

THE LEVESON INQUIRY INTO THE  
CULTURE, PRACTICES AND ETHICS OF THE PRESS

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WITNESS STATEMENT OF JOHN MULLIN

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I, JOHN MULLIN of Independent Print Limited, 2 Derry Street, London W8 5HF, WILL SAY:

1. I am the Editor of the Independent on Sunday, which is owned by Independent Print Limited ("IPL"). I confirm that the contents of this witness statement are true insofar as they are matters of my own knowledge, observation and impression. Insofar as this statement covers matters not within my own knowledge, I believe them to be true.
2. There is now produced and shown to me the paginated exhibit marked "JM1" to which I will make reference in this witness statement.
3. I make this witness statement in response to the letter to me dated 8 August 2011 from Kim Brudenell, Solicitor to the Leveson Inquiry into the culture, practices and ethics of the press. For ease, I have set out the questions in Ms Brudenell's letter below and respond to each question in turn.
4. Nothing in this witness statement amounts to, or shall be taken to amount to, a waiver of privilege in any legal advice given.

**Summary**

5. As set out in paragraph 7 below, I have been the Editor of the Independent on Sunday since January 2008. However, IPL purchased the Independent on Sunday from Independent News & Media Limited on 30 April 2010 (the "Purchase Date") and I have therefore limited my answers to events, information and procedures after the Purchase Date, except where I expressly say otherwise.
6. To summarise the key points from my statement below, it is neither the policy nor the intention of the Independent on Sunday to publish stories where the types of issues envisaged by this Inquiry would arise – for example, phone hacking, payment of public officials for information and computer hacking. Our focus is on stories which are in the

public interest rather than, for example, celebrity exclusives such as kiss and tells. As I explain below, we pride ourselves on taking a high ethical stance, and I believe I lead by example on this. We are a tight-knit editorial team at the Independent on Sunday and we hold regular ongoing discussions about the stories we intend to run. I take a particularly hands-on approach to the editorial content, and I do not believe that any of our editorial team have or would engage in the types of conduct envisaged by this Inquiry.

**Question (1): Who you are and a brief summary of your career history in the media.**

7. I am the Editor of the Independent on Sunday newspaper and have been in this position since January 2008.
8. I have worked in the media for approximately 25 years in total. I began my career in journalism at the Western Morning News in 1985. In 1987 I moved to The Independent as Business Correspondent. From 1990 to 2000 I was at The Guardian where I worked in various roles including reporter, Night editor and Ireland Correspondent. Between September 2000 and January 2003 I was Deputy Editor of The Scotsman, before I returned to The Independent as Executive Editor. I held this position from January 2003 to January 2007. In January 2007 I became Deputy Editor of the Independent on Sunday, and since January 2008 have been in my current position of Editor of the Independent of Sunday.

**Question (2): How you understand the system of corporate governance to work in practice at the newspaper where you are employed with particular emphasis on systems to ensure lawful, professional and ethical conduct.**

9. I refer to the witness statements of Andrew Mullins (Managing Director) and Manish Malhotra (Finance Director/Company Secretary), who are more appropriately placed to comment on the systems in place in relation to corporate governance.
10. However, as a general comment it is clear to all editorial staff working at the Independent on Sunday that we need to act in a lawful, professional and ethical way at all times. We are expected, like those at The Independent, to operate according to the highest ethical standards. For example, I expect the journalists on my newspaper to be familiar with the Press Complaints Commission's Editorial Code of Practice (the "PCC Code") and to comply with it. I am also aware that we are obliged, in our employment contracts, to comply with the PCC Code in the performance of our duties.

Question (3): What your role is in ensuring that the corporate governance documents and all relevant policies are adhered to in practice. If you do not consider yourself to have been/be responsible for this, please tell us who you consider to hold that responsibility.

11. As Editor, I am responsible for ensuring the lawful, professional and ethical conduct of the editorial team at the Independent on Sunday. I believe I lead by example in ensuring this is adhered to in practice.
12. Our team at the Independent on Sunday is very tight-knit, largely because we are relatively few in number. We are, for example, all located in the same area on the same floor and I hold daily conferences to discuss the developing content in the newspaper (see further below). This allows me to be very hands-on with all aspects of editorial. I do not delegate to the extent that other newspaper editors might be able to. I consciously shape the newspaper very closely to my values and I believe those values permeate the newspaper.
13. This means that the editorial team are very clear on where I am coming from and where we, as a newspaper, should be coming from in our approach to stories. If you were to ask any member of the editorial team what was expected of them, they would say that they know, for example, that they have to comply with the PCC Code and that we do not do anything underhand. When the PCC revise their Code, roughly every year or so, they send us a number of copies and I let all the editorial team know we have received them and I make copies available. My intention by doing this is to reinforce the importance of the PCC Code and compliance with its principles.
14. A key policy at the Independent on Sunday is that we aim to publish stories that are in the public interest rather than, for example, exclusive celebrity kiss and tell stories. As such, it is neither the policy nor the intention of the Independent on Sunday to publish stories where the types of methods of obtaining information envisaged by this Inquiry (for example, phone hacking, payment of public officials and computer hacking) would arise. Indeed, at the height of the phone hacking scandal this summer, we ran a banner at the top right of the newspaper's front page, above the title, which said "*No phone-hacking, No law-breaking, Just good, honest journalism*", sometimes followed by "*(with a few laughs thrown in!)*". This appeared on each issue for about one month (see two examples at pages 1 to 2 of Exhibit JM1). I wanted to run that banner because, to me, it completely encapsulates my approach to journalism and sums up what, in my opinion, the Independent on Sunday stands for under me and how I expect our editorial team to conduct themselves. Another way of explaining it, which we have

talked about at our daily conferences, is that we believe we should not print a story if we would be embarrassed to tell our readers how we got the story.

15. We hold daily conferences where we discuss the stories that we are considering running in each Sunday's newspaper. On Tuesday, at the start of the week, the ideas tend to be broader and more "aspirational", in that we do not necessarily know at that stage how a potential story might develop over the course of the week. We start by discussing how a story could work and what we would need to do to make it work for the newspaper. At this "ideas stage", I will if relevant ask what the basis is for the story. By the end of the week, we are usually talking much more about the detail of each story and how it might be presented. As such, there are ongoing, daily discussions about each week's content, and throughout that process, if necessary, I will raise, and have raised, questions about where a particular story has come from. I always want to know that we are not crossing any lines. This is an ongoing process and it happens day-to-day. Having said that, it is not necessary for me to ask about the provenance of every single story we publish. This is because, by and large, the source of information for a story is obvious from the face of the story. However, I would ask the question where it arises because of the nature of the story.
16. In addition, there is a close interaction between the editorial and legal teams on the newspaper. We are all located on the same floor, for example, and a legal representative attends our Thursday, Friday and Saturday conferences. This makes it very straightforward for any of the editorial team, including me, to flag up any concerns.

**Question (4): Whether the documents and policies referred to above are adhered to in practice, to the best of your knowledge.**

17. To the best of my knowledge, the documents and policies referred to above are adhered to in practice.

**Question (5): Whether these practices have changed, either recently as a result of the phone hacking media interest or prior to that point, and if so, what the reasons for the change were.**

18. I do not believe that these practices have changed at the Independent on Sunday, either recently as a result of the phone hacking media interest or prior to that point. We did not phone hack before and we do not phone hack now.

**Question (6): Where the responsibility for checking sources of information (including the method by which the information was obtained) lies: from reporter to news**

editor/showbiz editor/royal editor to editor, and how this is done in practice (with some representative examples to add clarity).

19. The ultimate responsibility for ensuring sources are checked lies with me, as Editor of the newspaper. But, newspapers are hierarchical and this means that every person at each level has to take responsibility for what they are doing. After the reporter, the next levels are the various desk heads, Executive editor (news) – namely, the foreign editor and the magazine editor –and then me as Editor. I would expect everyone at each of these levels to know what is and is not permissible, and to raise questions about the sources of information if this is a potential issue. Needless to say, legal advice is also be available at all stages.

**Question (7): To what extent an editor is aware, and should be aware, of the sources of the information which make up the central stories featured in your newspaper each day (including the method by which the information was obtained).**

20. An editor should obviously be aware of the sources of information which make up the central stories featured in their newspaper including the method by which the information was obtained. It is important that readers know where stories come from, and therefore the Editor should also know.
21. As Editor, I believe that in practice I am aware of the sources of information which make up the stories in the newspaper including the method by which the information was obtained. As I have said above, it is clear from the face of a story what the source of that story is. Where that is not the case, I would ask and I have asked the reporter concerned who the source is. I would not necessarily ask for the source's name, but I would want confirmation of their reliability and standing. If such a conversation is necessary, this would not be a quick conversation but rather a proper discussion about the nature and quality of that source. Where the source wishes to remain unidentified, I would always aim to corroborate the information using a second source if possible, and indeed I cannot recall any instances of this type where we were not able to "double source" the information.

**Question (8): The extent to which you consider that ethics can and should play a role in the print media, and what you consider 'ethics' to mean in this context.**

22. Ethics should play a role in the print media. In my opinion, a newspaper enters into what you might call an implicit contract with its readers. In the case of the Independent on Sunday, one aspect of this contract is that we will not publish a story if we believe our readers would feel unhappy about how we came about that information. It is hard

to define such "ethics" in absolute terms, but I would say that it certainly means that we always aim to operate in the public interest and that we do not, break the law to obtain information.

**Question (9): The extent to which you, as an editor, felt any financial and/or commercial pressure from the proprietors of your newspaper or anyone else, and whether any such pressure affected any of the decisions you made as editor (such evidence to be limited to matters covered by the Terms of Reference).**

23. I have never, as Editor, felt any financial and/or commercial pressure from the proprietors of the newspaper or anyone else in respect of matters covered by the Terms of Reference.

**Question (10): The extent to which you, as an editor, had a financial incentive to print exclusive stories (NB. It is not necessary to state your precise earnings).**

24. I have never, as Editor, had a financial incentive to print exclusive stories.

**Question (11): Whether, to the best of your knowledge, your newspaper used, paid or had any connection with private investigators in order to source stories or information and/or paid or received payments in kind for such information from the police, public officials, mobile phone companies or others with access to the same: if so, please provide details of the numbers of occasions on which such investigators or other external providers of information were used and of the amounts paid to them (NB. You are not required to identify individuals, either within your newspaper or otherwise).**

25. To the best of my knowledge, my newspaper has never used, paid or had any connection with private investigators in order to source stories or information and/or paid or received payments in kind for such information from the police, public officials, mobile phone companies or others with access to the same.

26. I understand that the question could also be asking whether we use freelancers who could in principle make payments to such third party sources. We rarely use a freelance investigative reporter but, if we do in future, I would expect them to be subject to the same editorial and legal scrutiny as an employee in terms of their conduct and the material they bring. Indeed, I would expect us to be more rigorous with them because they are not an employee.

**Question (12): What your role was in instructing, paying or having any other contact with such private investigators and/or other external providers of information.**

27. For the reason given in my response to question 11, this question is not relevant save the extent to which it relates to freelancers. In the case of freelancers, generally speaking all contact with a freelancer, including agreeing the fee, would be done by the desk head. Having said that, as I have explained above I take a very hands-on approach to running the newspaper, and I may sometimes get involved in instructing the freelancer and agreeing a fee. This may be the case if, for example, the freelancer was recommended to me personally by one of my own contacts. In those circumstances, I would quite happily deal with the freelancer direct.

**Question (13): If such investigators or other external providers of information were used, what policy/protocol, if any, was used to facilitate the use of such investigators or other external providers of information (for example, in relation to how they were identified, how they were chosen, how they were paid, their remit, how they were told to check sources, what methods they were told to or permitted to employ in order to obtain the information and so on).**

28. For the reason given in my response to question 11, this question is not relevant save the extent to which it relates to freelancers. I understand that the Independent on Sunday uses work by two different types of freelancer: firstly, the retained contributor who is employed on a formal contract and provides a certain amount of work each month (this includes, for example, some columnists); and secondly, the more ad hoc freelancer who provides stories on a one-off basis. This second category would include freelance investigative reporters (although, as I have said above, we rarely use any). We send such freelancers a copy of our standard "Terms for Freelance Contributions", which are also available for public access online. Both the contributor agreement and freelance terms state, amongst other things, that the contributor/freelancer must comply with the PCC Code (see copies of relevant extracts from the standard agreement and terms at pages 3 to 4 of exhibit JM1).

**Question (14): If there was such a policy/protocol, whether it was followed, and if not, what practice was followed in respect of all these matters.**

29. For the reasons given in my responses to questions 11 to 13, this question is not relevant.

**Question (15): Whether there are any situations in which neither the existing protocol/policy nor the practice were followed and what precisely happened/failed to happen in those situations. What factors were in play in deciding to depart from the protocol or practice?**

30. For the reasons given in my responses to questions 11 to 13, this question is not relevant.

**Question (16): The extent to which you are aware of protocols or policies operating at your newspaper in relation to expenses or remuneration paid to other external sources of information (whether actually commissioned by your newspaper or not). There is no need for you to cover 'official' sources, such as the Press Association.**

31. For the reasons given in my responses to questions 11 to 13, this question is not relevant to the extent it relates to our employees as such payments are not made.
32. In respect of freelancers, if they had made or were intending to make any such payments, they would presumably seek reimbursement of that expense from our newspaper. The reimbursed payment would need to be processed on our contributions system, and there are checks and balances in place in that system to ensure that all payments are authorised by suitably senior employees. In view of this, I do not believe that it would be possible for a freelancer to be reimbursed for such a payment without it becoming known to a senior employee, in which case I would expect it to be brought to my attention. This has never happened.
33. The Independent on Sunday has a diary page and we do sometimes pay for tips for stories for that. Such payments are fairly nominal. In these cases, the sources are named on our diarist's expenses claims. I recognise all the names of these sources and am fully aware who they are. It would not be possible, for example, to a payment to a public official to be made without me knowing about it. In any event, the diary page does not aim to publish inherently private material such as exclusive celebrity kiss and tells. Rather, its focus is on "out and about" stories arising from public events such as "red carpet" events.

**Question (17): The practice of your newspaper in relation to payment of expenses and/or remuneration paid to other external sources of information (whether actually commissioned by your newspaper or not). There is no need to cover 'official' sources such as the Press Association.**

34. Please refer to my response to question 17 above.

**Question (18): In respect of editorial decisions you have made to publish stories, the factors you have taken into account in balancing the private interests of individuals (including the fact that information may have been obtained from paid sources in the circumstances outlined under paragraph 11 above) against the public interest in a free**



**Press:** You should provide a number of examples of these, and explain how you have interpreted and applied the foregoing public interest.

35. I cannot recall any instances where I have had to give significant or extended thought to the balance between private and public interests. Small issues might arise if, for example, we were considering whether to publish a photograph of a child who is in the public eye or the address of a celebrity where this touches on an issue which may be in the public interest – namely, the types of scenarios envisaged by the PCC Code. In such instances, the public interest would be key to us in any such balancing exercise.

**Question (19): Whether you, or your newspaper (to the best of your knowledge) ever used or commissioned anyone who used 'computer hacking' in order to source stories, or for any other reason.**

36. During my time as Editor, I have never used or commissioned anyone who used 'computer hacking' in order to source stories or for any other reason and, to the best of my knowledge, nobody else at the newspaper has done either.

**Question (20): If you cannot answer these questions, or take the view that they could be more fully answered by someone else, you must nonetheless provide answers to the extent that you can, and to the extent that you cannot you must provide the Inquiry as soon as possible with names of those who would be able to assist us further.**

37. Where I have felt that a question could be answered more fully by someone else, I have referred to that person in my answer to the relevant question above.

**STATEMENT OF TRUTH**

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

Signed

JOHN MULLIN

Dated 15 September 2011

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WITNESS STATEMENT OF  
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