

DAY 7 P.M.

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

1997 I No.139

Royal Courts of Justice
Wednesday, 8th March 2000

Before:

MR. JUSTICE MORLAND

B E T W E E N :

- (1) INDEPENDENT TELEVISION NEWS LTD.
- (2) PENNY MARSHALL
- (3) IAN WILLIAMS

Claimants

- and -

- (1) INFORMINC (LM) LTD.
- (2) MICHAEL HUME
- (3) HELENE GULDBERG

Defendants

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MR. T. SHIELDS Q.C. and MR. M. BARCA (instructed by Messrs. Biddle) appeared on behalf of the Claimants.

MR. G. MILLAR and MR. A. HUDSON (instructed by Messrs. Christian Fisher Solicitors) appeared on behalf of the Defendants.

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1 MR. JUSTICE MORLAND: Yes, Mr. Shields?
2
3 MR. SHIELDS: My Lord, I call Mr. Michael Lawrence.
4
5 Mr. MICHAEL LAWRENCE, Affirmed
6 Examined by Mr. SHIELDS
7
8 Q Your full name, please, Mr. Lawrence? A. Michael Hamilton
9 Lawrence.
10
11 Q And your address, please, Mr. Lawrence? A. Farthings,
12 Staplefield Road, Hancross(?), Sussex.
13
14 Q It is right that you are a cameraman and a sound recordist?
15 A. That is correct.
16
17 Q I will just ask you a few questions about yourself. I think
18 you were born in July 1955 in Shrewsbury, Shropshire?
19 A. Correct.
20
21 Q And you went to school in Sussex, Warden Park School in
22 Sussex? A. I did.
23
24 Q After school did you join the Merchant Navy? A. I did.
25
26 Q What was that as? A. As an engineer.
27
28 Q And did you work in Central and South America and the
29 Caribbean? A. I did.
30
31 Q Then did you join ITN? A. In 1972.
32
33 Q And what was your position when you joined ITN? A. I was
34 in the dispatch department.
35
36 Q What did that involve? A. Well, in dispatch it was a
37 courier of tapes - of film in those days - around the world
38 and equipment.
39
40 Q Did you work your way up through the company? A. I did.
41
42 Q First as a studio cameraman? A. That is right.
43
44 Q Then as a location ENG cameraman? A. Correct.
45
46 Q And at the same time as a sound recordist? A. That is
47 correct.
48
49 Q I think it is right therefore you have worked for ITN now for
50 some 27 years? A. Correct.
51
52 Q And 20 years as a staff cameraman? A. Yes.
53
54 Q And are you now a freelance cameraman? A. A freelance
55 cameraman now, yes.

1 Q Do you work largely for ITN? A. Mostly for ITN, yes.
2
3 Q Are you what is known in the trade as a multi-skinner?
4 A. I am a multi-skinner, yes.
5
6 Q That means you can do a sound recordist's job as well as a
7 cameraman's job? A. Correct.
8
9 Q During your time with ITN did you cover and have covered large
10 parts of the world? A. I have.
11
12 Q Were you in Israel during the Gulf War? A. I was.
13
14 Q And have you covered conflicts in Rwanda? A. I have.
15
16 Q Burundi? A. Yes.
17
18 Q Chechnia? A. Yes.
19
20 Q And Georgia? A. Yes.
21
22 Q Did you cover the miners dispute in Romania? A. I did.
23
24 Q Did you go to Yugoslavia back in 1991? A. I did.
25
26 Q Before the summer of 1992, which we are going to come to, had
27 you been to Yugoslavia for about three times for a few weeks
28 at a time? A. I had.
29
30 Q So you have had some experience of going out there?
31 A. I have.
32
33 Q I think you are a married man with two children?
34 A. Correct.
35
36 Q Could you tell us when you first knew of the decision to send
37 you out to Yugoslavia? A. Yes. Again, like the others,
38 I was just phoned at home and asked did I want to go.
39
40 Q Do you remember who phoned you? A. It would have been one
41 of two people, one of the assigning managers, Christine Hogg
42 or Jilly Poole, at the time.
43
44 Q Just tell us what an assignor does? A. Well, they assign
45 the crews to various jobs.
46
47 Q They are technical people rather than news gatherers?
48 A. Yes, they are administration people.
49
50 Q They are administration people. What were you told to do?
51 A. Just that we were going out to Bosnia and told that I was
52 to be the sound recordist for Jeremy Irving.
53
54 Q And had you worked with them before? A. I think I may
55 have done a few home stories with them, yes.

1 Q Had you worked with Penny Marshall before? A. I think
2 I may have done a home story with her before, yes.
3
4 Q Were you given any instructions from anyone at ITN about what
5 you were to do when you were out there? A. No, not at
6 that time.
7
8 Q Did you even know the proposed purpose of your trip?
9 A. I did not.
10
11 Q When did you discover that? A. When I met the team at the
12 airport.
13
14 Q And did you discuss it on the aeroplane? A. I think we
15 did, yes.
16
17 Q If I could just jump ahead and take you to Belgrade. Do you
18 remember staying in Belgrade for a few days? A. I do
19 indeed.
20
21 Q Do you recall what you did while you were there? A. Yes,
22 while we were in Belgrade a few days we covered various camps
23 in Yugoslavia.
24
25 Q Did you know then which camps you were going to be allowed to
26 visit? A. No, we did not.
27
28 Q I think we saw the rushes the other day. Did you go with them
29 when they visited that village? A. Yes, I did.
30
31 Q Do you then recall going to Pale in the helicopter that we
32 have heard about? A. I do.
33
34 Q How did you regard your role within the ITN team? A. My
35 role is mainly as sound recordist, also for the safety of the
36 crew, the journalists and the safety of the cameraman Jeremy
37 Irving.
38
39 Q Are you responsible for flak jackets and material like that?
40 A. I am, flak jackets, medical kits, batteries for the
41 cameras, all those sort of things, yes.
42
43 Q Who is responsible for the safety of the cameraman when he is
44 filming? A. I am.
45
46 Q What does that mean exactly? A. Well, basically if he is
47 filming and he is looking down the viewfinder he is not aware
48 of what is going on around him, you know, and he could trip
49 over something or collapse -- it is quite a heavy camera, so
50 it is just safeguarding that he is okay.
51
52 Q I will just take you briefly to this. Do you remember being
53 at Pale and seeing Dr. Karadzic? A. I do.
54
55

1 Q Do you remember then going up the next day to Prijedor?
2 A. Yes, I do.
3
4 Q I think it is accepted that you were met there by the local
5 militia, is that right? A. We were indeed, yes.
6
7 Q How did you feel they were reacting to your trip from what you
8 could understand? A. They were not pleased that we were
9 there. They were not exactly aggressive or hostile but doing
10 everything they could not to allow us to go and visit the
11 camps that we wanted to see.
12
13 Q We have heard a lot about the trip to Omarska. Have you been
14 present in court while that evidence has been given?
15 A. Some of it, yes.
16
17 Q Do you remember the ambush, if I can call it that?
18 A. I do.
19
20 Q What was your reaction to that when it was happening?
21 A. Again, similar to the others. There was firing going on
22 on a bridge where the blue armoured Serbian vehicle was and
23 they were telling us that it was much too dangerous to
24 continue but we insisted that, you know, we should go on
25 further. But there was a lot of firing going on up in the air
26 and coming from some woodlands a bit further away.
27
28 Q Were you concerned for your own personal safety?
29 A. I was.
30
31 Q Did you take any action? A. Only to lie down in the van
32 ready to go across the bridge.
33
34 Q You then arrived at the gates of Omarska. How did it strike
35 you when you arrived? A. I think the guards that were
36 guarding Omarska were not pleased at all to see us. There was
37 an argument between the Pale soldiers and the local militia
38 and the Omarska guards as to why we were there and it took
39 quite a bit of talking and negotiation to then go into the
40 camp.
41
42 Q You then went in the camp, as we know, and you went past a
43 canteen. What happened then? A. We were filming when we
44 were there. There were groups of about 30 or 40 men at a time
45 running from a sort of large warehouse into the canteen to be
46 fed.
47
48 Q How did the people in the canteen strike you? A. They
49 were pitiful. They were very thin, very hungry, very scared.
50 It was a pitiful sight to see.
51
52 Q Was it a sight such as you had seen before? A. No, I had
53 not seen sights like that before.
54
55

1 Q You were the sound hand of course. What were you doing inside
2 the canteen? A. Obviously holding the boom mike, sort of
3 while the camera was rolling we were recording the audio,
4 which was going down to the cassette.
5
6 Q Did you see the food which was being eaten? A. I did see
7 the food that was being eaten, yes.
8
9 Q What was your reaction to that? A. It was disgusting.
10
11 Q Do you remember after leaving the canteen did you go up to the
12 administration block? A. We did.
13
14 Q Can you remember whether any filming took place in the
15 administration block? A. We did film up there, yes.
16
17 Q Can you remember what was happening there? A. Penny and
18 Ian were talking to the sort of people in charge of the camp
19 through a local interpreter that was there, who was expressing
20 to us that it was not a concentration camp but that it was an
21 interrogation centre and a detention camp.
22
23 Q Did you then go outside with the others? A. I did.
24
25 Q Can you remember what happened then? A. Yes, we then
26 wanted to film in this big warehouse where these people
27 were -- these prisoners were running from earlier, and we
28 were told categorically that we were not to go across to the
29 warehouse.
30
31 Q How did you feel about that? A. Well, seeing as we had
32 gone all that way and gone through everything, you know, to
33 get there -- I mean, that was part of the story that we wanted
34 to cover.
35
36 Q When you left Omarska did you know where you were going
37 next? A. No, I thought that was the end of it and that we
38 were going back to Prijedor.
39
40 Q Were you alone in that minibus with just the ITN people or
41 was there anyone else there? A. No, there was the ITN,
42 Channel 3 team and there were also some Serbian guards with
43 us.
44
45 Q Did you have any conversations with any of the guards?
46 A. I think through the interpreter, yes, we were talking to
47 the guards.
48
49 Q Do you remember whether they said anything to you?
50 A. Yes, they did. They said you had to expect at least one
51 or two people to die at Omarska each day through lack of food
52 and the heat - it was in the near 90s fahrenheit - they told
53 me.
54
55

1 Q Do you remember stopping at Trnopolje and in what
2 circumstances? A. Yes. As I say, I thought we were going
3 back to Prijedor and we were travelling along the road when
4 I first noticed quite a substantial group of men in what
5 looked like a field, and I said to Misha, our driver, "Stop.
6 Stop the vehicle. There's something down there. We ought to
7 look at it."
8
9 Q What happened then? A. We then opened the van door, as
10 always got out and walked up to these men.
11
12 Q What was your impression of those men as you walked up to
13 them? A. Well, again, you know, they were captives being
14 held in this school by armed guards.
15
16 Q Were you present when the filming took place by Mr. Irving?
17 A. Yes, I was.
18
19 Q And the interviewing by Penny Marshall, which we have heard a
20 lot about. Were you conscious of anyone else filming when you
21 were there? A. Yes, I was conscious that after we got to
22 the fence the Channel 4 team joined us and went further down
23 the fence towards the west, to continue filming down there.
24 Also, I was aware of a Serbian military man filming.
25
26 Q We know that you then moved on. Do you remember where you
27 went next? A. From doing the interviews and the filming
28 at the fence on the southern side we then went round towards
29 the Red Cross on the eastern road.
30
31 Q Were you present when filming took place up that road?
32 A. I was.
33
34 Q Where were you standing in relation to Mr. Irving?
35 A. Generally either directly behind him or to the left of
36 him.
37
38 Q Do you remember going into the room where Dr. Merdzanic, as we
39 now know him to be, was? A. I did.
40
41 Q Do you recall that meeting? A. I do.
42
43 Q What was your impression when you were there? A. He was
44 petrified.
45
46 Q Can you recall what happened? A. I think Penny was aware
47 that he was petrified -- well, we both were -- and we had
48 other guards in there with us, Serbian guards, which we
49 managed to negotiate to interview this gentleman without them
50 being in there, so they left.
51
52 Q What happened then? A. It was then that the camera was
53 given over.
54
55

1 Q Do you remember where he took it from? A. He took it out
2 of a toilet cistern.
3
4 Q What happened then to the camera? A. The camera we
5 decided to give to Penny because we thought that would be the
6 safest person to have it, and she hid it in her flak jacket.
7
8 Q Did you walk round the camp after that? A. We did.
9
10 Q Did you have any contact with any of the people within the
11 camp during that period? A. No, not immediately, no.
12
13 Q After that? A. No. Lots of them were sort of gesturing
14 for cigarettes, and things like that.
15
16 Q At that stage, as far as you recall, was filming taking
17 place? A. Yes, we were filming.
18
19 Q Could we have a look at the rushes and see if we can place it.
20 Are you a smoker? A. I am.
21
22 (Video shown)
23
24 Q Can you remember what was happening there? A. Yes, they
25 were giving out fruit, apples, to the prisoners.
26
27 Q If we go on a bit further. A. Where they are now, in
28 actual fact - I am remembering this now - that man was brought
29 from that crowd to come out and collect the bread.
30
31 Q Were they able to come out of their own accord? A. No,
32 they were not.
33
34 Q Can we run on. ... A. Yes, I do. These are ...
35
36 Q Did you give him one? A. Not immediately because he could
37 not come forward.
38
39 Q What happened? A. Well, later on when we were filming
40 nearer them I was able to give quite a few people out
41 cigarettes and I think he got one then.
42
43 Q Do you remember how long you stayed at Trnopolje?
44 A. About an hour, an hour and a half.
45
46 Q And you then drove back to Belgrade? A. Yes, we did.
47
48 Q Do you recall that journey? A. Yes.
49
50 Q What happened on the journey? A. Well, we drove back from
51 Trnopolje via Banja Luka, where we -- it was then that they
52 wanted us actually to stay another night but we were quite
53 keen to leave and get back to Belgrade with the material that
54 we had, and we decided to continue the journey back to
55 Belgrade without escorts.

- 1 Q During that journey were there any discussions between the
2 people on board the bus? A. Yes, we had discussions.
3 Yes.
4
- 5 Q Can you remember what they were about? A. I think relief
6 that we had done what we had, and I think there were
7 discussions on, you know, what the camps were, what sort of
8 camps they were.
9
- 10 Q What was your view of the camps that you had seen?
11 A. They were prison camps.
12
- 13 Q You got back to Belgrade. You did not leave with them the
14 next morning, I think that is right? A. No, not the
15 early -- not the first two, no.
16
- 17 Q And you went back later that day? A. I did.
18
- 19 Q Did you return to Trnopolje yourself? A. I did.
20
- 21 Q Did you return with Ms. Marshall? A. I did.
22
- 23 Q What was your feeling when you returned to that camp?
24 A. We returned about five or six days later. When we
25 returned the International Red Cross were there. The
26 atmosphere there had completely changed. One of the first
27 things was it was about four times bigger. There were a lot
28 more people there. They were building -- they were giving
29 them stuff to build shelters, plastic, wood, things like that.
30 They were being fed. The atmosphere was a lot less tense than
31 it was the first time. In general it was more like a refugee
32 camp the second time we went.
33
- 34 Q Did you go to the doctor's surgery with Ms. Marshall?
35 A. I did.
36
- 37 Q Did you notice anything there? A. I did. I noticed on
38 the way in from the previous week when we had passed there was
39 a basement that was covered in dried blood. It had all been
40 cleaned up, there was disinfectant. The place had been
41 cleaned up generally, as a whole.
42
- 43 Q What was your reaction on seeing Dr. Merdzanic? A. He
44 looked a lot more relieved than he did the week before.
45
- 46 MR. SHIELDS: Would you stay there.
47
- 48 Cross-examined by Mr. MILLAR
49
- 50 Q Mr. Lawrence, could you in the red bundle, which is the middle
51 bundle in front of you, turn to tab 6, please. There is a
52 copy of the article that is complained of in this action. It
53 has got a colour frontispiece. Do you have that? A. Yes.
54
55

1 Q Then if you go in six pages you will see a plan of the camp?
2 A. Yes.
3
4 Q It has got some markings on it in the article, but the layout
5 of the plan itself is taken from a U.S. satellite photograph
6 which we had on 2nd August. You will see, although they are
7 very feint, I am afraid, on my copy, there are two roads that
8 intersect at the southern end of the camp. The bottom is
9 south on this. A. Okay.
10
11 Q You will see marked with an "X" the position of the ITN news
12 team with Penny Marshall? A. Yes.
13
14 Q Just in front of a building called the barn? A. Yes.
15
16 Q Looking north towards a complex of buildings up in the middle
17 of the field. That is roughly where the shot of Alic was
18 taken from, is that right? A. I would say so, yes.
19
20 Q You mentioned in your evidence that you recall going to the
21 office of the Regional Red Cross, which we can see is up the
22 east road on the right-hand side marked? A. Yes.
23
24 Q And I think it is apparent from the footage that we have got
25 on the t.v. report on News at Ten that Ms. Marshall entered
26 the area where the barn is, proceeded towards the fence to
27 take a shot somewhere down in the south, to the right of what
28 is marked as the electricity transformer where there was a gap
29 she could walk through with a path? We can see that on the
30 broadcast? A. We walked from that direction, yes.
31
32 Q Do you have any recollection at all of how you got from that
33 point X at the position of the ITN news team to the office of
34 the Regional Red Cross? A. Not exactly, but as most of
35 the other have said, east -- I think we came east or down the
36 end again.
37
38 Q I am sorry, I did not catch that. A. We went across,
39 east, if I remember, up into the road, yes.
40
41 Q To the road. What I am asking is, do you remember how you got
42 to the road from that point? A. Not specifically, no.
43
44 Q So you remember being at the fence and you remember going up
45 the east road and being up there? A. Yes.
46
47 Q But you do not have a recollection of --- A. No, we
48 either walked straight across the side there to the road or we
49 came back down the way we came.
50
51 Q Right, but you do not remember in your mind's eye? A. No.
52
53 Q As you went up the east road, on your left-hand side is the
54 field with the men in it that you have just filmed through the
55 barbed wire fence? A. Yes.

1 Q You are, I think, Mr. Irving's eyes and ears to some extent in
2 a job like this? A. Yes.
3
4 Q Presumably he is filming through the viewfinder at points?
5 A. That is correct.
6
7 Q And you have not got a producer there so you have got to look
8 to his back and his sides. So presumably you had a look to
9 your left into the field at some stage where the men were?
10 A. I might have done, yes.
11
12 Q Do you remember doing so? A. I do not remember
13 specifically, no.
14
15 Q On the plan, as you will see from the arrows going to the left
16 to the words "low fence", it is indicated - this is the
17 representation - that up the east road on that side of the
18 field was a low mesh fence? A. Yes.
19
20 Q Is that roughly your recollection? A. Yes. As I remember
21 it, yes.
22
23 Q And it was on that road that we have seen on the rushes some
24 guards with guns of the sort that you have described?
25 A. Yes.
26
27 Q Outside of the area of the field where the men were?
28 A. Yes, there and also on the south side as well.
29
30 MR. MILLAR: Yes, thank you. That was all I wanted to ask.
31
32 MR. SHIELDS: I have no re-examination, my Lord.
33
34 (The witness withdrew)
35
36 MR. SHIELDS: I now call Mr. Baker.
37
38 Mr. NIGEL TIMOTHY BAKER, Sworn
39 Examined by Mr. SHIELDS
40
41 Q Your full name, please, Mr. Baker? A. Nigel Timothy
42 Baker.
43
44 Q And your address, please? A. 54 West Park Avenue, Kew
45 Gardens, Surrey.
46
47 Q And your occupation, Mr. Baker? A. Television journalist.
48
49 Q Just a few biographical details. It is right you were born in
50 Leeds in 1955? A. That is correct.
51
52 Q I think you went to school in Leeds? A. That is correct.
53
54 Q And at the age of 18 you went into journalism working for, is
55 it, Pudsey News? A. A local newspaper, yes.

1 Q As a trainee reporter? A. That is right.
2
3 Q Did you then become a reporter for commercial radio?
4 A. Correct.
5
6 Q Working for a station in Yorkshire, and then other stations in
7 the North East of England? A. That is right.
8
9 Q Then I think you worked for a freelance news agency in
10 Yorkshire? A. That is correct.
11
12 Q And at 23 you became a regional reporter for a body called the
13 Press Association? A. That is right, that is the
14 international news agency.
15
16 Q It is an international news agency and it is known normally by
17 its initials PA? A. That is correct.
18
19 Q Did you then in 1983 move to Yorkshire Television?
20 A. I did.
21
22 Q Initially as a reporter and did you occasionally appear as a
23 newsreader? A. I did.
24
25 Q Did you then become a programme producer at Yorkshire
26 Television? A. Correct.
27
28 Q And subsequently joined ITN in 1985 as a script writer and
29 production journalist? A. That is right.
30
31 Q In 1992 were you a programme editor at ITN? A. I was
32 indeed.
33
34 Q And what were your responsibilities as a programme editor for
35 ITN? A. At the time my main job was to be responsible for
36 ITN's output at the weekends, predominantly on ITV, but
37 occasionally I was asked to go abroad as what is known as a
38 field producer to work with camera crews and reporters on
39 foreign assignments.
40
41 Q Did that job take you to Baghdad and Amman during the Gulf
42 War? A. It did.
43
44 Q Had you at one stage been out in Beirut in relation to
45 hostages? A. Not actually in Beirut but obviously one of
46 the key stories I was involved in at ITN was negotiating an
47 interview with the first British hostage to be released from
48 captivity in Beirut, Brian Keenan.
49
50 Q If I can then take you to matters which cover this court.
51 Could I take you to August 1992 and how you became involved in
52 the particular broadcast in this hearing. Who contacted you
53 first and when? A. I was called at about 1.00 a.m. in the
54 morning by Michael Jermev.
55

- 1 Q Would that be the morning of 6th August? A. I believe it
2 to be so, yes.
3
- 4 Q By Michael Jermey, and he was then what? A. He was then
5 the senior foreign editor at ITN, as I recall.
6
- 7 Q What did he tell you? A. He said that Penny Marshall had
8 either arrived or was on her way to Budapest with what was
9 potentially a very strong story and obviously if, as thought,
10 it was going to be a significant story she would need some
11 help and there was also a need to take some technical
12 equipment.
13
- 14 Q At that stage did you have much personal knowledge of the
15 events which were unfolding in Bosnia? A. A fairly good
16 knowledge, obviously, because as a programme editor one had to
17 keep abreast of all the main stories. I had also read the
18 Maggie O'Kane piece in the Guardian and was aware that ITN was
19 in a position where it was sort of seeing if this story was
20 achievable in television terms. Obviously the phone call was
21 the first I knew that there was potentially proof of this
22 story in television terms.
23
- 24 Q Did you have any particular brief from Michael Jermey?
25 A. His main brief to me was to assess, give an independent
26 assessment of the strength of the story and to help Penny in
27 any way I could.
28
- 29 Q When you got to Budapest, who did you meet up with there?
30 A. I went to a production house ---
31
- 32 Q I am sorry, I have jumped ahead. You flew out that morning?
33 A. I did indeed.
34
- 35 Q On your own? A. On my own, yes.
36
- 37 Q And do you remember what time you arrived at Budapest,
38 Budapest time? A. I arrived at lunchtime and I remember,
39 I think it was shortly after 2 o'clock when I arrived at the
40 production house where Bill Frost and Penny Marshall had based
41 themselves.
42
- 43 Q Who was Bill Frost? A. Bill Frost was the videotape
44 editor, who I believe had arrived in Budapest the previous
45 evening.
46
- 47 Q Did you know Bill Frost? A. I did indeed. I had worked
48 with him previously, yes.
49
50 2.20 p.m.
51
- 52 Q What happened then? A. Obviously we had to set up the
53 technical equipment, video tape editing equipment which I had
54 brought with me. And then I set about talking to Penny about
55 the story and also, once the video tape equipment was working,

1 viewing and logging what are known as the rushes of the tape,
2 the raw tape.
3
4 Q How did you see your job once you were there? A. My main
5 job was to be, I think, a dispassionate voice and a sounding
6 board for Penny. Obviously she was a highly competent
7 reporter but I think in those circumstances it is often good
8 to have a second opinion and also with a story of that size
9 you need an extra pair of hands often to fend off some of the
10 calls and all the enquiries that you perhaps get from the
11 office in London and to help support the reporter and to
12 filter those calls.
13
14 Q I think you told us that you viewed the rushes. Is that
15 right? A. Correct, yes.
16
17 Q You discussed it with Penny, but what was your first
18 impression when you saw the rushes that day? A. My first
19 impression was that it was an extremely strong story.
20
21 Q Did you contact London during the day? A. I believe
22 I spoke to Michael Jerney sort of midway through the afternoon
23 and told him my views on the story, that it obviously was
24 potentially a very powerful story.
25
26 Q Did anyone tell you how long the story was to be as broadcast?
27 A. I can't recall. Obviously there is usually a discussion
28 with any programme as to the potential length of an item.
29 People in the field recommend that this is often a discussion
30 with the programme producer, but I don't recall the specific
31 conversation.
32
33 Q Did Penny Marshall tell you about her reaction to Omarska and
34 the other camps? A. She did indeed, yes.
35
36 Q And how do you recall she put it? A. Penny said that her
37 view was that Omarska obviously appeared quite a sinister
38 place. Obviously she had had hearsay reports of possible
39 atrocities there but no proof. She had filmed the men in the
40 canteen and was very concerned about what was going on at the
41 camp. She also said that the camp at Trnopolje, there were
42 some men who were not in a marvellous but she said that
43 obviously there were also people who appeared to be refugees
44 there as well.
45
46 Q Which of the images did you take the view was more powerful?
47 A. I was quite open about this. I thought that the images
48 actually to the outside world at Trnopolje were the most
49 powerful and that was for one reason and one reason alone,
50 that you could see the skeletal forms of the men involved,
51 particularly Fikret Alic.
52
53 Q Did you have any discussions with her about the images of
54 Fikret Alic at Trnopolje? A. I did, yes. Obviously
55 I told her that it was a very powerful image and I said that

1 I couldn't recall seeing an image of that type in mainland
2 Europe since footage from World War Two and I said that it was
3 a very strong image. I asked Penny if it was reasonable to
4 describe what she had seen at Trnopolje as a concentration
5 camp and she said no. She was extremely balanced in her view
6 of Trnopolje and she said that obviously she was very
7 concerned about the people there. She had the photographs
8 from Dr. Idriz, but she did point out that there was the guard
9 called Igor and that there were people there who seemed to be
10 receiving not the same treatment as the men who were thin. So
11 she took a very balanced view of Trnopolje. And indeed that
12 was reflected in her script.

13
14 Q Who actually edited the footage which was taken from Channel 3
15 and also Channel 4? A. It was a collaborative effort.
16 Obviously I was used as a sounding board, but all three people
17 had input into the edit. All three people were experienced.

18
19 Q You, Penny Marshall and ---- A. And Bill Frost.

20
21 Q Who wrote the script? A. Penny predominantly, and she
22 used me as a sounding board for some phrases.

23
24 Q Now, I think, to get this in sequence, there was a short
25 report which was prepared for the 5.45 news. Do you remember
26 that? A. That's correct. From memory it was unvoiced.
27 It was some video tape that was edited and sent to London and
28 that was something to use before the live interview with Penny
29 that we have heard about.

30
31 Q Who chose the images which were transmitted for that
32 particular short report? A. Primarily myself and Bill,
33 I think, because Penny was obviously having to prepare for her
34 two-way and she also had to talk to London about the content
35 of that.

36
37 Q How did that 5.45 report get to London? A. It was fed
38 from the local TV station in Budapest at, I think, about
39 quarter past five at night. I recall for the early evening
40 news I went to the TV station with Bill Frost.

41
42 Q Now I am going to come to the later broadcast. Can you
43 remember when that had to be fed through to London?
44 A. Shortly after nine o'clock, I believe.

45
46 Q And you were obviously involved, were you, in the preparation
47 of that? A. I was indeed.

48
49 Q Was that again a collaborative effort? A. It was, yes.

50
51 Q When you were involved putting together the longer report,
52 what role did you actually play in deciding which pictures
53 should be used, which images? A. I was on occasions asked
54 my opinion by Penny, or proffered one. The role that Penny
55 also played was to ask -- or, rather, I played, sorry, was for

1 Penny to, on occasions, as I say, use me as an editorial
2 sounding board for a particular phrase to make sure that the
3 -- to ensure that the report was as balanced as possible.
4

5 Q At that stage had you seen the photographs which had been
6 taken by the doctor at the camp? A. I had, yes.
7

8 Q Was it your decision to have those photographs included?
9 A. We talked about them. I thought that -- I cannot remember
10 the final decision-making process of that, but having seen the
11 footage of Dr. Idriz and having seen the photographs and heard
12 the circumstances under which they were handed to Penny,
13 I thought that it was reasonable to use them.
14

15 Q And did you have any discussion about how the actual story as
16 transmitted by you from Budapest should begin, with what camp
17 it should begin? A. We did, yes. I was of the view that
18 Trnopolje was a very powerful image. I discussed that with
19 Penny. She was of the view that actually Omarska was a very
20 sinister place. In the end we, I think, both felt that the
21 images in their entirety spoke for themselves, and we started
22 with the Omarska camp. It led to broadly a chronological
23 report and one that was more easily digestible to the viewer.
24

25 Q Would you stay there, please? A. Yes, certainly.
26

27 Cross-examined by Mr. RUSHBROOKE
28

29 Q Mr. Baker, could I just put to you something that I think is
30 stating the obvious but it arises out of your evidence in
31 chief where you said to Penny Marshall: "Would it be
32 reasonable to describe it as a concentration camp?"
33 A. Yes.
34

35 Q You were reliant upon her in your function as editor there,
36 your role in producing the report, for an account of the camp?
37 A. That's correct, yes.
38

39 Q Entirely reliant on her, other than the images you had seen?
40 A. I had not been to the camp myself, no.
41

42 Q Now could I just ask you to have a look at -- I wonder if this
43 could be put into the defendants' bundle at tab 11, an article
44 that you wrote in 1996. (Same handed). This is you, is it,
45 the Nigel Baker referred to? A. The very same, yes.
46

47 Q If we look down at the bottom right hand corner, we can see
48 you are described at this time in February 1996 as London
49 Bureau Chief of APTV? A. That is a slight error. This is
50 an American publication. I was in fact head of news, but it
51 is sort of a small difference really.
52

53 Q What is APTV? A. APTV was, and has now been renamed APTN
54 -- is the video wing of the Associated Press, which is one of
55 the two major news agencies in the world, and it has 120

1 camera crews around the world that provide television coverage
2 for most of the world's major broadcasters.
3
4 Q It sells footage on to broadcasters? A. It is the same as
5 any textualised service except that it sends video to
6 broadcasters, by a permanent satellite network.
7
8 Q In this article, which is in, I think, a magazine, is it,
9 called the Communicator? A. That's right. It is a trade
10 magazine for the American news directors of TV stations and
11 radio stations.
12
13 Q If we look at the right hand column, halfway down, beginning
14 "In 1992" you describe in very short form what you have just
15 described to us? A. Yes.
16
17 Q You say:
18
19 "In 1992 while a news producer for the British TV
20 network ITN I was called in the middle of the night
21 and asked to fly to Hungary where a correspondent had
22 just driven from Bosnia. She and her crew had managed
23 to film world exclusive pictures of Serb prison
24 camps ..."
25
26 Pausing there, you were aware then - this is what you are
27 saying here - when you were flown out that they had world
28 exclusive pictures? A. Potentially, yes.
29
30 Q "... and were numbed by what they had encountered.
31 After viewing their 10 tapes ..."
32
33 Pause there. Did you view all the tapes that they had got
34 from their visit to Belgrade over four days at the two camps?
35 A. It was all the material from the camps, as I understood it
36 to be. My recollection is that some of it we spooled through
37 at faster than real time obviously because there was a
38 substantial amount of material. But in essence I believe
39 I saw all the material from the camps in question.
40
41 Q Again, your recollection when you write this is that there
42 were 10 tapes? A. That was my recollection. I am not
43 saying that -- and I say that because I was, sort of, told at
44 the time that they had round about 10 tapes. I did not regard
45 the actual number as an issue, I have to say.
46
47 MR. JUSTICE MORLAND: Is this just the Channel 3 tapes or the
48 Channel 3 and Channel 4? A. My recollection is that this
49 was the Channel 3 tapes.
50
51 MR. MILLAR: Now, your role there, as you have told us, is to be a
52 dispassionate voice. Correct? A. Yes.
53
54 Q You go on in the article and say what you advised as a
55 dispassionate voice.

1 "I advised that the image that would shake the world
2 was of skeletal men behind barbed wire. They sparked
3 thoughts of Auschwitz and Belsen."
4

5 Now the first part of that is clearly what you are advising
6 Penny Marshall dispassionately when you viewed the footage.
7 Is that right? A. Yes. It was a very strong image. It
8 was a very powerful image, and, as I said a few moments ago,
9 I said at the time -- I asked the question: "Could this be
10 called a concentration camp?", and was told quite firmly by
11 Penny that that was not the case and indeed she did not refer
12 to them as such in her report.
13

14 Q I am not clear from the way the following sentence follows on,
15 but are you intending to suggest there that you specifically
16 said to them: "This sparks thoughts of Auschwitz and Belsen",
17 you said to her? A. No, I said it sparks thoughts of
18 World War Two. Retrospectively, obviously the international
19 press took it up as World War Two but put names to it.
20

21 Q I see. So when you come on to this sentence:

22
23 "They sparked thoughts of Auschwitz and Belsen ..."

24
25 you are telling us that what you are saying there is: "I did
26 not say this or think this at the time, but subsequently in
27 the way the media and the world reacted to the image, they
28 sparked thoughts of Auschwitz and Belsen"? A. I was
29 saying that is what those images sparked at the time which
30 after the event was the case. I did raise the question with
31 Penny as to whether it could be called a concentration camp
32 and she said flatly no.
33

34 Q In the preceding sentence which we have just looked at you
35 describe it in your advice to her as an image that would shake
36 the world. A. Yes.
37

38 Q Did you say that to her, or words to that effect?

39 A. I can't remember using those words. I said it was a very
40 powerful image.
41

42 Q You said the very image powerful image, as you now put it, was
43 of skeletal men behind barbed wire. There are two component
44 parts, or perhaps three, of the image that conveys that
45 powerful message, are there not? Skeletal man, barbed wire,
46 in behind barbed wire. Have I got that right? A. You
47 have, but this was written four years later without the
48 benefit of a photograph. So in order to prompt the memory of
49 people that was the way you had to describe it. The point of
50 the image was the thinness of the people.
51

52 Q No, Mr. Baker, and I am not criticising the way you have
53 represented it in this article, those are the component parts
54 of the image, and that is why it powerfully evokes a
55 concentration camp in people's minds, is it not? A thin man,

1 barbed wire, a man behind barbed wire. Correct? A. It
2 evokes an image, but obviously the question was asked and it
3 was not portrayed as such.
4
5 Q In your capacity as a news editor as I think you now -- are
6 you still a news editor of APTV? A. I am head of news,
7 which is in fact editor of the service.
8
9 Q Do you have any involvement with what are known in the trade
10 as dope sheets for selling footage? A. I do, yes.
11
12 Q You know what a dope sheet is? A. I do indeed, yes.
13
14 Q Could you turn to tab 2, please, in the defendants' bundle,
15 which is not the red one, it is the thin one. I am putting
16 this document to you initially because it is, as we understand
17 it, a dope sheet. Do you want to have a look at it?
18 I understand that from your expertise now you are somebody who
19 is familiar with dope sheets. Have a look at the chunk in the
20 middle? A. Yes.
21
22 Q In you look above the line about a third of the way down, it
23 is dated the day in question, August 6th. It says "Done Aug 6
24 1815". Do you see that? Start at the left "EBU flash
25 WTN" ---- A. Oh, yes.
26
27 Q "EVN EVFO Done Aug 6 1992" And the time in the middle is 6.15
28 in the evening? A. Yes.
29
30 Q What follows is a series of logged shots, is it not?
31 A. It is indeed.
32
33 Q Descriptions of logged shots? A. Yes.
34
35 Q Between forward slashes? A. Um hum.
36
37 Q Describing what are in particular shots on video footage?
38 A. Yes.
39
40 Q And WTN, can you just tell me who they are? A. They were
41 an international television news agency called Worldwide
42 Television News.
43
44 Q Were they associated with ITN in 1992? A. I understand
45 that to be the case. I think ITN had a small shareholding in
46 them, I believe.
47
48 Q On that day, 6th August, you are in, from lunchtime onwards,
49 an editing suite in Budapest? A. Correct.
50
51 Q Looking at ITN rushes? A. That's right.
52
53 Q Of these camps. Have a quick look at it, the introduction
54 "WTN camp Omarska Trnopolje", and then a series of shots.
55 This is a dope sheet relating to the footage that you were

1 viewing in Budapest, is it not? A. It would appear to be
2 the case, yes.
3
4 Q So help me with this, both from your involvement in fact in
5 this in the editing suite in Budapest and with your expertise,
6 somebody who is familiar with dope sheets, how would the
7 process work from viewing of the rushes in the editing suite
8 in Budapest to the putting out of this dope sheet at 1815?
9 How would this information end up in a dope sheet at 6.15 in
10 the evening? A. I can only tell you in general terms.
11 Obviously I don't know the specifics of this case. But a
12 possible course is for WTN to have talked to ITN and either
13 monitored an incoming satellite feed and looked at the video
14 themselves and given a shot list, or it is possible that they
15 got information from ITN. But it was not always a uniform
16 process. But, as I say, it is purely speculative as to how
17 they arrived at this. I have no sort of first hand knowledge
18 of this particular dope sheet.
19
20 Q No, but you know about the process that is going on in
21 Budapest because you are there, are you not? A. I am
22 indeed, yes.
23
24 Q As far as the first possibility is concerned, we can rule that
25 out, can we not, because what had happened was that a feed had
26 been booked for the ITN report later on in the evening. There
27 had been a feed booked for Channel 4 I think at 6.30, the feed
28 for the ITN report later on in the evening, but no feed booked
29 for sending all the rushes back by satellite to London in the
30 course of the day, was there? A. Not that I can recall.
31 The only feeds -- the only material, as far as I was aware,
32 that was sent was for the early evening news which was a short
33 compilation of shots. I believe, as I say, from my
34 recollection about one minute plus the pre-recorded interview
35 with Penny Marshall.
36
37 Q And then the reports? A. Yes.
38
39 Q Nobody booked a feed to send 10 tapes of rushes back to
40 London, did they, via satellite? A. Not that I'm aware
41 of, or not that I recall. But obviously, as I say, WTN
42 functioned in many ways as an independent company. As I say,
43 I had no contact with them on that day. I cannot say if they
44 had organised anything prior to my arrival or previously. But
45 I was not aware of the material being fed to them.
46
47 Q So if this was taken from a satellite feed of something sent
48 by ITN prior to 6.15, it would be what? The teatime feed that
49 you have seen? The only thing that was sent by satellite for
50 ITN before later on in the evening? A. I have no idea how
51 they arrived at this information whatever.
52
53 Q You see, the obvious conclusion from all that is that somebody
54 has logged the shots and passed information about the
55 available shots to ITN who have provided it to WTN. Is that

1 the way it would work? A. Potentially, but obviously it
2 was -- I certainly have no recollection of doing it. I don't
3 know if anybody else had done it. But often what happens is
4 that agency can put out dope sheets which say "expect to show"
5 because of the speed factor, and it is not an exact science.
6 So publication by them of this dope sheet does not necessarily
7 mean that is material they definitively had. They often just
8 have advisory form.

9
10 Q Under the dope sheet or, rather, under the logged shots, the
11 list of them in the bottom paragraph of the page, is a
12 description of what is available on the footage? A. Yes.

13
14 Q Is that how these things work? You get the logged shots and
15 then you get a bit of blurb? A. That's right.

16
17 Q Saying what is available? A. Yes.

18
19 Q The idea is to sell the footage to other companies?
20 A. Well, they syndicate it or have contractual arrangements
21 with other broadcasters.

22
23 Q How does the agency, in this case WTN, that puts out that
24 description get the information to put in the description?
25 A. On this occasion I have really no idea. I mean, they
26 could have done it in any number of ways but, again, for the
27 sake of speed it may have been somebody at WTN who had assumed
28 too much. But I have no idea how they came by this
29 information.

30
31 Q Would not the company doing the selling, in this instance ITN,
32 of the films provide the information to the agency as to what
33 was on the film and what description they could use to sell
34 it? A. It doesn't always work that way. Obviously if an
35 agency has the syndication rights to somebody's material, they
36 might have difficulty because of the broadcaster's own
37 deadline getting information out of them. On such an occasion
38 they can put out a rough outline without necessarily having a
39 chance to double check all the facts.

40
41 Q So when we read at the beginning of that blurb that a British
42 news team has the first independent proof of concentration
43 camps being run by the Serbian authorities in Bosnia
44 Herzegovina we cannot deduce that that was the way ITN was
45 seeking to have it described when WTN was putting out the dope
46 sheet? A. You certainly cannot deduce that, no.

47
48 Q It may have been WTN just coming up with that form of words
49 off their own bat? A. It is very possible, yes.

50
51 MR. MILLAR: I see. No further questions.

1 Re-examined by Mr. SHIELDS

2
3 Q Taking up that last bit, you did not write this, did you,
4 Mr. Baker? A. Certainly not, no.

5
6 Q What time did Channel 4 send over their shots? Can you
7 remember that? A. No, because I was not -- they were
8 actually editing separately with their own producer, so they
9 would need to feed a finished report in time for Channel 4
10 news at seven o'clock.

11
12 Q So it would go out before seven o'clock? A. It would
13 indeed, yes.

14
15 Q If we take Budapest time, that is an hour ahead of English
16 time? A. It is indeed, yes.

17
18 MR. SHIELDS: Thank you.

19
20 (The witness withdrew)

21
22 MR. SHIELDS: I now call Mr. Frost.

23
24 Mr. WILLIAM JOSEPH FROST, Sworn
25 Examined by Mr. SHIELDS

26
27 Q Your full name, Mr. Frost? A. William Joseph Frost.

28
29 Q And your address, please, Mr. Frost? A. 8 ... Road,
30 London NW5.

31
32 Q I must ask you to make sure your voice carries to the furthest
33 juror, please. Were you born in 1946? A. Yes.

34
35 Q Was that in Kilrush in Ireland? A. That's right.

36
37 Q And in 1955 did you move to the United Kingdom and went to
38 school -- that is obviously when you moved to England?
39 A. That's right.

40
41 Q Did you go to school in Highgate, London? A. I did.

42
43 Q Did you join the BBC in 1964 as an audience researcher?
44 A. I did.

45
46 Q At the Langham offices opposite Broadcasting House?
47 A. Correct.

48
49 Q What does an audience researcher do? A. The BBC used to
50 send out questionnaires to certain viewers to get their views
51 on programmes.

52
53 Q Did you then have internal promotion within the BBC and did
54 you work in the film reception department? A. I did.
55

1 Q And then did you become a trainee assistant film editor?
2 A. I did.
3
4 Q And then went on to become chief film editor? A. That's
5 right.
6
7 Q In 1980 did you move to ITN as a film editor? A. I did.
8
9 Q Have you worked at ITN for the last 19 years as a video tape
10 editor? A. I have.
11
12 Q Did you ever work as a field producer as well? A. Yes,
13 I did.
14
15 Q Does that mean going abroad? A. Yes, it does.
16
17 Q Would that mean editing on the spot or producing on the spot?
18 A. That would mean going away as an editor and doing the
19 producer's job as well. Sometimes going as producer if you
20 knew the country and had contacts there.
21
22 Q When you were at the BBC did you do that role as well?
23 A. Yes, I did.
24
25 Q Did you cover events in the Middle East such as the Iranian
26 revolution? A. I did.
27
28 Q And did you cover the civil wars in Beirut? A. I did.
29
30 Q And for ITN did you in that capacity cover such things as the
31 war in El Salvador? A. I did.
32
33 Q The Falklands conflict? A. Yes.
34
35 Q And during the Gulf War were you attached to the British Army?
36 A. Yes, I was.
37
38 Q In what capacity? A. We were there as war correspondents
39 in the sense that we were with the first armoured division as
40 they went into Iraq covering the events there.
41
42 Q By the summer of 1992 had you had any involvement in the civil
43 war in Bosnia? A. Yes -- by the summer of 1992, no.
44
45 Q I am now going to ask you about August 1992. Were you called
46 out at some stage to go to Budapest to do some work for a
47 potential broadcast? A. Yes, I was.
48
49 Q Could you tell his Lordship and the jury when that was and in
50 what circumstances? A. I think I was phoned on August 5th
51 at home late at night to go out to Budapest the next morning
52 and work out of Hungarian Television.
53
54 Q Do you remember who called you? A. I think it was
55 Virginia Bailey who worked on the Foreign Desk.

1 Q Did she tell you what you had to do when you were there?
2 A. Well, she told me -- I would ask her what the story was,
3 and whatever, and she would give me a brief run down.
4
5 Q Were you given any specific instructions that you can recall
6 at this stage? A. Only I think a name of somebody at
7 Hungarian Television where we were going to work out of, and
8 to get an edit suite there.
9
10 Q Do you know which ITN journalist was going to be out there to
11 see you? A. Yes, I did.
12
13 Q Who was that? A. Penny Marshall.
14
15 Q Had you worked with her before? A. I think I had, yes, in
16 London.
17
18 Q Was that an urgent assignment? A. Yes, very urgent.
19 I got the first flight out the next morning.
20
21 Q So you flew out the morning of the 6th August? A. Yes.
22
23 Q And did you take any equipment with you? A. No, I didn't.
24
25 Q Who did you understand would be bringing the equipment?
26 A. We were going to hire it in Hungarian Television. Hire a
27 cutting room. They had the equipment and we would use their
28 equipment.
29
30 Q What happened when you got to the centre in Budapest?
31 A. Well, when I got to Budapest, I phoned up from the airport
32 and I was told that they couldn't hire us any equipment
33 whatsoever, and Channel 4 had had a facilities house booked
34 near the television station and to go there and to see if we
35 could get any equipment there. I think they said they were
36 sending Nigel Baker out on a later flight with some editing
37 equipment.
38
39 Q So you went to facilities house, did you? A. Yes, I did.
40
41 Q When Mr. Baker arrived, what happened then? A. When he
42 arrived with the editing equipment we set the equipment up in
43 the kitchen of facilities house and one of the circuit boards
44 in the machines started to burn and the whole kitchen filled
45 up with black smoke.
46
47 Q Did that delay you? A. Somewhat it did, but we carried on
48 viewing, because the machines still worked, and we didn't know
49 what the fault was. But in hindsight it wasn't that major and
50 the smoke went away after half an hour and we just carried on
51 working. But it obviously delayed us for a bit to try and
52 trace the fault.
53
54 Q Did you view the ITN rushes? A. Yes, I did.
55

1 Q What was your reaction when you saw the rushes? A. They
2 were very, very powerful rushes. I knew we had a very good
3 story there.
4
5 Q Had anyone told you how you were to edit them? A. No.
6
7 Q As far as you were concerned, who was making a judgment on
8 those pictures? A. Well, Penny Marshall has the ultimate
9 judgment but we were all chipping in and deciding what was
10 best and what way to do it.
11
12 Q Were you shown some still photographs which had been
13 developed? A. Yes, I was.
14
15 Q Did you discuss with Penny Marshall and Mr. Baker as to what
16 should be chosen from those rushes? A. Yes, I did.
17
18 Q What approach did you adopt to that? A. Well,
19 I suggested, I think, that we should do it chronologically
20 because all the rushes -- I regard myself as the first viewer
21 and if we -- those rushes were very similar in the sense of
22 different camps and people, that the easiest, simplest way to
23 make it understandable on television would be to do it
24 chronologically.
25
26 Q Did you discuss your view with Penny Marshall? A. Yes,
27 I did.
28
29 Q What was her reaction to that? A. Well, I can't remember
30 but we obviously agreed and we talked of other ways of doing
31 them whatever, but settled on that way.
32
33 Q Now, we know there was going to be a feed for a 5.40 report?
34 A. Yes.
35
36 Q Who chose the images which were to be sent over for that feed?
37 A. Probably me, I would think. I would think London would
38 have phoned up and said: "Send a minute of each camp and a
39 minute of the stills".
40
41 Q Which rushes did you select for that and why? A. I sent
42 what I thought were the best shots of each location.
43
44 Q I think it is right to say among those was a picture of
45 Ms. Marshall's arrival Trnopolje and the powerful image -- and
46 the image we know of the emaciated man. A. That's right.
47
48 Q Why did you choose those? A. It was a very strong
49 picture. It was a shot that was shot in Europe and had not
50 been seen really since the Second World War. It was a very
51 strong piece of television.
52
53 Q When you had your discussions with Penny Marshall, did she say
54 anything to you in relation to those two camps? A. Well,
55

1 she would have told me more or less what was on the rushes
2 already and the story behind it and whatever.

3
4 Q Were you involved in the putting together of the broadcast
5 which was transmitted at the ten o'clock news? A. Yes,
6 I was.

7
8 Q Did you have discussions about the contents of that?
9 A. Yes, we did.

10
11 Q And what decision did you make in relation to that as to what
12 order they should be shown? A. I think the 5.40 version,
13 that order did not matter so much because they were run in
14 London separately, they could have been changed around. But
15 the discussions we had were about the ten o'clock programme
16 basically.

17
18 Q Do you remember any discussions in relation to including
19 images of, for example, the guard that Penny Marshall had met
20 at the camp? A. No, I don't remember.

21
22 Q Can you recall by what time you had finished doing the editing
23 process? A. It would have been up to the last moment
24 because we had to go to Hungarian Television and get in and
25 meet the right people and whatever, which can take a lot of
26 time. So we didn't have a lot of time for each bulletin
27 basically.

28
29 Q When you had finished doing the editing process, did you watch
30 it in total before it was sent out? A. I would have done
31 normally. For the News at Ten I'm sure we certainly did.

32
33 3.p.m.

34
35 Q Were you happy with what you were saying here? A. Yes,
36 very happy.

37
38 Q As far as you were concerned did that reflect what you had
39 seen on the rushes and the discussions with Miss Marshall.
40 A. Absolutely, yes.

41
42 Q Just stay there.

43
44 Cross-examined by Mr. MILLAR

45
46 Q You said in your evidence-in-chief, I think I heard you and
47 understood you right, that when you do this job you regard
48 yourself as the first viewer? A. Yes.

49
50 Q Could you tell us what you mean by that? A. I mean
51 cameramen can go away and shoot stuff; they might have been
52 up all night in the rain to get a shot of somebody leaving a
53 building and they think it is great. I look at it cold;
54 I wasn't up all night; I wasn't in the rain, and I judge the
55 shot on what's on the tape.

1 Q But are you the first viewer in the sense of somebody seeing a
2 shot, shot potentially to be viewed on a news report by us all
3 A. Well, more or less, yes. I mean, I see it before its sent
4 to London. I mean, the cameraman has seen it, the reporter
5 might have seen it, but I am the first person to see it cold.
6
7 Q Yes, and it is with that eye, as it were, that you look at it,
8 the eye of the potential viewer. A. Yes.
9
10 Q In their living room. A. That's right.
11
12 Q One of the ideas of the feed of 5.45 would be to raise with
13 you as a potential viewer, as you watch the tea time news,
14 what's coming up on News at Ten, wouldn't it? A. Not
15 necessarily; its there as its own programme and it would have
16 its own way of doing it, they wouldn't feed News at Ten in
17 that way, but obviously viewers would see it on the 5.45 and
18 expect to see a longer version on News at Ten because it was a
19 longer programme.
20
21 Q Yes, but if you are in this situation, and you view the feed
22 line and you grab people's attention as the feed on the 5.45,
23 more people are likely to watch the full report on the
24 10 o'clock news, are they not? A. Oh, yes.
25
26 Q Now you decided to lead on the 5.45 feed with Trnopolje rather
27 than Omarska. A. Yes.
28
29 Q And we have a shot of Penny Marshall and Fikret Alic and her
30 taking Alic's hand. A. Yes.
31
32 Q Behind the barbed wire fence. A. Yes.
33
34 Q So you did the 5.45 feed not chronologically as far as her day
35 was concerned. A. Well, the 5.45 feed did not have a
36 commentary on it, so I was more or less sending a clip reel to
37 London. It might have been in that order that I cut it or it
38 may not have been; I'm not sure.
39
40 MR. JUSTICE MORLAND: We have been told before what a clip reel
41 is. Would you like to just explain it again in case we have
42 forgotten. A. Yes. If, for instance, you have a football
43 game that lasts 90 minutes, you would take out all the best
44 shots of that and maybe send 10 minutes of television picture
45 and its then cut down to one minute, so you disregard all the
46 lesser shots basically.
47
48 MR. MILLAR: So what you are saying is, it may be you cannot
49 recall, but somebody in London with your clip reel puts that
50 way round in what finally goes out on the 5.45 feed rather
51 than you doing it that way ---- A. Yes.
52
53 Q So if it happened that way who would be the person to ask
54 about it, who would be the person in London you chose to do
55 that? A. Probably the programme editor at 5.45.

1 Q Who would that be? A. I don't know who it was on that
2 occasion.
3
4 Q At any rate, your first viewers' view of all that footage was
5 that the most powerful image was that one, Alic, the thin man
6 at the barbed wire fence, Penny Marshall taking ----
7 A. It was the most powerful shot, I think the three or four
8 shots put together in Omarska was also very a powerful image.
9
10 Q Yes. A. But a single shot, I would go for the one you
11 said.
12
13 Q Could you just help me with this. I don't know if you want to
14 take time by playing it, you are probably familiar with it and
15 if you want me to I will in a moment, but the shot that comes
16 through on the feed at 5.45 from Omarska is the one of the
17 very thin man in the blue vest with the shaven head taking a
18 bowl of soup and walking along the line. Do you remember that
19 shot? A. Yes, I do.
20
21 Q Is that one of the ones that you selected? A. Oh, yes it
22 would have been, yes. If it got to London I obviously
23 selected it but I may not have selected it to go on the 5.40.
24 It would have been on my clip reel.
25
26 Q On your clip reel. A. Yes.
27
28 Q You have said that you formed the view, when you looked at
29 shots of Alic, that it evoked World War II. A. Yes.
30
31 Q And looked like things that we had not seen in Europe Since
32 World War II. A. Yes.
33
34 Q Which was, I think, how in his evidence-in-chief, your
35 colleague, Mr. Baker, put it. A. Yes.
36
37 Q Did you form the same view about that shot of the thin man
38 with the shaven head and the blue vest, walking with the bowl
39 of soup in Omarska? A. Well, the whole three or four
40 shots, yes, I did.
41
42 Q They all evoked those thoughts? A. Yes.
43
44 Q And do I understand you to be saying, without saying it in
45 terms when you say it evoked recollections of World War II,
46 that you are talking about concentration camps? A. No,
47 I'm not, because to me a concentration camp involves
48 masquerades and gas chambers; that's my, what I think of
49 concentration camps and in this footage there was nothing at
50 all like that whatsoever.
51
52 Q Nothing at all like that? A. Well, there was not
53 masquerades and there wasn't you know, any signs of killing
54 people, gas chambers or anything.
55

1 Q No, of course, not; but you would have followed, because you
2 had had hands on this report, the reaction in the newspapers
3 and throughout the world of those images of Alic, would you
4 not? A. Yes, but, I mean, the images also could have been
5 a prisoner of war camp in the Second World War, you know, with
6 barbed wire and people behind it, basically. It does not
7 necessarily, to be a concentration camp - what I considered a
8 concentration camp is what I said, not particularly barbed
9 wire.
10
11 Q Right, but it would be a prisoner of war camp in the Second
12 World War where they were not following the Geneva Convention,
13 would it not, if you were portraying a prisoner of war camp
14 following the Geneva Convention, the principle of the Geneva
15 Convention, it wouldn't have shots like that in it, would it?
16 A. No, but I was not alive in the Second World War but when
17 you see feature films of that time, you do see, you know,
18 people behind barbed wire and whatever, and it was this type
19 of image, the drive up to the first camp was very much like a -
20 (a pause) - camp then.
21
22 Q But not the second camp, not with a man like Alic behind the
23 fence, emaciated? A. Well ----
24
25 Q No shirt on. It would not be a prisoner of war camp.
26 A. No, no, that wouldn't be a prisoner of war camp, no.
27
28 Q A sort of camp without the ---- A. Detention camp,
29 basically.
30
31 Q Not a concentration camp? A. No. Like I said, what
32 I regard a concentration camp is different, rightly or
33 wrongly.
34
35 Q Because, you see, I am slightly puzzled by this because we
36 know from your colleague's evidence, Mr. Baker, that when this
37 came up in the evidence and he expressed this view that it
38 evoked these memories of World War II, it led to a
39 conversation about whether the camps could properly be
40 described as concentration camps in the report. Do you
41 remember him saying that?
42 A. Yes.
43
44 Q Do you remember that conversation? A. Roughly speaking,
45 I think I do, yes.
46
47 Q Do you remember how this thought seems to have occurred to you
48 both as somehow reminiscent of the Second World War led to the
49 conversation about whether it was appropriate to call it a
50 concentration camp. A. Probably, because of the whole
51 images of the drive up and the guards with guns and barbed
52 wire, and the shot of the man behind the wire.
53
54 Q So its that collection of features, is it not? A. Yes.
55

1 Q That creates the image that is reminiscent of a shot from
2 outside a concentration camp. A. No, I'm not saying
3 I am sure there were camps in Germany in the Second World War
4 that were not concentration camps.

5
6 Q Are you sure about that? A. Well, I'm - no, I'm not sure
7 of it.

8
9 Q You are not sure about it. Yes, thank you.

10
11 MR. JUSTICE MORLAND: Right.

12
13 Re-examined by Mr. Shields

14
15 Q You saw the rushes, as you told us? A. Yes.

16
17 Q And you saw the image of the emaciated man? A. Yes.

18
19 Q And you saw the emaciated man from behind the barbed wire.
20 A. Yes.

21
22 Q And you saw the images of the guards. A. Yes,

23
24 Q With weapons. A. Yes.

25
26 Q And viewed all the rushes; you were happy with what you sent
27 out? A. Absolutely.

28
29 MR. SHIELDS: Thank you very much.

30
31 MR. JUSTICE MORLAND: Thank you.

32
33 (The witness withdrew)

34
35 MR. JUSTICE MORLAND: It is probably a little early for a break.

36
37 MR. SHIELDS: I am just trying to work it out.

38
39 VICTORIA THERESA KNIGHTON, Sworn
40 Examined by Mr. SHIELDS

41
42 Q Your full name, please? A. Victoria Theresa Knighton.

43
44 Q You address, please, Miss Knighton? A. 57 Haythorpe
45 Street, Southfields, London.

46
47 Q You were born in London and went to school in Kent, is that
48 right? A. Kent and London, yes.

49
50 Q Kent and London. I think before joining ITN, did you work in
51 an advertising agency? A. Yes, I did.

52
53 Q Did you join ITN in 1972 as a secretary in the News Room?
54 A. Yes.

55

- 1 Q Then did you work in the ITN offices in Westminster covering
2 the House of Commons? A. Yes, I did, for one year.
3
- 4 Q And then did you become something called a News Desk
5 Assistant? A. Yes.
6
- 7 Q And did you become Deputy News Editor Planning for the Home
8 Desk? A. That is right.
9
- 10 Q And in 1982 did you start running the ITN Production Unit?
11 A. Yes.
12
- 13 Q What does that do? A. The Production Unit actually does
14 not exist any more, but what it did at the time was work
15 alongside people who were covering the day's news, but would
16 work on long term background pieces, anything that needed a
17 bit more investigation and research, we used to do court
18 backgrounders, sort of preparing cases - preparing a piece for
19 the news that would go out at the end of a court case, just
20 sort of giving the whole story of the court case and what has
21 happened.
22
- 23 Q And in 1987 did you become a Home News Editor? A. Yes.
24
- 25 Q And in 1990 a Foreign Planning Editor? A. Yes.
26
- 27 Q Is it right you work for ITN in relation to what is shown on
28 Channel 3? A. That's right, yes.
29
- 30 Q And as part of your responsibilities were you involved in
31 covering the conflict in the former Yugoslavia?
32 A. Yes, I was.
33
- 34 Q What did that involve, tell us? A. Well, this involved
35 from the very first days of the sort of breakaway by Slovenia
36 and Croatia of sending correspondence and reporting teams into
37 Zagreb, Belgrade and other places, to actually cover what was
38 going on there.
39
- 40 Q And did that involve you making decisions as to which
41 journalist to send? A. Yes.
42
- 43 Q Do you have any say who goes as crew, cameraman, and sound
44 recordist or not? A. I have some say; it is not my
45 responsibility to decide who the team is, but if I was ever
46 concerned that someone was not quite experienced enough or
47 there was possibly going to be an unhappy relationship
48 between, say the correspondent and the cameraman because of a
49 history of disagreements in the past, then I could have a say
50 about asking that to be changed, because its really important
51 to send a team out, particularly into anywhere dangerous, that
52 you know will work well together.
53
- 54 Q I want to come to the matters which bring us before this
55 court. When did you decide to send a team out to Bosnia?

1 A. Well, the day that the Maggie O'Kane article came out, Sue
2 English from Channel 4 rang me, I think as I got in the
3 office, probably about nine, and said had I seen the article,
4 and I hadn't. So I read it immediately, and it was talking
5 about taking the sort of conflict into an area that we had not
6 seen before, and reports of eye witness reports, not her
7 direct report, of concentration camps, people being taken by
8 trains to camps. I was very surprised by reading that, and it
9 was not an area - It was in Northern Bosnia, it was not an
10 area that we were sending to at all at the time. Because of
11 the sort of war raging there, we went to areas of safety -
12 well not safety, but we'd send to Sarajevo which involved a
13 sort of dangerous drive through, but you knew where you are,
14 when you are going to get there, and what people were facing,
15 or we would send to Belgrade to get the physical story, and
16 Northern Bosnia was an area we hadn't been to, I hadn't their
17 reports before, and thought it was a new story that was, news
18 something that was going on and that it needed investigation.
19

20 Q Who did you decide to send out there? A. Well, after a
21 discussion with Michael Jerney, he was head of Foreign News at
22 the time, we decided to send Penny Marshall.
23

24 Q Had you know her a long time? A. Yes, I'd known Penny for
25 a long time, ever since she started reporting for ITN and I
26 had worked - we had worked together on home stories when I had
27 been Home News Editor and when she had been in the Soviet
28 Union.
29

30 Q Did you contact there? A. Yes, I did.
31

32 Q What did you tell her? A. I said - First of all, I asked
33 her to read the Maggie O'Kane article, so she'd know what I
34 was talking about; told her that we'd need to investigate it
35 and to send, that I was going to get a crew together; and
36 then I can't actually - I mean, I know what I would have done
37 now, I can't remember this sort of every single step that day,
38 but I would have been really busy having spoken to her,
39 organising flights, money, making sure that flack jackets,
40 which were not individually people - We had to get them out of
41 stores, because one did not have their own at the time, and
42 arranging for her to be met in Belgrade by our producer, who
43 is was a freelance producer we had used there before.
44

45 Q At that stage were you aware that Channel Four was sending a
46 team? A. Yes.
47

48 Q How did you view the decision to send a team on such a story?
49 A. Well, I was concerned about it and I wasn't certain that
50 they were going to get anything. I remember sort of being
51 concerned when I spoke to Penny about how she should go about
52 it and I did discuss it quite a lot with Michael Jerney who
53 had said they should go to Belgrade and try and go from there.
54 I wasn't sure what we were going to get. I thought she was a
55 really good - it was a good idea of his to send her because

1 she's very good at working and digging away without a producer
2 and persuading people to talk to her, and I think I thought
3 that we'd get our own eye witnesses, as Maggie O'Kane had
4 done, that we might get some video that people had taken,
5 rather like the stills that they shoot - in hindsight, but
6 there was some individual video coming out of various things
7 that did happen there that people had shot and we might get
8 somewhere maybe from a camp or somewhere where something like
9 that had happened but may be after, you know, after it was
10 closed down. I wasn't quite certain what we would find or that
11 it would definitely get anything.
12
13 Q When did you next have any involvement with what had happened?
14 A. Well, I went on a few days holiday and the day I came back
15 in Mike Jerney came to me first thing in the morning and he
16 said that he had heard from Penny and that she'd found the
17 camps, she had found camps and had a good story, and I was
18 quite surprised.
19
20 Q Did you have any involvement that day in putting together the
21 programme? A. No, because I was a planning news editor
22 and there was a whole sort of tranche of other people who were
23 looking after the day's news, so I didn't.
24
25 Q Were you involved in the decision to send Penny Marshall back?
26 A. Yes, I was.
27
28 Q Why was that? A. Dave Mannion who was the editor of the
29 ITV Department at the time said that we had to go back and
30 that Penny should go back. I remember calling her when she
31 was back in Budapest and telling her that she had to go back.
32
33 Q Moving on ahead, did you see the press release issued by
34 Living Marxism, which is the subject matter of these
35 proceedings? A. I saw what PA put out, yes.
36
37 Q "PA" being the ---- A. Press Association who put out the
38 wires in the computer servicing.
39
40 Q When you saw that, what did you do? A. The first thing
41 I did, I was very surprised and I telephone Penny to see if
42 she knew anything about it and I didn't think she would have
43 done because I would have thought she would have mentioned it
44 to me.
45
46 Q What was her reaction? A. She was extremely surprised as
47 well and upset.,
48
49 Q How had that press release come to your attention?
50 A. Someone in the News Room said "Have you seen this that's
51 just flashing," and told me what time it was, and I looked it
52 up on the screen.
53
54
55

Cross-examined by Mr. MILLAR

- 1
2
3 Q The red bundle in front of you has at tab 11 the Maggie O'Kane
4 article that you told us about. Turn it sideways, it being
5 the Guardian. The photograph along the top, you will see
6 credited in the bottom right-hand corner to a photographer
7 called Andre Kaiser, this at Maniatia(?) Camp. Do you
8 remember that? A. Well, no. I don't remember that
9 photograph. I mean, I obviously saw it but I don't remember
10 that photograph.
11
12 Q But you remember the article? A. Certainly remember the
13 article, yes.
14
15 Q And you'll see that, on the left-hand side, we are told
16 "Maggie O'Kane reports from an area of Bosnia held by the
17 Serbs. She saw the camps". Do you see that? A. Yes.
18
19 Q But it is apparent to anyone who reads this article that it is
20 written on a series of hearsay accounts given by people in
21 Banja Luka. She has not been to the camps mat all.
22 A. No. I remember that because I remember noticing that when
23 I read the article.
24
25 Q Yes. Anyone who reads the article carefully would realise
26 that. A. Yes.
27
28 Q So the story, as you put it, was to get to the camps.
29 Correct? A. Well, yes; to see if at least we could find
30 our own evidence for them, yes.
31
32 Q Evidence for what? A. Evidence would be to find our own
33 eye witnesses. Maggie O'Kane had not seen the camps herself,
34 as far as I remember, but had obviously spoken to people who
35 claimed they had seen things, and that was the very least I
36 thought we should go and do and try and get our own evidence.
37
38 Q Evidence for what, of what? A. Our own reports from
39 people who had - I am sorry, I am not very clear what you
40 mean, evidence of what?
41
42 Q You referred a number of times in your evidence to the story.
43 A. Yes.
44
45 Q Penny Marshall said she had got a good story, she was sent
46 with an idea that she would be able to get a story.
47 A. Yes.
48
49 Q And I am just wondering at the time you are thinking "O'Kane
50 article, better send our reporter out there with a crew." What
51 is the story in your mind that she is being sent to get.
52 A. The story in my mind was, as I think I said before,
53 perhaps not very clearly, to see if she could find any of our
54 own eye witnesses, people that she would see herself rather
55 than rely on the Maggie O'Kane article of people who had

1 experienced camps, seen people getting on trains as reported
2 in that article being sent to places and to look into those
3 allegations, and then, of course, see if she could get to
4 anything herself. But I was - I thought probably at the time
5 that that was unlikely because of the danger of it and whether
6 she'd get any access.
7

8 Q You see, in the article, in the second and third columns,
9 Maggie O'Kane not having been there nonetheless described
10 Trnopolje - look at the penultimate paragraph in the second
11 column - as a "concentration camp". Do you see that? She
12 says: "These people and their son were taken in army trucks to
13 Trnopolje Concentration Camp." A. I remember that. I'm
14 sorry, which column did you say it was?
15

16 Q The second column of the article. A. Yes.
17

18 Q The second paragraph up from the bottom. A. Yes.
19

20 Q "Army trucks came and took them all" ----- A. Yes.
21

22 Q -- "to Trnopolje Concentration Camp." A. Yes.
23

24 Q Then, in the next column, the third one, right in the middle:
25 "Of the four concentration camps in this area of what was once
26 Bosnia, now the Serbian Republic, Trnopolje is the best one to
27 be sent to." A. Yes.
28

29 Q Do you see that? A. Yes
30

31 Q So it is clear, as far as the Guardian is concerned and that
32 report, that what is being alleged is the existence of
33 concentration camps, indeed the four of them are identified.
34 A. Yes.
35

36 Q So that would have been potentially part of the story, would
37 it not, in your mind: see if we can get a reporter out there,
38 find some evidence to substantiate the suggestion that Bosnian
39 Serbs in Northern Bosnia are running concentration camps.
40 A. Yes. I think I would have borne in mind that these were
41 eye witness reports, so terms like "concentration camps" could
42 be used by them that I wouldn't - I actually don't believe
43 there were concentration camps at the time. Our fax machine
44 on the Foreign Desk sort of spewed non-stop with allegations
45 from all sides in the former Yugoslav conflict, so those sort
46 of terms, I think, we had already learned to be quite cautious
47 about.
48

49 Q Right. So evidence of camps is what you were hoping for,
50 preferably first hand? A. Yes.
51

52 Q But not just refugee camps; it would not be much of a story
53 if they just turned out to be refugee camps, would it?
54 A. No, this story looked to me as if it was true that there
55 were people being taken to camps they didn't want to go to.

1 Q Yes. A. I don't think that means its a concentration
2 camp, yes.
3
4 Q And being mistreated there. A. Yes.
5
6 MR. SHIELDS: I have no re-examination.
7
8 MR. JUSTICE MORLAND: Thank you.
9
10 (The witness withdrew)
11
12 MR. SHIELDS: Would that be a convenient moment?
13
14 MR. JUSTICE MORLAND: Yes.
15
16 (Adjourned for a short time)
17
18 3.35 p.m.
19
20 MR. SHIELDS: I now call Michael Jermey, my Lord.
21
22 Mr. MICHAEL FRANCIS JERMEY, Sworn
23 Examined by Mr. SHIELDS
24
25 Q Your full name, please? A. Michael Francis Jermey.
26
27 Q And your address, please, Mr. Jermey? A. 18 Aberdare
28 Gardens, London NW6.
29
30 Q And your present position, please? A. I am director of
31 development at ITN, working on the development of a 24 hour
32 news channel.
33
34 Q I think it is right that you have been at ITN since 1986?
35 A. That's correct.
36
37 Q Joining at a trainee journalist? A. That's right.
38
39 Q And before that had you worked for Central Television on
40 current affairs programmes? A. That's right, I had worked
41 in the current affairs department at Central Television in
42 Birmingham.
43
44 Q I can take you quickly through this. Were you from 1987 to
45 1990 a producer at ITN? A. That's correct.
46
47 Q Both at ITN's headquarters and out in the field?
48 A. That's correct.
49
50 Q Had you in fact gone in 1989 to Poland, Czechoslovakia,
51 Hungary and East Germany for ITN? A. I had.
52
53 Q Were you in Berlin in November 1989 when the wall came down?
54 A. I was.
55

1 Q You had spent periods abroad in 1990 and 1991 acting as a
2 producer in Saudi Arabia and covering the Kuwait invasion?
3 A. That was during the Gulf War in Saudi Arabia, yes.
4
5 Q Is it right that in 1990 you became News at Ten programme
6 editor? A. That's correct.
7
8 Q And in 1990 and early 1991 you were producing News at Ten?
9 A. That's correct.
10
11 Q In 1991 you joined the ITN management team as head of foreign
12 news? A. Correct.
13
14 Q And that meant in 1992 you were reporting or working to David
15 Mannion? A. That's right.
16
17 Q And Mr. Mannion was then the editor of ITN programmes on ITV?
18 A. That's correct.
19
20 Q Were you responsible for leading a team of news editors and
21 foreign bureaus in how they covered international stories?
22 A. I was.
23
24 Q And would it be right that you have covered hundreds of
25 stories a year throughout the world? A. That would be
26 correct. Our teams of correspondents in our bureaus around
27 the world and teams we have sent from London would have
28 covered hundreds of stories in any given year.
29
30 Q And as part of your duties were you responsible for ensuring
31 coverage of the conflict in former Yugoslavia? A. I was,
32 working with the team of foreign editors and correspondents.
33
34 Q Did there come a time when you decided to send a team out to
35 Bosnia? A. There did. In late July 1992, I became aware
36 of reports of camps in northern Bosnia. Vickie Knighton drew
37 my attention to the Maggie O'Kane article that has been
38 referred to earlier, and jointly and after consultation with
39 David Mannion we decided to send Penny Marshall and her team
40 to Belgrade to investigate.
41
42 Q At that stage were you aware that Channel 4 were also working
43 on such a story? A. I personally was not aware.
44
45 Q Were you aware that the team was out in Belgrade during the
46 early days of August? A. Which team?
47
48 Q Your team, sorry. A. I was aware that we had a team, yes.
49
50 Q Out in Belgrade, and were you aware that the opportunity came
51 for them to leave Belgrade and go and visit camps in Bosnia?
52 A. Yes, I became aware of that over the weekend before 6th
53 August. I don't recall the exact date but I guess it was the
54 1st/2nd August.
55

1 Q Do you remember in what circumstances you became aware of
2 that? A. I was at home. I believe I got a call initially
3 from our Foreign Desk to say that this was a possibility and
4 that there was an issue of safety to consider.
5
6 Q What was decided? A. I had a conversation with Sue
7 English. It was the first conversation I had had with Channel
8 4 about the story. And after consultation as to whether it
9 was the safest way to all go in the helicopter or to go some
10 in the helicopter and some by road, we both agreed the safest
11 course of action was for the two teams to work together and to
12 travel in the helicopter together.
13
14 Q Had you had any conversations with Penny Marshall while she
15 was out in Belgrade prior to that weekend? A. I had had a
16 conversation with Penny prior to her departure to reinforce
17 what Vickie Knighton I believe had said, that we were relaxed
18 about how long she took to investigate whether there were
19 camps or not, that we were relaxed if they found no evidence
20 at all or if she did not get outside Belgrade. I had had that
21 conversation, and then I had been kept in touch from the
22 Foreign Desk that Penny was working in and around Belgrade,
23 but, no, I hadn't spoken to Penny.
24
25 Q When did you first hear from Penny Marshall? A. After
26 that weekend in Belgrade.
27
28 Q In what circumstances? A. I was at home. I was asleep.
29 I would say it was about 2.00 in the morning, but I wouldn't
30 argue if somebody said it was 1.00 or 3.00, and Penny phoned
31 me and I answered the phone at home.
32
33 Q What did she tell you? A. We had quite a long
34 conversation in which Penny did most of the talking and she
35 described what had happened to her and the team from leaving
36 Belgrade to returning that night.
37
38 Q What decision was taken in the light of that conversation?
39 A. That they would go to Budapest to edit and that I would,
40 between then and the morning, ensure that she had a producer
41 and a video editor for her to work with in Budapest.
42
43 Q What was your attitude towards sending film from Belgrade at
44 that stage? A. I thought that there was a chance that the
45 Serbian authorities would try to censor it or to disrupt our
46 operations. They had not done so in the past but I thought it
47 was a risk I didn't want to take.
48
49 Q Who did you choose to go out to help? A. I phoned Nigel
50 Baker at home and asked him to go and assist.
51
52 Q At that time in the morning? A. I phoned him, yes, within
53 10 minutes of going off the phone from Penny.
54
55

1 Q Do you know who contacted Mr. Frost? A. I don't. I also
2 called our Foreign Desk and asked them to sort out finding a
3 video editor. I don't know who called him.
4
5 Q When you went to the office the next day did you see anybody
6 regarding broadcasting anything which Penny Marshall might
7 send you from Budapest? A. I did. I had a meeting with
8 Stewart Purvis, who was then editor in chief of ITN, with
9 David Mannion, who was my immediate boss, as editor of ITN
10 programmes on ITV. I gave them an account of the conversation
11 that I had had with Penny overnight, told them that we had
12 despatched Nigel Baker and Mr. Frost, and they took note of
13 that conversation.
14
15 Q Did you make any decisions then as to when and what should be
16 shown? A. At that meeting I recollect that Stewart Purvis
17 was in the chair, that I gave him an account of what Penny had
18 said overnight and my recollection is that she had said that
19 she didn't consider the camps she had been to were
20 concentration camps, and Stewart said something to the effect
21 of: "We must be careful therefore with our terminology, that
22 we don't, in other parts of our output, say the same sort of
23 things".
24
25 Q At what time was it intended that the output would go out?
26 A. Stewart Purvis made the decision that the sensible thing
27 to do was to broadcast the first full version of the story on
28 Channel 4 news at seven o'clock, and a full version for the
29 ITV team at ten o'clock in the evening on News at Ten, but
30 that there would be some earlier footage shown on the early
31 evening news at 5.40.
32
33 Q Were you in contact yourself with Penny Marshall during the
34 course of the day? A. During the course of the day my
35 recollection is that I had conversations with both Nigel and
36 Penny, mostly of the nature just to confirm conversations we
37 had had earlier, to see whether they were happy with their
38 editing facilities and to make sure that the proper
39 arrangements had been made on the Foreign Desk to get our
40 satellites booked.
41
42 Q Would you personally have had any input into what Penny
43 Marshall put into her story out in Budapest? A. Any input
44 -- yes, some input to the extent that what she had told me she
45 had seen, I said: "Just report it in a straightforward way".
46 The principal people involved in that were the editor of ITN
47 News on ITV, David Mannion, and the editor in chief, Stewart
48 Purvis.
49
50 Q Just so we complete the picture, would Penny Marshall have any
51 say in what ITN did at this end? A. No.
52
53 Q Those are decisions made by ITN? A. Correct.
54
55

- 1 Q Just one other matter which has been raised in the course of
2 this afternoon. I think Mr. Baker was shown a dope sheet as
3 it is called. A. That's right.
4
- 5 Q Which I think you will find in the defendants' black bundle.
6 I want to get this absolutely clear. Who has control over the
7 material which appears in a dope sheet? A. The news
8 agency.
9
- 10 Q That is WTN? A. In this case that is WTN.
11
- 12 Q And where we see there under "EBU flash ... + 5 - 08 Omarska
13 Bosnia" and 6 is typed in there, does that refer to the time?
14 A. No. My reading of this, and I have not seen this ever
15 before the last half hour, is that if you look at the top of
16 the sheet, at the top you see "August 6th 2151". That will be
17 the time that this sheet was printed off. I see a European
18 language so I'm not sure what time zone is it was printed off
19 in. And then where you see "Omarska Bosnia 6", I take that to
20 be six minutes of material rather than the time.
21
- 22 Q You are familiar with dope sheets? A. I am familiar with
23 dope sheets from agencies.
24
- 25 Q Is it customary to describe the length of the material?
26 A. It would be, and I think the other times we can look at
27 are "EVN EVFF" - I read that as being Eurovision which, my
28 Lord, is an exchange of picture amongst European broadcasters
29 established in Geneva. That stands for Eurovision. And then
30 EVFF would be Eurovision flash, which means a short piece of
31 video which looks to me as though, if they are indicating that
32 earlier in the evening that was transmitted at 1815 - again
33 I don't know what time zone they are referring to - and then
34 it looks to me as though at 2010.00 to 2021.20 that there was
35 further material transmitted and that this is a summary ----
36
- 37 Q That would be in European time? A. I'm speculating.
38
- 39 Q Well, 2010 is 8.10, is it not, in the evening? And English
40 time that would be 7.10. A. Yes.
41
- 42 Q If we look down there we see a reference to Ian Williams?
43 A. Yes. That would be speculation about the time, but it is
44 clearly after Channel 4 news material has gone out.
45
- 46 Q Would you just stay there, please?
47
- 48 Cross-examined by Mr. RUSHBROOKE
49
- 50 Q Mr. Jerney, do you remember signing a statement on 23rd March
51 1999 in this matter? A. I do.
52
- 53 Q In that statement you describe the telephone call you got at
54 home in the middle of the night which you have told us about.
55 A. Um hum.

1 Q ... what you said ---- A. I can remember what I said,
2 sir. I said that Penny Marshall described to me what she had
3 seen and outlined to me what her cameraman had shot, and that
4 is the case.
5
6 Q Could I put it to you? A. Please do.
7
8 Q Would that be all right? Thank you.
9
10 "When Penny Marshall returned to Belgrade having seen
11 the camps she telephoned me at home in the middle of
12 the night. She told me what she had seen and outlined
13 the pictures her cameraman had filmed."
14
15 A. Um hum. I stand by my statement.
16
17 Q She described to you therefore what the pictures showed, did
18 she not? A. No. Let me go at greater length than I was
19 allowed to earlier to say exactly what Penny said to me. She
20 described to me the flight on the helicopter, she described to
21 me being in the hall at Omarska, talking to people, trying to
22 talk to people. She said to me that during that period Jeremy
23 Irving was with her and was filming what she could get out of
24 the people but that they didn't want to be interviewed. She
25 later told me that at Trnopolje she interviewed and talked to
26 people in a field and that Jeremy Irving had been with her.
27 She later said she was in a doctor's surgery, that her
28 cameraman had been with her, and that then there was a period
29 when her cameraman was not with her when she spoke to other
30 people and heard other stories. So I was aware that her
31 cameraman had been with her most of the time but not all the
32 time.
33
34 Q "... outlined the pictures her cameraman had filmed."
35
36 What were you referring to as the pictures when you used that
37 phrase? A. What I have just said, the whole sequence both
38 in Omarska and Trnopolje of what she believed her cameraman
39 had.
40
41 Q I see. So when you describe in this statement that you sign
42 in this context: "She told me or described to me what she
43 believed her cameraman had", you use the phrase "she outlined
44 the pictures her cameraman had filmed" do you? A. Yes,
45 correct.
46
47 MR. SHIELDS: I have no re-examination.
48
49 (The witness withdrew)
50
51 MR. SHIELDS: I would like to call Mr. David Mannion. So that
52 your Lordship and the jury know I have two witnesses after
53 this.
54
55 MR. JUSTICE MORLAND: Thank you.

1 Mr. DAVID MANNION, Sworn
2 Examined by Mr. SHIELDS
3

- 4 Q Your full name, please, Mr. Mannion? A. David Victor
5 Mannion.
6
7 Q And your address, please, Mr. Mannion? A. 5 Holmead Road,
8 London SW6.
9
10 Q I think it is right that you are a broadcasting consultant?
11 A. And television producer.
12
13 Q And you have your own firm, David Mannion Associates. Is that
14 right? A. It is called DMA Media now.
15
16 Q I do apologise. I think you were born in Derby and brought up
17 in Belgium where your father was a diplomat. Is that right?
18 A. Well, he worked for the War Office. I was not really
19 brought up there, I was only there for two and a half years.
20
21 Q And after school you went into journalism? A. Yes.
22
23 Q And you joined ITN in 1979? A. Yes.
24
25 Q And held a succession of jobs at ITN. I will just take you
26 briefly through them. You were deputy of Channel 4 news and
27 then became associated editor of ITN? A. Yes. There is a
28 bit before that, but yes.
29
30 Q I am telescoping a bit here. But in 1992 you became editor of
31 ITN on ITV? A. Yes.
32
33 Q That means you were responsible for what was shown on
34 Channel 3? A. Correct.
35
36 3.55 p.m.
37
38 Q Does that mean you were in charge of ITV's -- all the news
39 coverage on that channel? A. Yes, indeed, reporting to
40 the editor in chief, who was then Stewart Purvis.
41
42 Q Stewart Purvis. Now I want to take you back to the summer of
43 1992. When did you first become aware, if you did become
44 aware, of rumours regarding the prison camps in Northern
45 Bosnia? A. I believe I first became aware not because of
46 the Maggie O'Kane article but because of an article that
47 I think was in Newsweek round about the same time.
48
49 Q Would that have been an article by Roy Gutman? A. I am
50 led to believe that was the case but I could not remember
51 until I was reminded.
52
53 Q Did there come a time when you read an article by Maggie
54 O'Kane? A. Yes, indeed.
55

- 1 Q In the light of reading that article did you make any
2 decisions as regards ITN? A. Yes, prior to that article
3 and because of what I had read in Newsweek I felt that there
4 was a story worth investigating, and I think that had been
5 briefly discussed by myself and a colleague called Nigel Baker
6 but it was only really when the Maggie O'Kane article had been
7 written and all the discussions that you have heard about took
8 place that we decided to make the trip.
9
- 10 Q What steps did you take towards implementing that decision?
11 A. Well, I really ratified what Michael Jermey and Vicky
12 Knighton and others wished to do.
13
- 14 Q So they proposed and you made the ultimate decision to ratify
15 it? A. Yes. There were cost implications as well which
16 had to be considered and on a trip of this nature I was
17 regularly consulted and agreed with them that it was
18 worthwhile having a go at this, although none of us were
19 terribly confident as to what we would end up with.
20
- 21 Q When did you first become aware that they had visited some
22 camps in north-west Bosnia? A. Well, we were kept
23 aware -- I asked to be kept aware on a regular basis as to
24 the whereabouts of the team, and that happened. As to the
25 specifics of the story which we are now discussing, I became
26 aware of it, I think, very early on the morning that Michael
27 Jermey was woken; in other words about 6 o'clock the following
28 morning.
29
- 30 Q Did you subsequently attend a meeting that day with Mr. Jermey
31 and Mr. Purvis? A. I did.
32
- 33 Q What happened at that meeting? A. Well, we were advised
34 as to the telephone conversation that Penny had had with
35 Michael and subsequent decisions were taken about how the
36 material should be fed, the care that needed to be taken with
37 what sounded like a potentially big story that would have
38 ramifications. We decided then which programmes would have
39 which part of the coverage.
40
- 41 Q Did you yourself talk to Penny Marshall that day?
42 A. Yes, I did.
43
- 44 Q When was that? A. I cannot remember the precise time but
45 I think I had more than one conversation with Penny actually.
46 Certainly I had two at various times throughout the morning
47 and afternoon.
48
- 49 Q Did you ask her what she had seen and found? A. I did
50 indeed, yes.
51
- 52 Q When did you first receive any pictures from Budapest?
53 A. The first pictures I saw were from the clip reel that you
54 have heard Bill Frost talk about that was sent over for the
55 5.45 bulletin.

1 Q Who would decide what order those clips would be shown that
2 came in from the clip reel? A. Well, typically that
3 decision would be made by the programme editor - the editor of
4 that particular programme, the 5.45 - but we were obviously
5 massively interested in everything that came over from
6 Budapest and so we took a look at it as well. But there was
7 no debate about which pictures to use on the 5.45.

8
9 Q So you stand by the pictures which were used? A. Yes,
10 indeed.

11
12 Q When you saw the clip reel, as you say, at 5.15 did you make
13 any decisions in relation to how ITN should treat the
14 10 o'clock broadcast? A. With care and with balance, and
15 with fairness, and to take great care. In a sense I did not
16 have to say this because the journalists who were involved, if
17 you like, below me and those on the ground were well aware of
18 this anyway, that this story had potential and we had to take
19 great care about what we said we had seen and also to some
20 degree what we were unable to see or verify, so that the
21 overall balance of the piece we would regard as fair and
22 accurate, and so forth.

23
24 MR. SHIELDS: Would you stay there, please.

25
26 Cross-examined by Mr. MILLAR

27
28 Q If I understand your evidence, Mr. Jerney reported back to you
29 about the conversation he had had on the telephone with Penny
30 Marshall? A. Sorry, Mr. Jerney?

31
32 Q Yes. A. Yes, indeed.

33
34 Q In the wee small hours of the morning? A. Yes -- well,
35 I think it was not -- I think he allowed me to sleep a little
36 longer than he had chance to. I think it was about 6 o'clock.
37 I think.

38
39 Q I did not mean to suggest he reported back to you in the wee
40 small hours of the morning the conversation which he had had
41 with Penny Marshall. A. Indeed. Correct.

42
43 Q He let you have a bit more sleep? A. He did indeed.

44
45 Q Did he say anything to you about Penny Marshall telling him
46 about the pictures her cameraman took? A. Yes.

47
48 Q What did he say? A. Well, he outlined what we thought we
49 had got on camera.

50
51 Q What you thought you had got on camera? A. Yes -- well,
52 until you actually see it, you know, you cannot actually be
53 certain of the images. But the way it is related is not in
54 terms necessarily just pictorial images. We talk about
55 stories and we felt that we had an important story both in

1 terms of what we were able to witness and see and people were
2 able to talk to and what we had also captured on camera.
3

4 Q Right. A. We take a more holistic view of it than simply
5 what the picture is. The picture is helping us to illustrate
6 the wider story.
7

8 Q I follow that, but I was just interested in your conversation
9 with Mr. Jerney about what Penny Marshall had told him. You
10 see, as I understand it, if you are a man who is concerned
11 about cost implications - you mentioned in your evidence in
12 chief the cost implications of sending a crew out in the first
13 place - would I be right about that? A. Well, it was
14 always a factor one had to bear in mind. Budgets are finite,
15 even the news.
16

17 Q Yes. What you are doing here on this strength of this
18 conversation that was being reported back to you is booking
19 an editing suite in Budapest, flying two men out there -
20 Mr. Frost and Mr. Baker - with an editing pack to spend the
21 day editing there, and that has some cost implications, does
22 it not? A. Yes.
23

24 Q Booking a satellite slot? A. Yes.
25

26 Q What I was wondering was whether in reaching the decision to
27 do that on the strength of what Mr. Jerney told you he had
28 discussed with Penny Marshall, part of what he told you was:
29 "She has got some very strong pictures." Do you remember
30 anything like that being said? A. I do not remember the
31 actual words of the conversations, no, but what he did was
32 tell me what he thought we had uncovered, which was prima
33 facie evidence of wrong-doing.
34

35 Q Well, he would not know what the pictures might be because he
36 has been woken up in bed in London? A. Well, he would
37 have had the conversation which you have just talked about
38 with Penny Marshall -- that she related the contents in broad
39 outline to Michael Jerney and he related them to me.
40

41 Q The contents of what? A. The contents of a story and the
42 pictures that went with the story.
43

44 Q And the pictures. So it was your understanding that they had
45 got good pictures? A. Yes, in the sense that they had
46 pictures to illustrate a good story.
47

48 Q Yes, and it was your understanding that Penny Marshall had
49 seen the pictures and was reporting back to Mr. Jerney about
50 that? A. Mr. Jerney, yes, that is correct.
51

52 Q Let me put the first part of that. Was it your understanding
53 that Ms. Marshall had seen the pictures when she reported back
54 to Mr. Jerney? A. No, I did not know whether she had or
55 whether she had not at that point.

1 Q Not a clue? A. Not a clue. It was not an issue for me.
2
3 Q So it is ITN's normal practice, is it, to send two men -
4 Mr. Frost and Mr. Baker - to an editing suite in Budapest,
5 book satellite time and set up a suite to record without
6 knowing what pictures might be there to be edited ---
7 A. Well, actually, we were not terribly flushed with money at
8 this particular time. Had we had a bit more we might have
9 actually sent people like Mr. Baker and Mr. Frost out with the
10 team in the first place. But we did not know what we would
11 end up with, if indeed we would end up with anything. So it
12 was more prudent in my judgment to send the team out without a
13 producer and an editor and then if we found the story that we
14 thought might exist then we could quickly send the team to
15 Budapest, which is indeed what happened.
16
17 Q No, I was not asking you about that. I was asking you, is it
18 normal practice to do all that without the reporter at the
19 other end having reviewed the rushes to see what footage she
20 has obtained? A. If the reporter -- I mean, bear in mind,
21 sir, that Penny was there when the cameraman was there ---
22
23 Q Oh, I do bear that in mind. A. -- and so she would have
24 known what they had found and what they had discovered, and
25 I am perfectly prepared, only too prepared to accept the views
26 of a reporter such as Penny Marshall, even be it filtered
27 through another manager such as Michael Jerney, that this
28 story warranted us to take action immediately to ensure we
29 could broadcast what we had got later that day, sir, yes.
30
31 Q Could you listen to the question? A. I will try.
32
33 Q It would not be normal, would it, for ITN to do all this ---
34
35 MR. SHIELDS: My Lord, might ... I would like to know what my
36 learned friend's case is on this. We have had it several
37 times ... asked these questions.
38
39 MR. JUSTICE MORLAND: Yes.
40
41 MR. SHIELDS: Is it his case that they had viewed it beforehand
42 and not been honest ---
43
44 MR. JUSTICE MORLAND: I do not think the cross-examination is
45 oppressive yet and I do not think Mr. Mannion is wilting under
46 the strain. (Laughter)
47
48 MR. SHIELDS: I am not standing up to defend him, my Lord, I just
49 wanted to know what the case is.
50
51 MR. JUSTICE MORLAND: Yes. Well, it may emerge.
52
53 MR. SHIELDS: I am obliged to your Lordship. It may emerge.
54
55

1 MR. MILLAR: (To the witness): As I understand the position, you
2 make the arrangements for these men to go out and do the
3 editing in Budapest - this is you in your own mind - without
4 knowing whether your reporter there has seen her pictures or
5 not? Have I got that right? A. Sometimes that would be
6 the case and sometimes it would not be the case. I was not
7 aware or even concerned about it in this specific because
8 I had the conversation with a man that I respected, Michael
9 Jerney, who had had a conversation with Penny Marshall, whom
10 I also respect, and their judgment I respect deeply; and they
11 felt they had prima facie evidence of wrong-doing and a story
12 that would be a powerful story and an important story to tell.
13 My belief at that point was that we should sit down calmly and
14 think through the implications of the story and ensure that
15 every word that we used was carefully phrased. They were my
16 overall concerns, and indeed I also wanted to concentrate with
17 my colleagues about which bulletins would cover which aspects
18 of the story and how the logistics would work back in London.
19 But I was not worried and I did not even ask - I do not think
20 so, although I cannot remember precisely - whether Penny had
21 actually viewed the material she had got at that point. She
22 had seen it with her own eyes.

23
24 Q Now you have prepared a statement in this matter on 8th April
25 1999. Do you remember signing that statement? A. Yes.

26
27 Q In your statement, paragraph 10, you said this:

28
29 "When I saw the images" --

30
31 this is on the day, I think, following the feed at 5.45 --

32
33 "I recollect thinking to myself what can we and what
34 can't we say about this?"

35
36 Do you remember saying that in your statement. It was after
37 the 5.15 feed. You had seen the feed? A. Yes.

38
39 Q You saw the images on the 5.45 feed, I think it was -- sorry,
40 the ten to five feed? A. Yes, it was the feed for the
41 5.45, so the feed would have been earlier, yes.

42
43 MR. JUSTICE MORLAND: You saw the clip reel? A. I saw the
44 clip reel that Bill Frost had prepared, my Lord, yes.

45
46 MR. MILLAR: All right. We are talking about that, and you see
47 that and this is what you say in your statement:

48
49 "I recollect thinking to myself what can we and what
50 can't we say about this?"

51
52 What did you mean by that in your statement? A. Well,
53 precisely that, that we took care, and again I was working
54 with people I trusted in this respect anyway, but that we took
55 care not to make any assumptions about what we had seen but

1 simply to say what we could verify because we had seen it and
2 witnessed it with our own eyes. But also to be clear about
3 what we were unable to verify, because that is a part of the
4 story that is sometimes forgotten and it is important to give
5 viewers the whole story, and sometimes that means what you
6 cannot be sure about as well as what you can be sure about.
7

8 Q I am just asking you about that statement you made. What is
9 the "this" that you are referring to there? A. Could you
10 remind me of the context?
11

12 Q Yes: "I recollect thinking to myself what can we and what
13 can't we say about this?" What is the "this" you were
14 referring to? A. The story, what we had seen, what we had
15 heard and what we had heard.
16

17 Q The camps? A. Yes.
18

19 Q You look at the images that come through on the feed and you
20 ask yourself: "What can we and what can't we say about these
21 camps?" Now, could you just explain your thinking in a little
22 more detail. What was it about the images that made you ask
23 yourself that question: "What can we or can't we say about
24 these camps?" A. Well, the images in some people's minds
25 may have evoked memories of Nazi Germany. I did not believe,
26 and neither did Penny, that we had enough evidence to make
27 that connection, to make that parallel in people's minds.
28 Therefore, I felt that any reference to a phrase such as
29 "concentration camp" would be inappropriate even though
30 I expected that some other people might regard that as a
31 perfectly fair description. I did not believe that we had
32 enough evidence to make that parallel in people's minds, so
33 I guarded against it. Actually, as it happened, I did not
34 have to because independently Penny had come to the same
35 conclusion.
36

37 Q it to one side the issue of what description is given in the
38 report of the camps. Just focus on that image that you saw on
39 the feed that came through. What prompted that thought in
40 your mind? You said "that image" or "those images might to
41 some people make them think of Nazi Germany" -- again, also
42 some people -- did they make you think of Nazi Germany?
43 A. No, only in the sense that I thought that others might,
44 but not for me personally, no.
45

46 Q Right, but you were conscious of the fact that your viewers --
47 how many people see News at Ten at this sort of stage?
48 A. Oh, many millions used to, sir.
49

50 Q Many millions used to, yes. Well, this is not a Common Select
51 Committee so I am just going to ask you about the evidence in
52 this case. All those viewers, those many millions, you were
53 thinking: "How are they going to view these sort of images",
54 were you not? A. Yes, because at the end of the day we
55 are, if you like, the servants of the public and we have a

1 duty to perform to tell them what we have seen, what we have
2 found and what we have uncovered. But I say again at the risk
3 of repeating myself, also to make them aware of what we are
4 unable to substantiate.

5
6 Q You saw that immediately when you saw the clip?

7 A. I recognised that there could be an issue, yes.

8
9 MR. MILLAR: Thank you. I have no further questions.

10
11 MR. SHIELDS: I have no re-examination.

12
13 (The witness withdrew)

14
15 MR. SHIELDS: Would that be a convenient moment for your Lordship?

16
17 MR. JUSTICE MORLAND: Yes -- well, it is a bit early but ---

18
19 MR. SHIELDS: Well, as I have got two, which may not finish, I do
20 not think it is very fair for someone to ---

21
22 MR. JUSTICE MORLAND: Start ---

23
24 MR. SHIELDS: Start and finish.

25
26 MR. JUSTICE MORLAND: Yes. You expect your case to finish ---

27
28 MR. SHIELDS: My case, I imagine, will finish probably, I suspect,
29 by 11.15 tomorrow, by the first break.

30
31 MR. JUSTICE MORLAND: Right, 10.15 tomorrow.

32
33 (Adjourned until 10.15 a.m. on Thursday, 9th March 2000)