

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
BUSINESS LIST

IN THE MATTER OF THE MOBILE TELEPHONE VOICEMAIL INTERCEPTION
LITIGATION

BEFORE:

THE HONOURABLE MR JUSTICE FANCOURT

B E T W E E N:

SIR SIMON HUGHES

Claimant

and

NEWS GROUP NEWSPAPERS LIMITED

Defendant

UNILATERAL STATEMENT IN OPEN COURT

Counsel for the Claimant:

1. In this action for misuse of private information and breach of confidence, I appear for the Claimant, Sir Simon Hughes. The Claimant is a former Member of Parliament and was the Member of Parliament for Bermondsey and Old Southwark (and its predecessors) between 1983 and 2015. During this period, the Claimant also held additional roles within the party, including as Liberal Democrat Shadow Home Secretary in the House of Commons between 1999 and 2003, Federal President of the Liberal Democrats from 2004 to 2008, Shadow Attorney General from 2005 to 2007 and Deputy Leader of the Liberal Democrats from 2010 until 2014. He was Minister of State at the Ministry of Justice between 2013 and 2015.
2. The Defendant is the publisher of *The Sun* newspaper which has an extensive readership in this country and abroad.

3. In 2017, the Claimant was approached by his solicitors and asked to be a generic witness for the Claimants in the Mobile Telephone Voicemail Interception Litigation. As a result, he was shown some generic disclosure relating to him from *The Sun*, which showed that journalists working at that newspaper had obtained details from his itemised home telephone bill, including the telephone numbers of his friends and colleagues. *The Sun* had found out which numbers he called most frequently, and call times and durations to a specific number. In addition, he was shown an email from a contributions and news desk administrator who worked at the newspaper. This email was sent to one of *The Sun*'s journalists in January 2006 attaching a document which detailed the private home telephone call data of the Claimant. It is clear to the Claimant that this document was also sent to other journalists and editors at *The Sun*.
4. The Claimant was deeply troubled and shocked by the documents he was shown. As a result, he agreed to be a generic witness for the Claimants in order to understand the extent of any unlawful practices which he says had been carried out against him. These documents put into context what had happened in January 2006 when, in the middle of the contest for the Liberal Democrat leadership (which the Claimant was leading), he was asked to meet a journalist from *The Sun* on 25 January 2006. At the meeting, the journalist informed him that the newspaper had obtained evidence of his private telephone calls and invited him to agree to accept that he had had homosexual relationships, and voluntarily provide information which would be published in an article exposing his sexuality. The Claimant believed that with or without his agreement, *The Sun* would publish the article anyway. As a result, the Claimant felt he had no choice but to co-operate and this resulted in a front-page story being published on 26 January 2006. The article itself (and subsequent articles) misrepresented the Claimant's sexual orientation.
5. The Claimant believes that this private and sensitive information was obtained through unlawful information gathering techniques and was used with the knowledge and approval of key Senior Executives at the newspaper. The Claimant provided a generic witness statement in this litigation on 22 November 2017.
6. In 2019, the Claimant sent a letter of claim to the Defendant and issued a claim

form on 25 September 2019. The claim was in relation to unlawful information gathering at *The Sun* newspaper only, the Claimant having brought a previous claim back in 2011 which was settled in 2012. Following the commencement of this action, the Claimant was provided with initial disclosure from the Defendant in relation to his claim against *The Sun* on 21 January 2020.

7. The Claimant served his Particulars of Claim in this action on 13 March 2020 in which he set out his allegations of the unlawful information gathering which took place at *The Sun* newspaper, in support of which the Claimant relied upon the emails circulating the landline call data referred to above, nine articles published in *The Sun* and relevant generic disclosure, as well as the initial disclosure he obtained once he commenced these proceedings. The initial disclosure comprised of numerous invoices from, and payments to, private investigators from *The Sun*, including private investigators alleged to have acted unlawfully. His claim was that he had been the victim of unlawful information gathering by various journalists and executives at *The Sun*, and that they had used and circulated the private information obtained about him and as a result published a number of articles.
8. He also relied upon as evidence of concealment, numerous statements made by representatives of the Defendant asserting that *The Sun* journalists were not involved in unlawful activities.
9. During the course of the next nine months following service of the Particulars of Claim, further documents were served including the Defence on 4 May 2020 and Requests for Further Information both by the Defendant and the Claimant. The Defence relied inter alia on defences of limitation, compromise and abuse of process.
10. The parties exchanged standard disclosure on 2 February 2021, and three days later, on 5 February 2021, the Defendant issued an application to strike out the whole of the Claimant's claim or for summary judgment.
11. On 1 March 2021, the Claimant wrote to the Defendant raising deficiencies which he said that he had identified in relation to the disclosure which the Defendant provided. There then followed a substantial exchange of correspondence regarding

the issues surrounding disclosure and the Defendant subsequently provided some further documents but continued to dispute the Claimant's entitlement to much of the disclosure sought.

12. In March 2021, the Court ordered that the application to strike out and for summary judgement should be heard before Mr Justice Fancourt for a two-day hearing and it was later fixed for hearing on 9 and 10 June 2021. The Court also ordered the Claimant to provide a valuation of his claim.
13. On 30 April 2021, the Claimant wrote to the Defendant inviting them to withdraw the application to strike out the claim. The Defendant responded on 7 May 2021 that it was confident of its position, would not withdraw its strike-out application and would seek full costs recovery.
14. On 11 to 14 May 2021, the Claimant served his evidence in response to the Defendant's application to strike out his claim including a personal witness statement from him and a witness statement from his solicitor. He also issued his own application against the Defendant. Firstly, he sought to amend his Particulars of Claim to rely on a new case of Fraudulent Concealment by the Defendant in relation to *The Sun* (and served a draft Amended Particulars of Claim with his new case set out). This new case included claims as to the deliberate destruction of key documents and the failure to comply with an undertaking to the Court to provide documents which were given as part of the settlement of his original claim in 2012. Secondly, he applied for an order for specific disclosure, to include a search of the custodian who had sent the email setting out the Claimant's call data and whose data had not previously been searched.
15. On 21 May 2021, the Court directed that the Claimant's application for permission to amend his Particulars of Claim be heard on 9 June 2021 together with the Defendant's strike out application and that the application for further disclosure be determined on a later occasion.
16. My Lord, I am pleased to be able to report that the Defendant subsequently offered to settle the claim. This offer was accepted by the Claimant at the end of May 2021, and the parties therefore agreed terms of settlement in this matter as set out in an

agreed signed order that was submitted to the Court on 27 May 2021, which provides for payment of substantial damages, undertakings to the Court and for payment of the Claimant's reasonable legal costs in relation to the bringing of this claim.

17. As my Lord is aware, the Defendant's position throughout these proceedings is that it makes no admissions in relation to *The Sun* newspaper and the parties have settled the claim on that basis. The Parties have tried to agree a joint statement but this has not been possible.

18. In view of the remedies obtained by the Claimant, including damages for a substantial amount, the undertakings recorded in the agreed order together with this statement, the Claimant considers he is now fully vindicated.


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Counsel for the Claimant, David Sherborne

10 June 2021.