

DAY 4 A.M.

IN THE HIGH COURT OF JUSTICE

1997 I No.139

QUEEN'S BENCH DIVISION

Royal Courts of Justice

Thursday, 2nd 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 Q.C. and MR. M. BARCA (instructed by Messrs. Biddle) appeared on behalf of the Claimants.

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

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1 Mr. IAN KEITH WILLIAMS, Recalled
2 Cross-examined by Mr. MILLAR, Continued
3

4 Q Mr. Williams, I just want to paint the picture as far as the
5 reaction to your broadcast is concerned. We looked yesterday
6 at the coverage the day after the reports in the Daily Mirror
7 and the Daily Mail. Can you take the defendant's bundle and
8 find the Daily Mail article we looked at yesterday, and then
9 go to the one behind it. The jury can see at the top right-
10 hand corner it is the Daily Express.

11
12 MR. JUSTICE MORLAND: Page 18, is it?
13

14 MR. MILLAR: Page 18. (To the witness) I apologise, can I just
15 get this in sequence. Just before that in the bundle is the
16 Express of 7th August and just after is the Express of the 8th
17 August. So have a look, please, at the one before the Mail
18 which has a "15" at the bottom. Do you have that?
19 A. I do.
20

21 Q Top left, 7th August. Again we see the picture of Mr. Alic
22 behind barbed wire, and we can see in the text it is referred
23 to in the headlines as a "death camp". It is referred to in
24 the first paragraph as a "death camp". So picking it up at
25 the bottom of the left-hand column and over the top at the
26 right-hand column.

27
28 "The first TV pictures of starving prisoners looking
29 helplessly through the barbed wire at Serbian camps as
30 screened by ITV last night."
31

32 Then, taking them together, the Express article behind the
33 Daily Mail article in the bundle, the next day the Express
34 "man on the spot, Daniel McRory", the news again for the
35 second day in a row, is a picture of Fikret Alic behind the
36 barbed wire fence. In the caption: "Horrors of War" and a
37 description of the pictures as "brutal concentration camps".
38 Did you see this coverage after your return? A. I saw
39 some of the coverage on my return.
40

41 Q Turn the page over, please. By the Sunday, the 9th August,
42 the Sunday Times, which you told us was one of the papers you
43 worked for at one stage before going to ITN, was portraying
44 your stories as "death camp scoop". Can we have a look at the
45 left-hand column.
46

47 "It was a world scoop... The ITN journalists whose
48 searing pictures of Serb-run detention camps were
49 flashed around the world on Thursday had no inkling
50 that their film would start an international outcry,
51 yet less than 20 minutes after their report was
52 broadcast on American television, President Bush
53 changed his policy towards Serbia."
54

55 Then a bit further down just below the hole punch:

1 "Pictures of emaciated prisoners dominated Friday's
2 front pages with editorials calling for military
3 intervention and criticising the European Community's
4 impetus. In America full accounts of ITN's harrowing
5 footage was flashed upon Newsday, headline 'Bosnia
6 Horror' and the new York Times under the headline,
7 'Bush urges UN to back force to get aid to Bosnia.'"
8

9 Mr. Arnold Walker, spokesman for ABC is quoted.

10
11 "The pictures had a hugh impact. There was increased
12 pressure on the government to intercede. to see
13 adults starving was like a throwback to the death
14 camps of wartime Germany.' The Berlin Newspaper
15 declared..."
16

17 - I am not going to try and pronounce it -
18

19 "... declared in Bosnia Herzegovina today a new
20 Auschwitz is beginning. A front page editorial in the
21 Publico newspaper published in Lisbon accused Europe
22 of 'washing its hands of this distant insanity'".
23

24 We can see, if you look at ----
25

26 MR. JUSTICE MORLAND: What is your question?
27

28 MR. MILLAR: The question is, did you also see that Sunday Times
29 piece? A. I didn't see that Sunday Times piece and
30 neither did they speak to me about it, no.
31

32 Q By this stage it was regarded as something of a scoop, was it
33 not, generally within the journalistic world? A. Not
34 only regarded; it was a scoop.
35

36 Q That was something that ITN were keep to promote, was it not,
37 the scoop? A. I would say ITN was rightly very proud of
38 the coverage.
39

40 Q If we look right at the back of the defendant's bundle, we can
41 see an advertisement that ITN ran. We have got the full page
42 advertisement for insertion - there is only the text at the
43 bottom at the moment in what you have got. When one sees the
44 full page ----
45

46 MR. JUSTICE MORLAND: We are being handed that now. (Handed)
47 Which paper is this from?
48

49 MR. MILLAR: This is from the Guardian, I think.
50

51 MR. JUSTICE MORLAND: I am going to write "Guardian" on it and
52 call this one 23A.
53

54 MR. MILLAR: The date does not appear on this but it is on the
55 list. It is 23rd March 1993. So it is the following Spring.

1 That version made in the Sunday Times we saw a moment ago,
2 below a picture of Fikret Alic behind the barbed wire,
3

4 "20 minutes after this report was broadcast on
5 American television President Bush changed his policy
6 towards Serbia .
7

8 Was that your understanding; that the report had had that
9 impact? A. The report had a very powerful impact.
10 I can't remember the specifics of the impact in different
11 locations and among different people but certainly it had a
12 powerful impact.
13

14 MR. JUSTICE MORLAND: Were you responsible in any way for this
15 advertisement in the Guardian? A. No, I wasn't, my Lord.
16

17 MR. MILLAR: Who would have been responsible for this?
18 A. I don't know. I guess ITN.
19

20 Q The issue by now, Mr. Williams, and almost immediately after
21 the report by virtue of the coverage in the following days
22 that we have seen, was: is this man shown in the photograph
23 caged and surrounded by a barbed wire like the people in
24 Belsen and Auschwitz? A. I don't accept that was the
25 issue at all. I think the issue was here we have the first
26 first-hand evidence of some of the worst brutality yet seen
27 since the Second World War. That evoked a very emotive
28 response. They were emotive pictures. Yes, people did draw
29 the parallel with the Second World War. We didn't, but it
30 wasn't an inappropriate parallel to draw.
31

32 Q You would accept that that parallel drawn by other journalists
33 and their politicians in their reaction to the image is most
34 certainly not on the understanding that the shot of Alic is
35 through a barbed wire fences surrounding the cameraman, is it?
36 A. It is drawn from a number of things. People saw the
37 reports. The reports were far more comprehensive than a
38 single image of Alic. People drew their conclusion from what
39 they had seen, from reports they had seen.
40

41 Q I want to ask you about events after publication of the
42 article that you complain of. You told us yesterday that you
43 went back to the Channel Four rushes and looked at them
44 yourself before deciding whether to issue a writ?
45 A. I can't remember precisely at which point I reviewed the
46 Channel Four rushes.
47

48 Q You said you did so shortly after the article?
49 A. I can't remember precisely when I would have reviewed them
50 again. At that time I was working in Hong Kong. I can't
51 recall precisely when I would have looked at the rushes again.
52

53 Q Do you recall doing it? A. I did, yes.
54
55

- 1 Q Did you do it in conjunction with others or did you simply do
2 it yourself? A. No. I would have done it myself. At
3 that time I was based as a Channel Four News Asia
4 correspondent in Hong Kong.
5
- 6 Q You presumably say that when you viewed the rushes then you
7 did not see the layout of the camp on the rushes, as I put it
8 to you yesterday? A. No, I did not.
9
- 10 Q In other words that they did not show or suggest that there
11 was a barbed wire enclosure around the cameramen who were
12 taking the picture of Fikret Alic? A. They certainly did
13 not. I viewed the rushes in their entirety which included our
14 visits to other places that had been suggested were camps,
15 including the visit to Omarska, including numerous
16 conversations and taken as a whole I made my judgment.
17
- 18 Q If you look right at the back of the claimant's bundle at tab
19 18 you will see a press release dated 24th January 1997 put
20 out by LM. I think you saw that at the time or around the
21 time that it went out? A. I did.
22
- 23 Q If you look at the last paragraph, you can see that what LM
24 was saying at that time was
25
26 "We stand a hundred per cent behind Thomas Deichmann's
27 article. There is one simple way to resolve this
28 issue. ITN should show the full unedited footage
29 which its team filmed at Trnopolje on 5th August 1992.
30 Then everybody will know the truth."
31
- 32 You read that? A. I did.
33
- 34 Q That suggestion was not taken up by ITN was it? A. No.
35
- 36 Q What happened was that a writ was issued? A. It was.
37
- 38 Q If you saw the rushes at the time in the way you just told us,
39 surely you would have wanted the rushes to be shown so that
40 that could be made clear publicly? A. It was my view
41 that LM had no interest in establishing the truth.
42
- 43 Q But it would not be anything to do with LM. They would simply
44 be shown by ITN in the way that you viewed them ----?
45 A. At the request of LM in the ----
46
- 47 Q Sorry, let me finish the question - and people could draw
48 their own conclusions? A. Not in the context in which it
49 is put in the LM press release here. LM in my view had no
50 interest in establishing the truth; they were merely trying
51 to re-write history.
52
- 53 Q But surely you wanted the people to see them in the way that
54 you had seen them and to see that there was no basis for what
55 LM was saying? A. Certainly.

- 1 MR. JUSTICE MORLAND: You saw, as I understand it, the rushes when
2 you were in Hong Kong. Is that right? A. Yes, my Lord.
3
- 4 Q Was it before or after 24th January 1997? A. I cannot
5 recollect precisely when I would have seen it. I wouldn't
6 have had them with me in Hong Kong, your Honour. They would
7 have been sent to me subsequently. I can't say precisely when
8 I would have had a chance to review them in full.
9
- 10 Q I want to look at what you did say about it a few days after
11 your report was broadcast. Because on 9th August 1992 you
12 wrote an exclusive piece for the Sunday Express, did you not.
13
- 14 Q If the jury look in claimants' bundle at tab 15 we can see
15 that exclusive article which you wrote. The headline is:
16 "My descent into hell camp". Presumably that was nothing to
17 do with you? A. I didn't write the headline, no.
18
- 19 Q Similarly the stand verse which is the bit up the top next to
20 the photograph of you? A. It is.
21
- 22 Q Where they are described as "Bosnian death camps", again that
23 would have been nothing to do with you? A. No.
24
- 25 Q If we look in the column second from the right where the word
26 "fears" appears and look down to the second paragraph, you
27 describe the impact and the scene that greeted you when you
28 arrived at Trnopolje. What you said was:
29
- 30 "Suddenly there was a field surrounded by barbed wire
31 and behind it hundreds of men."
32
- 33 Now, just pause there, which field were you referring to?
34 A. The field in which the men were captive.
35
- 36 Q The one that we saw yesterday with Fikret Alic and the other
37 men in? A. That is correct.
38
- 39 Q Even on your case in this court yesterday, that was not a
40 field surrounded by barbed wire, was it? A. It was not
41 completely surrounded by barbed wire, no.
42
- 43 Q It is not a question of not being completely surrounded by it.
44 Only one side of it was barbed wire? A. At the time
45 I was more concerned with the condition of and the fact of the
46 imprisonment behind that wire rather than precisely where the
47 wire began or ended, or what type of wire it was that was
48 imprisoning them.
49
- 50 Q You accepted yesterday that as a war reporter bringing the
51 news back to us from a distance country your role is to ensure
52 that the matters that you see and report back on are
53 accurately represented? A. That is correct.
54
55

1 Q This is not an accurate representation, is it? A. In
2 this article it is right I do not distinguish between the
3 different types of barbed wire that surrounded the prisoners.
4

5 MR. JUSTICE MORLAND: There was only barbed wire on the east/west
6 side of the area containing the men? A. That is right,
7 my Lord.
8

9 MR. MILLAR: We have looked closely at the wire on two of the
10 other sides running up the east road and up the west side
11 where you stood doing interviews, and it is that criss-cross
12 type chicken wire. It is not barbed wire, is it?
13 A. I accept that the compound in which the men were
14 imprisoned was surrounded by different types of wire.
15

16 Q What you say here is not true, is it? A. What I say here
17 is how it appeared to me when I got out of the bus arriving at
18 Trnopolje camp. I accept that there were different types of
19 wire surrounding that camp and perhaps should have been more
20 precise in my wording in this article.
21

22 Q It would have rather mucked up the way the world was reacting
23 to the photograph, would it not, to have told the truth?
24 A. Not really. The world was reacting to television reports;
25 was reacting to a range of images of human suffering - not to
26 a single image of a man behind barbed wire.
27

28 Q No, Mr. Williams. The world thought that Mr. Alic and the
29 other men in the photograph were surrounded by barbed wire,
30 did it not? A. I don't accept that.
31

32 Q You had to say that in order not to mess it all up?
33 A. That's ridiculous.
34

35 Q Can we read on?
36

37 "Hundreds of men..."
38

39 - those are the men in the area that we saw yesterday?
40 A. They are.
41

42 Q "... standing, lying beside meagre belongings in the
43 heat, many were without shirts, revealing their
44 emaciated bodies, rib cages protruding through wasted
45 skin."
46

47 The "their emaciated bodies" to the reader is the hundreds of
48 men in the field, is it not? Mr. Williams, "...in the heat,
49 many were without shirts revealing their emaciated bodies."?
50 A. Yes, many were without shirts revealing their emaciated
51 bodies. I think that is pretty clear from the rushes.
52

53 Q Pretty clear from the rushes that many were without shirts not
54 revealing emaciated bodies, is it not? A. Yes, and many
55 were without shirts revealing emaciated bodies.

1 Q You do not agree that the impression being given to the reader
2 here is that all of the men penned in this enclosure
3 surrounded by barbed wire are emaciated? A. No. I think
4 the impression a reader would get is from reading the entire
5 article, and the impression from that single paragraph is an
6 entirely accurate one of many people behind a barbed wire
7 fence without shirts with emaciated bodies.
8
9 Q You were not telling the truth in that paragraph in the
10 article, were you? A. I was not knowingly not telling
11 the truth.
12
13 Q Is that a "yes"? A. Sorry, sir?
14
15 Q Is that a "yes" in answer to the question you were not telling
16 the truth? A. I was not fully aware of the full extent,
17 of the full type of wire that was surrounding the prisoners in
18 that compound.
19
20 Q Yes you were. We saw you yesterday conducting interviews over
21 a low mesh fence. You were fully aware of it? A. I was
22 concentrating on the men behind the fence, on their physical
23 condition and on the interviews that I was conducting with
24 them. I was not.... frankly it seemed to me not so relevant
25 what the wire was, where it started or where individual fence
26 poles were. What my focus was on was the men behind the fence
27 and the physical condition in which they were being kept, and
28 my efforts to try and ascertain what had happened to them.
29
30 Q You are now suing my clients for telling the truth about the
31 layout of the barbed wire fence at Trnopolje, are you not,
32 Mr. Williams? A. No. I don't accept your clients are
33 telling the truth about the layout of the barbed wire.
34
35 Q Namely that the barbed wire fence was around you and not Alic,
36 as the world believed? A. That is a lie.
37
38 Q You have acted discredibly, have you not, since that report
39 went out and since that reaction we have seen, in not
40 explaining that in public? A. I do not accept that at
41 all.
42

43 MR. MILLAR: I have no further questions.

45 Re-examined by Mr. SHIELDS

47 Q Mr. Williams, since my learned friend did not read it, perhaps
48 we ought to read the whole of the article: "My descent into
49 hell camp". Is it all right if I read this, my Lord, rather
50 than the jury read it for themselves?
51

52 MR. JUSTICE MORLAND: I think perhaps this article - it is not
53 very long - you could read out slowly.
54
55

1 MR. SHIELDS: Yes.

2
3 "It had taken three days of arduous travel to reach
4 Omarska camp but nothing would have prepared us for
5 those scenes. The silence intensifies the horror
6 groups of men emaciated bodies with dull sunken eyes,
7 speechless, responding mechanically to the gestures of
8 their guards - guards whose physical presence is all
9 the more menacing beside their wasted prisoners. They
10 were ushered in their sets ... the canteen in groups
11 of 20 and given three minute to eat their bean soup
12 and hunk of bread, their only meal of the day.
13 I tried to question them about their conditions, their
14 treatment, but only received a dull terrified look
15 that said more than a thousand words. For a while
16 I was speechless at those sad figures before our
17 camera. Our previous weeks, however, ... Moldavia in
18 the former Soviet Union had left me with a confidence
19 in my ability to stand back, detached from what was
20 before me. Images like these at Omarska I had only
21 ever seen in black and white pictures from the Second
22 World War. The shock for me was compounded by anger
23 at the jailors permanently at my side, ether hidden by
24 designer glasses, their rifles cocked as if these
25 pathetic figures represented a threat. Questions
26 started welling up: why on earth were they showing us
27 this and what was happening to the hundreds of
28 prisoners we were not seeing in the rest of this camp?
29 A few minutes later we were told to get out of the
30 canteen. Our host seemed oblivious the impact this
31 image has had on us and would have on the world.
32 I had only one aim: to try and see the rest of the
33 camp. We walked out of a presentation by authorities
34 that made no attempt to hide the fact that these were
35 internees and prisoners of war who refused to talk to
36 their hand-picked prisoners. My anger ... camp
37 authorities were captured on film. For the first time
38 in my career I found it hard to control the emotion in
39 my voice. The cold mechanical tones indifference of
40 the chief spokesman only made matters worse. She
41 was like a PR lady from the ice cream factory rather
42 than a camp where apparently brutality was so
43 apparent. We were surrounded by gun-toting thugs,
44 their rifles across their chests, their blue boiler
45 suits and uniforms tucked into their boots; their
46 eyes fixed on us. In this emotion of that moment they
47 provoke anger not fear. All around gunfire ...
48 echoing across the fields. we were warned by our
49 Serbs hosts that it was dangerous to go to these camps
50 as there was fighting nearby. There were so many
51 obstacles been put in our path, but we called their
52 bluff. "I'll take that risk. We want to see the
53 camps", I said. There had been a gun battle along the
54 road on our way to the camp; now guns were firing
55 around us. We will never know the truth but I'm .

1 convinced it was staged for our benefit as an extra
2 intimidatory twist in our confrontation. We left the
3 large iron factory at the centre of this isolated
4 mining complex from which the prisoners were brought
5 in the canteen."
6

7 If I could pause there, that is your visit to Omarska?

8 A. It is, yes.
9

10 Q Is it right that your visit to Omarska featured prominently in
11 the report you compiled, edited and sent that night?

12 A. It did feature prominently in that report, yes.
13

14 Q It has not been suggested in this case and it is not suggested
15 by the defendant that anything you said in the report about
16 Omarska was fabricated or made out or falsely edited?

17 A. That is correct.
18

19 "Fears. We have asked to see a second nearby camp to
20 which hundreds of prisoners regarded as ... taken that
21 day from Omarska. I arrived still shaken by Omarska
22 expecting a more sanitised camp. Suddenly there was a
23 field surrounded by barbed wire and behind it hundreds
24 of men, standing, lying beside meagre belongings in
25 the heat, many without shirts revealing their
26 emaciated bodies, rib cages protruding through wasted
27 skin. They crowded the fence, asking for food, water
28 and cigarettes. Again they were too frightened to
29 speak about their treatment, though their hints and
30 expressions were enough to confirm our worst fears.
31 Away from the cameras they told us of 'brutality'
32 torture and executions. I saw no first hand proof of
33 that. The stories were too numerous and coincided too
34 closely to be ignored. Here before us were the men
35 folk of two Moslem villages rounded up, they said, for
36 reasons they could not understand. To their guards
37 these men were real potential Moslem fighters and
38 hostages to be exchanged for Serbs they believe are
39 being held in equally appalling conditions by the
40 other side. As alive perhaps as the images were the
41 actions of those who run the camp. They don't talk
42 about the ... any more; just the Moslems as a
43 collective inferior group and nowhere was there an
44 apology for what we saw - just a justification that
45 the other side did it too. We went back towards
46 Belgrade ... together with my colleague Penny Marshall
47 from News at Ten. We tried to come to grips with what
48 we had seen but the face of those men were so vivid.
49 In that moment all we could conclude was that in this
50 bloody war all rule books had been torn up."
51

52 Now, we have dealt with one paragraph, the paragraph under
53 "fears". As regards the rest of that paragraph, is that the
54 kind of material you sought to reflect in your report?

55 A. Yes.

1 Q Has it been suggested to you that any of that was made up by
2 you - fabricated? A. No.

3
4 Q I would like to ask you one or two questions about the case
5 which appears to be put. Can I invite your Lordship to the
6 bundle of pleadings? The jury does not have it but I will
7 read from it. If I look at sub-para(a), p.34, my Lord, this
8 is the case which is the pleaded case against you. I want to
9 ask you about this in the light of the way you have been
10 cross-examined. It talks about your report and Penny
11 Marshall's report.

12
13 "Both of the said reports were written and compiled in
14 such a way as to give the misleading impression that
15 Fikret Alic was imprisoned and caged inside and by the
16 depicted fence."

17
18 Firstly, did you and Penny Marshall conspire together or work
19 together to produce misleading images or misleading reports?
20 A. We most certainly didn't.

21
22 Q Taking this in stages, it is suggested by this that the
23 misleading impression was that Fikret Alic was imprisoned.
24 I am not certain whether it has been put to you or not but
25 that is why I am going to put it to you now. As far as you
26 were concerned was he imprisoned? A. He was clearly
27 imprisoned.

28
29 Q You were one side of the barbed wire and he was the other. On
30 your side of the barbed wire were there or were there not any
31 guards? A. There were several heavily armed Serbian
32 guards.

33
34 Q As regards "caged in", as far as you could see could Fikret
35 Alic and those others beside or near him leave if they so
36 wished? A. There is no way they could leave.

37
38 Q Did you set out to visit those camps in north west Bosnia with
39 a pre-determination to find concentration camps and pull off a
40 scoop? A. Absolutely not. In fact if I set out with
41 anything it was a high degree of scepticism about the sort of
42 accusations which were being made by both sides.

43
44 Q Prior to the publication of the article was any attempt made
45 to contact you? A. There certainly was not.

46
47 (The witness withdrew)
48
49
50
51
52
53
54
55

1 11.00 a.m.

2
3 Mr. ANDREW JOHN BRADDEL, Sworn
4 Examined by Mr. SHIELDS
5

6 Q Your full name, please? A. Andrew John Braddel.

7
8 Q Your address, Mr. Braddel? A. 128 Rubiovkastrasse,
9 Moscow, Russia.

10
11 Q Your occupation? A. I am the Bureau Chief, Moscow Bureau
12 Chief, for Associated Press Television News.

13
14 Q If I may just ask you a few questions about yourself,
15 Mr. Braddel. When were you born? A. 11th June 1963.

16
17 Q Where did you attend school? A. St. Olav's Grammar
18 School, Orpington in Kent.

19
20 Q What subjects did you take there? A. For 'A' level,
21 I took English, French and German.

22
23 Q I think you are a Russian speaker. A. Yes. I started
24 studying Russian while I was in St. Olav's as an extra subject
25 and then went on to study Russian Language and Literature at
26 Swansea University in Wales.

27
28 Q Did you subsequently take your Russian studies further?
29 A. Yes. I started a Ph.D in Russian Political History, also
30 at Swansea University

31
32 Q Are you in fact a fluent Russian speaker? A. Yes, I am.

33
34 Q During your research, did you visit Russia? A. Yes.
35 During my Ph.D research, I spent a year in Moscow at the
36 Institute of Cinematography from September 1988 and it was to
37 be until August 1989.

38
39 Q When you were there, did you travel around the country?
40 A. Yes. After about seven or eight months, I took two weeks
41 off to visit some friends I had made in Tbilisi in the
42 Southern Republic of Georgia.

43
44 Q When you were there, did you see anything unusual?
45 A. That was during the height of Perestroika and Glasnost,
46 which were policies instituted by the Soviet leader, Mikhail
47 Gorbachev, which brought an increasing openness into Soviet
48 society for the first time. Many of the republics started
49 independence movements, which were calling for independence
50 from the centre, from Moscow. The Republic of Georgia had one
51 of the most developed independence movements and during the
52 two-week period that I was there on vacation, they held
53 peaceful demonstrations almost every day in front of the
54 Government building. On the last day that I was in Tbilisi,
55 I was walking around the centre and I noticed that there were

1 tanks and armoured personnel carriers and several hundred
2 Soviet interior troops, which had been moved in for some
3 reason. I left Tbilisi that evening and the next morning
4 I heard reports that 28 people had been killed by interior
5 troops that night when they put down a peaceful demonstration.
6

7 Q Did that lead to any career change for you? A. Yes, it
8 did. Very few of the western news organisations had a large
9 office in Russia at the time because of visa restrictions.
10 They certainly didn't have any correspondents in any of the
11 southern republics. The Soviet news agency, Tass, in their
12 reports the next day said that interior ministry troops had
13 quelled an uprising by drug-crazed Georgian alcoholics.
14 I knew this to be completely untrue because, for one, Georgia
15 was one of the very rare Soviet republics which did not have a
16 problem with alcoholism. They drink wine, which is always
17 freely available, rather than vodka. Alcoholism is not a
18 problem there. And I knew, having spent time amongst the
19 peaceful demonstrators during the two-week period, that they
20 were not drug addicts. I therefore decided to contact the
21 bureaux of the BBC, etc, etc, in Moscow and to ask them if
22 they were interested in hearing what I had seen during that
23 two-week period. I did interviews for the BBC and I also did
24 interviews for ABC America, the American network. At the end
25 of my interview with ABC, they were looking to increase their
26 staff of Russian speaking foreigners -- at that time, it was
27 just about to start the first Congress of People's Deputies,
28 the first semi-democratically elected parliament in Russia, in
29 the Soviet Union -- and they were looking for someone who
30 could speak Russian to advise them on what was going on and
31 they offered me a job as a freelance journalist, which I took
32 up.
33

34 Q You went for an interview and came back with a job?
35 A. Yes.
36

37 Q Did you then get posted to Moscow? A. Yes. After about
38 six months, they offered me a permanent contract as a field
39 producer. A field producer is someone who goes out, travels
40 around the country and travels out with crews, producing
41 stories.
42

43 Q Did you cover the revolutionary coup there? A. Yes. The
44 first major story I worked on was in Lithuania, Vilnius in
45 Lithuania, the capital of Lithuania in the Baltic republics,
46 when again, in the winter of 1990/1991, Soviet troops cracked
47 down on independence demonstrators and they killed 13 people
48 outside the television tower in Vilnius, Lithuania. It was
49 the first time I'd ever seen people killed and seen bodies
50 mangled after tanks had driven over a car and it was also when
51 I first met Penny, who was working for ITN as a correspondent.
52

53 Q That is when you first met her? A. That's right, yes.
54
55

- 1 Q In December 1991 and January 1992, did you cover the civil war
2 in Georgia? A. Yes. I was still working for ABC and
3 again, this time it was the democratically-elected president
4 of Georgia who was being ousted, or attempted to be ousted, by
5 the opposition, who felt that he was a dictator. There was a
6 civil war being raged along a main stretch of the capital,
7 Tbilisi. It was very dangerous. We came under fire from both
8 sides, it was very chaotic, it was very frightening.
9
- 10 Q Just going ahead, in February 1992 I think you joined ITN
11 Channel 4 news in Moscow. A. Yes. They were looking for
12 a journalist and I felt then and I still feel now that working
13 for Channel 4 is probably the best job in television
14 journalism, because they differ from most of the other
15 organisations, in that they have more time to do their
16 reports, you're given more time. So what you can put out is
17 something which is more balanced and thoughtful, rather than
18 just a minute and a half of material. So I gladly accepted
19 the offer when it came along.
20
- 21 Q When you were there, were you joined by Ian Williams?
22 A. Yes. I started with another correspondent, Gaby Rado, and
23 Ian joined about a month and a half, two months, after
24 I joined.
25
- 26 Q I think it is right -- I can lead you on this -- you covered
27 the conflicts in the southern parts of Russia, the ones I told
28 the jury about: Azerbaijan, Armenia and Georgia? A. Yes.
29 We travelled widely for about a year, doing stories in the
30 southern republics. Again, Azerbaijan and Armenia were
31 fighting their own war over a small enclave, which they
32 claimed belonged to both of them called Nagomo-Karabach, and
33 Ian and I was the first television team to actually make it
34 through into Nagomo-Karabach.
35
- 36 Q Just to complete the picture, you left ITN in March 1993.
37 A. Yes. I left ITN and I went to Washington DC, where
38 I freelanced for Channel 4 News for about a year and a half,
39 before I went back to Moscow.
40
- 41 Q That is your present job, is it? A. Yes. I was sent back
42 to Moscow to start Associated Press's television
43
- 44 Q I am going to ask you questions about your involvement in this
45 particular story. Can you remember when you were first
46 contacted by your employers to go out to Budapest and then
47 Belgrade? A. I believe it was the night before we left.
48 I'd just come back from vacation in America. I came back via
49 London on the way to Moscow and I was called about five or six
50 o'clock in the evening by the Assistant Foreign Editor at
51 Channel 4 and told that Ian was going to Budapest the next day
52 to work on a story and would I join him with the camera crew?
53
- 54 Q Were you briefed about the background to the story?
55 A. I was briefed a little bit. I was totally unaware of the

1 story. Unlike many journalists, when I go on vacation,
2 I don't read a newspaper and I don't watch the television
3 news. I try and get away from my profession. In America, the
4 foreign news is not heavily covered anyway, so I was not aware
5 of anything while I was in the States. When I came back,
6 I was vaguely aware of the Maggie O'Kane article in the
7 Guardian. Deborah, who was the Assistant Foreign Editor,
8 briefed me a little bit about what we would be going to do,
9 why we were going and said that when I met up with Ian the
10 next day he would show me the articles which she'd sent him
11 and all the other information that he'd been given.

12
13 Q What pressure, if any, was on you to find or come back with
14 any particular story? A. I wasn't aware of any pressure
15 or any particular brief. We'd been offered the chance to go
16 out there: "We need to take it up immediately. You go out
17 there with Ian and see what you can find."

18
19 Q I think it is right that you flew out from London. Did
20 someone called Chris Hease go with you? A. I met Chris
21 Hease and James Nicholas. I knew James from Moscow as well,
22 where he'd been stationed with ITN.

23
24 Q Did you fly out together? A. Yes. The three of us flew
25 out together.

26
27 Q That would be to Budapest. A. That's right.

28
29 Q Is it right that there, you met Ian Williams? A. Yes. We
30 met Ian at the hotel.

31
32 Q We have heard that you took quite a lot of equipment with you.
33 A. Yes. Unfortunately, TV journalists can't travel light, or
34 couldn't travel light in those days.

35
36 Q How many boxes of equipment did you have with you, would you
37 say? A. 10 to 14 boxes in total.

38
39 Q I think you travelled to Belgrade overnight and in the morning
40 you obviously arrived in Belgrade. Was it in Belgrade you met
41 your translator? A. Yes. She met us at the train
42 station. We travelled overnight by train and we all met at
43 the train station the next morning and were taken to the
44 hotel.

45
46 Q I want to ask you about your own personal knowledge of this.
47 While you were in Belgrade, did you meet any representatives
48 of Dr. Karadzic, for example? A. Yes. I can't remember
49 her name, but there was a woman who would turn up at the hotel
50 late in the afternoon, around between four and six, and would
51 tell us if any progress had been made in our request to visit
52 various parts of the country. That was the only contact
53 I had.

1 Q What progress did you feel was being made towards visiting
2 other parts of the country? A. I thought we were being
3 given the run-around, because for days -- I think it was two
4 or three days -- we would meet and they would say: "No news."
5 It was getting a bit frustrating. During that time, we did
6 visit other camps on the supposed list, but we were being
7 denied access to the parts which we felt we wanted to go and
8 see and which other people had spoken to in Belgrade from the
9 International Committee for the Red Cross had urged us to go
10 and see.

11

12 Q Did you see the list? A. Yes. I saw the list which Ian
13 had.

14

15 Q If we look at the list -- I think we see it at tab.1 -- is
16 that the list you saw effectively? A. Yes, it is.

17

18 Q Do you remember going to an army barracks? A. Yes, I do.
19 Just outside Belgrade.

20

21 Q Did you also visit a former school? A. Yes, we did.
22 That's Niksic, I think.

23

24 Q Do you remember those visits? A. Yes. Not as clearly,
25 but I do remember those visits. I remember the school visit
26 very clearly, because there were quite a significant number of
27 people there, refugees, telling us their stories.

28

29 Q Did you form any impression of those camps, if we can call
30 them that? A. No. I mean, they were refugee centres.
31 Nothing bad was happening, nobody was being mistreated. They
32 were smelly and hot and people were obviously being crammed
33 into them, but nothing bad was happening.

34

35 Q Do you remember making a trip then, when you eventually left
36 Belgrade by helicopter to Pale? A. Yes, I do. It was
37 very frightening. The helicopter was flying at either the
38 height of the trees or just above or just below them through a
39 valley. It was quite a hair-raising experience.

40

41 Q What equipment did you take with you on that trip? A. Not
42 much. We left quite a lot of the equipment, the heavy
43 equipment, behind in Belgrade. We would have taken a camera,
44 camera batteries, tripod, spare cassettes, the sound
45 equipment, but would have left a lot of the heavier things
46 behind.

47

48 Q Once you got to Pale and at some stage in the course of that
49 day, were you present when there was a meeting with
50 Dr. Karadzic? A. Yes, I was.

51

52 Q Can you recall that meeting? A. Vaguely. I can't recall
53 the exact words he used. I know we asked him to give us the
54 access that he'd promised and he said he would see what he
55 could do. We stayed the night in Pale.

- 1 Q At that stage, were you expecting to be able to see any of the
2 camps up north or not? A. I thought that once we had seen
3 him again in person, or had seen him for the first time in
4 person, that we stood more chance than sitting in Belgrade,
5 being given the run-around, yes.
6
- 7 Q What was your job as producer on that trip as far as you were
8 concerned? A. The job of producer is a sort of Jack-of-
9 all-trades and master of none. You're not good enough to be a
10 correspondent, but you act like one. You're not quite good
11 enough to be a cameraman, yet you know what a good picture is.
12 So it ranges -- I mean, in Moscow my job as a producer was
13 more varied, because I also acted as translator to Ian,
14 because Ian didn't speak fluent Russian. Luckily, I didn't
15 have to do that. So it was almost like a holiday for me, that
16 trip. I didn't have to do any translation work, so I could
17 concentrate on the other things that a producer does, which is
18 carrying the tripod, carrying the bag for the cameraman,
19 checking out what the cameraman is filming. When the
20 cameraman is actually filming an image, he can't see anything
21 else. He's concentrating on what he's filming. So if
22 something happens behind him, to the left or to the right of
23 him, someone needs to be looking out for that to be able to
24 alert his attention to it after he's finished his shot. So
25 I spent a lot more time with the cameraman, with James, than
26 I would have done with my cameraman in Moscow.
27
- 28 Q Who guards the camera and bag? A. The producer and the
29 sound man.
30
- 31 Q I think it is right that you spent that night at Pale. Then
32 you travelled to Batajnica the following day. Do you recall
33 that trip? A. Vaguely, yes. My recollection is not
34 wonderful after so long.
35
- 36 Q Then the next day, do you remember going and seeing the local
37 militia in Prijedor? We have seen rushes of that; I do not
38 need to show them again. A. Yes, I do.
39
- 40 Q Can you recall that meeting? A. Yes. We were taken
41 upstairs and given a history lesson.
42
- 43 Q At that stage, did you think you were going to go on and see
44 these camps? A. I wasn't quite sure. The fact that we'd
45 got that far was encouraging. The fact that we'd been given
46 the history lesson, which I'd been given so many times in
47 Russia and in the former Soviet republics, was not
48 encouraging. But I had an open mind at that stage.
49
- 50 Q Was it suggested to you that it would be dangerous for you to
51 proceed, for example? A. Yes, on several occasions.
52
- 53 Q What was your reaction to that suggestion? A. That we
54 were prepared to take the risk. We saw no signs that we were
55 in danger and therefore we wanted to progress and we could

1 make a decision at a subsequent point if we felt that our
2 lives were in danger.

3
4 Q As we all know by now, you did go on towards Omarska. On the
5 way to Omarska, did anything happen that you can recall?

6 A. Yes. At one stage, the buses all stopped and we were told
7 to stay inside the buses and the guards who were on our buses
8 got out and took up positions. I think there were maybe one
9 or two shots in the distance, sniper fire. I wasn't quite
10 sure. I think there was one shot in the distance and then one
11 of our guards also shot from his rifle.

12
13 Q Was anything said then by your guards? A. Again, it was
14 said: "This is very dangerous. Perhaps it would be better if
15 you didn't continue your trip." And again, we said: "Well,
16 we're prepared to take the risk. So if you're happy, then
17 we'll go on."

18
19 Q You subsequently arrived, as we have seen on the rushes, at
20 Omarska. I would like to hear your impressions of Omarska
21 when you reached there? A. My impressions to begin with
22 were nothing particular, because you couldn't really see
23 anything. You could just see a large building that looked
24 like some kind of an administrative building or compound. As
25 we were being led in through the gates, James and I spotted
26 through a broken window the canteen where men were being
27 herded in and running in. We saw some shaved heads, some
28 fairly emaciated men. They did not look happy. James and
29 I decided to take what we call "establishing" shots. When you
30 start filming, you always have to establish where you are and
31 what you're seeing before you actually go in and film close-
32 ups. So we stayed back, hung back, and took some establishing
33 shots while Ian and the translator went inside to see if they
34 could strike up a conversation with any of the men as they
35 were sitting, being fed.

36
37 Q Did you then go inside yourself? A. Yes. After we'd
38 taken our establishing shots, James and I then followed Ian
39 inside and took the shots that you saw in the rushes.

40
41 Q How would you describe the prisoners you saw? A. They
42 were frightened. Many of them were malnourished, dirty, their
43 clothes were very dirty, unshaven, many of them.

44
45 Q Did you try to talk to them yourselves, or was that something
46 you left for Ian? A. No. I mean, one of the reasons why
47 I was invited along on the trip, apart from the fact that Ian
48 and I were already a team, so we worked well together, was
49 that with my knowledge of Russian, many East European
50 countries, when they were part of the Soviet bloc, Russian was
51 a forced language in school; you had to learn it as your
52 second language after your first language. In some cases, you
53 learned it before you learned your native language. So it was
54 felt that I might have been able to talk to people in Russian,
55 as was the case. Many of them did understand me when I was

1 asking the questions. We also felt that having a Serb
2 translator, some people may not have felt comfortable talking
3 in front of her. So again, I would split up with James or go
4 off by myself and just go off and say in a loud voice: "Does
5 anybody here understand Russian?" and some of them did and so
6 I got talking to them.

7
8 Q Did you ask them questions? A. Yes. I asked them basic
9 questions, you know, because their Russian was fairly basic:
10 "Where did you come from? How long have you been here? How
11 are you being treated? Where will you go after this?" that
12 kind of thing. "Where are your families?"

13
14 Q What was the impression you formed when you were undergoing
15 that exercise? A. They didn't want to speak to us, they
16 didn't want to answer our questions. I felt they were clearly
17 scared, terrified in some respects, and were very uneasy at
18 our presence.

19
20 Q As we have seen from the rushes, I think after you left the
21 canteen, you went up to an office upstairs. A. Yes,
22 that's right.

23
24 Q Did you meet the camp commander there? A. Yes. We met
25 the camp commander and the female translator and there were
26 several other guards in the room.

27
28 Q what was your purpose in seeing them? A. Well, we wanted
29 to be given access to the rest of Omarska, to see where the
30 men were being kept. All we'd seen at that stage was where
31 they were eating and the impression that we'd been given was
32 that something not particularly pleasant was happening in
33 Omarska and we would like to see where they were being kept,
34 where they were being housed. That was one of our aims. Our
35 other aim was just to ask them questions about what they
36 thought Omarska was.

37
38 Q I think it is right, as we have seen, you were refused entry
39 to the living quarters? A. Yes, we were. We were refused
40 entry to any other part of Omarska and, after about 15 minutes
41 of arguing on Penny and Ian's behalf, we were told to leave.

42
43 Q Were you present when that interview to camera took place?
44 A. Yes. I was standing with the cameraman.

45
46 Q After leaving Omarska, did you travel on the same bus which
47 had brought you there? A. Yes, we did. The Channel 4
48 team was on the military bus and the Channel 3 team was on
49 their own, in their VW van.

50
51 Q Did you know where you were going? A. Yes. They said we
52 would be going to Trnopolje.

53
54 Q Can you recall what happened as you approached Trnopolje?
55 A. Yes. We approached the lead vehicle, which was I think

1 an armoured personnel carrier of some sort, made a left-hand
2 turn down the street. We followed them. I remember seeing
3 huge numbers of people -- at that stage you couldn't tell
4 whether they were men or women -- in fields. The van stopped.
5 Penny and her cameraman and sound man got out first. Our van
6 then stopped and Ian got out. By this stage, we'd got closer
7 and we could see men in a field in the distance, behind
8 fencing. Ian went straight forward with the translator
9 and ----

10
11 Q Who went first as far as you could see, went ahead? A. Of
12 our team or the other team?

13
14 Q Of both teams. A. Penny and her cameraman and sound man
15 went first, because they arrived first.

16
17 Q Then Ian Williams followed. A. Ian got out. We all
18 walked towards the fencing. Ian and the translator went
19 further, approached the fencing to start trying to strike up a
20 conversation. The way that I've always found it works, if
21 you're interviewing somebody who is not particularly maybe
22 comfortable in front of a camera or they're doing it for the
23 first time or whatever, if you immediately approach somebody
24 with a camera, switch on a light or you have a camera in their
25 face, they won't say anything to you. They'd be either scared
26 or nervous or whatever. So what we try and do is, we try and
27 let the correspondents go and talk without a cameraman, to
28 strike up a rapport with somebody, put them at ease, and then
29 you come along with your cameraman and turn the camera on
30 them, by which stage they're already at ease with the person
31 they're talking to. So at that stage, Ian and the translator
32 walked forward towards the fencing, the barbed wire, and
33 James, Chris and I stayed further back, again taking the
34 establishing shots that I've already told you about, what you
35 call the wide shots, the wide shots of the camp and the men
36 behind the wire. So you have an idea of what you're seeing
37 before you suddenly see a person being interviewed.

38
39 Q You said you saw those people standing in a field. Did you
40 get close up to them? A. Yes, we did.

41
42 Q What was your reaction, when you saw them there? A. I was
43 fairly shocked and appalled by the physical condition of many
44 of the men that I could see. They were very malnourished,
45 emaciated. Fairly shocking. We did get close up to the wire,
46 but, interestingly enough, they didn't come close to the wire
47 for quite a while. They stood four or five paces behind it,
48 as if there was some kind of invisible boundary that they were
49 not going to cross over.

50
51 Q Tell us what you did once you got near that field?
52 A. After taking the establishing shots, we went forward. Ian
53 had already found a couple of people, which you saw on the
54 rushes, who spoke English. So I stayed with James and Chris
55 and Ian and the translator, while he was doing the interviews.

1 I was also looking around, seeing what else. At one stage,
2 I think I broke away while Ian was doing interviews and went
3 further down the wire to the left and again just shouted out
4 in Russian: "Does anybody speak Russian? Does anybody
5 understand Russian?" I think one man spoke a little bit of
6 Russian and I asked him the same kind of questions I'd asked
7 at Omarska: "How long have you been here? How are you being
8 treated? When were you brought here? Where is your family?"
9 that kind of thing.

10
11 Q Have you been present during the whole of this case?
12 A. Yes, I have.

13
14 Q You know what the defence contention is: that you were walking
15 in fact into an enclosure surrounded by barbed wire; that it
16 was you in fact who was enclosed. Firstly, when you walked
17 towards the field, were you aware that you were in an
18 enclosure? A. No, not at all.

19
20 Q Were you at any stage aware in your trip through that camp
21 that you were in an enclosure? A. No, not at all.

22
23 Q Were you aware at any stage that you were caged in?
24 A. No. That was never the impression that we got.

25
26 Q How long do you think you were at the wire which faced you as
27 you came in? How long do you think you spent there?
28 A. Ten to fifteen minutes.

29
30 Q Can you remember where the Channel 3 crew were?
31 A. I think they were to our right, doing interviews further
32 down.

33
34 Q So we can just get the position right, where would
35 Mr. Williams be in relation to where you would be? A. He
36 would have been, when we were doing the interviews and
37 filming, standing right next to the cameraman.

38
39 Q The sound man would be standing there with you? A. Yes.
40 He'd be standing a little bit behind with his microphone up in
41 the air, catching what the people were saying.

42
43 Q After a time, you left that position and moved on. Do you
44 remember how and where you went? A. To the best of my
45 recollection, we moved left -- so it would be westwards --
46 along the barbed wire fencing and then we went around, moving
47 due north. We went past -- I think Ian made a mistake -- we
48 didn't go into the community building, we went into the school
49 buildings at the back, which is where the gymnasium was, which
50 as you'll see in our rushes, we filmed people living in a
51 gymnasium.

52
53 Q That is where they were sleeping? A. Yes. Penny and her
54 team had gone into the community centre and we made a decision
55 to go somewhere else. Because we were working as a team and

1 would inevitably share material, it wasn't worth duplicating
2 what the other channel was filming, because we weren't quite
3 sure how long we were going to be able to film there. So we
4 went due north, towards the school building.
5

6 Q When you were there, were you aware of the presence of armed
7 guards? A. Yes. There were armed guards around the camp.
8 There was one following us pretty much the whole time.
9

10 Q When you were there, did you see any women? A. Yes. We
11 saw women in the sleeping area, which was due north in the
12 school, and we saw women outside. We then continued, as far
13 as I remember, we then continued round, made a loop of the
14 camp and then came back down due south along the road where
15 people were drawing water. We had to go back towards the van
16 in the end and on that part we saw women who were sitting on
17 the opposite side of the fence. I think you'll remember from
18 the rushes, you'll see a woman sat on one side of the fence
19 and men sat on the other side of the fence, talking. We saw
20 women passing things over.
21

22 Q While you were there during this tour round the camp, was Ian
23 Williams doing anything? A. Ian was interviewing people
24 and trying to strike up a rapport. While he was doing that,
25 we would go and film other things, but we were never more than
26 50 yards away from him.
27

28 Q It has been said that the camp was the size of a football
29 field. Was that how you recall it? A. I recall it as
30 being larger than a football field.
31

32 Q Who made the decision as to what was shot? A. Well,
33 I mean, the cameraman pretty much decides for himself when he
34 sees something worth filming. If the producer or the
35 correspondent sees something which he thinks the cameraman
36 hasn't filmed, then he'll point it out to him. But James is
37 one of the best cameramen I've worked with and if you have
38 confidence in your cameraman, you pretty much assume that he's
39 going to film what you've seen and you don't need to keep on
40 tapping him on the shoulder and saying: "Do you see that guy
41 over there, or see that image over there? Go and film it."
42

43 Q At that stage, was your translator still with you?
44 A. I think she was still with us, but she certainly just
45 clammed up. She wasn't doing any translating any more or any
46 interpreting. She was pretty useless at that point. I don't
47 know whether it was because she didn't want to help us or she
48 was shocked at what she'd seen. But she was certainly, even
49 from the very beginning of arriving in Trnopolje, she was
50 very uneasy about asking questions and talking to the
51 prisoners.
52

53 Q Do you recall how long you were at the camp? A. Around an
54 hour. Not significantly more than an hour.
55

- 1 Q After that hour, what was your feeling about what you had seen
2 there? A. I felt that -- it's very strange. If you're a
3 professional journalist, you don't tend to feel things
4 immediately. You concentrate on what you're doing and then
5 after you've finished what you're doing, you then kind of sit
6 back and think about what you've seen and it struck me as we
7 left and we sat back on the bus how awful conditions were that
8 we'd just seen and what a pitiful state the men were in and
9 that somewhere mistreatment was going on, unfortunately.
10 That's what struck me.
11
- 12 Q As we know, you travelled back in a bus to Belgrade.
13 A. Yes. We all got back into the Channel 3 bus -- I think it
14 was eight of us -- and travelled back to Belgrade.
15
- 16 Q Did you receive any instructions from London once you had got
17 back to Belgrade? A. Once we arrived back in Belgrade,
18 no. The producer tends to deal with mainly technical things,
19 like if there's a satellite feed to be organised, then he co-
20 ordinates it from his or her end with London. Any editorial
21 discussions are had with the correspondent and the programme
22 editor or the foreign editor in London.
23
- 24 Q So when did you first become aware of how long an item you had
25 to prepare the next day for broadcast? A. I think we got
26 back to Belgrade and arrangements were being made for us to
27 travel to Budapest first thing the next morning. When we got
28 to Budapest and Ian had discussed it in full, he came back and
29 said: "Well, we're pretty much got as long as we want.
30 They've told us to take as much time as we need." Through
31 time constrictions, usually, in order to edit one minute of
32 material in a television broadcast, it takes you around an
33 hour to put together that one minute. We had between five and
34 six hours. So we knew that we were aiming of between five and
35 six minutes, certainly no longer, because we wouldn't have
36 been able to edit it that quickly.
37
- 38 Q So you drove to Budapest, as we know, and you went to the
39 editing suite there. A. Yes. We checked into a hotel
40 first and had a wash, because we'd got up at four o'clock in
41 the morning to travel. Then we went to a local facilities
42 house which provided editing gear, which Channel 4 had used
43 before.
44
- 45 Q Who was to do the editing there for Channel 4? A. James
46 Nicholas, the cameraman, was going to be the editor.
47
- 48 Q What was your role in that process? A. To go through the
49 rushes with Ian and James, discussing what kind of pictures we
50 might use, what kind of sequences, going through the
51 interviews -- because I'd done some interviews in Russian,
52 then I would sit down with my interviews and I would log them,
53 translate them, and then tell Ian if I thought any of them
54 were useable and just discuss how we thought we would
55 structure the report that evening.

1 MR. SHIELDS: Would that be a convenient moment, my Lord?

2
3 MR. JUSTICE MORLAND: Certainly. We will break for a quarter of
4 an hour, members of the jury.
5
6

7 (Adjourned for a short time)
8

9 11.45 a.m.
10

11 MR. SHIELDS: (To the witness): Mr. Braddel, we have you in
12 Budapest and in the editing suite. What role were you to play
13 as far as you were concerned in the editing and preparation of
14 the report which was to be filed that night? A. Well, Ian
15 and I tended to discuss his reports together. He is a very
16 good correspondent in that. You get some correspondents who
17 will not let the producer make any suggestions. Ian and
18 I worked together as a team, so my understanding was that
19 I would sit and chat with Ian about the structure of the
20 piece. Then he would go away and write his script and he
21 would very often come back and say: "Does this sound okay?
22 You know, what do you think about this? Should I add
23 anything, should I take anything out?", and I would make
24 suggestions which he would either take or ignore. And on the
25 other side I would be sitting with James and helping him put
26 the material into order, knowing where the various cassettes
27 were for shots we wanted, and also checking with -- James and
28 I were checking with Channel 3 to see whether they needed
29 anything.
30

31 Q Taking that in order, did you have any view as to what should
32 be the opening scene on the report which was to be sent to
33 London? A. Yes, I was quite adamant that we should start
34 off with the shots of Omarska. I mean, I left Omarska feeling
35 frightened myself at what we had seen and, perhaps more
36 importantly, what we had not been allowed to see. I was
37 frightened when I left Trnopolje. (sic) I was shocked and
38 appalled but I wasn't frightened. And in our discussions on
39 the bus back and on the trip to Budapest the next morning, we
40 all agreed that by far the most shocking footage was the
41 footage we had shot in Omarska, and it would only be right to
42 start off with those images. As television journalists you
43 are always taught that you start a story with your strongest
44 images because that is the way that you grab the attention of
45 the viewer, and if you think about it, you know, the News at
46 Six or the News at Nine, people are doing other things, people
47 are eating their dinner or they are busy. You have to grab
48 someone's attention with an image, and you are taught to start
49 with your strongest images. We felt that the strongest images
50 that we had shot after looking through the rushes and after
51 discussing it were the images from Omarska.
52

53 Q Did you have a chance then to look through your rushes as well
54 as the Channel 3 rushes? A. We looked through all of our
55 rushes and at various stages while we were logging James or

1 I would go in -- we were actually sitting in the next room. We
2 were sitting in one room and Channel 3 are in the next room to
3 us. It was just through a door. We would go in. They had
4 trouble at first with their edit equipment, fixing it up, so
5 James was helping them. Then we would go through and say, you
6 know, "Can we have a look at your rushes from Omarska, just to
7 make sure we haven't missed anything?", because it is a
8 continual process of exchanging material once you have
9 finished editing on your cassette.

10
11 Q Now, we know from what was broadcast that the report prepared
12 by Mr. Williams included some footage which had been shot by
13 the Channel 3 crew. There are two particular bits of footage
14 I want to ask you about. Firstly, there is the footage of the
15 camp doctor. How did that come to be incorporated?

16 A. Well, we knew from what Penny had told us on the various
17 trips back to the camp and then to Budapest that she had a
18 very good interview, a very powerful interview, with a doctor,
19 and he had given her the roll of film to be developed. So we
20 already knew that we would take a look at that and incorporate
21 that in our piece, since we had not been into the medical
22 facility.

23
24 Q Only she had gone into the medical facilities? A. Yes,
25 only she and Jeremy and Mickey had gone in.

26
27 Q Just so that we get it in our minds, where was the medical
28 facility as far as you were aware? A. As far as
29 I recollect, the medical facility was in the community
30 building.

31
32 Q It was in the community building. I think you said you went
33 to the school building? A. We went to the school building
34 which was, as far as I remember, behind the community
35 building, further to the north.

36
37 Q We then come to the image ---- A. Sorry to interrupt. So
38 what we would have done was we would have -- once ITN, Channel
39 3, had finished editing their doctor piece or finished with
40 the doctor tape, we would have gone through and they would
41 have given us the tape and we would have taken it to our
42 suite, spooled through - it is called spooling through when
43 you fast forward, you can still see what is happening but you
44 are not seeing it in real time. We spooled through the
45 cassette, found the sequence with the doctor and then edited
46 from their original rushes, that sequence.

47
48 Q Now what about the shot of Fikret Alic? A. I think James
49 had seen that while he was helping Channel 3 set up their edit
50 gear and while they were spooling through their cassettes, and
51 he came back in and he said: "Oh, they have got some good
52 pictures of the prisoners as well so we should use those when
53 we can".
54
55

- 1 Q Were you party to the decision to include the shot of Fikret
2 Alic which featured in Mr. Williams' report? A. Yes.
3 Yes, I was.
4
- 5 Q Did you at the time regard that as an image which represented
6 what you had seen? A. Yes. I mean, the use of barbed
7 wire in television news is a stock symbol of incarceration.
8 I have used it many times in doing stories from prisons around
9 the Soviet Union. They are all surrounded by barbed wire at
10 the top. It is a standard image of incarceration, barbed
11 wire.
12
- 13 Q Did you regard that as the most powerful image you had seen?
14 A. No. As I have said, if we had regarded that as the most
15 powerful image that we had taken, we would have opened our
16 story with that.
17
- 18 Q What did you regard as the most powerful image? A. The
19 sequence we opened with of the men being herded into the
20 canteen at Omarska.
21
- 22 Q When you went to Trnopolje and Omarska that day, did you
23 regard yourself as having any particular brief? A. No,
24 only part of the general brief of go out there and find out
25 what's happening; take Dr. Karadzic's invitation up and see if
26 there is proof of concentration of camps or if there is not
27 proof of concentration camps or mistreatment of Muslims.
28
- 29 Q Did you have any say in the writing of the script which
30 accompanies the images which were put together for the purpose
31 of the broadcast? A. I don't believe that I wrote any of
32 it. Ian certainly ran it by me and said: "What do you
33 think?", and I agreed with what he had written.
34
- 35 Q Did you see the piece when it was finished? A. Yes,
36 I did.
37
- 38 Q Were you happy with what was being broadcast? A. Yes.
39 I thought it was -- actually in the time that we had to do it,
40 I thought that it was well produced and well edited and well
41 scripted.
42
- 43 Q Did anyone suggest to you at any stage that you should try and
44 mislead by sending out that report in that form? A. No.
45
- 46 Q Were you party to any discussions where any such suggestion
47 was made? A. No.
48
- 49 Q When did you next return to London? A. We flew out from
50 Budapest the next day and I flew back to Moscow the day after
51 that.
52
- 53 Q One thing I did not touch on, and I apologise for, the
54 pictures taken by the doctor, did you see those -- obviously
55 you saw them at some stage during the day. Were you a party

1 to the decision to include those in the broadcast?

2 A. Yes. Ian James and I looked at the cassette that they had
3 been transferred on to and decided to use them, yes.

4
5 Q After the programme was broadcast, the item was broadcast,
6 there was a live interview, I think I with Mr. Williams?

7 A. That's right, yes.

8
9 Q Did you have any part or play any role in that? A. I was
10 present in the studio in Budapest to make sure that nothing
11 went wrong and I was talking to London to make sure
12 technically things were fine.

13
14 Q Were you in charge of the technical transmission of the
15 interviews to London? A. No, that would have been done by
16 technicians at Hungarian State Television, but I was on hand
17 just to liaise with the people in London.

18
19 Q I have jumped ahead and I apologise for that. You went back
20 to London the next day, you said? A. Yes.

21
22 Q And what happened then as far as you were concerned?
23 A. I went straight home to my parents' house, packed the rest
24 of my things, and I went back to Moscow on the next morning's
25 flight.

26
27 Q Stay there, please.

28
29 Cross-examined by Mr. MILLAR

30
31 Q Mr. Braddel, as Mr. Shields put it in opening this case to the
32 jury, when you went out to Belgrade there was considerable
33 world attention as to whether concentration camp allegations
34 could be substantiated. Would you agree with that?

35 A. I wasn't aware of that much because, as I have explained,
36 I had been on vacation. I hadn't listened to news. I wasn't
37 aware until I got the phone call that this was a particularly
38 big story. I was only aware vaguely of one article in the
39 **Guardian** newspaper. Until I arrived in Budapest I had not
40 seen any other articles with the allegations of the camps.

41
42 Q Is that the Maggie O'Kane article? A. Yes, that's right.

43
44 Q Did you read that? A. No. No, I remember it being
45 featured on one of the news programmes that I vaguely heard on
46 radio or television.

47
48 Q But a copy, I think, was available to Mr. Williams and he read
49 it as part of his background preparations and presumably
50 showed it to you? A. Yes. When we arrived in the
51 Budapest and I met up with Ian, Ian showed me the bundle of
52 information that he had been sent out and that he had in his
53 possession.

54
55 Q And you read it then? A. Yes, I read all of the articles.

- 1 Q And Maggie O'Kane had written a piece from Banja Luka but not
2 actually having been to any camps, alleging that there were
3 concentration camps in northern Bosnia? A. That's right,
4 yes.
5
- 6 Q Being run by the Bosnian Serbs and two of the camps she
7 mentioned were Omarska and Trnopolje. Is that your
8 recollection? A. That is my recollection, yes.
9
- 10 Q As far Mr. Karadzic's offer is concerned, did you regard that
11 as a challenge to try and find out whether there were such
12 camps, concentration camps? A. Not as a challenge to us,
13 you know, "We have them, you come out and find them if you
14 think you can", that kind of challenge, no. I didn't actually
15 see the interview with Dr. Karadzic, I was just told that he
16 had in a live interview with I think Nick Gowing, diplomatic
17 correspondent, said: "Come out and see for yourselves". He
18 denied the existence of the camps and said: "Come out and see
19 for yourselves" so I did not see it as a challenge in the
20 sense that I think you are implying.
21
- 22 Q But you felt whilst you were in Belgrade that you were being
23 given the run-around because you were not being allowed to get
24 to northern Bosnia? A. Yes. He had said -- he had issued
25 an invitation and then it seemed that nobody was willing to
26 honour that invitation.
27
- 28 Q Now, eventually you got to Omarska and I think you were at
29 Omarska in the sense that you were able to film there for
30 what, about 20 minutes? A. Filming for about 20 minutes,
31 yes. We were there for about half an hour, 35/40 minutes, but
32 filming 20 minutes, yes.
33
- 34 Q While you were there, you were promised the trip to Trnopolje,
35 I think, by the woman that we have seen in the red outfit in
36 the interview in the commandant's office? A. That's
37 right, yes.
38
- 39 Q Did you feel that was a way of ushering you out of Omarska and
40 getting you to move on? A. Yes. I mean, we all felt --
41 I mean, I felt and we all felt that they did not want us to
42 see anything else in Omarska and they were keen to get rid of
43 us.
44
- 45 Q By sending you to Trnopolje? A. Um hum.
46
- 47 Q Now, can you find, first of all, the defendants' bundle. It
48 is not the big red one, it is the other one. Just turn open
49 at the first page. That is a plan of the layout of the camp
50 at Trnopolje based on a satellite photograph taken by the
51 Americans on the day in question, 2nd August 1992. A. Um
52 hum.
53
- 54 Q Could you also have open in the claimants' bundle, which is
55 the red one, if you can manage it on the limited area that is

1 in front of you in the witness stand, the article complained
2 of, which is at tab 6. Turn in six pages to what was p.28 in
3 the article.
4

5 MR. JUSTICE MORLAND: Before we go to tab 6, there is a question
6 from the jury - and Mr. Braddel, you may be the best person to
7 answer this question - "In tab 1 are the words Naziv zatvora -
8 logora". Now where do I find that?
9

10 MR. MILLAR: If you look at the two dotted lines running across.
11

12 MR. JUSTICE MORLAND: Yes. (To the witness): "Naziv zatvora -
13 logora". You see where that is? It is the heading of the
14 subjects below. Above the word "Place"? A. Yes.
15

16 Q What the jury want to know is can you obtain an English
17 translation? A. I cannot unfortunately, because it is not
18 Russian.
19

20 Q It is Serbo-Croat, is it? A. Yes, it is Serbo-Croat. It
21 does not bear any relation to Russian.
22

23 MR. JUSTICE MORLAND: Well, we have failed there. Whether we will
24 get a Serbo-Croat witness or somebody who is an expert in
25 Serbo-Croat, we will just have to wait and see. Otherwise we
26 may never know what those words mean. But it may be possible
27 to let you know what they mean. Thank you. Yes, tab 6 now.
28

29 MR. MILLAR: (To the witness): Tab 6, six pages in. A. The
30 map, yes?
31

32 Q Yes. Do you have a copy of the magazine on the stand?
33 A. No, I don't believe I do.
34

35 Q I think there is one as an exhibit. It may be better for you
36 to do it actually from p.28 because then you can see the
37 printed photographs and the plan is a bit clearer. I hope
38 I can take this reasonably shortly. Your route to Trnopolje
39 from Omarska brought you from the southwest roughly. Is that
40 right? A. Yes, that's where we approached the camp. Yes.
41

42 Q On the plan, as you will see from the US satellite photograph
43 plan, as it were, north is north and south is south. You can
44 see from the top right hand column, the corner of the arrow
45 pointing north? A. Yes, I see that.
46

47 Q Was that your recollection of the orientation of the camp?
48 A. Well, pretty much. I am not a geographer, but yes.
49

50 Q If you look at the page from the article you will see that
51 right at the top of that diagram there is an arrow from a
52 photograph of something described as a school building to a
53 complex of buildings to the north. A. Right.
54
55

1 Q Is that the building in which you filmed your inside shots?
2 A. As far as I recollect, yes.
3
4 12.00 noon
5
6 Q Then there is an arrow to a complex of buildings in the
7 middle, described as a community building with a medical
8 centre and public hall? A. Yes.
9
10 Q That was the building that you did not go into because ITN
11 were in there? A. Yes, that is right. That is what
12 I recollect.
13
14 Q Have you had a chance to see the Channel Four and Channel
15 Three rushes in connection with this case? A. Yes,
16 several times, before the case and I have been present since
17 the case began.
18
19 Q Before we look at those, can I just get some general points
20 from you about your feelings about the camp and your
21 experiences there. You were there for about an hour in total?
22 A. About that, yes.
23
24 Q While you were going around the outside of the camp and
25 filming, you were watched by Serb guards from a distance but
26 they did not stop you filming what you wanted? A. No.
27 They were observing us and one followed us when we moved, but
28 they didn't attempt to stop us, no.
29
30 Q Your appraisal, as I understand it, of those guards around the
31 outside of Trnopolje is that they were much more relaxed than
32 the guards you had seen at Omarska. Is that right?
33 A. Yes, they weren't quite as aggressive - at least towards
34 us.
35
36 Q In fact, as I think we are going to see on some of the rushes,
37 some of them are quite friendly and we can see them chatting
38 over the wire to the men in the field? A. Yes. I don't
39 think ----
40
41 Q Not friendly to you but apparently friendly to the men?
42 A. No. I don't think it's unknown for guards to become
43 friendly with camp inmates throughout the world. It is a
44 phenomenon that you have heard of.
45
46 Q No, but you did not see that in Omarska. That is the
47 distinction I am drawing? A. No. I mean we weren't
48 allowed to see hardly anything in Omarska.
49
50 Q When you finished at Trnopolje, having gone round it in the
51 way you described after about an hour. Why was that? Why did
52 you move on then and not stay longer? A. After an hour?
53
54
55

1 Q Yes? A. I think we were told that it was time to leave.
2 "Thanks very much you have had enough time and it's time to
3 get back on the buses."
4
5 Q Who told you that? A. I honestly can't remember Whether
6 it was Ian or whether it was the translator who told us.
7
8 Q You went all around the camp. As I understand it, looking at
9 the plan, either of them, because the plan in the magazine is
10 based on the satellite photograph but with some additions
11 which are contentious, you went up the west side of that
12 complex of buildings? A. Yes, we travelled north up the
13 west towards the school.
14
15 Q Through the school building at the top and back down the road
16 to the east? A. Yes, that's right. That's my
17 recollection.
18
19 Q I think you said in your evidence in chief that you were not
20 frightened when you left Trnopolje - again drawing a
21 distinction between Trnopolje and Omarska - whereas you had
22 been when you left Omarska? A. Yes, and I was shocked
23 and appalled but I wasn't frightened at what I had seen.
24
25 Q I wonder whether I could take you through some of the shots in
26 the Channel Four rushes. I start at the point where you are
27 coming in your bus to the camp and just run that through - and
28 this will be familiar to the operator - until the shot goes
29 blurred. You drive up. The camp comes into view and after a
30 few seconds the shot becomes blurred. Now that was your
31 arrival at the camp being filmed out of the bus?
32 A. That's right, by James Nicholas.
33
34 Q We can see in the early part of it that you made that turn to
35 the left that you described in your evidence in chief?
36 A. Yes, we followed the lead car with is a Serb APC (armoured
37 personnel carrier) which turned left. That is the way we had
38 to go because that's the way we were being taken.
39
40 Q On our case, if you look at the plan, what you are doing there
41 is turning across into the road that runs up to the west at
42 the bottom of the camp. Is that right? A. Yes, that
43 would seem to be the case, yes.
44
45 Q So you are looking north right from the bottom at the
46 intersection of the two roads? A. That's right.
47
48 Q We can see on the satellite plan (which is the non-contentious
49 one) that there appears to be a building there on the right-
50 hand side, a long oblong building. Can you see that?
51 A. Yes. You mean the first building you see, south west?
52
53 Q I am sorry I didn't catch that? A. It's the first one.
54 It's got "electricity transformer and garage" pointed at it.
55

1 Q In the magazine? A. In the article, yes.
2
3 Q It's an oblong building. We will look at it on the rushes in
4 a minute in a little more detail. But have I understood this
5 right, that you turned left into that road. James is filming
6 out of the right-hand window. We are going right to left
7 across the southern part of the camp? A. Mmh.
8
9 Q And we get blurred because you cannot film any more because
10 you hit the building and bushes and things in front? A.
11 Yes, we hit the bushes.
12
13 Q Is that right? A. That's right, yes.
14
15 Q Then, presumably, you parked your car somewhere down there?
16 A. All of the convoy stopped. The lead vehicle stopped so all
17 the other cars were forced to stop and we were allowed out of
18 the vehicles.
19
20 Q Could we just run the video back to the very first shot that
21 we see after the camera is no longer filming inside the bus?
22 Now, that was your very first sight, as it were, out of the
23 bus? A. That's right.
24
25 Q I think what happened, as I understand your evidence, is that
26 after you had got out of the bus others went ahead and you and
27 Mr. Nicholas remained in this area for a while? A. I can't
28 remember whether we remained in that area. We certainly
29 lagged behind the others who were walking. We had all seen
30 the large concentration of men you can see at the back of the
31 picture there, at the rear of the picture, and we started
32 towards that concentration of men to see what they were, who
33 they were. James and I stayed slightly behind getting shots.
34 I can't remember whether we stayed exactly there or whether we
35 walked a little bit and then stopped to take shots.
36
37 Q We are going to see the shots you took in a moment, so it will
38 become apparent? A. We stayed behind, yes. We lagged
39 behind the others.
40
41 Q You take some shots, not necessarily exactly from this
42 location, but from this southern part of that building. As
43 I understand your evidence in chief, which was very helpful,
44 you explained that what you and Mr. Nicholas would do on
45 arrival at a location is take what are called "establishing
46 shots"? A. Yes.
47
48 Q You explained to us, and this was how I noted it, "When you
49 start filming you always have to establish where you are and
50 what it is before you start filming"? A. Yeah, you
51 either do it ----
52
53 Q So you and the cameraman take these shots, called
54 "establishing shots"? A. Yes, you either do it at the
55 very beginning, or you know you can do it in the middle or

1 towards the end. Sometimes if you feel that you're not quite
2 sure how long you're going to be able to film, then you try
3 and make sure you get all the shots at the beginning, because
4 who knows.... Your bosses have a very dim view of you coming
5 back from a shoot without a wide shot, or an establishing
6 shot. So you try and get that one in the can as early as
7 possible.
8

9 Q Right. But that is the purpose of it, is it - to establish
10 where you are and what it is? A. Yes, it's also to give
11 you a selection during the editing process. If all you have
12 got are close-up pictures, the sequence you can't watch it.
13 It doesn't look very good. It doesn't look very professional.
14 So you need a selection of shots, wide shots, medium shots,
15 close-ups to be able to edit your finished report.
16

17 Q Presumably because you did not know how long you were going to
18 be at Trnopolje you and Mr. Nicholas took establishing shots
19 when you got there? A. Yes, we took some shots when we
20 got there and I seem to remember we took quite a few wide
21 shots after we had been there a little while as well.
22

23 Q If you look at that shot there can you see, on the left-hand
24 side, a tall building? A. Yes, I can.
25

26 Q That's the one that is described on this plan as
27 "transformer"? A. Yes.
28

29 Q Can you see a row of poles running across the screen from that
30 building to the right? A. Yes, I can.
31

32 Q Brownish kind of poles? A. Yes.
33

34 Q If you look to the right there is the east road? A. With
35 some more poles, yes.
36

37 Q There are some poles running away up the east road?
38 A. Yes, that's right.
39

40 Q Similar sorts of poles. Now we are going to see some close
41 shots later on of those poles and the fencing between them,
42 but just looking at that and taking it in the round, is it
43 your recollection that there were two sets of poles with
44 fencing between them as you arrived - one running across
45 east/west and one then running up the east road?
46

47 A. After seven and a half years my recollections of what
48 I saw when I first arrived at Trnopolje are pretty dim.

49 Q I am sure that is right and I understand that. I am really
50 asking you having refreshed your memory? A. On the
51 picture there I can see poles running from right to left and
52 poles running northerly up the side of the road, yes.
53

54 MR. JUSTICE MORLAND: Looking at it now - you may not have taken
55 notice of it at the time - but it is really rather obvious

1 that at some stage the area enclosed in the barn, the garage
2 and electricity transformer was enclosed by a barbed wire
3 fence with iron poles? A. At some stage there was an
4 enclosure there, yes.
5
6 Q Certainly at the time you were there, whether the thing was
7 wholly enclosed or almost wholly enclosed, it certainly was an
8 enclosure? A. At one time, yes. It was fairly derelict
9 at the time, as you can see from the state of the buildings
10 and the rusty wire, by the time we had got there.
11
12 MR. MILLAR: Could we just move forward a bit. One of the
13 establishing shots you took.... Just watch this as it runs on.
14 Pause there.... You are presumably familiar with that shot
15 because it is the rack(?) shot that was used at the end of the
16 report? A. Mmh.
17
18 Q A rack shot, as I understand it - it is only a recently
19 acquired understanding - is one where the camera comes back
20 from what it is shooting at a distance to then focus on
21 something nearer? A. It focuses on something in the
22 distance and then it pulls back and re-focuses on something
23 behind that.
24
25 Q Yes, but the important point about a rack shot is the
26 cameraman does not move. He can move what you are
27 seeing ----? A. That's right. He does it with the
28 camera ----
29
30 Q By zooming in and out on the camera? A. Yes.
31
32 Q So a cameraman such as Mr. Nicholas is in a very happy
33 position in terms of looking at the lay out of a camp or an
34 area because he has got that facility on his camera to look
35 into the distance, rather like looking down a telescope or a
36 pair of binoculars? A. Yes, that's right. I mean, it's
37 not something that you use too many times because it gets
38 repetitive. What James is doing while he gets off the bus and
39 on the bus, he's pretty much practising. He is seeing shots.
40 He is setting up his camera. He's looking around. I mean, he
41 does not assume that every single shot that he takes is going
42 to be used in an edited form. It is very much a system of
43 shooting and practising in getting the right angles as he goes
44 along. Then from the rushes you choose which ones you like
45 and which ones you don't like.
46
47 Q Are you still with him at this point where he is taking this
48 rack shot? A. Yes, I was with him and the sound
49 recordist, Chris.
50
51 Q He is shooting the men who we saw earlier on in the field in
52 the background. If we look on that shot we can see wire. If
53 we look closely we can see it is barbed wire, but even just
54 from a distance you can see there are strands of wire?
55 A. Mmh.

1 Q Running across in front of those guards between them and the
2 men where that grass is growing up? A. Trnopolje
3
4 Q Did you take that rack shot you having seen or he having seen
5 through the zoom facility that there was a line of barbed wire
6 running across there? A. You would have to ask him that.
7
8 Q He did not discuss it? A. No, as I say, James is an
9 experienced, and excellent cameraman. I don't tell him what
10 to shoot or how to shoot it. I might ask him "Have you seen
11 that? Have you already got a shot of it?" but how he takes
12 his shots, that's up to him totally.
13
14 Q We can run it on to see the rack shot as it comes back. Just
15 stop there. What you had then immediately in front of you
16 was barbed wire fencing? A. Yes.
17
18 Q I think you saw earlier on in the shot we ran through that
19 lower down it was a sort of chicken wire? A. That's
20 right, yes.
21
22 Q Were you aware of that when you were filming that?
23 A. I was aware of wire at various points around the camp,
24 yes, but I was not aware that that shot was being taken
25 because you can't tell when James has his eye to the camera
26 what he is doing.
27
28 Q You are not behind the camera. I think at some stage he stood
29 up on a boulder to take one of these shots. Is that right?
30 A. As far as I remember I think that was when we had gone a
31 little bit further, just to get some extra... We didn't have
32 ladders with us. We just didn't take the ladder because
33 carrying it round is a bit of a pain if you're travelling. So
34 to get a higher shot, a top shot from a wide angle he stood on
35 top of a boulder to take it. That was when we had already
36 gone a little bit further in, I think.
37
38 Q In passed this fence we are looking at? A. I think so,
39 yes.
40
41 Q Could we just pause that there, take that out and look at one
42 of the rushes taken by Channel Three. Other than in court you
43 may not have seen these recently? A. No. I saw them
44 again before the case came to court.
45
46 Q You did see them? A. Yes, I did.
47
48 Q Now, this is a shot towards the end of the ITN rushes and we
49 are going to look at the whole shot in a moment, but just so
50 that you can locate it.... Let me put this to you: I think
51 both crews, at the end of the trip, did as you did and came
52 down this road to the south? A. Yes, that's my
53 recollection.
54
55

1 Q And this is the shot taken by the cameraman for ITN. If you
2 look at that tall building, that is the transformer building
3 from the other side, and then the long building on the right
4 of it as we look is the building behind which your shot got
5 blurred as you moved across the road? A. Yes, it looks
6 like it.
7
8 Q And so when you are leaving the camp along with your
9 colleagues from ITN you are coming down this road, right to
10 left as we are looking at that shot, passing this scene on
11 your right-hand side. Is that right? A. Yes.
12
13 Q Okay, now could you play the video please. (Pause) Now you
14 had been up that road up the end? A. Yes.
15
16 Q You had taken, on the last bit of your trip round the camp, 15
17 or 20 minutes to come down the road? A. Possibly.
18 I think that's where we stopped, coming down where you see the
19 man in the black shirt. I think it was around there where we
20 took the shots of people drawing water just across the road.
21
22 Q I see. We though it may have been a bit further up, but it
23 was certainly somewhere along there? A. It was certainly
24 on the trip down that road so we probably paused there to take
25 those shots.
26
27 Q Right, but on the plan you had come out of the front of the
28 school building on to the road? A. Mmh.
29
30 Q And, as I say, spent 15 minutes or 20 minutes or something
31 like that coming down the east road, taking a variety of shots
32 that we can see on the rushes? A. Yes, that's right.
33
34 Q We see one or two of them later. In that shot we have just
35 seen you can see the section of the layout of the camp that
36 indicated by the plan by the dark shading, except that what
37 happens on the satellite plan is that the light ground
38 translates into dark shading. Do you see that? A. Yes.
39
40 Q Where you get a dark shading coming in from the road, it is in
41 fact the light of the dry ground coming in from the light
42 road? A. Yes, I can see that.
43
44 Q There is a gate there, is there not, in the driveway in from
45 the east road? A. Do you mean the gate we can see in the
46 picture here?
47
48 Q I do, yes. In the background it is the community building and
49 in between is the field where the men were? A. That's
50 right, yes.
51
52 Q Now on that shot - and do say if you want to see it again -
53 there is fencing indeed barbed wire fencing running from the
54 beginning of the shot as the camera pans round, up to that
55 gate and beyond? A. As I said earlier on we could see

1 barbed wire fencing going up, going in a northerly direction
2 up the side of the street.
3

4 Q When you say "we could see", I thought earlier on you were
5 saying on the video - and what I am asking you about now is
6 your recollection refreshed by the video evidence from the
7 rushes - as you are leaving the camp and coming down the east
8 road? A. There is wire pretty much - wire of various
9 types pretty much stretching down the whole of that road, yes.

10
11 Q And there is barbed wire on the top of it, is there not?
12 A. Yes.
13

14 Q So you were retracing the route that you took in but on the
15 other side of the barbed wire fence to the east when you went
16 back to the car? A. Well, we didn't walk around to where
17 we entered as far as I remember. The convoy had pulled out on
18 to the side road here.
19

20 Q What I am putting to you (and I put it rather inelegantly and
21 I apologise) if you look at Mr. Deichmann's plan where we have
22 got the transformer at the bottom, as I understand it - this
23 is what Mr. Williams said yesterday - Penny Marshall enters in
24 a gap to the right of the transformer and makes a beeline for
25 the fence with her crew? A. Mmh.
26

27 Q He said, "I guess I would have taken the same route." He was
28 not sure but he said, "I guess I would have..." and I was
29 rather assuming that you had followed suit and taken the same
30 route? A. We proceeded - we entered the camp in the
31 south west, as you put it. We walked straight up towards the
32 barbed wire fencing past the barn, as it is put in the map,
33 and then we turned westwards, left as I would put it, and
34 walked around the community building to the school - spent
35 time in the school; again came out of the school, walked
36 around the fence on that field and then due south back to
37 where the buses were. As far as I can remember the buses were
38 already pulled up and were ready where the intersection is
39 where the left-hand turn is made at the bottom.
40

41 Q So, what I was putting to you before, as I had to accept
42 rather inelegantly, is that what you did when you went in,
43 looking at the plan, was you went up along that piece of
44 barbed wire fencing there with the gate in it on the west
45 side, heading towards the fence; and when you came back you
46 came down it on the east side on the road? A. Yeah,
47 although at the time I have to say one wasn't really aware of
48 surroundings as we were walking. I mean, it doesn't look much
49 of a distance there but there was a distance between where we
50 were going and where the fencing was at the side, so one was
51 not concentrating to what was to one's right-hand side. We
52 were concentrating on following where Ian had gone and to over
53 where we thought our next sequence of shots were going to be
54 taken, which is where the prisoners were standing behind the
55 barbed wire.

1 Q That was when you went in? A. Yes.
2
3 Q When you came out ----? A. When we came out and walked
4 down the side of that road ----
5
6 Q You were not looking at the men any more because they were
7 behind your right-hand shoulder? A. That's right but
8 neither was I looking at the fence. I was looking at the
9 vehicle probably.
10
11 Q Yes. You walked down the east road and go down a sharp right
12 and round the corner to get to your vehicle? A. No.
13 I just said that the vehicles had pulled out of where they had
14 parked and they were waiting for us on the main road just with
15 the intersection where they turned left to begin with.
16
17 Q All right? A. So we didn't retrace our steps and go back
18 to where we went in.
19
20 Q No? A. We jus walked down that road to get back to our
21 vehicles.
22
23 Q Passing that on your right-hand side? A. Passing, yes
24 all the way down, but as I say I was looking at the vehicle or
25 probably talking to the cameraman or the sound man, or I was
26 probably nackered from carrying a tripod for an hour.
27 I wasn't looking to my right and to my left at that stage.
28
29 Q Either on the way in or the way out it did not enter your
30 consciousness at all that there was this area with the barn,
31 apparently surrounded by barbed wire fencing? A. Well,
32 it wasn't surrounded by barbed wire fencing from all sides.
33 There was barbed wire fencing up one side and there was a
34 little bit where we entered.
35
36 Q Yes, and there was barbed wire fencing to the north, was there
37 not, because you felt the men in the field was in there?
38 A. Yes, but I wasn't aware of barbed wire.... Of us being
39 surrounded by barbed wire.
40
41 Q We will come and have a look at that but ----?
42 A. Because to the western side, as far as I recollect, there
43 was no barbed wire fencing going down the other side.
44
45 Q None at all? A. Not that I recollect, no.
46
47 Q We will have a look at that in a moment. Just where we are -
48 I put the point to you again - you are saying it did not
49 register at all on that trip in and the trip out that there
50 was this area at the south eastern corner with high barbed
51 wire fencing around it - indeed the very fencing that you had
52 filmed in your establishing shots with your cameraman when you
53 arrived at the camp. It just did not enter your mind?
54 A. Not at the time, no.
55

1 Q Okay (to the operator) could you take that film out, please,
2 and put the Channel Four rushes back in? (Pause) You are now
3 at the fence, as I understand it? A. Yes.
4
5 Q With your cameraman? A. That's right.
6
7 Q That is a barbed wire fence, is it not? A. Mmh. Yes, it
8 is.
9
10 Q That is the fence through which Alic was filmed?
11 A. Barbed wire at the top and what we call "chicken wire"
12 underneath it, yes.
13
14 Q Exactly. That is the fence through which the famous shot of
15 Alic was taken? A. That is right, yes.
16
17 Q We will run it again in a minute and look at it, but you can
18 see the guard and the men there, in particular the men to the
19 left of the shot; people are looking up along the fence to
20 the west to see something? A. Mmh. People's attention
21 is turned away from us and is turned up the fence, yes.
22
23 Q Can you just run it on a bit and we will watch that. That is
24 the scene in front of you? A. That's right.
25
26 Q Pause there. Now, your other defence, and it is our
27 understanding of what the men are looking at up to the other
28 side of the fence (up towards the west) is the ITN film crew
29 with Penny Marshall who had got to the fence first and who
30 were filming? A. They could have been looking at Penny.
31 They could have been looking at the Bosnian Serb film crew as
32 well who had also started filming.
33
34 Q As we will see in a moment the two crews were in the same area
35 because the Bosnian crew was filming the ITN crew and what
36 they were filming. Do you remember that? A. I remember
37 ... Sorry, do I remember the Bosnian crew filming Penny at the
38 wire?
39
40 Q Do you remember that group with the other two film crews
41 further up the wire to the left as you are to the west when
42 you get to the fence? A. Yes, I remember the two crews
43 filming by the wire, yes.
44
45 Q I think what is happening there with you and your cameraman,
46 perhaps understandably, and I think what happens next, is you
47 do not start filming in that direction because you would be
48 filming film crews filming people, which would be an odd thing
49 to do; you head off in the other direction down to this
50 corner that we can see here and start taking some shots down
51 there? A. Yes, as I say. It's a team effort. You don't
52 duplicate what the other team is filming. So it would have
53 been pointless for us to go and stand right next to Penny and
54 film the same things. We would have got back and found we had
55 exactly the same material - a complete waste of time. So also

1 because Penny was being shadowed by the Bosnian crew we felt
2 that that gave us an opportunity to perhaps get some of the
3 other men to talk to us slightly more freely.
4

5 Q Right. On this shot, if you look at Mr. Deichmann's plan,
6 that what we are looking at with that strand of barbed wire
7 fence in front of you, and the low mesh fence running away up
8 the road diagonally, is the north east corner of what he has
9 got on his diagram with a thick-straight-line-dot, thick-
10 straight-line-dot as the area enclosed by the barbed wire
11 fencing. Do you follow? A. Yes.

12
13 Q Does that sound right? A. It's where the two meet at a
14 corner.

15
16 Q Yes. In fact if we run on in a moment we will see three
17 strands of fencing meet. Can we just run on. That is up at
18 the fence. That is an interview conducted up at the fence?
19 A. That's right, yes. I think you saw in the shots before
20 that the point where the fences meet.
21

22 Q Can you go back very quickly because we can catch it where the
23 three fences meet. There. We get a red pole? A. That's
24 right.

25
26 Q Do you see the barbed wire hitting that red pole?
27 A. Yes, I do.

28
29 Q Do you see down the bottom below a mesh fence hitting the same
30 pole? A. Yes.

31
32 Q That is where the three fences join? A. Yes.

33
34 Q So you were in the north east corner of a two-sided area
35 surrounded by barbed wire. Now were you with your cameraman
36 at that point? A. To the best of my recollections, yes.
37 I may well have peeled off and started shouted out, "Does
38 anybody speak Russian" at this stage. I can't remember when
39 I did that.
40

41 Q We see a host of you in a moment actually which may jog your
42 memory. So you are aware at that point of the fencing
43 arrangement if I can put it that way, with the low mesh
44 running a way up the east road and the two sides of barbed
45 wire fencing? A. Yes.

46
47 Q If you just run on at normal speed we will see you and be able
48 to locate you. Is that you coming into shot at the right?
49 A. That is, yes, behind I think.... Ian is in front of me.
50

51 12.30 p.m.

52
53 Q Pause there. Then you come into shot? A. That is, yes,
54 behind -- I think Ian is in front of me.
55

- 1 Q Ian is in front. That is right. Now, you were up at the west
2 fence. Can you just take that film out and put in the film
3 that we had taken by the Bosnian Serb crew? Just run the very
4 beginning bit of the shots at the wire. I will tell you when
5 to stop. That is the scene up at the fence up to the left of
6 you ... A. I recall Penny and her crew being in a
7 different area to us, yes.
8
- 9 Q That, I think, is the crew that we can see on the left hand
10 side, the ITN crew? A. That's right, in the dark, perhaps
11 black, flak jackets, yes.
12
- 13 Q Are you able to say how long they were at ... A. I think
14 the same amount of time because I certainly left -- I think
15 they left before us to go into the community centre but since
16 they got there before us, roughly 15/20 minutes.
17
- 18 Q Roughly 15 to 20 minutes? A. I cannot say exactly.
19 I remember being aware that they had moved into the community
20 building. I had seen or maybe Ian had told me, in which case
21 we were to go somewhere else.
22
- 23 Q Could you just pause the film there, because I just want to
24 ask you something and it is slightly difficult to do it when
25 it is running and we have got the sound. I am going to ask
26 you in a moment about your movements thereafter, after the
27 location we have just had you at, and you are going up the
28 west side of the camp. Let me ask you this. They went in
29 before you, we have established that. When you and your crew
30 came out of that area alongside the barbed wire fence, were
31 they still there or had they left first? A. I honestly
32 can't remember.
33
- 34 Q Could you run it on a bit further, please? Was Mr. Vulliamy
35 of the **Guardian** in this group? A. Yes, he was with Penny
36 to begin with. I don't know what he did after that but he was
37 certainly with them, yes.
38
- 39 Q Now pause there. I think that is Mr. Vulliamy there in the
40 background? A. That's right, yes.
41
- 42 Q We can see that the sound man there has a long pole. What do
43 you call that? A. It is a boom mike.
44
- 45 Q A boom mike? A. Yes, his microphone is fixed on the end
46 of the pole and it enables him to be able to pick up what is
47 being said without getting the microphone in the way of the
48 shot.
49
- 50 Q Did your sound man have one of those? A. Yes, he did.
51
- 52 Q How long is a boom mike? A. Six foot, five foot,
53 something like that. It is very long.
54
- 55 Q Very long? A. Yes.

1 Q And it is quite a sensitive piece of equipment presumably?
2 A. Um hum. The microphone on the end. The pole is not, it
3 is just a pole.
4
5 Q The pole is not, no. But the microphone ---- A. The
6 microphone on the one end is.
7
8 Q -- is on one end, six foot away and it runs down into
9 presumably the pack or whatever he is carrying? A. Yes,
10 he is carrying a sound pack.
11
12 Q Presumably you did at some stage have a view up along the wire
13 in the way they are looking there? A. Um hum.
14
15 Q Yes? A. Yes.
16
17 Q Run on at normal speed because we are going to see another
18 shot along the wire. Stop there. Now take that out and go
19 back to the Channel 4 rushes. I think we can then locate you
20 next on the Channel 4 rushes in the area to the west of the
21 field or pen or area where the men are. A. Yes, I think
22 my recollection is that we moved up the fence.
23
24 Q In this shot we have you at the fence. There is you - wait a
25 second - there. At this point you are to the west, are you
26 not? A. I am not quite sure actually. Is that not where
27 we have just been?
28
29 Q Could just run that again because it is a bit unfair to not
30 give you the context of this. Thank you. That is the
31 community building at the back? A. Um hum.
32
33 Q Do you see? A. Yes. So the community building is on the
34 left. So we are ----
35
36 Q That is the field where the men are. The east road is now
37 well back in the background. You can see a pole running up in
38 the back which is a street light and looking at it on
39 Mr. Deichmann's plan, those men standing there are down in the
40 southwestern corner of the area, again at the intersection of
41 three fences? A. No, I don't think I see that they are at
42 the southwest. The community building is north west from the
43 picture we have just seen there and we are -- my seeing of
44 that is that we are to the right of the community building,
45 i.e. in an easterly direction.
46
47 Q No, I do not think, with respect, that is right, because if
48 you were in an easterly direction there would be a road there,
49 would there not?
50
51 MR. JUSTICE MORLAND: There is a house in the background which
52 I would have thought must be a house on the other side of the
53 east road. A. Of the road, yes. So the run is running up
54 there so we are fairly close to the east road. We are not
55

1 certainly -- I don't know. I mean, from that, as I say, I am
2 not -- geography is not my strong point.

3
4 MR. MILLAR: Run it back again and we will look at the community
5 building. Stop there. That is the side of the community
6 building, is it not? A. Yes.

7
8 Q There is a sort of canopy at the front and it fronts out on to
9 the road, to the east road. Yes? A. That's right, yes.

10
11 Q And this is obviously the field that the men are in?
12 A. That's right, yes.

13
14 Q If you are looking on the plan at the southern side of the
15 community building, Mr. Deichmann's plan, as it were, due
16 south but not within the area that he says is a barbed wire
17 area, at the intersection of those three fences meeting on his
18 diagram, so you are looking north at the southern side of the
19 community building, side on, directly side on, there is a low
20 mesh fence in front of you, is there not? A. Yes.

21
22 Q And that is that fence there. A. Um hum.

23
24 Q Do you see? A. Yes, I see. It doesn't seem to me that we
25 have reached the eastern end of the fencing from looking at
26 that shot.

27
28 Q I will show you that in a moment, because it is not in that
29 shot at the moment. But if you see where the word "barn" is
30 written on Mr. Deichmann's plan. Do you see that?
31 A. Yes, I do.

32
33 Q That is roughly where you are standing, is it not, looking at
34 the southern side of the community building? A. Yes,
35 where it has got the position of the ITN news team with Penny
36 Marshall. We would be probably a little bit to the left of
37 that X.

38
39 Q But you are in an open area there, you are in a field. There
40 is nothing directly in front of you until you get to those
41 poles? A. It is difficult to say. I mean, directly in
42 front of us is that fence.

43
44 Q Yes, exactly. And that is the western fence, is it not? That
45 is the fencing on the west side of the field?
46 A. I couldn't tell you that from looking at that picture.

47
48 Q You could not? A. No, because you can clearly see the
49 canopy in front of you and you can only see the canopy,
50 according to this map, if you are standing directly due south
51 of it. Is that not right? If we had walked around where it
52 says "low fence" on Mr. Deichmann's map, you could not see the
53 canopy from there.

1 MR. JUSTICE MORLAND: It is not as far as that. You see where the
2 "n" of "barn" is? A. Yes.
3

4 MR. MILLAR: A little further south of that, this picture could
5 have been taken from there, could it not? A. If you move
6 to the left, as I would say, to the west of where it says "X
7 position of the refugees with Fikret Alic", move left towards
8 the end of that area, that is where that picture was taken
9 from because you can see the canopy clearly and you cannot see
10 the canopy from any other point. You have a side view of the
11 canopy.
12

13 Q Run the film on to the point where we stopped. Okay, stop
14 there. Now, you see that rusty pole on the right hand side,
15 the brown one leaning over? A. Yes, I do.
16

17 Q Look closely at that and look, running off to the right at the
18 top of it, can you see a strand of barbed wire, in fact a
19 couple of strands of barbed wire? A. I can see one
20 straight one and one sagging one from here.
21

22 Q One straight one and one sagging one. Now look from that pole
23 to the man standing to the left of it and look at his hands.
24 A. They are resting on top of the wire.
25

26 Q They are resting on top of the wire mesh fence that comes up
27 to his midriff? A. Correct? A. That's correct, yes.
28

29 Q That is the fence that we have just looked at in the middle
30 ground of the shot we have just looked at. Can you agree with
31 me that what we are looking at here is two different types of
32 fencing? A. Yes, I can. I think what this means is that
33 this map is wrong. That's all. Your map is not drawn
34 correctly. I think that's what we can establish because on
35 the map of the camp ----
36

37 Q I think perhaps your geography is better than you are prepared
38 to let on actually. A. Well, no, I think ----
39

40 Q It is a fair point that the orientation of the community
41 building on the map ---- A. Yes, is ----
42

43 Q -- is not as accurate as it ---- A. No, it's not because
44 you cannot see the canopy from where you are standing on the
45 map.
46

47 Q But we have got there now. There are two types of fencing and
48 look at that on the diagram. What is represented on the
49 diagram is low mesh fence running along the west side of the
50 field where the men are and you agree with me that that is
51 what we have seen there? A. Yes. Yes, I can. That would
52 be the area that Ian spoke about walking round yesterday
53 to ----
54
55

1 Q That is right. And we are going to see him doing some
2 interviews over that fence in a moment. What is running off
3 to the right there from that rusty pole is more barbed wire
4 fencing, is it not? A. Going from left to right, yes.
5 Across where we have just come from. Yes, that is right.
6
7 Q Well, not across where you have just come from. It is the
8 corner of a section of the fencing, is it not? A. Yes,
9 and from what I see the barbed wire then continues down where
10 we have just come from interviewing the refugees and filming
11 them.
12
13 Q That is right, across the field. A. Across them, yes.
14
15 Q East/west? A. Um hum.
16
17 Q But also north down towards the southwest. It is an
18 intersection. It is the corner of some barbed wire fencing,
19 is it not? A. I don't see the barbed wire stringing
20 across ----.
21
22 Q All right. We have got another shot in a moment that we are
23 going to look at and we will see if that refreshes your
24 memory. Run on a bit, please.
25
26 MR. JUSTICE MORLAND: Just go back to that.
27
28 MR. MILLAR: Just go back to go that next shot because I think it
29 goes a bit further. I think that was the one I was talking
30 about.
31
32 MR. JUSTICE MORLAND: It may not be clear to the jury what you
33 mean, but I would have thought it was fairly clear where that
34 barbed wire ran.
35
36 MR. MILLAR: Run it on slowly. Stop. (To the witness): Now,
37 what we have got there, Mr. Braddel, is two poles of that
38 type, two of the rusty poles. Do you see? A. I see.
39
40 Q With grass growing up around the bottom? A. Yes. Now we
41 have pulled back I can see them.
42
43 Q And you can see on the low mesh fencing that it carries on as
44 if you are going up to the north the grass is mown underneath
45 that, is it not? It is not sprouting up around the bottom of
46 the lower mesh fencing? A. That's right, yes.
47
48 Q And it clearly has not been mowed alongside those two old
49 poles for quite a while up to the poles? A. That's right.
50
51 Q Now, have a look at the sky at the top of those two poles. Do
52 you see the wire with the little dots along it? A. Yes.
53
54 Q You can pick them out against the sky, you see, because the
55 trees are dark but the sky is not? A. You mean the last

1 post you can see to the very right hand side of the screen?
2 Yes?
3
4 Q No, you can see to the left running up to the first rusty
5 post? A. Um hum.
6
7 Q You see that now? A. Yes, I can see that.
8
9 Q And it is sagging a bit there, is it not? A. Yes, sagging
10 at the top.
11
12 Q But there is more than one strand? A. I don't know.
13 I can definitely see the top one which is sagging. I can't
14 see anything underneath it though.
15
16 Q Now help me with this, Mr. Braddel. When you got from, as you
17 have described it, the last location at which we saw you up at
18 the east road but inside that corner of fencing, from where
19 this shot is being taken, just show me on Mr. Deichmann's plan
20 or by reference to that, how did you get there? A. We
21 walked due west up the side of the barbed wire behind which
22 the men were being kept and then we turned round the corner.
23 I can't remember how we did it. We certainly didn't walk back
24 the way we had come, exit and then walk round again. As far
25 as I recollect, it was a progression, straight progression
26 just round a corner.
27
28 Q Round the corner? A. Yes.
29
30 Q Turning right along that lower mesh fencing? A. That's
31 right, yes.
32
33 Q So we are looking now, are we, at a shot of the area where you
34 turned right? A. Pretty much, yes. We would have turned
35 right just behind this probably.
36
37 Q I am sorry, just behind it? What do you mean? Out of camera
38 shot? A. Yes, where the cameraman is standing just behind
39 him. Somewhere in the region behind him where we would have
40 turned around the corner.
41
42 Q I see. So we can count the poles. In fact we have got a shot
43 of this later on from the other side and we can count the
44 poles on that. So what we have got is the top pole and the
45 second pole in, in this shot. Right? A. Um hum.
46
47 Q You have agreed with me there is barbed wire fencing ----
48 A. At the very top.
49
50 Q -- running along the top of that? A. Yes.
51
52 Q Now, you are not saying that it was between those two poles
53 that you went round that corner, are you? A. I honestly
54 can't remember. From looking here I don't see any other wire
55 between those two poles or chicken wire, any type of fencing,

1 apart from the top one which is sagging. So we may well have
2 walked underneath that barbed wire through those -- between
3 those two posts and round. But I can't remember. I honestly
4 cannot tell you how we got round there.
5

6 Q And you have got a pile of bricks there at the bottom. Do you
7 see those? A. Um hum.
8

9 Q Big grey bricks. If you took that route, how did you get your
10 six foot pole through there? A. You do what everybody
11 else does, and you lower it, you put it in front of you.
12

13 Q Is that how you did it? A. Of course, yes. I mean, you
14 don't walk around with a pole like that. I mean, it is really
15 heavy. Your arms tend to get tired after a while so you lower
16 it when you are not shooting or when you are not recording
17 anything. You lower it and you hold it by your side. Then
18 you put it in front of you when you would walk through
19 anywhere.
20

21 Q Is that your recollection of how you did it? A. What?
22 With the pole?
23

24 Q You lowered the pole like a lance? A. Yes.
25

26 Q And you went through ---- A. Yes.
27

28 Q -- between the two poles and under some barbed wire fencing
29 over your head ----
30

31 MR. JUSTICE MORLAND: You did not have the pole, did you?

32 A. No, the sound man carries the pole. I mean, I just told
33 you I cannot recollect exactly how we came to turn the corner.
34 I have just said that since there was no evidence of any wire
35 underneath that barbed wire which is probably about 6 foot, 6
36 foot 2 in height, then it would have been very easy for all of
37 us to walk through including the sound man with the pole
38 because he would have just lowered it. The same as the
39 cameraman when he has not filming hasn't got the camera on his
40 shoulder. He holds it in his hand like that. It is just more
41 comfortable that way.
42

43 MR. MILLAR: Okay. Could you run the film on, please? I think
44 you can run it on so we can see Mr. Williams. Stop there,
45 please. That is the same area there, is it not? A. It
46 appears to be the same area, yes.
47

48 Q So you have gone in, you have filmed -- and of course this
49 tape is sequential, is it not? You are not re-running things,
50 you are just running it continuously? A. James would have
51 stopped filming obviously and then started again, but, yes, it
52 is sequential.
53
54
55

1 Q You have gone in and you have filmed some interviews with
2 Mr. Williams up at that low mesh fence. A. That's right,
3 yes.
4
5 Q And then you come back again to roughly the location we were
6 at before, a little further back? A. Um hum.
7
8 Q Yes? A. Yes, the film's from wide shots, as you can see
9 from that.
10
11 Q Did you at any stage, do you recall, look round to what is to
12 the right of this shot? A. No. Not that I recall.
13
14 Q You cannot say what is off down to the right of this shot?
15 A. No. I know there wasn't a huge concentration of men.
16
17 Q No, that is back in towards the barn, is it not, the area that
18 you came in? A. Yes, I mean, what is to the right?
19 Sorry, I mean, you have lost me again geographically. What is
20 meant to be to the right of this?
21
22 Q Have a look at Mr. Deichmann's drawing. We have got you where
23 you were there at the intersection of the three fences just
24 below the word "barn"? A. Um hum.
25
26 Q Looking east, east northeast. So if you are looking to the
27 right you are looking back at the barn, are you not?
28 A. Yes. If I turn round, yes.
29
30 Q Where that arrow is pointing from the word "barn" to the barn?
31 A. Um hum.
32
33 Q Did you ever look round that way? A. No, I had no reason
34 to look back at the barn.
35
36 Q You had no reason to? A. There was nothing -- it was a
37 barn. I mean, we were already filming other things. So
38 I wouldn't have had any reason to look behind me.
39
40 Q So you come in past the barbed wire, you have got barbed wire
41 on the east side along the road and you take 15 minutes of
42 pictures at the barbed wire that runs east/west across the
43 north. You are now standing by the fourth side of the square
44 or the four sided area. Did you not ask yourself: "Well, is
45 there also barbed wire here? Is the barbed wire I am seeing
46 around some sort of enclosure"? A. No, I didn't. I mean,
47 if I had been confronted by barbed wire and unable to continue
48 my journey around the camp, then I might well have asked that
49 to myself. If I had had to backtrack, come in the way -- exit
50 the way I came in and then walk around to get to the next part
51 of filming, but we didn't have to do that. We just followed a
52 natural progression. The barbed wire was derelict on that
53 side, as far as I can ----
54
55

1 Q Was derelict? A. -- see here and as far as I can
2 remember, yes.
3
4 Q What does derelict mean? A. Well, derelict means there
5 wasn't a whole fence there. It was rusty, sagging and it
6 wasn't closing anyone in.
7
8 Q It was not a whole fence then? A. No. Not that I can
9 recollect, no. But, as I say, I didn't look behind me. When
10 we got there I didn't look behind me at all. I looked in
11 front of me at what we were going to be filming next.
12
13 Q If you did not look at it, how did you know it was derelict?
14 A. Well, you can tell from the pictures we have just seen now
15 that it was derelict, can't you? We have just established
16 that it was sagging at the top of that point which to me says
17 derelict. If it was not derelict, it would be in a straight
18 line.
19
20 Q The jury will decide, but we will look at some shots. Well,
21 we will do it now actually. If we run on fast. I do not know
22 if it can be done even quicker than we do fast forward on the
23 screen because I do not really want to take us through all the
24 shots up in the school. There are the shots in the school.
25 Can you stop there? Wind it back a bit. Stop it there,
26 please. Now, I would like you to watch this sequence, please,
27 Mr. Braddel and I want to tell you where I say the crew is now
28 and the cameraman is now. If you look at Mr. Deichmann's
29 plan. A. Yes.
30
31 Q On the east road at the point we were at a moment ago, you
32 come down past the northeastern intersection of the two barbed
33 wire fences that we looked at earlier, where we were able to
34 locate and Mr. Williams together. A. Walking back towards
35 where we turned off? Yes?
36
37 Q Yes. And you come back down with the barn on your right hand
38 side? A. That's right, yes.
39
40 Q And you took some shots, did you not, across that area? Do
41 you remember? A. No, I don't remember but I'm sure you
42 are going to show me them.
43
44 Q Right. But this gentleman is sitting at the foot of the barn
45 looking north. A. I couldn't tell you.
46
47 Q A man is going to walk out past him with some water and he is
48 going to walk up to a barbed wire fence. Now just watch this
49 sequence. Watch the background in the shot, please. Now that
50 is a shot from the east road, is it not, along the fence at
51 which Mr. Alic was filmed? A. Are we talking about the
52 man with his shirt off being in the compound by the community,
53 therefore to the right, and that man being to the left and on
54 the road, by the road? What are we talking about? Because,
55 you see, I think you think that the shot that James took there

1 of a man sitting down and the next shot, that it happened like
2 that sequentially. I think James switched off his camera and
3 then a period of time, maybe a minute or 90 seconds, before we
4 made that next shot. So it does not follow on that that man
5 walked out of what you say is the barn. It doesn't quite work
6 like that. You can tell that James switched the camera off.
7 There is a change.
8
9 Q Mr. Braddel, at the end of your trip you are were on the east
10 road. We have agreed that? A. Walking down, yes.
11
12 Q And this is a shot across to a field in the background from
13 the east road, is it not? A. I honestly cannot say where
14 it was.
15
16 Q You see the trees in the background? A. Yes, I see the
17 trees in the background.
18
19 Q It is not the east road, is it? You are looking east/west
20 here, not west/east otherwise we would see the road in the
21 background? A. Um hum. We are looking away from the
22 road, yes, if the road is where we have taken the pictures
23 from, yes.
24
25 Q Just run on to the next shot if you would, please. Stop
26 there. That is where you were towards the end of your trip
27 and where you have roughly taken the last shot from, looking
28 back up the east road. Correct? A. That's right. The
29 man who had just handed water would have been handing the
30 water over the fence to the other men, and he was then given
31 empty bottles to go and fill up with water by the prisoners.
32
33 Q So he was handing water into the area where Mr. Alic and the
34 others were? A. That's right, yes.
35
36 Q Okay. Now run back, please. Stop. So that is the fence
37 where Mr. Alic was filmed? A. I can't say that for 100%,
38 no, because I don't see -- it is too close up. I can't see
39 anything else in the shot but you might presumably -- but
40 I can't tell you 100% yes that is the fence where Mr. Alic
41 was.
42
43 Q Run it back, please. Start again. Look in the background.
44 Stop. You see those things, jumpers and things, hanging on
45 the top of some fencing? A. Um hum.
46
47 Q Barbed wire fencing? A. Yes.
48
49 Q And those brown poles? A. Yes.
50
51 Q The wheelbarrow is on the inside? A. Um hum.
52
53 Q And an area of light brown, he is walking across an area of
54 light brown, is he not? A. Yes.
55

1 Q Worn dry ground? A. Um hum.
2
3 Q And I want you to watch that wire at the top of those poles as
4 he walks. Start it again. Stop there. You see it running
5 across the top? A. Yes.
6
7 Q That is the fencing that you described as derelict a moment
8 ago, is it not? A. As I have said to you, I cannot tell
9 you with any certainty where those pictures are taken, what
10 that represents. It is too close up. I have nothing to
11 gauge ----
12
13 MR. JUSTICE MORLAND: Does the wire seem to be sagging above the
14 man's right hand? A. The wire is sagging there and I can
15 see wire in the distance in front of trees or bushes which is
16 also sagging down. I do not know if you can see that.
17
18 MR. MILLAR: Look at Mr. Deichmann's plan, please, Mr. Braddel.
19 I think we have agreed that you are on the east road at this
20 point from the shot that we just looked at, the next shot.
21 Yes? A. That's right.
22
23 Q Looking back up the east road. If you are on the east road
24 and this is a sequential tape, what other section of barbed
25 wire might this be? A. Well, if we were on the east road
26 that could be further back up the road.
27
28 Q Further back up the road? A. Yes, we could have filmed
29 further back up the road and not filmed anything for several
30 minutes and then filmed at the east road ----
31
32 MR. JUSTICE MORLAND: Where do you suggest you were filming
33 further up the road? A. We filmed, as far as I recollect,
34 outside the school building and then I think we filmed on our
35 way down the east road where they were drawing water, which
36 I think you will recollect from the rushes. You will see
37 people in groups of five crossing a road to draw water.
38
39 MR. MILLAR: Run it on to next shot again, please. A. And
40 I presume that that man who is just taking the bottles is
41 going to cross the road to draw water to fill it up for the
42 men kept behind the wire.
43
44 Q Where you are in the next shot is down the east road, is it
45 not? A. Yes. It is now the east road going back towards
46 the ----
47
48 MR. MILLAR: Is that a convenient point, my Lord? I may have to
49 take this ----
50
51 MR. JUSTICE MORLAND: What the jury would like to know is could
52 the film be stopped showing the second and third sections of
53 fence on the west side and I assume by that you mean the
54 barbed wire part of the fence. Yes.
55

1 MR. MILLAR: In the shot that we have just seen.
2
3 MR. JUSTICE MORLAND: Yes. Well, I do not know in this last bit.
4
5 MR. MILLAR: We do not get the second and third sections in the
6 shot from the east, we only get them in this shot across.
7
8 MR. JUSTICE MORLAND: Yes.
9
10 MR. MILLAR: Could you wind it back, please? We need to start
11 with the man walking with the water. Normal speed. Stop now.
12
13 MR. JUSTICE MORLAND: Is that the one you want?
14
15 MR. MILLAR: My Lord, we can count the poles in.
16
17 MR. JUSTICE MORLAND: Yes. That is what you wanted to see. Yes.
18 Just leave it there for the moment.
19
20 MR. MILLAR: (To the witness): Looking to the left of the pole
21 there are a couple of strands of barbed wire running off, are
22 there not. Mr. Braddel? A. Yes. I mean, could you tell
23 me where you are suggesting we are on this from
24 Mr. Deichmann's map?
25
26 Q Yes, I can. You are on the east road, Mr. Braddel. Look at
27 Mr. Deichmann's diagram. You are shooting westwards, west
28 northwest, across the dry area of ground which is dark in the
29 satellite photograph rather than light and you are shooting
30 into the field on the other side. Right? A. Um hum.
31
32 Q And this man is walking northeast up to the fence to hand
33 water over the fence to the men in the field. A. Okay.
34
35 Q Are you with me? A. Yes. Which particular part of the
36 east road? Near where the arrow goes saying "position of the
37 refugees" or nearer where "position of the ITN" crosses the
38 road?
39
40 Q No, you see where that cross is, "position of the ITN team"?
41 A. Yes.
42
43 Q Imagine you are going directly along the fencing to the north
44 to the fencing at the east there, on the inside of the wire
45 that Mr. Alic was filmed at. Have you got it? A. Okay.
46 But we are the other side the wire.
47
48 Q But you are the other side of the wire. And we can see, look
49 at the foreground in that shot. What do you see there?
50 A. It is either road or it is worn down grass.
51
52 Q No, the foreground of the shot. There is a strand of barbed
53 wire ---- A. A strand of barbed wire.
54
55

1 Q -- going across, is there not, Mr. Braddel? A. Yes. Low.
2 Fairly low.
3
4 Q Mr. Braddel, you have got some barbed wire immediately in
5 front of you and you are shooting across to another piece of
6 fencing on the other side, are you not? A. Yes.
7
8 Q Now can we just run the shot on slowly to the next section.
9 Stop there. Run it back, please. Stop there. You see
10 somebody sitting down, it looks like a guard in between those
11 two poles? A. Yes, there is a guard.
12
13 Q Run it forward slowly to the next section. Now, look at that
14 light tree there, that light bush up at the top. You see the
15 barbed wire running across there, dotted, rusty? A. (No
16 audible reply).
17
18 Q Where his head is? A. Yes, I see where his head is.
19
20 Q Running into his forehead and out the back. A. Yes, I see
21 something up there but I couldn't tell you if it was barbed
22 wire or not. It is indistinct.
23
24 Q Now look at this pole as he comes up. Run it forward a bit.
25 Stop. That is the pole, is it not, the north east corner of
26 the enclosure, so you are looking across the fence where
27 Mr. Alic was in and in fact your cameraman is right bang on
28 that pole we saw earlier at the northeast corner.
29 A. Excuse me, I am turning the map round so I can figure
30 where we were going down the north. You are saying, sorry, in
31 which corner again?
32
33 Q On Mr. Deichmann's diagram in the northeast corner of the
34 enclosure surrounded by barbed wire that you were in earlier
35 at. A. Um hum.
36
37 Q Taking shots and interviewing where we saw you with
38 Mr. Williams. You are now on the other side of the pole at
39 the corner shooting along the wire through which you
40 originally saw the men in the field. Have you got me?
41 A. Yes, although I do not think the men in the field were
42 where the camera is pointing at now.
43
44 Q No, they are on the other side. A. The men in the field
45 didn't have foliage behind them or bushes or anything.
46
47 Q They were on the other side so he is handing the water over?
48 A. Um hum.
49
50 MR. JUSTICE MORLAND: I think it might be a good time to break off
51 now. There is a danger of becoming too confused. Would you
52 like to go ahead and start your lunch. We will say ten past
53 two.
54
55

(In the absence of the jury)

1 12.55 p.m.
2

3 MR. JUSTICE MORLAND: Mr. Sheilds, of course it is a matter
4 entirely for you and Mr. Millar. I have come to a conclusion
5 about the so-called enclosure. Whether the jury has, I do not
6 know, but I would have thought to a large extent it could be
7 agreed. We are spending a very large amount of time about
8 where the barbed wire is and what it was round.
9

10 It is entirely a matter for you. I am not deciding
11 the facts in this case, but I would have thought it was clear
12 that there was an enclosure round the barn, the garage and the
13 electricity transformer, which essentially on at least two
14 sides and if not three sides had barbed wire and chicken wire
15 and certainly on the west side had barbed wire. Whether it
16 was entirely continuous is another matter. Whether there was
17 some gap or there was sagging somewhere where people could
18 easily get through is another matter.
19

20 MR. SHIELDS: I am with your Lordship. How I see it is this. It
21 is clear from the pictures -- and no-one is disputing the
22 actual geographical location -- there is barbed wire straight
23 ahead, there is barbed wire down the right, there is plainly a
24 gap, because if it was fully enclosed, they could never have
25 gone through the gap and one can actually see it.
26

27 MR. JUSTICE MORLAND: That was the entrance. There is some doubt
28 as to whether there was a gap or means of exit on the north-
29 west corner or thereabouts.
30

31 MR. SHIELDS: Which at the moment is a question of fact for the
32 jury to resolve obviously. As to whether they could get
33 through it or not, because it goes to the assertion which
34 I understand has to be made that they knew that they were in
35 an enclosure, because if they knew they were in an enclosure,
36 they would have gone out through the gap.
37

38 MR. JUSTICE MORLAND: Anyway, I do not want to argue it. It is a
39 matter entirely for you and Mr. Millar to decide what you want
40 to do about the evidence of what I have called the enclosure.
41 We seem to be spending a very large amount of time on stuff
42 which seems to be obvious to me, but it may not be obvious to
43 the jury and I may have got it wrong.
44

45 MR. SHIELDS: With respect to your Lordship, it is not a question
46 of whether it was described as an enclosure. It is how they
47 perceived at the time.
48

49 MR. JUSTICE MORLAND: Yes. How they perceived it. That is
50 another question.
51

52 MR. SHIELDS: Of course it is. It is a very important question
53 and that is why as I understand it we are spending so much
54 time on this particular patch of barbed wire.
55

1 MR. JUSTICE MORLAND: I understand Mr. Williams' evidence to be
2 that he did not appreciate at the time there was an enclosure.
3 But if in fact there was an enclosure, we need not spend a lot
4 of time in deciding whether or not there was an enclosure.
5
6 MR. SHIELDS: I am with your Lordship. We will try and come to
7 some sort of agreement.
8
9 MR. JUSTICE MORLAND: Right. Ten past two.
10
11 (Adjourned for a short time)