. I have also written hundreds of other stories relating to a huge range of subjects and issues. It would be impossible to forensically examine a series of stories written four years ago and explain precisely where each fact was sourced from. However, when reports were followed up from Portuguese newspapers and TV networks that is clearly spelled out in my stories.
18. The McCanns were always approached to comment on stories through their spokesman and those comments were clearly attributed. In addition to quoting from Portuguese newspapers and the Drs McCanns' official spokesman I approached my own sources.
19. In their evidence the McCanns, referring to the press in general terms, said that many stories had been "made up" and that they did not believe "police sources" were genuine. In the case of every story I wrote, the police sources I quoted were genuine. I had three sources in Portugal who provided me with information. Two were Portuguese journalists who were in daily contact with the most senior officers investigating Madeleine McCann's disappearance. The third was a translator who worked for the Portuguese Police and translating and interpreting in the Portuguese legal system.
20. The stories that have been selected in this file must be looked at in the context of how events were unfolding on the ground during this time - when the Portuguese police investigation had reached a particular stage.
21. Despite the barriers thrown up by the Portuguese criminal justice system, I was able to obtain an accurate and truthful insight into on-going developments within the police investigation at that time. Indeed, by this point in time, one of my contacts was informing me of day-to-day developments as they were taking place and before they were being written about in Portuguese newspapers. This enabled me to verify the accuracy of the information I was being given. For example, I was told of a series of operations and searches that would

be taking place at particular times and on particular days - and was able to personally witness these events taking place.

22. Although I was confident of the veracity of the reports I was writing, due to the secrecy of justice laws they were impossible to prove, to any satisfactory legal standard, at that time. The fact is that every newspaper, TV network or media organisation that reported on details of the investigation into Madeleine McCann's disappearance were in the same boat.
23. Due to the restrictions of the Portuguese law, anyone who was unhappy about something that had been written or said about them and wished to take legal action would almost certainly have been successful. As a journalist this is a wholly unsatisfactory position which, in my view, leaves news organisations at the mercy of potential litigants. They simply are unable to defend themselves.
24. It was only months later, in July 2008 that Portugal's Attorney General formally closed the investigation into Madeleine McCann's disappearance. Under the Portuguese system, the authorities released the official police file - more than 10,000 documents including photographs, official reports and witness statements including those of the McCanns. Through the release of those documents and subsequent legal actions in Portugal it is now a matter of public record that the reports I was writing between September 2007 and January 2008 were truthful and accurate.

Question 2: what checks if any did you undertake or cause to undertake to verify the accuracy of each of these stories?

25. All my stories were checked with more than one source prior to publication. Once Clarence Mitchell was appointed as Drs McCanns' spokesman, it was agreed that all stories would be bounced off him rather than the Drs McCann directly. This was strictly adhered to. On every occasion, Portuguese police refused to comment on grounds that the inquiry was subject to judicial secrecy.
26. Leicestershire Police, the UK force handling the investigation, took the decision neither to comment nor - unusually for a force involved in a high profile on-going inquiry - give off the record guidance to journalists with story queries. Instead they referred all journalists to their Portuguese counterparts - who refused to comment.

Question 3: Why did you not seek comment from the McCanns before these stories were published?

27. On each occasion, I sought comment from Drs McCanns' representatives.

Question 4: What legal advice, if any was taken in relation to these issues?

28. Upon filing each story it would have been viewed by the News Editor of the day and a lawyer. It would then have been passed to a sub editor who would cut it to fit the required space on the page and add a headline. As a news reporter I have no involvement in the wording of headlines that accompany my stories. Though my involvement usually ends with

the filing of my story the news desk, lawyer and sub editor are obviously free to contact me if they have any additional queries or require me to make further checks.

Question 5: Please explain the nature of sub-editorial and editorial involvement in each of the stories you wrote explaining in particular the steps they took to satisfy themselves that the said stories were accurate and that there was a public interest in their publication. In each case, you are required to name the sub-editors and editors involved.

29. When I file a story I have no say over where it will appear in the paper, what prominence it will be given or even if it will appear in the paper at all. I play no part in that decision-making process. However, there is always frequent dialogue throughout the day between the reporters on the ground, and the editors in the newsroom, particularly with regard to the checking of stories and sources.

Conclusion

30. The disappearance of Madeleine McCann was an extraordinary and unique event. As a news reporter with 26 years, experience I approached my coverage of Madeleine's disappearance exactly the same way as I did all the other major running news stories I have covered during that time. My aim was - and always is - to interview witnesses, check out information from sources, and speak to individuals, investigators and officials involved in an attempt to discover the truth. The aspect that made the case truly unusual was the wall of silence and lack of guidance to journalists from police both in Portugal and the UK.

31. In the absence of these critical sources or official comment that could be attributed to a named police source or authority, I took steps to obtain the relevant information by the best available route. I approached news/TV reporters who had solid contacts within the Portuguese police for information on the investigation and relied on the services of Mr Mitchell as a third party spokesman for Drs McCann.

STATEMENT OF TRUTH

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



DAVID HAMILTON PILDITCH

Dated: [] December 2011

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