

THE CONVERSATION

Academic rigour, journalistic flair

Journalism in the dock: the prosecution rests

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Andy Coulson: out of town on key dates in prosecution evidence. Jonathan Brady/PA Wire

Author



John Jewell

Director of Undergraduate Studies, School of Journalism, Media and Cultural Studies, Cardiff University

The phone hacking trial which began on 28 October, has entered the final phase of the prosecution case. **On trial** along with five others are Rebekah Brooks, former chief executive of News International, former editor of the News of the World and The Sun; and Andy Coulson, the prime minister's former communications chief and, before that, editor of the News of the World.

Brooks is charged with conspiracy to intercept communications by listening to mobile phone messages, plus two further counts of allegedly making corrupt payments to public officials and two final accusations that she allegedly conspired to pervert the course of justice by removing and concealing evidence. Coulson is charged with conspiracy to hack phones and conspiracy to commit misconduct in a public place.

As the prosecution case drew to a close, the judge in proceedings, Mr Justice Saunders, warned the court that the trial may run to seven months. **Speaking to the jury** he said: "The worst-case scenario which you have to be prepared for ... we estimate that the latest time you are going to go out to consider your verdict will be the middle of May."

So, with the defence teams not due to begin their arguments until 17 February, let's examine the final weeks of prosecution.

Jiffy bags and videos

Reconvening on the first Monday of the new year, the court's initial focus was on allegations that Brooks, her husband Charlie, her former personal assistant, Cheryl Carter, and News International's security chief Mark Hanna were part of a conspiracy to prevent police from gaining access to seven boxes of documents and computer equipment removed from News International buildings in the days after the closure of the News of the World.

The court was told that Carter allegedly took part in a plan to permanently remove Rebekah Brooks' journalistic records from the company's archives. According to Carter, the seven boxes of documents merely contained "some shit" she wanted to get out of the way.



Charlie and Rebekah Brooks. Sean Dempsey/PA Wire

On 14 January, the court heard that on 17 July 2011, when Rebekah Brooks was arrested, she was in "constant communication" with her husband and Hanna. The jury was shown CCTV footage of Hanna and a security contractor, Mark Sandell, arriving at Brooks' apartment that afternoon. Then the court saw footage of Hanna and Charlie Brooks meeting in the apartment's underground car park before Hanna left with a jiffy bag, a laptop computer and a brown bag. A recording shown to the jury in the previous day's proceedings appeared to show Brooks leaving a jiffy bag in the car park. Later, Robert Hernandez, a security guard colleague of Hanna's told the court that after the final edition of the News of the World was published on 10 July, the two went for drink. In the early hours of the morning Hernandez says his boss told him he had "dug a hole in his garden and burned stuff".

Jiffy bags became something of a theme in the opening weeks. In an episode which appeared to delight all sections of the press, the court was told that a holdall in which evidence was allegedly hidden from police by Charlie Brooks contained pornographic paraphernalia including seven DVDs and a magazine called Lesbian Lovers.

Fernando Nascimento, a cleaner who found the holdall in the car park of Brooks' London home, was asked about contents by his barrister, Neil Saunders. The Telegraph reported that Nascimento, who had said he found two laptops, an iPad and some paperwork inside the bin bag, was shown a photograph of a Jiffy bag which was also found inside. He denied opening the Jiffy bag, and Mr Saunders said: "If you had opened it, you wouldn't have forgotten."

However, Jonathan Laidlaw QC, for Mrs Brooks, said it was "wrong" to claim equipment had been removed "prior to and since" her arrest and that computers taken by police from the Brooks' house were not in use when she quit News International.

DC Alan Pritchard said police had not recovered equipment with "relevant activity" from the time that Mrs Brooks resigned as CEO in 2011. But, Pritchard told the court, some "computers, iPads and phones" of Mr and Mrs Brooks had never been recovered.

Law and order

On Monday 27 January, events returned to the key theme of phone hacking as actor **Jude Law** was called to the stand. In scenes worthy of many a court room drama, Law spoke of how the media had accumulated an “unhealthy amount of information” about his life and relationships.

Timothy Langdale QC, for Andy Coulson, gave the actor the name of someone from his family whom he said had been paid by the newspaper to supply information. In a highly unusual move, Langdale wrote down the name of the relative on a piece of paper and passed it to Law in the witness box. *The Independent* reported:



Jude Law and Sienna Miller. Yui Mok/PA Wire

When Law opened the folded piece of paper, and read its contents, he displayed no specific reaction.

Salmon and eggs

Despite this theatre, the appearance of Law was the calm before the storm of explosive assertions made by former News of the World reporter, Dan Evans. Evans, who has admitted hacking mobile phones, told of how he was recruited from the Sunday Mirror to the News of the World at a series of informal interviews, culminating with a breakfast meeting with Coulson at which he told Coulson, over smoked salmon and scrambled eggs, that he could get stories “cheaply” through the “stuff with phones” without the expense of an investigation.

Shortly after this meeting he was informed: “You’ve got the job.” Pressed on whether he had hacked the phones of various contacts at the News of the World, Evans stated that this had been an almost daily occurrence and he had accessed voicemails more than 1,000 times.

Evans indicated that his relationship with Coulson was a close one and that his editor was familiar with phone hacking methods. After listening to a voicemail message on Bond actor Daniel Craig’s phone left by actress Sienna Miller, Evans reported that Coulson exclaimed, “brilliant!” Evans then alleged that Coulson ordered him to make a replica tape, put it in a Jiffy bag, and send it to the front



“Tabloid fluff”: Dan Evans. Sean Dempsey/PA Wire

gate at the News of the World’s offices in Wapping, east London. Evans alleged that Coulson said security staff at the front gate “would then ring up and say this has been sent in anonymously”. He told the jury that a colleague collected the Jiffy bag and came back to the office, expressing mock surprise.

Challenged by Langdale that Coulson was not even in London that day, Evans said that even if this was the case, certain facts were clear in his mind. To this Langley suggested this was “just another example of you changing your story when new facts are put to you”.

By the time the sixth day of Evans’ evidence finished on February 3, he had painted an ugly picture of tabloid journalism where he alleged quotes were fabricated and newspapers took calculated risks over whether they would be sued or not. Speaking of the News of the World, he said:

“This is a tabloid newspaper. It might come as a shock but not every quote is nailed on truth, especially when the word source is used ... I have to sanitise it, clean it up, it’s tabloid fluff.”

As the prosecution case drew to close on 5 February, the jury heard of two final significant pieces of evidence. It was alleged that senior executives at News International considered giving publicist Max Clifford a £200,000 annual contract in exchange for abandoning a civil phone-hacking damages claim. At a meeting of executives it was apparently suggested that Brooks could even meet Clifford with the cash. A memo of the discussion was referred to by prosecutor Andrew Edis QC, it said: “We either get something in writing or she could physically turn up with the cash to see him.”

And then, in final submissions before the close of the prosecution’s case before resumption on February 17, came a startling piece of evidence: it was alleged that Glenn Mulcaire, the private investigator employed by the News of the World jailed in 2007 for intercepting voicemails, had hacked the phones of Brookes 44 times and Coulson 21. No one, it seems, was exempt.

The case continues...


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