

DAY 3 A.M.

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

1997 I No.139

Royal Courts of Justice
Wednesday, 1st March 2000

Before:

MR. JUSTICE MORLAND

BETWEEN:

- (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 O.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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WILLIAMS, Mr. IAN KEITH, Recalled

Cross-examined by Mr. MILLAR

2

1 MR. JUSTICE MORLAND: Mr. Shields, you kindly suggested that
2 I would be supplied with a transcript certainly of the
3 evidence and it certainly speeds up the case. On the basis
4 that all litigation is now done on an equal footing, is it
5 possible for your comparatively affluent clients to supply the
6 defendants with a copy?
7

8 MR. SHIELDS: My Lord ...
9

10 MR. JUSTICE MORLAND: Good. Thank you. Yes, Mr. Shields?
11

12 MR. SHIELDS: My Lord, I concluded yesterday with Mr. Williams.
13

14 MR. JUSTICE MORLAND: Yes, thank you.
15

16 MR. MILLAR: My Lord, we, like the claimants, have a small bundle
17 of documents that we want to use in cross-examination.
18

19 MR. JUSTICE MORLAND: Certainly.
20

21 MR. MILLAR: Like the claimants we thought rather than hand them
22 up one by one as we are going along, we will give everybody a
23 full bundle now.
24

25 MR. JUSTICE MORLAND: Yes. You are agreeable to that Mr. Shields?
26

27 MR. SHIELDS: Yes. (Same handed).
28

29 MR. MILLAR: A copy has been given to the claimants. With
30 apologies, the jury will see that the numbering although
31 sequential is not complete because some documents have been
32 filleted out of the bundles because they are duplicates from
33 the claimant's bundle.
34

35 MR. JUSTICE MORLAND: Yes.
36

37 MR. MILLAR: It may be that in due course we can find a way of
38 tabbing everything into the one bundle.
39

40 MR. JUSTICE MORLAND: Probably we do not want one bundle because
41 the bundle we have got is getting a bit heavy and unmanageable
42 and it gets very difficult when it gets too full. It tends to
43 come apart.
44

45 MR. MILLAR: My Lord, we will see if we can find a way of tabbing
46 up or numbering it sequentially so that it makes a bit more
47 sense.
48

49 MR. JUSTICE MORLAND: Yes.
50

51 MR. MILLAR: But at the moment, as I say, it has been filleted
52 from an original version.
53

54 MR. JUSTICE MORLAND: Yes.
55

Mr. IAN WILLIAMS, Recalled
Cross-examined by Mr. MILLAR

- 1
2
3
4 Q Mr. Williams, I want to ask you, first of all, some questions
5 about your recollection and understanding of the camp at
6 Trnopolje. For the purposes of this part of the cross-
7 examination I want you, his Lordship and the jury, to have
8 open, as it were, first of all the very first page of our
9 bundle, which is a plan of the area, based on a US satellite
10 representation of the camp, actually taken on the day of 2nd
11 August 1992. The claimants have been good enough to indicate,
12 or, rather, your counsel, that the general purpose in cross-
13 examination and evidence is to be used as an indication of ...
14 I want you also to have open in front of you, if you can
15 manage it there, tab 6 of the claimant's bundle the sixth page
16 into the article which you may recall and the members of the
17 jury may recall has another version of the plan of the camp
18 put forward by Mr. Deichmann in his article, which is
19 therefore, naturally, contentious and I make that clear at the
20 outset. It is part of the article and therefore part of our
21 case. But will you see that it has a number of things on it,
22 including some dotted lines and arrows indicating that they
23 are meant to be fences. Now, we know from the map that the
24 jury have looked at, which is at tab 2 in the bundle, that you
25 approached Trnopolje camp from Omarska, which means that you
26 approached from the southwest. Is that correct? A. We
27 came from Omarska.
28
29 Q Do you want to look at tab 2, please? You approached
30 Trnopolje from the southwest? A. We came from Omarska.
31 I wasn't driving. I'm not sure what route our Serbian drivers
32 took.
33
34 Q I see. But surely as an experienced foreign reporter you
35 would have made a point at the time you were in northern
36 Bosnia of looking at the two camps on the map and seeing their
37 relative positions. A. Indeed, I did that. I would have
38 done that. But at the time there were roads that were closed,
39 there were roads where there had been military activity.
40 I believe we took a direct route to Trnopolje. The route we
41 took was not under my control so I cannot say precisely how we
42 would have approached that camp.
43
44 Q Just as the crow flies. I was not actually asking you
45 precisely how you approached it. It was from the southwest as
46 the crow flies? A. That is where Omarska lies, yes.
47
48 Q Now take, please, the satellite plan, and our case is that
49 this is basically as it appears north at the top, south at the
50 bottom, east and west, right and left. You will see in the
51 top right hand corner there is an indicator on the diagram.
52 Are you able to say the orientation of the camp, what it was?
53 A. What what was? Sorry.
54
55

1 Q The orientation of the camp. What was north and what was
2 south? A. Assuming that we approached from the southwest,
3 I can broadly make that -- I can broadly do that. Although
4 I would point out that at the time we had no maps of the camp
5 at our disposal, both on the trip and afterwards when we came
6 to do the edit, so I apologise if my recollections are not
7 entirely as per the map.
8
9 Q I will be referring therefore to the two roads that we can see
10 on the plan as the east road and the west road, and they
11 intersect at the bottom of the south of the plan. Now if you
12 could, please, look again at the page in the article with
13 Mr. Deichmann's plan on it, as you will see there is an
14 indication on that plan that in the middle of the camp with a
15 long arrow pointing to it is something called the community
16 building with medical centre and public hall. If you look at
17 the bottom left hand photograph, although it is not very good
18 in black and white, there is said to be a photograph of the
19 building, a white building in the background which is the
20 community centre. Do you recall that building as it is
21 represented in that photograph, with long windows along the
22 side? A. It does -- the photograph is not clear ----
23
24 MR. JUSTICE MORLAND: Would it be easier if you had the magazine
25 itself as you are in the witness box. We have got one copy,
26 have we not, somewhere? (Same handed). A. Thank you.
27
28 MR. JUSTICE MORLAND: The witness has got the exhibit now.
29
30 MR. MILLAR: I am grateful. (To the witness): Do you recall that
31 building? A. There was a white building at the back of
32 the field in which hundreds of men were imprisoned but there
33 were so many people in front of it that I couldn't say that
34 this was -- it appears to be. There was a white building at
35 the back beyond the men we filmed but the scene is clearly
36 very difficult in this photograph than it was when we
37 approached that camp.
38
39 Q Yesterday in your evidence you were describing in chief your
40 movements around the camp and you said, and this is my note:
41 "I got down the length of the wire fence and round the back of
42 the administration building". Do you remember saying that?
43 A. I do remember, yes.
44
45 Q Can you just tell me on the plan, if you can, which building
46 you are referring to as the administration building?
47 A. I cannot tell you from that plan, no.
48
49 Q And the plan in the article indicates that right up at the top
50 of the camp is a second building or complex of buildings which
51 was formerly a school building and there is a photograph of
52 that. It is a two storey building. Do you recall that? Can
53 we agree that that was the building at the top?
54 A. I don't recall that building.
55

1 Q You do not. Just to complete the picture from your evidence
2 in chief as to your movements around the camp if we can, we
3 will be putting to you that the rushes suggest that you went
4 up the west side of the area probably through the community
5 building where you filmed and then back down southwards down
6 the east road. Do you recall that? A. I think at various
7 points during our filming we covered each of those places but
8 it certainly was not done in such a methodical way. As
9 I explained yesterday, we were at the time being followed and
10 trying to shake off Serbian guards. At times I would peel
11 away and go with my translator to try and get conversations or
12 little bits of conversations with those imprisoned behind the
13 wire. At times my cameraman and producer would go off in a
14 separate direction again, the idea being to try and dilute the
15 presence of those watching us, and to try and most effectively
16 cover, film the camp and talk to those people incarcerated
17 there.
18
19 Q So the answer is that you cannot agree that summary of your
20 route round the camp? A. It wasn't as simple as that, no.
21
22 Q Just to see if we can put the size of the camp into some sort
23 of context, which is difficult to get from the plan or the
24 rushes, our case is that the distance from the intersection of
25 the roads to the south up to the area north of the school is
26 about 100 yards. Is that about right? A. I would guess
27 further. It is difficult to recall precisely but I would
28 guess it would be further than 100 yards.
29
30 Q I am told that a reasonable size football pitch is about 120
31 yards, so we are really suggesting that you could put the camp
32 into a football pitch? A. There were different parts of
33 the camp. It depends what you are referring to as the camp.
34
35 Q Now I want to turn to the video evidence from the camp on the
36 day. I want to use mainly the rushes taken by your crew at
37 Trnopolje but also the C3 rushes and the C3 broadcasts.
38 Presumably you have had a chance to look at your rushes and
39 the C3 rushes, the ITN rushes ---- A. I have.
40
41 Q -- in connection with this case? A. I have.
42
43 Q Did you look at them originally back in January 1997 when you
44 were deciding whether to issue a writ on the basis of the
45 article? A. Yes, I did. At or around that time
46 I reviewed the material.
47
48 Q Your rushes, according to our calculations, run for about 22
49 minutes. This is of the section of the Trnopolje camp.
50 I think you said yesterday you were there for about an hour.
51 Is that about right? A. That is about right.
52
53 Q As far as you are aware, are your rushes complete? A. As
54 far as I am aware, they are complete.
55

1 Q So the missing or lost rushes, so far as you understand it,
2 are all ITN rushes? A. I am not aware of that. All
3 I know is that my own rushes are complete.
4
5 Q And just so that the jury can recall the names, there were,
6 I think, eight of you in your group in total as you visited
7 the camp. The Channel 4 team comprised four people, yourself,
8 Mr. Braddel, Mr. Nicholas and Mr. Hease. Correct? A. And
9 our translator who had come with us from Belgrade, whose name
10 was Nina.
11
12 Q I am just at the moment focusing on the journalists or
13 technicians that went out from ---- A. Yes, there were
14 four in that team.
15
16 Q And ITN, three - Penny Marshall, Jeremy Ivin and Michael
17 Lawrence? A. Yes.
18
19 Q Your counsel told the jury yesterday that we will be hearing
20 from all of these witnesses as to their recollection of the
21 camp. Is that your understanding? A. That is my
22 understanding.
23
24 Q In addition, there was an eighth person in the group, a Mr. Ed
25 Vulliamy, a reporter from the **Guardian**? A. That's right.
26
27 Q Now I want to start by looking at your rushes but could I say
28 that before we do so, and I ask you questions about them, that
29 I appreciate that you are not the cameraman, it is not your
30 eye behind the camera, and that the two of you parted company
31 at some stages. If there is anything I ask you which you feel
32 you cannot answer because you are not the cameraman, please
33 say so, and we will put the point to Mr. Nicholas. I want to
34 start with the film of your rushes on your arrival at the
35 camp. Before we run through the first bit can I just indicate
36 what is coming up and what I want you to have a look for.
37 This is your last few seconds in the bus going to Trnopolje.
38 It is filmed from within the bus and if we have got the right
39 section, we will see the blue armoured car up ahead of your
40 bus turning left, you in a black flak jacket on the left with
41 the bus. I want to pause it, if that is possible, when we see
42 the red van ahead of your bus turning sharp left. So can we
43 see if we have got that bit available. Can you go back a bit?
44 It is the last bit of the video. Pause there. Now that red
45 van up ahead, I think that is the ITN crew in a red van, is it
46 not? A. I believe so.
47
48 Q And that is you in the black flak jacket there on the left?
49 A. That's right.
50
51 Q The left side of the bus. We can see that the ITN crew up
52 ahead, which is preceded by the blue armoured vehicle has
53 turned sharp left. Correct? A. That is how it appears.
54
55

1 Q Now, could you run on, please, operator, and pause at the
2 moment you got to a moment ago where the shot goes from inside
3 the bus to outside. The first shot. Can you just leave the
4 shot there for a moment? I will come to that shot in a
5 moment. Presumably you also followed the red bus sharp left.
6 Do you recall that? A. Presumably. This shot may not be
7 continuous to the other shot. The cameras are turned on and
8 off all the time. There is no -- this shot may not follow.
9 This may have been taken five minutes after the other shot.
10 This does not follow that it is a continuous shot. The camera
11 would have been turned off and then back on again. It is
12 impossible for me to judge the distance of time between the
13 shot inside the bus and the shot you are seeing here now, and
14 from that I cannot judge whether the left turn was 100 metres
15 from the camp or 10 miles from the camp.
16
17 Q But unlike Omarska where you have seen from the rushes you
18 drove up to a gate into the camp, straight up to there, we can
19 see that you pull up alongside this area that we are looking
20 at - we will see it in a moment - when you get to Trnopolje.
21 So your arrival at the second camp was very different?
22 A. It is different.
23
24 Q What I want to put to you, just looking at the plan, the
25 satellite plan, is that you arrive at the camp from the south
26 where the two roads intersect at the south and turn left into
27 what I have called the west road and stop right at the bottom
28 there just below that building that is marked as a block on
29 the bottom of the plan. Can you agree that? A. I cannot
30 agree that. I cannot confirm that because I cannot confirm
31 where the left turn you saw on that film was taken.
32
33 Q Well, that is the camp, is it not? A. That appears to be
34 the camp.
35
36 Q And something like that was your first sighting of the camp?
37 A. That was certainly my first sighting of the camp but
38 I cannot say, looking at your map here, precisely at what
39 point I was on that when I saw this vision through the window
40 of the bus.
41
42 Q Now have a look at the shot, please. We can see a tall
43 building on the left, and to the right of it there is a path
44 running into the area straight ahead. Do you see that?
45 A. Yes.
46
47 Q The bottom of the picture. We can see in the middle ground a
48 line of poles running across to the right in the tall
49 building, and a line of poles running away up to the right.
50 Do you see that? A. There are certainly some poles
51 running along the right. The other are pretty indistinct.
52
53 Q Well, we are going to see some close ups of that in some
54 shots. The poles running up away to the right, we say are
55 running up the side of the east road. Okay? Just to give you

1 a reference point. We will come back to this as we get to the
2 closer shots. If you look, you can see more closely in the
3 next couple of shots, you can see a sort of dry area of ground
4 coming in from the right, from the road on the right. Do you
5 see that? A. This area on the bottom right hand corner
6 you are referring to?
7
8 Q Do not worry about it at this stage. We will see it on a
9 closer shot in a moment. As I say, that is your first view,
10 and I think we can see in the background, although it is not
11 very distinct at this stage, the men in the field?
12 A. They were pretty distinct to us.
13
14 Q Yes, but not on the photograph very distinct? A. They
15 were pretty distinct to us.
16
17 Q If the video could just be run on for a couple of seconds.
18 Stop there, please. The camera focuses a bit better. Still
19 at the side of that tall building you can see that there is a
20 tree sprouting out from the side of the tall building. Do you
21 see that? We are going to see this building from the other
22 side of the road. A. A tree where? I am sorry?
23
24 Q Just up where there is a lip around the building, there is a
25 branch coming out. Do you see that? A. If that is a
26 branch, yes.
27
28 Q There is what appears to be a road coming in from the right,
29 from the road at the right, the dry path. There is something
30 coming in from the right. Do you see that? A. There is
31 some piece of tarmac land by the looks of things, yes.
32
33 Q And can you just at this stage look on the ground there is a
34 group of people sitting behind a pole, a fence pole right in
35 the middle of the picture in the shade. A. There are
36 people sitting there, yes.
37
38 Q The video needs to be run on again very shortly to the other
39 side of the top of tall building, because what is happening
40 here is that you are in a vehicle moving to the left with the
41 camera, the camera is still moving, and it is moving across as
42 you drive past the vehicle to the other side of the tall
43 building. So you can see if you can stop it just as we get to
44 the gap on the other side of the tall building. That is it.
45 Now, there is another gap there from the building to another
46 pole. Do you see that? A. I can see that.
47
48 Q So as we have seen on the right hand side there is a pole,
49 then a gap and there is a similar gap on the other side of the
50 tall building. If you look through the gap, again we can see
51 that the men in the field up ahead. Is that right?
52 A. That's right.
53
54 Q And on the left behind the pole we can see a building with a
55 man standing on a raised entrance to it. You can see the door

1 coming out behind him. With grey building blocks around it.
2 Do you see that? A. I can see that.
3

4 Q If you could just, operator, run on for a second until the
5 film goes blurred, we can see that the vehicle keeps moving.
6 Stop there. Thank you very much. Now, your cameraman from
7 the next sequence is not still in the vehicle, the camera is
8 not moving at all. He has got out. I want to come to these
9 shots in a moment. First of all, I want to switch, if we can,
10 to the Channel 3 rushes, to a shot that appears at the end of
11 the Channel 3 rushes, which is of the area that we have just
12 looked at from the other side. (Video played). Can you stop
13 it now, thank you. Now, you see the tall building on the left
14 with the tree in front of it? That is the same building that
15 you drove up past when you arrived, is it not?

16 A. I couldn't identify it as that. It may well be. It is
17 very, very difficult to say.
18

19 Q There is a long building to the right of it which we say is
20 what your vehicle is moving behind in the previous shot as it
21 blurs, moving across behind the tall building and it is not
22 shooting anything further because it is shooting into the back
23 of that building. Do you recall that? A. I can't confirm
24 that. There were a number of dilapidated buildings. I cannot
25 confirm which building was which.
26

27 Q If you look at the fence poles there, can you see that there
28 is fencing and wire in between the poles. Do you see that?
29 A. I can see that.
30

31 Q If one looks up at the top of that, you can see there are
32 strands of barbed wire running across the poles. We are going
33 to see a close up of them later, but I think you can begin to
34 see it now. Do you see that? A. That appears to be the
35 case, yes.
36

37 Q Now, what I want you to do, if you can, is just run on for a
38 second - do not do it yet - because what the camera does is it
39 pans round or moves round to the right and shoots across this
40 whole area in front of that tall building, and I wonder if we
41 could stop it at the point that the camera comes round and
42 shows us that rather strange raised entrance to the building
43 that we saw a moment ago with the grey building blocks around
44 it. I think it moves quite slowly round. You have just gone
45 past it. Can you just run back and see if you can catch the
46 building? A bit further so that we get a shot of the whole of
47 the building here. Now, we can see that the poles and the
48 wire, the barbed wire, at the top, continue to run along there
49 and behind it we can see the raised entrance to that building
50 that we saw from the bottom along the side in the shot to your
51 right. Do you see that? A. I can see that.
52

53 10.45 a.m.
54

55 Q With the building blocks and the men standing there, and we

1 can see a large area of dry ground at the front of the
2 building, between the road and the building? A. That
3 appears to be the case, yes.
4
5 Q If you would now, please, operate it and just run it on to the
6 shot that you stopped it at before as the camera goes round to
7 the right. Thank you. Stop it there. You can see a path
8 into that area, in fact a vehicle driveway, I think, not a
9 very sophisticated one, from a road. Do you see that?
10 A. Yes.
11
12 Q If you look you can see there is a gate, as you would expect,
13 to allow vehicles into that area from the road. Do you see
14 that? A. I can see that.
15
16 Q We say that that is again the east road on the plan and if we
17 look at the satellite plan what we are basically looking at
18 there is the dark shaded area. It is in fact the other way
19 round on the plan, light and dark. It is an area of ground
20 coming in from the east road towards that building in the
21 middle of the area at the south. Do you see it? That is what
22 we say it is. It is a driveway in from the east road to that
23 big darker building that we saw a moment ago. I am putting
24 this to you because we will see later on in the rushes they
25 suggest that you finish your route around the camp coming down
26 that east road at the side there, southwards, past the area we
27 have just looked at but coming the other way to the way the
28 camera has just panned round. So do you recall towards the
29 end of your visit coming down this road past that gate, past
30 the area of ground that we have just looked at with the big
31 barn? A. I have no recollection of that. We certainly
32 filmed from what you have described as the east road, the
33 right-hand side of the screen here. I have no recollection of
34 whether we walked the whole distance back up here, as you
35 suggest.
36
37 Q All right. We will see some shots of you later on the east
38 road which may help to jog your memory. But as we looked
39 along that fence - and we can do it again if you want, going
40 back to the camera shot and panning round - there is no
41 apparent break in that fence with the barbed wire there along
42 the east side. There is simply the gate which is closed.
43 Do you see that? A. It appears to be the case.
44
45 Q It may be difficult to see at this stage but we are going to
46 see it closer up in a moment. If you look ahead at the group
47 of men in the field, if you were in the middle ground in front
48 of the community building as we look at it -- the white
49 building, correct? A. Yes.
50
51 Q -- you can see that there are some wheelbarrows lined along
52 the ground in front of them? A. It is ---
53
54
55

1 Q They are too indistinct at the moment. Do you see the sort of
2 grey blobs there? A. There is something there. It is
3 really indistinct though.
4
5 Q We will see them in a moment. Now have a look at the plan
6 done by Mr. Deichmann in his article. It is evident from those
7 two pieces of film, we say, that Mr. Deichmann's article is
8 correct to the extent of showing a barbed wire fence along the
9 south up the west road and a section of barbed wire fence up
10 the east road past the barn. Would you agree with that?
11 A. I cannot recall the extent of the barbed wire in the
12 places that you describe.
13
14 Q We are now going to look in a little more detail at that
15 fencing. So if you could take, please, operator the C3 rushes
16 out and go back to the point we were at on the Channel 4
17 rushes. I want you to pause when we are at the right point
18 fairly swiftly and I will give you a shout when we get there.
19 Would you just pause there. Now we are there to the right of
20 the tall building. Your cameraman has got out of the vehicle
21 and he is shooting across that area and the barn. Do you see
22 that? A. Yes.
23
24 Q We can see the path going in to the right of the tall
25 building. If you look up ahead, at the top right you will see
26 three gentlemen in light coloured shirts in a line and the one
27 on the right is holding a camera. Do you see that?
28 A. Yes.
29
30 Q They have no flak jackets on, I think, unlike your crew and
31 the ITN crew, all of whom were wearing flak jackets?
32 A. These are Bosnian/Serb television people -- a very close
33 relationship with the authorities. Perhaps they felt they did
34 not have the need for them.
35
36 Q That is a Serb film crew present at the time you are there, is
37 that right? A. That is true.
38
39 Q Again we can see the building in the middle. We have again a
40 rather better view of the building or the barn, as I am going
41 to call it, in the middle. We can see the raised entrance
42 along the side of it which we have looked at a couple of times
43 and what appears to be some sort of pump or weighing scales,
44 I think, in front of it, this side of it, blue weighing
45 scales? A. It is very indistinct.
46
47 Q And the path leads on across that large patch of dry worn
48 ground that we looked at from the side a moment ago. If you
49 look down at the foot of the fence -- in fact you can see it
50 on this shot. Do you see the left-hand pole? Do you see the
51 barbed wire running across? It is a bit mangled -- from the
52 top of that pole. A. There appears to be something there,
53 yes.
54
55

- 1 Q We are going to look at it, as I say, even closer in a minute
2 as your cameraman films it, and indeed you used a shot of it
3 as the closing shot in your report. But focus if you will on
4 the group of people at the bottom sitting in the shade.
5 There is a group of four people in the foreground which goes,
6 I think, left back in an anti-clockwise direction like this, a
7 man in a blue shirt, a man in a yellow T-shirt facing a woman
8 in a white T-shirt with dark hair and then quite distinct a
9 woman with something over her head, a white protective cloth
10 of some sort over her head. Do you see that group of four
11 people? A. Yes, I can.
12
- 13 Q When we come to see the snippet of the arrival at the camp of
14 the ITN broadcast by Penny Marshall we will see her going into
15 the camp along that path between the gap between the pole and
16 the building and passing that group of people on her right.
17 You suggested in your evidence that Penny Marshall's crew went
18 up to the barbed wire fence at which Mr. Alic was filmed first
19 out of the group of you that arrived at the camp, is that
20 correct? A. They arrived ahead of us, that is true.
21
- 22 Q And they took up a position at the fence and then you
23 subsequently, because you arrived second, followed them to the
24 fence and took up a different position at the fence, is that
25 right? A. There was no question of following; there was a
26 question of seeing a large group of several hundred poorly
27 treated emaciated men in a field and there was a question of
28 getting as speedily as possible up to where they were
29 incarcerated in order to film them and talk to them before our
30 heavily armed Serb hosts asked us to leave.
31
- 32 Q I follow that but I am just at the moment trying to follow
33 your movements from your own evidence and I understood that
34 this was non-contentious, indeed you went into it in some
35 detail yesterday, that she was at a particular location at the
36 barbed wire fence and you went somewhere else along the fence.
37 I think you said tactically to make sure there was a split in
38 the guards who were looking after you? A. I have no
39 recollection of the precise location at which Penny and her
40 crew were at but yes, we decided that in order to dilute the
41 attention that we were getting and in order to effectively
42 film and cover what we saw in front of us it was best if we
43 went off in separate directions before our hosts decided that
44 they did not want us there any more.
45
- 46 Q As I say, we will see on the ITN film of Channel 3 the ITN
47 crew went through that gap and up that path towards the fence.
48 We can see in that shot that the Serb crew did the same.
49 So would I be right in thinking that when you went into the
50 area where the barbed wire fence was you also took that route
51 in? A. I would guess that is the case. I have no close
52 recollection of what buildings I passed, what poles I passed.
53 My focus at that moment was to get to where I saw those people
54 incarcerated as speedily and as directly as I could.
55

1 Q How did you know at that stage they were incarcerated?
2 A. Because we could see clearly that they were behind a
3 fence in the distance, as we see in these opening pictures.
4
5 Q I see. So you saw some men behind a fence and that was
6 sufficient to make you presume they were incarcerated?
7 A. Well, I had just seen some pretty miserable human beings
8 at Omarska. I suspected that I was about to see some pretty
9 miserable human beings at Trnopolje, and what I saw in the
10 distance was a field full of men, many of them stripped to the
11 waist, behind what appeared from a distance to be wire. That
12 is what I saw.
13
14 Q Indeed that was a sight that we know made quite an impression
15 on you, did it not? A. It would have made quite an
16 impression on anybody.
17
18 Q Indeed after you got back on the Sunday that you got back you
19 wrote an article in the Sunday Express in which in part - we
20 are going to look at it later - you describe that scene. Do
21 you remember? A. I do.
22
23 Q And the impression that it made upon you. But all I want to
24 try and be clear about at the moment, and it may be that we
25 cannot take it any further than you have taken it thus far,
26 is that you walked across the area where that Serb film crew
27 there are walking across to get to the fence? A. I think
28 it is a reasonable supposition that I took that route.
29
30 Q Thank you. A. As I say, I took the most direct route
31 I could. My priority was to get to where I saw those men.
32 I was not really paying close attention to what I passed on
33 the route.
34
35 Q Now could you please run the video on briefly and pause as we
36 get a close up of the group of four sitting down, or rather
37 just after that as the camera comes back and gives us a close
38 up shot of the wire down through the fence. You will know
39 when you see it. Just stop it there. Wait for the fence to
40 come into focus. You can see the group of four people behind,
41 the man in the yellow T-shirt, the man in the blue T-shirt and
42 the one with the white T-shirt, and it was out of this bit of
43 the rushes, indeed the next section we are going to look at,
44 that you chose the concluding shot of your film report.
45 Do you remember that bit of the rushes? A. I do.
46
47 Q The shots of the fence - the close up shots of the fence?
48 A. On which I finished my report?
49
50 Q Yes. A. I do, yes.
51
52 Q I am of course not going to suggest that you studied the fence
53 in detail when you were there but can I just ask you to note
54 at this stage, because we are going to look at a different
55 fence in due course, that this is a chicken wire fence with

1 sort of six-sided shapes in it? It is not a criss-cross wire
2 fence. Yes? A. Yes.
3
4 Q This is the bottom part of the fence between the dark brown
5 poles that we were looking at next to the tall building at the
6 bottom. It is the bottom part of the fence because the camera
7 is pointing down. Do you see that? A. Yes.
8
9 Q If you could run on to the next shot and I will tell you what
10 is coming. The cameraman does not really seem to move, he
11 still appears to be at the south of the camp at the point
12 where you arrived, where the roads converged, but he shoots
13 through the fence at that point and takes a close up of what
14 is up ahead at the wire, the barbed wire fence where Alic was
15 filmed and where the men were in the background. Could we run
16 on to that, please. Stop there, please. That is the shot, is
17 it not, with which you finished your report? A. It is,
18 yes.
19
20 Q And that is barbed wire? A. That is barbed wire.
21
22 Q That is the top of the fence we have just been looking at,
23 right down in the south? A. I cannot say precisely which
24 bit of the fence it is. It is barbed wire.
25
26 Q All right, I will ask you cameraman that. But we can see that
27 there is an area of ground in the middle as the camera pans
28 back with two guards in military uniforms and then men in the
29 field behind the other barbed wire fence at the other side,
30 correct? Can we run it again. There are the men in the
31 field. Can you see a fence in front of them? A. Yes,
32 I can.
33
34 Q Then there are armed guards in military fatigues?
35 A. There certainly are.
36
37 Q The camera is panning back across an area of ground and
38 focusing on the barbed wire at the other side? A. Yes.
39
40 Q That is the area of ground across which you walked when you
41 arrived to get up to the barbed wire fence where you conducted
42 your interviews, correct? A. I believe that would have
43 been the ground we crossed to get to the barbed wire fence
44 where we began to interview people, yes.
45
46 Q Now could you move on to the next shot and pause where we will
47 see what I suggested to you were wheelbarrows along the inside
48 of the barbed wire fence where the men are standing. Now, if
49 you could just run on a bit further we will get a close up.
50 There are some wheelbarrows there. If you would just go back,
51 please, to the left. Go right back to the beginning of this
52 shot, please. Now this is a shot up at the barbed wire fence
53 where you did your interview and as we will see in a moment
54 where Penny Marshall did her interviews? A. Where I did
55 some of my interviews.

1 Q At the fence? A. At the fence.
2
3 Q We will see one of them in a moment with the man in the white
4 T-shirt and the dark beard whom you filmed through the barbed
5 wire fence. So it appears - we will check this again when he
6 gives evidence - that your cameraman has now moved forward
7 across that area and he is up in what we see is the middle
8 ground there, up at the fence, filming through the fence at
9 the men in the field? A. I cannot say his precise
10 position but it would appear that he has moved.
11
12 Q To that sort of location? A. To that sort of location,
13 yes.
14
15 Q I want you to look when we run through that shot again to the
16 men behind the barbed wire. Look, please, if you will at the
17 men at the left. You can see some of them there already from
18 a distance behind the fence. Do you see them there, a man in
19 a white T-shirt with the pot belly looking along the fence to
20 his right, to your left as you look at it? A. There are
21 people behind that fence, yes.
22
23 Q What I just want you to do as we run through it is look at the
24 men in the equivalent position to the left of the screen in
25 the next sequence as we look for it and see if you can see
26 some men, in particular a man in a purple vest, craning their
27 necks to try and look up along the fence to see something that
28 is going on further up the fence. Could you run it through
29 now. The man on the left here. We will have to run back a
30 bit. I beg your pardon, the man in the blue vest looking up
31 to the left. Can you see that? A. The man in the purple
32 vest you mean on the far left?
33
34 Q Blue vest, to the left of the guard? A. Yes, he is
35 looking at something.
36
37 Q Can you just run the film on a bit from there, please. Do you
38 see all the men lined up there, coming up to the fence, the
39 group of them turning and looking up the fence to the left?
40 Did you see that as we went past? I just want to go through
41 it again. A. Some do appear to be looking in that
42 direction, yes.
43
44 Q There is a whole line of them facing up the fence?
45 A. Well, yes, one or two are looking in that direction,
46 certainly.
47
48 Q Now can you run the film on just a little bit. Pause there
49 and take that film out, please. I want to switch now to a
50 film that we have disclosed and obtained taken from the
51 Serbian film crew that we saw going into the compound. We saw
52 them heading up towards the fence. Do not start running it
53 yet. We will see that this fills in a part of the gap in the
54 evidence left by apparently the missing rushes, the ones that
55 ITN have lost, showing some of the events at the barbed wire

1 fence when Miss Marshall is there doing her interviews.
2 I want initially, because we have not seen it before, to watch
3 it through in total and then I will come back and ask you
4 questions. It runs, I think, about four minutes, fifteen
5 seconds, on our calculations. (Video shown) Could you just
6 pause there and I want you to run it back to one shot in the
7 middle of that clip, which is where the camera pans round to
8 the left and shoots along. Stop there, please. Run it back.
9 All right, stop there. That is a view up along the fence,
10 that shot that we just saw there, correct? A. There is a
11 partial shot panning one way from where the interview was,
12 yes. I would not say up along the fence. The fence was very
13 extensive.

14
15 Q We can see Miss Marshall in the picture? A. I could see
16 Miss Marshall in that picture, yes.

17
18 Q When you were in the camp, at that area of the fence with the
19 men behind it, did you at any stage look as the camera looked
20 up along the fence? A. I cannot recall. One of our tasks
21 at the time -- there were two Serbian cameramen there, one in
22 military uniform, one out of military uniform. I am not sure
23 which of them provided you with his footage but one of our
24 tasks was to keep clear of those two cameramen because we knew
25 that people would be very reluctant to speak frankly in front
26 of a Serbian camera. In fact it might have been equivalent to
27 signing their death warrant.

28
29 Q I am just trying to get your understanding of the layout of
30 the fence and the location of the fence at the moment. We
31 have got a view up along the side of the fence that you were
32 on. Did you have a look along the fence like that at some
33 stage when you were there? A. Well, I would have been
34 looking along the fence all the time. I would have been
35 looking for likely people to talk to, who were not too
36 frightened to talk to me. I would have been looking for
37 likely things to film or to point out to James to film.

38
39 11.15 a.m.

40
41 Q Now you see if you look at Mr. Deichmann's plan, I do not want
42 you to deal with the cross and the long arrow saying "Position
43 of the ITN news team and Penny Marshall" and where it is on
44 the plan, but the camera shot that we have just seen, wherever
45 she is, is looking past Penny Marshall and up the inside of
46 the fence as it were in a north western direction?
47 A. It's very difficult to say precisely where it is looking.
48 They are not my pictures. I don't know the precise location
49 in which that Serbian cameraman was standing.

50
51 Q Well if we go back and look at it, I do not particularly want
52 to do it, it is not good quality tape, and we get this
53 abundantly on your rushes which we are about to look at. We
54 can locate the barbed wire that is in shot at this stage by
55 the building in the background, the community building. That

1 is right, is it not? There was a barbed wire fence, there
2 were men on the other side of it, and then in the background
3 the side of that community building? A. That would
4 certainly seem to be the case.
5
6 Q That was the layout? A. That would seem to be the case
7 from those pictures, yes.
8
9 Q If you look at those pictures that we have seen and the ones
10 that we are about to look at on your rushes, we can see that
11 on the pictures, that it is behind the fence, so when the
12 camera moves round to the left it is moving along the inside
13 of the fence to the left in front of the field where the man
14 is. Correct? A. That appears to be the case, yes.
15
16 Q Now, could we go back to the Channel 4 rushes, please. The
17 white building in the background in that interview was the
18 community building? A. That appears to be the community
19 building, yes.
20
21 Q I wonder whether you could just run the film back to before
22 that interview to the original shot that we get of the
23 community building. Stop there. A little further please.
24 Pause there. On the east side of the community building is a
25 rather strange sort of first floor canopy arrangement. You
26 can see that? A. Yes.
27
28 Q On the side of the building. That is in fact the side that
29 fronts on the east road. Correct? A. I can't say for
30 sure but it is a canopy building, yes.
31
32 Q But I want you, please, to bear that in mind, the canopy and
33 its position on the side of the building as a reference point
34 for later shots that we see in the rushes. Can you just run
35 the film on, please, to the man snagging his T-shirt on a wire
36 fence, which is the next shot. Pause there. Now, we can see
37 in that shot running across the top barbed wire, two strands
38 of barbed wire, one slightly rustier at the bottom and then
39 there is some grey newer one at the top. We can see
40 underneath it that six-sided chicken wire fence that we saw in
41 the close-up of the fence at the southern side. Do you see
42 that? A. Yes, I do.
43
44 Q If you look to the right running away from where we are is a
45 much lower fence. Do you see that, which the blue hand from
46 the side is reaching over? A. Yes.
47
48 Q He snagged his T-shirt on the top of that fence? A. Yes.
49
50 Q The position that the camera is at there, if I can just take
51 you to Mr. Deichmann's plan, is at the top right where he has
52 got the barbed wire fence on his plan on the east road, the
53 top right hand corner, north east corner where there is a 90
54 degree intersection obviously.
55

1 MR. JUSTICE MORLAND: Could you just sort of hold it up so that we
2 can all see what you are indicating, Mr. Millar?
3
4 MR. MILLAR: Yes. We have actually got a bigger one here. The
5 jury will see that there is reference to a barn in the middle
6 and the area we have been talking about is down here, and
7 there is barbed wire fencing suggested around it by an arrow,
8 and the line with long line dot, long long dot, long line dot.
9
10 MR. JUSTICE MORLAND: It is the top right hand corner you are
11 dealing with?
12
13 MR. MILLAR: Top right hand corner. So we have got the barbed
14 wire running across the front as the camera is looking up
15 towards the east road, and, as Mr. Deichmann would have it on
16 his diagram, what we are beginning to see there, what the man
17 is snagging his T-shirt on, is what he has got as the low
18 fence running along the eastern road. Now, do you remember
19 being up in that corner of an area surrounded by barbed wire?
20 A. We were filming all along that stretch of barbed wire.
21
22 Q You were? A. Yes.
23
24 Q Up to that point, north east? A. Which point again are
25 you referring to?
26
27 Q Let me hold this up and show you. Go up the east road on
28 Mr. Deichmann's diagram. A. Yes.
29
30 Q Along the long line, dotted line, long line, dotted line?
31 A. Yes.
32
33 Q To where it turns left at 90 degrees. A. Yes.
34
35 Q That corner, what he says is a compound on an enclosure
36 surrounded by a barbed wire fence, and then he says what runs
37 north east from there along the side of the road is a low wire
38 mesh fence and that is what we can see in the background?
39 A. Yes, that appears to be where the barbed wire fence meets
40 the chicken wire fence. Yes.
41
42 Q So that bit of Mr. Deichmann's diagram is correct?
43 A. Insofar as there is a corner where barbed wire meets
44 chicken wire, yes.
45
46 Q And that corner to the right of that shot, as we saw earlier,
47 is the top of the barbed wire fence running up the eastern
48 road which had the gate in it. Do you remember? If you look
49 at the diagram, the dark shaded area, we saw a gate and barbed
50 wire fencing along the side of that road. A. I recall the
51 gate but I think it is very indistinct from this picture as to
52 where that wire is going or where it might be terminated.
53
54 Q We will go on a bit because we will see it later on. Can you
55 run on a bit, please? Maybe just pause at the end of it with

1 the white building in the background. Now that, on the
2 rushes, is the first time that we can locate you, which we do
3 by your voice, I think, on the interview. A. Yes.
4
5 Q And you were looking through the barbed wire there towards the
6 community building in the background when you were
7 interviewing? A. Yes.
8
9 Q If we run on. It is a shot we looked at ... Stop there,
10 please. Can you just run back a little bit? The right, the
11 dark pole.
12
13 MR. JUSTICE MORLAND: That is the corner post?
14
15 MR. MILLAR: That is the corner pole, yes, of the barbed wire
16 fencing around the area. (To the witness): Do you see that?
17 A. Yes.
18
19 Q So we now complete the picture and we can see the low wire
20 mesh fence running north east along the side of the road?
21 A. Yes, that is where the low wire fence meets the barbed
22 wire fence.
23
24 Q This is the point at which the three pieces of fencing - see
25 Mr. Deichmann's diagram - meet, is it not, on the road? The
26 two sides of the barbed wire around the area that you are in
27 and the different fence, the low wire fence, running up along
28 the eastern road? A. That seems to be where the low wire
29 fence and the barbed wire fence of the prisoners' compound
30 meets, yes.
31
32 MR. JUSTICE MORLAND: Is there no low wire fence, chicken wire
33 fence, running east west as well below the barbed wire?
34
35 MR. MILLAR: There is. You can see it there.
36
37 MR. JUSTICE MORLAND: Yes.
38
39 MR. MILLAR: But we are going to see this more clearly later on.
40 This was why I detailed earlier the shape, the hexagonal shape
41 or the six-sided shape, whatever it is.
42
43 MR. JUSTICE MORLAND: Yes.
44
45 MR. MILLAR: If you look at the darker chicken wire, slightly
46 rusty, below the barbed wire of this fence, it is the shape of
47 the fence that we saw down at the south. The fence in the
48 background that we are going to see more closely later on, the
49 low fence, is a chris-cross fence and it is a more modern
50 wire. It is a silvery fence.
51
52 MR. JUSTICE MORLAND: That is running alongside or parallel to the
53 road running from the south to the north?
54
55 MR. MILLAR: Yes.

1 MR. JUSTICE MORLAND: Should we have a break now? A quarter of an
2 hour break now.

3
4 (Adjourned for a short time)

5
6 MR. MILLAR: (To the witness): Mr. Williams, we have seen this
7 shot before of the man snagging his T-shirt on the fence that
8 we looked at a moment ago. I just want you and the jury to
9 note, as it were, for a reference point that behind this thin
10 man here is a pile of those grey building blocks. Do you see
11 that on the other side of the barbed wire fence? A. Just
12 below the armed Serbian guard, you mean?

13
14 Q Yes. Well, whichever way you want to look at it, it is behind
15 him. You see the building blocks? A. I can, yes.

16
17 Q Now if we run on through the - I do not want to do it at the
18 moment - next section, which is your interview of the man with
19 the white T-shirt and the dark beard that we looked at a
20 moment ago, part of which appears in your report, part of that
21 interview also appeared in Penny Marshall's report, the News
22 at Ten report. Correct? A. That's correct.

23
24 Q Do you know how that came about, how she came to use that part
25 of your rushes in her report? A. I can't remember the
26 precise mechanics of it but this was always going to be a
27 joint effort, the way we worked in the camps, and we made each
28 other aware of the material that we had in a broad sense and
29 were able at some times -- some instances while we were
30 editing to view some of each other's material.

31
32 Q When was that? In Budapest? A. That would have been in
33 Budapest although I would have alerted Penny to the existence
34 of some of the material I had ahead of arriving in Budapest.

35
36 Q Let us look at that in a little more detail. You told us in
37 Budapest you were each in different editing suites. How does
38 it work? Do you pop into hers to see her rushes, and she pops
39 into yours to see your rushes? A. It wouldn't be as
40 simple as that. I would -- or we would as a team have made
41 partners at Channel 3 aware of what we had and I cannot recall
42 the precise mechanics of the edit in Budapest. We were
43 editing close together and at some point during that afternoon
44 I or members of my team would have made Penny or members of
45 her team aware of the material that we had and which we were
46 putting into our Channel 4 news report.

47
48 11.45 a.m.

49
50 Q So what do you mean by "made aware of"? You would have shown
51 them the 22 minutes of rushes that you had got? A. No,
52 not necessarily. I mean, they might not have wanted to see
53 the entire rushes but we would have made them aware of what we
54 were using and what material we had, and there were perhaps
55 sections of it which they might have wanted to look at.

- 1 Q They might not have bothered to see the whole rushes. It is
2 22 minutes of that film at Trnopolje. Are you saying they did
3 not see that 22 minutes of rushes? A. We wanted primarily
4 to work from our own shots, from the shots that each team had
5 shot within the camps. There was no real need, certainly from
6 our point of view, to view in its entirety the shots that
7 Channel 3 had shot.
8
- 9 Q At any rate I had understood from your evidence yesterday -
10 tell me if this is wrong - that the only part of the Channel 3
11 material that you saw was what was on the feed at 5.45, i.e.
12 the Alic clip, that you incorporated into your film. Have
13 I got that wrong? A. No, that is correct. That is the
14 only part of the Channel 3 rushes that I saw, or the Channel
15 3 material that I saw. I cannot recall precisely what my
16 colleagues Andy Braddel and James Nicholas would have seen.
17 James was probably more aware of the content of the Channel
18 3 material because I believe at some point in Budapest he was
19 helping them out technically to dub some material across.
20 But my team would have been pretty well aware of that
21 material, although I myself only saw Channel 3 material,
22 I believe, on the 5.45 feed out of Budapest.
23
- 24 Q Right. Let me see if I can get this right. You only see
25 what is on the 5.45 feed. The others in your team who are
26 giving evidence and who I can ask about this, according to
27 your understanding, saw other parts of the rushes of the ITN
28 film? A. I cannot remember precisely when or which part
29 they would have seen but we worked together very closely as a
30 team and we would have - "we" in terms of my team - would have
31 made themselves aware of what the Channel 3 team had, and
32 certainly Penny made me aware of what she had verbally in our
33 discussions before we got to Budapest.
34
- 35 Q This may go some way to explaining something that has puzzled
36 us, which is that on your film report, which we are going to
37 look at later, you also have the section of the interview with
38 the doctor that appears on the ITN rushes as well as the Alic
39 shot, do you not? A. That is right.
40
- 41 Q And I would have thought, since it was your report - and that
42 is another section that you are taking from somebody else's
43 rushes and incorporating into your broadcast report - that you
44 would have seen the section of the rushes from which that
45 came, the doctor section of the rushes? Have I got that
46 wrong? You never saw that? A. I cannot recall when I saw
47 that section, whether it was when we were cutting from it or
48 whether I was advised about it by Andy. Penny made me aware
49 of what she had and her conversations with the doctor soon
50 after we left the camps and the existence of the film which
51 had been smuggled out.
52
- 53 Q So Andy comes to you and says at some stage: "I've seen a bit
54 of their rushes. By the way, they've got some film of the
55 doctor. Maybe Penny's mentioned that to you", and you say:

1 "Right. Great. We'll have a clip of that. We'll put it in
2 our report", and you do that without ever seeing the rushes
3 with that bit of the doctor on? Did you say: "That's fine.
4 We'll do that"? A. No. What happened ---
5

6 Q You did see some of the rushes? A. I did see some of the
7 rushes on the 5.45 feed out. I cannot recall when I saw the
8 doctor pictures. The way the doctor pictures came to be
9 incorporated in my report was that Penny made me aware of the
10 conversations that she had in the medical centre at Trnopolje
11 camp. She also made me aware of the photographs, the film
12 that she had been given by the doctor to smuggle out of the
13 camp and the video of what I subsequently saw in Budapest.
14 I believe the first time I saw the rushes of the pictures from
15 the medical centre was shortly before I incorporated them into
16 my report. The shots in there are not -- it is not an
17 extensive sequence. It did not take long to view them before
18 incorporating them into my report. I had talked at length
19 with Penny about what she had found in that medical centre.
20 Penny is a journalist of great professionalism and integrity.
21 I had no reason to think that they were any different from as
22 she described them to me.
23

24 Q Right. We may be getting a little closer to the truth now.
25 So you saw the 5.45 feed with a bit of Alic on and you did see
26 some of the rushes, i.e. you saw at least the rushes with the
27 doctor sequence on, part of which you used in your report, is
28 that right? A. Well, that is self-evident because I would
29 have had to have cut the pictures out of the rushes tape that
30 Channel 3 had in order to incorporate them into the Channel 4
31 report.
32

33 Q Right. So when you saw those bits of the rushes did you go
34 into her editing suite to have a look at them? A. I
35 cannot recall where I saw them. I suspect that we probably
36 brought the tapes or that particular tape through to view it
37 in our edit suite. I cannot recall whether Andy or James
38 would have viewed it in more detail ahead of me earlier in
39 that afternoon.
40

41 Q Right. So the idea is you see the bit on the rushes from
42 which you might take a section for your broadcast report,
43 quite understandable because you want to see that bit through
44 and see which is the bit that you want to put in your report,
45 correct? A. No ---
46

47 Q That is what you did? A. Well, not, it is not. What we
48 do -- the process of putting a report together is rather more
49 complicated than that and the process of putting these reports
50 together was more so still because we were so keen to be
51 cautious in the way that we presented these camps.
52

53 Q I see. A. And we had talked at some considerable length
54 about the material which each of us had.
55

1 Q Yes. A. We were keen as far as possible to use the
2 material from our own respective cameramen but we had to some
3 extent also work as a team within those camps. Penny was able
4 to cover certain areas, I was not. We were able to divert and
5 dilute the Serb guard presence.
6

7 Q Mr. Williams, I do not want to interrupt you but I am sure we
8 have got all those points --- A. Well, there are very
9 important points.
10

11 Q I am sure they are but we have got them and you have given
12 evidence about them a number of times. I was asking you a
13 very simple question. There is a situation where your
14 colleague has on some of her rushes some film of a doctor that
15 you may want to use in your broadcast report. You have now
16 accepted that somewhere, whether in her suite or by the rushes
17 being brought over to your suite, you watched the section of
18 the rushes with the doctor on. All I was putting to you was -
19 and I would have thought it was obvious - the reason why you
20 want to look at the section of the rushes, having thought to
21 yourself "I might incorporate a bit of the doctor interview in
22 my broadcast report", is so that you can see what it shows and
23 decide which, if any, bits you want to put in your broadcast
24 report? That must be right, must it not? That is the idea?
25 A. That is right, yes.
26

27 Q Thank you. And presumably the same principle would apply to
28 the Alic clip? You have seen it in a form on the 5.45 feed.
29 If you want to incorporate some Alic into your broadcast
30 surely you would make sure that you look at the relevant
31 section of the rushes to select the bit that you want to use
32 in your report on that same principle, correct? A. The
33 Alic clip was a different sort of clip to the doctor. The
34 doctor was very much a sequence within his medical centre,
35 which we were using to make the point about the brutality that
36 had existed and existed within this particular camp.
37

38 Q Did you adopt the same approach with the Alic clip once you
39 had decided you might want to use it? A. I looked at the
40 ---
41

42 Q Did you look at the rushes of the Alic clip? A. I did
43 look at the rushes. I looked at the pictures that were being
44 sent to London, which I believe was a fairly lengthy clip
45 which incorporated the Alic image. I felt it was a good shot,
46 an appropriate shot and I included it in my coverage of this
47 particular camp.
48

49 Q It was so good as a shot - you have told us this - so powerful
50 as an image that you felt you had to take that step of taking
51 it and using it in your report, correct? A. Because it
52 was a strong image which I felt epitomised what I had seen at
53 Trnopolje and would be an important addition to the other
54 powerful images which I was using from Trnopolje camp.
55

1 Q And your colleague has got it on a section of her rushes in a
2 room down the corridor. You are seriously suggesting as a
3 professional t.v. news reporter compiling a report of this
4 importance that you do not make a point of looking at that
5 bit, that image that you are lifting in very brief form on her
6 rushes to see it in context, to see what was happening with
7 Mr. Alic? Are you seriously suggesting that? A. I am
8 suggesting two things: one, I cannot recall the length of the
9 clip that I looked at and from which I took the Alic and I had
10 spent an hour looking at context, looking at the condition of
11 the people behind that fence. That was the context.
12
13 Q But you were not there, were you, when Alic came through the
14 crowd? You had just seen a film of it? A. I was not
15 there.
16
17 Q You are using it as an isolated image because of its power,
18 are you not? A. I am using it because it is a strong
19 image. I would not describe it as an isolated image.
20
21 Q I see. Well, we will see how it was used later in particular
22 by those who presented the report on Channel 4. They used it
23 as an isolated image. But you are suggesting you do not
24 bother in those circumstances to make a point of seeing that
25 section on your colleague's rushes? A. As I have said,
26 I cannot recall the length of the clip that I looked at and
27 from which I took the Alic image. But it was from the same
28 scene that greeted us in this field, that was the context.
29 It was a strong image that supported what we had seen and what
30 we had felt about what was happening in this particular camp.
31
32 Q You see, there is something odd in this case, is there not,
33 about the Alic clip -- I am not suggesting there is anything
34 underhand or improper about it, it is just the way things have
35 worked out -- which is that we have not got the rushes of the
36 piece of film that is at the heart of this case?
37
38 MR. SHIELDS: My Lord, if that is the case why does he use the
39 words "there is something odd about this case"?
40
41 MR. MILLAR: Because it is odd. We have not got the rushes of the
42 piece of film ---
43
44 MR. JUSTICE MORLAND: I have no doubt Mr. Millar will be very
45 careful not to use cross-examination as a vehicle for comment.
46
47 MR. MILLAR: I am obliged to your Lordship. (To the witness):
48 Are you keen to suggest to the court that you did not see
49 that relevant part of the ITN rushes in order to avoid being
50 cross-examined about what was on those rushes that we have not
51 got? A. I am sorry, could you repeat that?
52
53 Q If you had seen those rushes I could ask you what was on them,
54 could I not? A. You could.
55

1 Q Are you suggesting that you did not see them in order to avoid
2 questioning about what was on those rushes? A. Certainly
3 not.
4
5 Q Now can we come back to the Channel 4 rushes, please. I now
6 want to locate you in a shot on the Channel 4 rushes and if we
7 run on from the point that we are at. I think we can move
8 quite quickly through that interview to the next sequence back
9 at the east road, where the three fences joined. Just pause
10 there for a second. I think what we can see there is that
11 location where the three fences join and there are some men
12 crowding around, I think, if we were to go back and look at
13 it, because somebody is handing out cigarettes, a guard,
14 I think. Somebody there at the fence has got something, some
15 cigarettes, I do not know, they are handing out. If you run
16 on for a bit you will see the camera moves to the left through
17 a shot of some men at the back who wave at the camera, and it
18 comes back. Pause there. Do you see the man in the white
19 vest? A. Yes.
20
21 Q Just look over his right shoulder. There is a white shirt
22 with a flak jacket and there are men up at the fence, that
23 group of men. We will have to look at this a couple of times.
24 It is self-evidently you but you have to look at it because
25 you only appear briefly behind the man in the white vest.
26 Would you run on, please. That is you, is it not?
27 A. That appears to be me, yes, myself and Andy.
28
29 Q That is you and Andy, the two gentlemen in the flak jackets.
30 Okay, pause there. So for the first time there we can locate
31 you on the film and you will understand what I am putting to
32 you if you look at Mr. Deichmann's diagram. You were up there
33 at the north-eastern corner of what he has got as the barbed
34 wire fencing, on the inside of the barbed wire fence. Do you
35 follow? A. Yes.
36
37 Q Is that correct? A. That seems to be the place, yes.
38
39 Q Therefore standing where you are you have behind you the
40 barbed wire fence running down the road with the gate in it
41 and running away off to the left the barbed wire fence running
42 up to the north-west that we saw the long shot of in the
43 Serbian film, is that right? A. I cannot recall the exact
44 location but I was certainly at the fence, at the barbed wire
45 talking to the terrified man in the white shirt.
46
47 Q You see, something strikes me as odd about this, and I want to
48 put it to you. You come to a different camp from Omarska, the
49 layout of which is obviously different. You have not driven
50 up to a gate and gone in, as you did in Omarska. You have
51 gone into this area where there is barbed wire fencing and you
52 have seen the men there who you obviously are moved by and you
53 consider an important story and that you have found them, have
54 I got that right? A. Which part?
55

1 Q The last part. A. I am moved by it, yes.
2
3 Q And you consider it an important find that they are there
4 behind the barbed wire fence? A. Yes.
5
6 Q And it is a very different visual set-up and a very different
7 physical set-up to the one at Trnopolje where everything was
8 locked away -- at Omarska, where everything was hidden away
9 from you? A. That is a case of ---
10
11 Q Regimented? A. Yes, although I would not agree with your
12 observation that it was obviously a different sort of camp.
13 That was not immediately clear when we arrived.
14
15 Q I apologise if I suggested that. I did not mean to suggest
16 that. I just said in terms of what you were seeing it was
17 very different? A. Yes.
18
19 Q You were seeing a chaotic scene, large numbers of men behind a
20 barbed wire fence in a field, whereas at Omarska you had seen
21 regimented men filing in and out of the canteen, eating food
22 and being taken back to areas of the camp you could not see?
23 A. That is right.
24
25 Q And there you are up in the north-east corner as we have got
26 it and that barbed wire fencing, on shot, interviewing a group
27 of those men, I think you were, were you not, behind the
28 barbed wire fence? A. Yes.
29
30 Q Talking to them? A. That is right.
31
32 Q Just help me with this. How long have you been at the camp
33 roughly at that stage? A. This would have been the
34 opening minutes of the camp. This would have been just about
35 the first thing we did, the first interview we did on camera.
36
37 Q So that would be while Penny Marshall is up at the fence
38 further up doing her interview? A. I cannot recall
39 precisely where Penny was but I guess that she would at that
40 time have been roughly along that same length of barbed wire.
41
42 Q Do you not at that point say to yourself: "Well, here are
43 these men behind barbed wire. Here am I, I have got to them.
44 What's the layout here?" Do you not have a look around and
45 ask yourself what the layout of this camp is and the scene
46 that you have encountered and the barbed wire? A. No.
47 No, you ask yourself: "How long am I going to be allowed to
48 remain here? How much material, how many images, how many
49 conversations to try and ascertain what is happening here am
50 I going to be able to have before somebody with a gun asks me
51 to move on or to leave?"
52
53 Q Right. But you were there for an hour in total, I think?
54 A. Around an hour, yes.
55

1 Q And as we have agreed, you took a route around the camp that
2 enabled you to go around it, and we are going to see some
3 shots later on of you standing interviewing another group of
4 men over the low mesh fence? A. Yes. I cannot recall the
5 precise routing that we took. Sometimes it was zig-zagging
6 because of attempts to try and talk to people, but certainly
7 we encircled this enclosure.
8

9 Q And nobody in any of the shots where we see you on these
10 rushes is pointing a gun at you or asking you to move on?
11 You seem to be able to conduct your interviews of the men and
12 do so at some length, as we can see from the rushes?
13 A. At this point we are able to but you will also recall that
14 the last instance, the last experience we had at the Omarska
15 camp, was of a rather unpleasant confrontation with armed
16 guards who ushered us out virtually at gunpoint. There were
17 heavily armed men here at Trnopolje, guards, whom those behind
18 the wire were very, very frightened of. We had no knowledge,
19 we could not tell for one moment how long they would tolerate
20 us talking to those behind the fence, how long they would
21 tolerate us remaining at that camp. The experience from the
22 previous one suggested we might not get very long and so we
23 wanted to obtain as much evidence as we could before we were
24 moved on.
25

26 Q It must have become apparent as the hour went on that that was
27 not what was happening here, that you were not being ushered
28 away, you were being allowed to go round the camp. Correct?
29 A. No, to point.
30

31 Q To a point. A. No, there were people there ushering us,
32 there were guards, where they were able to, coming and
33 standing over and attempting to listen to conversations.
34 Certainly I would not have described it as having freedom to
35 roam around the camp. We were able to move around the camp
36 but there were guards watching us, there were guards
37 attempting to eavesdrop on conversations we were having all
38 the time. It was certainly not by any stretch of the
39 imagination a free and easy atmosphere.
40

41 Q So in that shot of you at the fence doing those interviews
42 behind the man with the white vest, roughly how long did you
43 spend at that point doing those interviews? A. I would
44 guess perhaps five minutes.
45

46 Q Five minutes. A. Five or ten minutes. It is my best
47 guess. I cannot recall precisely.
48

49 Q Could you run the film on please? (Pause) Pause there. The
50 camera, your cameraman, is now -- let me just put this to you
51 on the Deichmann diagram so everyone can understand and see.
52 If you look on his version of the barbed wire fence, the dark
53 black one, at the north-west corner, the top right corner,
54 there is an intersection again with a low mesh fence but of
55 course we are on the western side now, not the eastern side.

1 Yes? A. Yes.
2
3 Q The men behind the low wire fence. A. Yes.
4
5 Q If you look at the shot of the poles there you will see a dark
6 pole on the right, like the ones we saw before when we were
7 looking at the fencing around the southern part, round the
8 barn. Do you see that? A. Yes.
9
10 Q If you look closely, and it may be difficult to see it on this
11 shot but we will see it on a later shot much more clearly, the
12 fencing again is three sections of fence meeting, a corner of
13 barbed wire fencing and a mesh fence running off north-west
14 from it. Do you see that, from that dark pole? A. That
15 is not very distinct, no. There is certainly a low wire fence
16 meeting something but it's not very distinct.
17
18 Q Can I just ask you to note something else about this shot
19 which is that the low mesh fence is running over ground where
20 the grass is relatively evenly mown. Can you see that? It
21 is not tufting up foliage around the bottom of the fence, on
22 the low fence. Do you see, where the men's feet are?
23 A. (Pause) It is not very distinct.
24
25 Q Look at the men's feet and where they are standing, behind
26 that low mesh fence. A. Yes.
27
28 Q That is a piece of field, is it not? A. Yes.
29
30 Q And the grass is relatively even there. Yes? A. It looks
31 a little less even around their feet.
32
33 Q All right. Look to the right, to the dark pole and what we
34 say is the corner of the barbed wire fence. I am sure if you
35 were a gardener, which I am not, this would be more
36 significant, if you mow lawns, but up against that fence the
37 foliage is all grown up high. Do you see that? A. That
38 particular spot, yes.
39
40 Q Indeed, in every part that we see of that barbed wire fence
41 and the dark rusty brown poles, and it appears on every one we
42 have seen, the foliage and grass and weeds are growing up
43 around the bottom of the fence like that. Do you remember
44 that about the barbed wire fence? A. I do not. I do not
45 closely recall that, no.
46
47 Q You see, it suggests, does it not, that the barbed wire fence
48 has been there longer than the lower mesh fence. A. It
49 may well have been.
50
51 12.35 p.m.
52
53 Q Indeed, we will see some shots again of close-ups of the lower
54 fence, the mesh fence to the western side, and we will be able
55 to see, comparing it with close-ups that we saw earlier of the

1 barbed wire fence, that it is newer fencing. Is that your
2 recollection? A. It certainly appears to be newer
3 fencing, yes. Although of course some of the barbed wire
4 appears quite new also. You pointed out the rusting bit you
5 will recall, and the newer part below that.

6
7 Q Could you run the film on a bit, please, to a guard with a ...
8 If we look at these shots we can see the community building
9 again in the background. We cannot see the canopy because we
10 have come round to the southwest of the community building but
11 we can see a canopy but only a bit of it at a different angle.
12 There is a low wire mesh fence. We can see a bit of the
13 canopy there. Stop there, please. As we will see when this
14 runs on, this guard is on the west side and he is walking down
15 towards that fence that we have just looked at, the mesh fence
16 on the west side. If you look up in the background you can
17 see people, possibly men, it is not clear, behind a low fence.
18 Can you see that? A. Yes.

19
20 Q It is not a mesh fence, it is in fact a wrought iron fence and
21 we are going to see that in due course in close up a bit more.
22 Were those people up there part of the imprisonment that you
23 have described? A. I can't recall where precisely this
24 shot was taken. It may well be that I wasn't with the
25 cameraman at the time. I can't recall precisely where this
26 shot was taken.

27
28 Q Well, let me help you. Can you run it on a bit? Stop there.
29 So that is the mesh fence on the west side on Mr. Deichmann's
30 diagram, up towards the community building which is in the
31 background? A. It would appear to be, yes.

32
33 Q So if we look at Mr. Deichmann's diagram what we are looking
34 at in the original shot is further north towards the school
35 building and people located up around the school building.
36 Yes? A. That would seem to be the case, yes.

37
38 Q Can you run on, please? If you do not mind, we can run
39 through this, but I think at this point you are at the west
40 fence, the west side interviewing people over that low mesh
41 fence. Is that right? A. I believe so.

42
43 Q Could you just run on, please, to the interview, some of which
44 appears on the reports of the man in the white vest with
45 something over his shoulder. Stop there. Just run a bit of
46 that interview. I do not want to see that because I do not
47 think we are quite familiar with that man and his face. Could
48 you take that film out, please, and put the C3 rushes in? Can
49 you run it to a point two hours, 11 minutes, 50 seconds, which
50 I think is back from where we were -- back to where we were
51 towards the end of the tape. Just stop there. Can you run it
52 on, please, to the next bit? Stop there, please. That is the
53 gentleman with the white vest and the thing over his shoulder?
54 A. It seems to be, yes.
55

1 Q He is at an upstairs window there in the community building?
2 Is that right? A. I can't say for sure where that is, no.
3
4 Q Did the community building have -- you filmed some of your
5 rushes, as we can see in a moment, in a sports hall or a
6 basket ball court? A. Yes.
7
8 Q A gymnasium with racks with plywood frames inside. Yes?
9 A. Yes.
10
11 Q Was that upstairs in the middle building? A. I cannot
12 recall precisely. It was inside one of those buildings which
13 had been used as some sort of sports centre.
14
15 Q But was it your understanding that the men you saw in the
16 field were free to move between the building and the bit
17 upstairs in the building? A. I think some of them had
18 access to the building, the back of the field, but most of
19 them were left to their devices out in the field immediately
20 in front of it.
21
22 Q I am sorry, what do you mean by "had access to"? A. Well,
23 there were people sleeping and eating in the open field and
24 there were people sleeping inside the building at the back.
25 I'm not sure about the degree of access that people had to the
26 building at the back.
27
28 Q You do not know? A. No.
29
30 Q You do not know whether the men that we saw in the field could
31 move freely between that upstairs part of the community
32 building and out into the field and back again? You simply do
33 not know? A. I don't know. Most of them certainly felt
34 they did not have that freedom to move and regarded themselves
35 as prisoners in that field.
36
37 Q But, you see, we are going to see later on that you
38 interviewed a number of people in that gymnasium upstairs in
39 the building, including one quite long interview that we are
40 going to look at. I mean, presumably you asked them, since
41 you consider it such an important point and have emphasised it
42 at this trial: "Well, are you free to move up and down the
43 stairs, out into the field?" That would have been something
44 you asked them? A. I would have asked them about the
45 conditions that they were living in. Those I spoke to about
46 where they slept and ate said they slept in the field which
47 was surrounded by the wire. I emphasised in my report it was
48 a mixed camp. I'm not sure who had access to the building
49 behind the field.
50
51 Q Let me tell you what you say in your report. We can go to the
52 transcript, although we are going to go to it later in some
53 detail. You say:
54
55 "Conditions at this camp were appalling. In 100 degree

1 heat hundreds of men were forced to eat and sleep outside
2 in a field behind barbed wire."
3

4 Do you remember saying that on the report? A. I do.
5

6 Q But you are now saying that you do not know whether they were
7 forced to sleep outside in that field? A. No, I am saying
8 that from my conversations on camera and off camera with those
9 people who were in the field, they told me that they were
10 forced to sleep and eat outside in that field where there was
11 100 degree heat. That is as I reported it.
12

13 Q I see. But you now accept that from this gentleman, who was
14 one of your interviewees in the field, that he was able to
15 move into the building? A. For whatever reason he appears
16 to be in that building at the back of the field.
17

18 Q Thank you. Could we go back to the Channel 4 rushes, please?
19 You can run on a bit to the end of this interview. We have
20 seen it a number of times. I will tell you when to stop if
21 I can catch it. There he is leaning on the low wire mesh
22 fence. Correct? A. Yes.
23

24 Q Stop there. I am sorry, you will have to go back, I am
25 afraid. We have got to catch the very beginning of it. That
26 is the one. Now, there we get a better shot, do we not, of
27 what we were looking at just a moment ago which is on
28 Mr. Deichmann's diagram the north western corner of the area
29 with barbed wire fencing, with the grass growing up around the
30 bottom of the fence. Do you see that? A. Yes.
31

32 Q If you look at that barbed wire fencing there which is running
33 from the pole in the middle, the dark pole, in the foreground
34 off to the right you can see that it sags down from the pole.
35 Do you see that? A. It is not very distinct, no.
36

37 Q Well, maybe at some stage -- do you want to get closer?
38 A. No. I mean, I ----
39

40 Q I can see it from here. It is a light line sagging down left
41 to right. A. It is not distinct to me.
42

43 MR. JUSTICE MORLAND: Are you indicating here?

44
45 MR. MILLAR: Running along from the pole left to right. There is
46 fencing ----
47

48 MR. JUSTICE MORLAND: Like this?

49
50 MR. MILLAR: That is it.

51
52 MR. JUSTICE MORLAND: You see where there are some concrete slabs.
53

54 MR. MILLAR: Yes.
55

1 MR. JUSTICE MORLAND: Going over, there seems to be a wire there.
2
3 MR. MILLAR: That is the wire, yes, which is sagging down from the
4 pole.
5
6 MR. JUSTICE MORLAND: It is not for me to give evidence, it is for
7 you to make what you can of these films but that is what
8 I seem to see. Yes.
9
10 MR. MILLAR: Now, that is the inside of that north western part,
11 is it not, of the area surrounded by barbed wire and we can
12 see some of those grey builders' slabs there inside. Yes?
13 A. Yes, there are slabs there, yes.
14
15 Q We can see the grass growing up around the corner on both
16 sides of the fencing? A. Yes.
17
18 Q I think if you look in the background you can see a wheel
19 barrow or bits of a wheelbarrow. We will see them from
20 another side later on. The wheelbarrow that we saw ----
21
22 MR. JUSTICE MORLAND: That is here, is it?
23
24 MR. MILLAR: Yes. (To the witness): If we run on I think we can
25 get you on camera in location two in the camp. Stop there.
26 That is you, is it? A. Yes, that seems to be me. Yes.
27
28 Q Conducting interviews over the lower mesh fence to the west?
29 A. Yes.
30
31 MR. JUSTICE MORLAND: That is over here, is it?
32
33 MR. MILLAR: That is right. In the black flak jacket.
34
35 MR. JUSTICE MORLAND: Now if we look at this on Mr. Deichmann's
36 diagram, which I know you do not agree with, you are there
37 somewhere up at the point where his short arrow low fence
38 meets the fence, are you not? A little bit further down from
39 that actually? A. Yes, it is some way down, I think.
40
41 MR. MILLAR: Some way down. Perhaps about halfway down or just
42 below halfway down? A. Yes.
43
44 Q And there is a stretch of mesh fence off to your right and
45 then the barbed wire fence running off to the side that we
46 have just seen which was the fence behind which Mr. Alic was
47 filmed? A. Yes.
48
49 Q So you can see from where you are there the side of the barbed
50 wire fence from which Mr. Alic came and was filmed. Yes?
51 A. It has gone.
52
53 Q Can you run back a bit? Run the video back a bit, please.
54 You will see where it is in relation -- there it is. Right?
55

1. A. No, my screen has gone actually. (After a pause): Yes,
2 I am back with you.
3
4 Q We can get your location from the movement of the camera here.
5 There is the barbed wire fence. The northern side of it is on
6 the poles running away to the top right hand corner?
7 A. Yes.
8
9 Q The camera moves to the right along the wire mesh fence. You
10 are outside the field. A bit further up from that north
11 western corner, the barbed wire fencing. Do you want to just
12 run it on? There you are? A. Yes.
13
14 Q Now, from that corner, that dark pole, there is continuously
15 wire mesh fencing. We can see that as the camera runs up, can
16 we not? A. Yes.
17
18 Q So however you have got there, from location 1, which was over
19 on the inside of the barbed wire fence near the north east
20 corner on Mr. Deichmann's diagram and the eastern road, you
21 have come past, have you not, that corner of the barbed wire
22 fence? A. I have come around the corner, yes.
23
24 Q You have come past it in some way. You have not come through
25 the field where the men are because the low wire mesh fence is
26 there all the way, is it not? So you have come past it.
27 Where that area of ground is actually running up past it, you
28 have come past that, have you not? A. I have come around
29 the corner, yes.
30
31 Q I am sorry, what are you saying is the corner? A. You
32 pointed out the corner where the barbed wire meets the low
33 wire fence.
34
35 Q Yes. A. And I have come around to the low wire fence.
36
37 Q When you say "come around", what do you mean? A. Walked
38 around the corner and down beside the low wire fence.
39
40 MR. JUSTICE MORLAND: Through the high grass and weeds into the
41 cut area round the corner? A. Yes.
42
43 MR. MILLAR: You saw what I said, and the members of the jury will
44 see it later on from closer up, of the sagging fence there,
45 and I think we will see it, as I say, from the other side, so
46 how do you negotiate that to get out into the area that his
47 Lordship described? A. I have no recollection of
48 negotiating a fence along that side of what you call the
49 enclosure.
50
51 Q Can I just get this clear? Are you saying there is not a
52 barbed wire fence there? A. There may be the remnants of
53 a barbed wire fence there but there was certainly not a wire
54 fence obstructing our ability to walk down and around the
55 corner to the low wire fence.

1 Q So you come from the north east corner looking at
2 Mr. Deichmann's diagram, along the inside of the barbed wire
3 fence where the interviews were conducted to the north west
4 corner, and to get to your location next to the low fence just
5 explain this to me, you somehow negotiate your way through
6 that section there that we can see? Is that right?
7 A. I did, and there is clearly sort of grass and debris and
8 whatever there, but I have no recollection of having to
9 negotiate a barbed wire fence in order to get down and around
10 that corner. I think it was pretty straightforward to go
11 round that corner.

12
13 Q Well, it is a matter for the jury. They will have an
14 opportunity to look at the shot at some stage no doubt if they
15 want to, that we have just looked at, and his Lordship got up
16 and pointed out on the television, and they will see what they
17 will see. You see, I am putting it to you that visible on
18 that shot on the video is exactly the same type of fence
19 arrangement that we have seen all around this area, which is a
20 low mesh fence up to about head height or neck height, with
21 strands of barbed wire running across on top of it, except
22 that they are sagging at this point in the fence. You do not
23 agree with that? A. No. I mean, there may have been the
24 remnants of a fence there but there was -- I have no
25 recollection of having a difficult task of -- in fact it was
26 pretty straightforward to walk from the barbed wire around the
27 corner to where the low wire is.

28
29 MR. JUSTICE MORLAND: Are you putting as chicken wire here and
30 then barbed wire possibly sagging here? But are you saying
31 there is chicken wire in that corner running effectively north
32 south?

33
34 MR. MILLAR: Yes. What there is, we say, all the way round is the
35 same type of fencing that we saw right back at the beginning
36 at the southern part of the compound where the camera gave us
37 a close-up. It is sort of slightly rusty hexagonal fencing
38 underneath with two strands of wire.

39
40 MR. JUSTICE MORLAND: You say that is all round what you call the
41 enclosed area?

42
43 MR. MILLAR: Yes.

44
45 MR. JUSTICE MORLAND: The four sides of it?

46
47 MR. MILLAR: Yes, around the barn. (To the witness): Now, you
48 say there may have been some barbed wire there?

49 A. I cannot recall. What I am saying is I have no difficulty
50 walking from the barbed wire around the corner to where the
51 low fence is. My concentration was on those people in the
52 field. They were the people who I wanted to film and what
53 I wanted to talk to. Frankly, I didn't really take much
54 notice of whether there was a barbed wire on the far side or
55 the extent of what might have been the remnants of barbed wire

1 on this near side. I certainly had no difficulty walking from
2 where we had been filming beside the barbed wire down and
3 around the corner to the low chicken wire which formed this
4 side of the pen.
5

6 Q As I say, we will see that section of fencing later on in your
7 rushes from the other side, because one of the things your
8 cameraman does is he takes a long shot, zooms in on the man in
9 the enclosure at the south, across it, as we can see the wire
10 on other side. But are you sure, I just want to check this,
11 that you did not come out of that enclosure to get to the low
12 fence on the west in the same way that you went into it?

13 A. Most certainly ----

14
15 Q One of those gaps down by the transformer? A. Most
16 certainly not.

17
18 Q You are certain about that? A. Absolutely certain.

19
20 Q That is one of the things you are certain about?

21 A. Absolutely certain.
22

23 Q So you have gone in through a gap in the barbed wire fence
24 next to the transformer. You have accepted that. You have
25 gone up to the north east corner, as we have seen, of some
26 barbed wire fencing past the gate on the right where the track
27 comes in from the road and you have moved all the way along
28 the inside of the barbed wire fence to get out of it, to get
29 up the west side of the low mesh fence. That is what you say
30 was happening? A. That seems to have been my movements,
31 although I would not share your definitions in the sense that
32 my concentration at that time was not on what type of wire
33 I was passing, what type of buildings I was passing. It was
34 to get down to where I saw those many, many people imprisoned
35 in the field. That was my focus.
36

37 Q But do you not ask yourself as an experienced reporter and
38 news gather, particularly on an assignment like this, the
39 backdrop to which is allegations of concentration camps and
40 possible mistreatment in camps -- "Here I find myself with a
41 lot of men behind a barbed wire fence of the sort that we have
42 seen in conditions that seem to me pretty inhumane". Did you
43 not ask yourself at any stage: "Is this barbed wire fence
44 running round the camp and if it is not, what is it here for?"
45 A. Of course I did. The barbed wire fence was part of, as
46 I made clear in my report, a fenced compound and behind the
47 barbed wire and within that compound were men in terrible
48 physical state being kept against their will.
49

50 Q Yes, it is part of but it is an entirely different form of
51 fencing, is it not? It is one that takes on great
52 significance in your report, as we are going to see, because
53 you refer to barbed wire fencing and indeed you finished your
54 report with the shot back and the misty shot through some
55 barbed wire fencing. Agreed? A. That was a very

1 appropriate shot to end the report about prisons and
2 inhumanity.
3
4 Q So barbed wire in your report, as you have put it out, is
5 significant, is it not? A. It is significant that there
6 are prisoners being kept behind barbed wire and that barbed
7 wire forms part of a compound within which are men who have
8 clearly been treated in an abysmal way and are clearly
9 imprisoned, frightened and regard themselves as being in
10 prison. That was what I focused on. That is what I regarded
11 as important, not which bit of wire starts where or what type
12 of wire starts where.
13
14 Q I see. So at no stage while you are going round the field in
15 which the men are do you ask yourself that question: "What is
16 this barbed wire part of? What is it here for? Why are the
17 two sides of the fencing entirely different?" A. Barbed
18 wire that we focused on that we went to was clearly there as
19 part of a compound, a prison for these men. Frankly, it did
20 not seem to me particularly relevant what that barbed wire
21 might have been before the men were imprisoned in that field.
22
23 Q It is pretty relevant, is it not, Mr. Williams, if it is part
24 of a compound surrounding you and you take a film shot of the
25 men in the field, outside the area surrounded by the barbed
26 wire and then put that on a film report as a symbol of their
27 encagement. It must be relevant, must it not?
28 A. I reject that contention that it is part of an enclosure
29 surrounding me.
30
31 Q Well, it is pretty apparent from what we have been through
32 this morning that that is the case, is it not, Mr. Williams?
33 A. Once upon it a time it might have been some sort of
34 enclosure. Frankly, I was not aware of it at the time, and
35 subsequently I was not aware of the existence of what you call
36 an enclosure. As far as I could see and as far as my focus
37 went, it was on what that stretch of barbed wire was being
38 used for now.
39
40 Q Can we run the film on, please? More shots, I think, of the
41 western mesh fence. Stop there. That is the type of fencing
42 that we have got on the western side, is it not? I am afraid
43 I have rather inelegantly described it as criss-cross fencing.
44 A. Yes.
45
46 Q Rather than the sort of rusty six-sided fencing that we saw in
47 the southern part of the compound. Yes? A. Yes.
48
49 Q And it is newer, is it not? A. It appears to be newer,
50 yes.
51
52 Q Can you just run it on, please? Now, are you interviewing him
53 out of the fence? A. I think this is Mr. Braddel
54 interviewing in Russian.
55

1 Q I see. Is that the community building in the background?
2 A. I believe so, yes.
3
4 Q I think it is the corner. The canopy would be round that
5 corner. Can you just pause there? We are further up along
6 the west side here. If we look on the plan, we are looking at
7 an angle at the southern side of the community building. Yes?
8 A. (No audible reply).
9
10 Q Yes? A. I am sorry?
11
12 Q Where are you at that point? A. It's difficult to locate
13 precisely because it is too tight a shot.
14
15 Q Can you run it on and you may be able to move it forward
16 swiftly, to some shots of men in areas where there is no
17 fencing at all. Stop there. Now, where is that?
18 A. I believe it is round the other side of the community
19 building.
20
21 Q If we look on the diagram by Mr. Deichmann, his plan, there is
22 a section at the top left, shelters, an open area. Is that
23 where you are talking about? A. I could not say for
24 sure.
25
26 Q Did you get up to that area or is this one of the ones that
27 your cameraman went to? A. I can't recall getting to this
28 area. I may well still have been conducting interviews.
29
30 Q Can you run the film on a bit at normal speed, please. Now
31 stop there. The area there does not seem to have any fencing,
32 it is at the side of the building and there are men there.
33 Where is that? A. I believe this is over behind the
34 community building, the white building that we referred to.
35
36 Q The one in the middle? A. Yes.
37
38 Q That is at the back of that building? A. Yes.
39
40 Q There does not appear to be any fencing at all there?
41 A. There does not appear to be, no.
42
43 Q Did you go round the back of the building? A. I did.
44 Whether I was with the cameraman when this was shot I cannot
45 recall.
46
47 Q We will run it on a bit. (Pause) If you just stop there,
48 there are men there walking around apparently with no fencing
49 at all between your cameraman. Where is that?
50 A. I cannot recall precisely at which point this was.
51 I guess again it would have been part of the area behind the
52 community building.
53
54 Q Run it on please to the shots of the inside of the building.
55 (Pause) Can you just stop it there. Those men, again no

1 fence around them. Which building is that? A. I cannot
2 recall precisely which building this is. Again I think it
3 would have been the other side of the community building.
4
5 MR. JUSTICE MORLAND: They seem to be pretty well fed round this
6 picture. A. Yes.
7
8 MR. MILLAR: Can you run it on please to the shots inside the
9 community building? (Pause) Stop there. Where are we
10 filming there? A. I believe this is inside the community
11 building or inside one of those buildings.
12
13 Q On the ITN rushes -- I do not want to take you to them --
14 there is a sequence that you are probably familiar with, with
15 some men walking up some stairs into what appears to be a
16 sleeping area. Is this upstairs, this one? A. I cannot
17 recall whether this was upstairs or downstairs.
18
19 Q Run it on then, at normal pace. (Pause) This is an area
20 where the men sleep, is it? A. It appears to be where
21 some men sleep, yes.
22
23 Q Pause there. This is the gentleman you interviewed at some
24 length inside this building. A. Yes.
25
26 Q Do you remember I asked you about this earlier on? I think
27 you have accepted you did not ask him whether he had free
28 access to this building, in and out of the field outside?
29 A. No, but I asked him I think as a final question whether he
30 thought he could leave and I believe he said that he had no
31 idea when he might be able to do that.
32
33 Q Can you play a normal speed? (Pause) Did you spend a while
34 in this area? A. I cannot recall precisely how long we
35 were in this area, but as I made clear in my report, this was
36 a mixed camp and this is where we encountered more genuine
37 refugees.
38
39 Q Yes. You make a point in your film report that you say these
40 are more genuine refugees. Can you just pause there on the
41 film? I wonder how in making that comment you distinguished
42 between the men in the field and these men you describe as
43 more genuine refugees? A. Because the men in the field,
44 many of them had been transported that day or very recently
45 from other camps, Kheratam or Omarska, and bore the physical
46 scars of the treatment they had received there. Others had
47 been kept in the field longer. They were the ones who were
48 most frightened. They were the ones with the stories of
49 brutality and ill-treatment. There were other people at
50 Trnopolje, most of those staying in this building and camped
51 at the back of the building, who were here because they had
52 nowhere else to go. Many of them had been driven out of their
53 homes as part of the wave of ethnic cleansing that was then
54 sweeping across that part of Bosnia.
55

1 Q I have got that point but we have seen that the man with the
2 white vest with a thing over his shoulder whom you did
3 interview and....the facts included in your programme as an
4 example of somebody who was giving you an interview about the
5 bad time he had previously. We have seen he is up at the
6 window inside at one stage. Correct? A. I do not know
7 precisely where he is. Neither do I know precisely how he got
8 there.
9

10 Q No. A. That is the first time I have seen that picture.
11

12 Q These men, and there are obviously quite a lot of them
13 sleeping in there, you did not interview all of them to find
14 out their case histories obviously? A. No.
15

16 Q You could not have done. A. No, we talked to a lot of
17 people. I believe that by this time as well we had acquired
18 some local Serb minders who were taking a far closer interest
19 in what we were saying and who we were talking to and it
20 became fairly difficult to get frank remarks from the people
21 we were talking to.
22

23 Q I am just wondering, taking you back to your answer a moment
24 ago, how are you able to distinguish, put into a different
25 category, all of these men who sleep out here and all of those
26 men in the field? It is impossible, is it not? A. It was
27 pretty clear on the day. You had very, very frightened men
28 bearing the scars of physical ill-treatment. At the back of
29 the camp you had people in a rather better physical state,
30 people who were able to tell us that they were there because
31 they had been driven from their homes or there had been
32 fighting in the vicinity of their homes, technically refugees
33 although too frightened to step beyond the camp.
34

35 Q The jury will decide. They have seen plenty of shots of the
36 men in the field and we have just looked at a lot of them this
37 morning, but your evidence is that they were consistently and
38 identifiably people who had suffered abuse and were terrified?
39 A. I could not say that every one of them had. That was the
40 impression I had from the conversations I was able to have
41 around the compound.
42

43 Q And you felt in a position to draw a distinction between the
44 men who slept up here as genuine refugees and all of those men
45 in the field in your report on some basis that you cannot
46 quite specify? A. I was able to make that distinction,
47 yes.
48

49 MR. MILLAR: Is that a convenient moment, my Lord.
50

51 MR. JUSTICE MORLAND: Yes, thank you. 2 o'clock.
52
53 (Adjourned for a short time)