

P J Flanagan
[] December 2011
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IN THE MATTER OF THE LEVESON INQUIRY

WITNESS STATEMENT OF PADRAIC JOHN FLANAGAN

I, **PADRAIC JOHN FLANAGAN**, Journalist, of The Northern and Shell Building, 10 Lower Thames Street, London, EC3R 6EN, **WILL SAY AS FOLLOWS:**

- A. I am a Senior 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.

1. By way of introduction, I have been a journalist for 21 years. I first worked at the Nottingham Evening Post after completing a one-year pre-entry course run by the National Council for the Training of Journalists. After gaining my Proficiency Certificate I moved to London to work for the Press Association for 6 years, before joining The Daily Express in 2000. I have remained here ever since.
2. I was the third journalist sent by the Express to Portugal to cover the disappearance of Madeleine McCann and remained there for more than a month. In total, I visited Portugal four times, usually fortnightly spells, to cover the story

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?

3. We used a number of sources for our articles on these stories. I would normally begin my day by reading all the British papers to make sure I was aware of any and all developments, and to see if there was anything in them which could be followed up, or which could provide productive lines of inquiry. I would then consult the Portuguese papers. To help us with this we employed a Portuguese translator/fixer who was particularly well connected with the police and court service.
4. The Portuguese press was a particularly useful source owing to the well-publicised and unique system of criminal law in that country, which insists that the police are not able to provide any official comments on the progress of their investigations. Official channels of police disclosure simply did not exist.
5. There were, however, unofficial channels and journalists for the Portuguese press would have sources that they could call on. By cultivating contacts among the Portuguese press, we would exchange information and they would provide us with steers and tips

from their unofficial contacts with detectives, Portuguese journalists, and our fixer who had a family relationship with a detective in the Policia Judiciara, helped give us some insight into what the police were doing and the status of their investigation.

6. Our translator, who I mention above, also had a number of other sources within the police and legal system thanks to their close relationship with a police officer. This gave us a crucial avenue for checking facts or speculation. A number of crime journalists, former police and forensic officers and a lawyer working in Praia de Luz also provided sources for information on stories and helped us understand the progression of the police inquiry.
7. Also, in the early days of Madeleine's disappearance, there were many British people who lived full time in the area. We used these local expatriates to establish links with the community and to provide background information. It was never a case of blindly copying a story from a Portuguese paper. Journalists from almost every title of the UK national media and television news was in Praia da Luz, working hard at getting new stories and verifying leads with the contacts that they had managed to forge.

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

8. As I have previously stated, it was difficult, due to the way judicial secrecy works in Portugal, for us to check our stories with official police representatives. It might be worth considering that the way the story developed in Portugal throughout this affair is a pertinent example of what happens when there isn't a way for the police and press to effectively communicate.
9. Despite this obstacle, there were ways that we would check our stories. We quickly developed a network of contacts, and we could run information past them to verify. We would ask our contacts and sources if certain stories were true, or tallied with their knowledge in the context of what they knew of the ongoing police investigation.

10. We were confident that our sources were using contacts who were directly involved, for example those who had an actual role in the police inquiry, so that we could be satisfied that what they said was the real version of events as they were transpiring.
11. With regard to specific examples, I wrote a story on 25 October 2007 regarding certain questions that the police wanted to put to the McCanns. This was sourced directly from a police contact of a journalist in the Portuguese media. These were questions that the police intended to bring to Britain, to be put directly to the McCanns. I believe that The Mirror, The Daily Mail, and The Sun picked up this story also. The quote regarding the questions came directly from the crime correspondent of a prominent Portuguese newspaper. We often used him in fact to verify our information, as his material consistently proved accurate. I exhibit at PJF1 some of the stories published by other newspapers.
12. Another example is the story on 6 November 2007, regarding the McCanns and their friends appearing 'jumpy and nervous'. This story came from two officers in the GNR, local rural police who were the first on the scene the night Madeleine disappeared. The interview was obtained as a result of our translator's contacts and was carried by most of the British papers, even though the interviewees insisted that their names not be published. They provided first hand accounts of the first minutes of the investigation, the chaotic crime scene, and how the McCanns appeared when they arrived. The interview was collectively pooled among the British press who remained in Praia da Luz.
13. On 22 January 2008 Nick Fagge and I wrote a story regarding the release of a sketch of a person who was suspected by the McCanns' private investigators. The quote giving rise to the headline was given to a Portuguese journalist who vouched for its accuracy. By this stage unofficial police briefings and comments were very negative about the McCanns, so that quote was quite typical at that time.

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

14. Seeking comment from the McCanns was a routine part of our working day. When I first arrived, a woman called Justine McGuinness worked as press liaison for the family. During the early days of Madeleine's disappearance it was regarded as a straightforward missing person story. It was quite normal to call relatives of the McCanns and talk to them about the latest developments, and they would be happy to speak in order to aid the search. During the early days, it felt as though we were able to help them as much as they could help us, as they were back in Britain and desperate for news, and we were on the ground in Portugal.
15. That changed with the increasing volume of calls that the family began to receive. Several people were used by the McCanns to field press calls until Clarence Mitchell became the official spokesman. More often than not when I tried to call Mr Mitchell for comment - which was done for every story - I was only able to get through to his voicemail. I would of course ask for comments, and sometimes he'd call back. Other times there would be no reply. Later, when he based himself in England, it became the norm for our Midlands reporter who had developed a working relationship with Mr Mitchell to put our requests for comment. The responses were not always forthcoming, and often our calls would not be returned. But it was an established part of our system that the stories were always put to Mr Mitchell.
16. On the occasions that we received no call from the McCanns' representatives, it meant the story would have to run without a comment from the family. It's understandable that the McCanns could not respond in person when they became 'arguidos'. It meant they were not supposed to talk about the case at all, but the convention was that, although unidentified specifically in the article, Mr Mitchell would at times, and on his request, be referred to as a 'friend close to the McCanns' or 'a family spokesman' when our quotes were attributed.

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

17. As a reporter that wasn't an issue I was normally involved with. That was a matter that was considered back in London. To help with background and gain an understanding of the Portuguese legal system, I developed contacts with a Portuguese lawyer. He was able to tell me about procedures in Portugal, but I never consulted him professionally for advice on what could or could not be published in my stories.

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.

18. It's difficult to provide a clear answer to that question, as once the stories were sent to the newsdesk in London they were effectively out of my hands. As far as the process is concerned, I can tell you that I would file the stories electronically to the newsdesk. Due to the prominence of the McCann story it would probably be received by the News Editor of the day or his most senior assistant. They would go through the stories and, once satisfied with the content, would then pass them on to the legal department before they were sent to the production department. All the stories were read by lawyers who would then give their opinion to senior executives. Once cleared, the stories would go to the chief sub editor, who would then assign staff to check for grammar and spelling, write headlines and lay them out on a page.
19. Once I'd filed the raw copy, however, it was not necessarily the end of my role. Sometimes the editors would come back and say that they needed more written on one aspect of the story; sometimes they would ask where I had sourced something or if they were not happy or interested in a certain aspect, they would tell me to leave some material out. In other cases, the news editor or senior executives might come up with a line that should be included, or ask me to pursue something that they had thought of as worthwhile. Throughout each working day, there was a constant dialogue between the newsdesk and reporters; there is always talk about what the strongest story of day is and the prominence that it can be given.

20. There were different sub editors for different stories, and their level of involvement varied accordingly. Normally on the McCann story, the editor would have a direct involvement in the headlines and I know that Peter Hill, the then Editor, would have read and approved every story written.

STATEMENT OF TRUTH

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

PADRAIC JOHN FLANAGAN

Dated: [12] December 2011