

NI Group Limited
M. Mahmood
First Statement
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IN THE MATTER OF THE LEVESON INQUIRY INTO THE CULTURE, PRACTICES AND ETHICS OF THE PRESS

**WITNESS STATEMENT OF
MAZHER MAHMOOD**

- (1) State who you are and provide a brief summary of your career history in the media.**
- 1** I am currently employed as an investigative journalist at The Sunday Times newspaper and have been since 30 August 2011. At the time of the closure of The News of the World on 10 July 2011, I was employed there as the Investigations Editor. Despite the title of 'editor', my role was that of an investigative journalist. I worked for The News of the World from December 1991 conducting investigations with the focus of exposing criminal and moral wrongdoing. As requested, this statement concerns my time as an investigative reporter working for The News of the World and references to the 'newspaper' are to The News of the World.
- 2** I have been working as a journalist for 30 years and have worked for The Sunday People, the Daily Mail, the BBC, ITV, The Sunday Times, and TV-am, where I was employed as a Producer on the David Frost programme. During my career at The News of the World, the articles that I have published have led to 253 successful criminal prosecutions. I have also won several awards including News Reporter of the Year at the British Press Awards this year and Reporter of the Year in 1999.
- (2) How do 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?**
- 3** Any information that I received that could form the basis of a potential investigation was routinely discussed with the News Editor, the in-house solicitor and often with the Editor. Each investigation was vetted and assessed in terms of public interest, the PCC Editors' Code of Practice (the "PCC Code"), logistics and costings before I was given approval to proceed. In fact our duty to observe the PCC Code was stated in our staff employment contracts. All payments to informants and freelance staff were approved and handled by

the news desk which passed the requests for payment on to the Managing Editor's office for approval.

- 4 During the course of any investigation I undertook, I would remain in constant touch with the news desk and seek regular legal advice from the in-house solicitor or his assistants as the investigation proceeded to ensure that my actions were within the bounds of the law. The advice sought each time depended on the circumstances of the investigation, but could include whether I could meet with an individual or whether a payment could be made to a source. I also had occasion to request legal representation as a result of my undercover work, such as when I was kept in custody by the police after they had picked up a lorry of illegal immigrants in which I was travelling, posing as one. I had travelled from Calais in a container after paying a 'people smuggler' and experiencing first-hand the dangerous journey to England. Once in England, colleagues from the newspaper alerted the lorry driver that he was carrying illegal immigrants, and the driver contacted the police.
- (3) What is your role in ensuring that the corporate governance documents and all relevant policies are adhered to in practice? If you do not consider yourself to be responsible for this, please tell us who you consider to hold that responsibility.**
- 5 In pursuance of my role as Investigations Editor, it was my responsibility to ensure that any of the team I employed which included a technician to assist me with recording equipment, sometimes a researcher and often two men who pretended to be my bodyguards, adhered to PCC guidelines. Accordingly I briefed all freelancers before they undertook any assignment on what they would be doing. They always acted alongside me and not of their own accord, and, as I noted above, my conduct had been cleared by the newsdesk and the lawyer.
- (4) Explain whether the documents and policies referred to above are adhered to in practice, to the best of your knowledge.**
- 6 Yes the policies and practices I refer to were adhered to. Investigations that I undertook regularly resulted in police prosecutions, so we were extra stringent in our methodology which would be questioned and scrutinised in a court of law.
- (5) Explain whether these practices or policies 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.**
- 7 There were no changes in policy that I am aware of as a result of media interest in phone hacking. However, following the arrest of Clive Goodman in 2006 – which was the first time that I had ever heard of this practice every reporter on the paper was reminded of the existing PCC Code in special seminars held at our office.

- (6) **Where does the responsibility for checking sources of information lie (including the method by which the information was obtained): from reporter to sub-editor to editor, and how this is done in practice (with some representative examples to add clarity)?**
- 8 Checking sources is primarily the responsibility of the reporter researching and writing the story, but it is also the duty of the News Editor and legal team to ensure that any information is properly obtained. In my particular case, nearly all the investigations that I carried out over a 20 year period on the paper resulted from tip offs from personal contacts that I cultivated over the years, or from members of the public phoning me with leads. My first task would always be to assess how the information was obtained and how we could substantiate any allegations that were being made. Often the leads were available because the informer was 'whistleblowing' on a practice of which they had direct knowledge. When I would present a possible investigation for inclusion on the news list, I would be required to explain to the News Editor or the Editor why I believed the source of the story was reliable, not only to satisfy PCC requirements but because quite often investigations would involve considerable time and expenditure. For example, if I were told by a source that a celebrity was involved in the illegal use of drugs, the first questions on my lips and on those of the News Editor's would be: "How do you know? What evidence is there to support this?"
- 9 Only if I, the News Editor and often the Editor were completely satisfied that the source was genuine and that there were reasonable grounds to investigate, would we start work to substantiate the allegations. For me, usually this meant going undercover and obtaining direct evidence. For example, when I received a tip from a man working as an account manager for the Countess of Wessex's PR firm, that she was using her royal status to attract business for her firm, I posed as a businessman who was interested in his business having an association with the Countess because of her position.
- (7) **To what extent is a reporter or journalist such as yourself 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)?**
- 10 Ideally each reporter should be fully aware of the source of the information for any stories he or she writes. However, there are occasions when reporters are told by news editors to pursue a particular story based on confidential information known only to the news desk executive. For example, I could be told to look at a particular individual for wrongdoing based only on the word of the News Editor or the Editor alone. The executive would tell me that he had been told by a reliable confidential source that a certain individual was involved in wrongdoing. Again, I would ask how the source knew the information or whether the source would help gather the evidence, but the word of the News Editor or Editor would be

sufficient grounds for me then to investigate and to see whether there was further information on the allegation and how the story could be run. I will always protect the identity of a confidential source, and would never be told about another reporter's confidential sources.

- (8) To what extent do you consider that ethics can and should play a role in the print media, and what do you consider 'ethics' to mean in this context?**
- 11** Ethics should be of paramount importance in all fields of journalism because in my view a large part of the work of investigative journalists is to expose moral wrongdoing and it is essential to uphold the integrity of the profession. "Ethics" in this context covers a wide spectrum from the duty of care to confidential informants, to the treatment of subjects of any article.
- 12** Over the years unethical practices such as reporters entering hospitals pretending to be relatives of a patient to get a story have thankfully ceased. Reporters should rightfully be held accountable for any breaches of the law and codes of ethics. The PCC has got a lot stricter as it has evolved over the years. For example after the death of Princess Diana the harassment clause of the PCC Code was amended to prevent persistent pursuit by paparazzi. In my experience the PCC code is widely respected by editors. Telephone message interception is a practice that is clearly both unethical and illegal, and those responsible should face the full force of the law.
- (9) Explain the extent to which you, as a reporter, 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 a reporter.**
- 13** I never felt there was any financial or commercial pressure that affected decisions I made as a reporter.
- (10) Explain the extent to which you, as a investigations editor, had a financial incentive to print exclusive stories.**
- 14** I do not recall if there was a formal annual bonus scheme in place at the News of the World during my time there. However, under Rebekah Brooks' editorship an informal merit bonus for exceptional work was introduced. From recollection, this amounted to a cheque for about £500 but it did not act as an incentive to reporters because there was no clear way of predicting the basis on which it would be awarded. It was entirely at the Editor's discretion.
- 15** Similarly, towards the end of Colin Myler's editorship, he too introduced a monthly merit scheme whereby the work of anyone from sub editors to photographers could be recognised each month with an award of around £500. So far as I recall, it was usually

given to one individual but I seem to remember there were a couple occasions when it was shared by a small team.

- 16** In my view, neither of the above schemes resulted in any serious financial incentive to produce exclusive stories.
- (11)** Explain 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.
- 17** Private investigators were used by the newspaper, particularly when I first started work in the early 90s. As far as I was aware, they were employed and commissioned by the news desk. I remember I was told to work with one firm of private investigators by the then News Editor.
- 18** The private investigator's firm supplied three or four individuals whose phone number or company details I was never given although I believe the newsdesk knew those details. The individuals would provide me with covert video equipment and also carried out surveillance, followed targets of investigations and sometimes posed as my bodyguards when I was working undercover. They only worked on my instructions and were never tasked by me to obtain information or to source a story. The PCC Code was not discussed with them, as the issues raised by the code would already have been discussed by me with editors and the lawyer. The PCC Code was relevant to the whole investigation I undertook and the relevant parts of it might have included for example the decision to use subterfuge in the first place, and the need to consider privacy or harassment. As I noted above, the public interest would also have been discussed beforehand.
- 19** Private investigators were also used by the newspaper, but not by me, to obtain information about subjects of investigations. Again, reporters did not have direct dealings with them, but staff on the news desk would liaise with them. Their work included helping trace people, providing company searches and checking other public records including births, deaths and marriages when they worked as search agents.
- 20** I worked alongside the private investigators from this particular firm on around 20 or so stories, with their role limited to the description above. However, I stopped working with them in at the end of 1992 or early 1993, when the newspaper employed a freelance video technician, Conrad Brown. He became staff at one point but then went back to being a freelancer. He took responsibility for providing covert video equipment and assisted with surveillance. Surveillance involved the use of covert recording devices and watching and following targets.

- 21 The advent of public records being available on the internet further contributed to the phasing out of the use of private investigators. News International subscribed to several databases, including Cameo, Tracesmart and a company search engine, which meant that private investigators were no longer widely used.
- 22 Other than what is in the public domain, I am not aware and was never told that private investigators were the source of any stories. Neither am I aware of any payments being made to police officers, mobile phone companies or any public officials in order to source stories or information.
- (12) **What was your role in instructing, paying or having any other contact with such private investigators and/or other external providers of information?**
- 23 As detailed above, only news desk executives were involved in paying or commissioning work from private investigators including search agents. Please refer to my answer to question 11 above for details of my contact with them.
- (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)?**
- 24 I am not aware of any such policy or protocol and I am unaware of how the private investigators were recruited or paid or how they obtained information. My involvement with them was limited to what I have described above.
- (14) **If there was such a policy/protocol, explain whether it was followed, and if not, what practice was followed in respect of all these matters.**
- 25 See my answer to question 13.
- (15) **Explain 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?**
- 26 This is a question that can only be answered by the news desk executives that used them.
- (16) **Explain 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).**
- 27 All payments to sources were agreed by the news desk, Editor (or section editor) and Managing Editor. Prior to 2007 we were able to make cash payments to informants, but

that was stopped by Colin Myler, following the phone hacking convictions, when he became Editor that year.

- 28** When cash payments were made, reporters had to fill in a slip with the name and address of the information provider which then had to be signed by the News Editor and the Managing Editor. The type of contributor would then have been discussed before it was signed off. I always protected the identity of confidential sources.
- 29** I had no authority to agree payments to contributors (by which I mean external sources who provided information or assistance) or freelance journalists without the approval of the news desk. There were formal contracts for payment to contributors which were prepared by the legal department. (These were standard contracts and reporters were required to fill in the name and details of the contributor and the amount agreed). During my time only a dozen or so people insisted on having formal contracts before agreeing to provide information. The rest relied upon trust that they would be paid upon publication.
- (17)** Explain 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).
- 30** See my answer to question 16 above.
- (18)** In respect of editorial decisions you have made to publish stories, explain 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 question 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.
- 31** Private investigators were never the source of any investigation that I pursued while at The News of the World. As detailed above, all potential investigations had to satisfy stringent criteria. They had to fall within the PCC guidelines. During my career at the paper I was responsible for over 250 criminal prosecutions, including of paedophiles, people traffickers, drug dealers, pimps and even a doctor who took me on as a hitman to murder his former mistress and was jailed for attempted murder. There was a clear public interest in exposing these individuals.
- 32** Other stories centred on moral wrong doing which did not involve criminality underwent even more stringent vetting. Whether it be an MP cheating on his wife, footballers sleeping with prostitutes, or Royals exploiting their position, WE always considered the merits of a public interest argument.
- 33** When I approached the PR firm of the Countess of Wessex, the public interest was in my and the editors' view, revealing the attempts to use royal status to endorse projects. There

was a similar discussion when I posed as a businessman to meet Sarah Ferguson and obtain again direct evidence that she was prepared to provide access to the Duke of York for a down payment of \$40,000.

- 34** When I exposed David Mellor as having an affair (which was also splashed by The People), he was at that time heading government deliberations on proposals relating to the law of privacy. Our position was that he was guilty of hypocrisy, having always presented himself as a family man. When we exposed Sophie Anderton for prostitution and taking drugs, again it was the 'clean living' image, which helped her to secure lucrative advertising contracts, which we revealed to be hypocritical.
- 35** There was constant debate with the news desk and legal team about each story I suggested and establishing the public interest was always the central factor before and during any investigation. Often my work involved exposing criminality and so public interest was clearly defined. The fact that I managed to secure so many criminal prosecutions is testament to that.
- 36** For example, on the cricket match fixing story, I had extensive discussions around the clock with the Editor and lawyer over issues surrounding the payment of a large sum of money to the man at the centre of the fixing. We were also careful to make sure that we did not act as agent provocateurs. The sanctions imposed by three judges in the ICC hearing in Doha and the subsequent trial at Southwark Crown court in which I gave evidence (from behind a screen to protect my identity for safety reasons) and the fact that I was not questioned as a suspect in the investigation by police, but in fact assisted them, showed that we acted within the law and in the public interest.
- 37** In one investigation I exposed a doctor who wanted to hire a hitman to kill his former mistress whom he alleged was blackmailing him. I was sceptical when I first was told by my source that this was what he wanted to do, but I discussed the public interest in exposing this crime, which might otherwise not have been discovered or investigated by the authorities. I posed as an individual prepared to be the hitman, and met the doctor who said he wanted the woman drugged and strangled and her body dumped in a river and agreed to pay £5,000. Again, I gave evidence at his trial and the jury were shown the covert video recordings which I had made during the course of obtaining the evidence. The doctor was jailed for seven years.
- (19)** **Explain whether you, or your newspaper ever engaged in or procured others to engage in 'computer hacking' in order to source stories, or for any reason.**
- 38** I have never engaged in or procured anyone to engage in computer hacking in order to source stories or for any other reason. Neither am I aware of anyone else at the newspaper doing so – save insofar as that term includes phone hacking, about which I have no knowledge other than that which is in the public domain.

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(20) In relation to your work, and having regard to your autobiographical book **Confessions of a Fake Sheikh**, explain:

- (a) The range of methods which you have used to investigate;
- (b) The considerations which you have taken into account in deciding whether or not each such method is ethical;
- (c) The degree of contact which you have had with your editors, sub-editors and legal advisers in your work and, in particular, how closely you have worked with them;
- (d) The extent to which investigative journalism of the type which you have practised has been in the public interest.

39 To investigate stories I have used subterfuge, such as the use of aliases or disguises, covert recordings (both audio and video), examining documents, talking to witnesses and sources, and taking photographs to preserve evidence. In all instances I believe that my use of these techniques was ethical. In my view, the main factor in deciding whether the methods were ethical was whether or not the end justified the means. In all the stories I have pursued the editors and I discussed the public interest. Not everyone agrees on what is in the public interest, but the newspaper took the view that not only crime and moral wrongdoing was in the public interest, but also the uncovering of hypocrisy. I believe that I always act in the public interest and that without these stories, many of these instances of wrongdoing or hypocrisy would never have been revealed or the individuals brought to justice. The police often do not have the resources or ability to pursue criminals, and they do not receive the sort of tip-offs that I do.

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

Signed

Dated 14th Oct 2011