

DAY 5 A.M.

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

1997 I No.139

Royal Courts of Justice
Monday, 6th 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. JAMES WILLIAM DAVID NICHOLAS, Recalled
2 Cross-examined by Mr. MILLAR
3

4 Q Mr. Nicholas, you were in Belgrade for, I think, four days
5 before you flew to Pale? A. That is about right, yes.

6
7 Q From 29th July to 3rd August? A. That is about right.
8 I cannot give an exact ---
9

10 Q And during that time we know that you did some filming.
11 You filmed Serb camps around the Belgrade area, in particular
12 Loznica and the barracks called the 4th July Barracks. Do you
13 recall that? A. I do, yes.
14

15 Q You then had your slightly hairy flight to Pale in the old
16 helicopter that you told us about on Thursday. Would I be
17 right in thinking that you had to travel fairly light in that
18 helicopter and leave some of your equipment behind in
19 Belgrade? A. That is correct.
20

21 Q Presumably you were only able to take one camera with you?
22 A. We only had one camera so that is not an option.
23

24 Q Was that camera a Betacam camera? A. It was. I had one
25 camera and Mr. Irving had one camera, so we had two in all,
26 but certainly for the Channel 4 team there would only be one
27 camera, which would be a Betacam camera, yes.
28

29 Q Yes. There are, I think, two types - Beta SP and Betacam, is
30 that right? A. Well, a Beta SP in -- well, in those days
31 was the latest version, the updated.
32

33 Q Right, but you had the Betacam? A. The Betacam SP.
34

35 Q SP? A. Yes.
36

37 Q And presumably while you were in Belgrade you would have
38 wanted to check what you had filmed each day, if for no other
39 reason to ensure that your camera was working okay?

40 A. No, not really. I mean, we just had to do it on faith
41 otherwise -- it is a very rare event when you actually go out
42 of you way to check, just to make sure the pictures are okay
43 or something. I mean, there are ways of checking in the
44 camera. There are warning signs. I mean, they are quite
45 sophisticated cameras. So, no, it is a very rare event that
46 you would actually go to those lengths to check your own
47 pictures.
48

49 Q But if you know you are due to head off on a potentially
50 important story like this, you would want to have made sure
51 that you reviewed in the course of that four days what you had
52 filmed earlier on in the trip just to check everything, would
53 you not? A. Not necessarily. I mean, at that time there
54 was not really much to check anyway because at that point
55 I did not think the pictures were going to be used that we had

1 recorded - that we had taken - and, as I say, there are ways
2 you can check in the camera. It tells you if things are going
3 wrong so, you know, you have to rely on those.
4

5 Q We will come to that in a moment. So is it your case that
6 during those four days in Belgrade you did not review any of
7 the footage that you had taken? A. Not that I can
8 remember, no.
9

10 Q When you are in a location like Trnopolje there is
11 considerable pressure, is there not, to get the shots in the
12 time you are there? A. That is correct, yes.
13

14 Q I mean, you have to work very fast under pressure?
15 A. Yes, that is right.
16

17 Q And presumably it is occasionally not unheard of in this sort
18 of situation for a shot you thought you had at the time on the
19 tape when you are there to turn out not to be exactly as you
20 thought it was, or perhaps not a very good shot, or perhaps
21 you switched the camera off when you should have had it on?
22 A. It can.
23

24 Q It is not unheard of, is it? A. It is not unheard of, no.
25

26 Q For this reason it is pretty well the normal practice, is it
27 not, for foreign news cameramen having filmed in that sort of
28 high pressure situation to check what they have got on the
29 tape as soon as possible? A. Again, I mean, I have to
30 trust myself that it is in the can. And again there are
31 checks that you are going through. You have a record light to
32 make sure you record it. You have RF signs which tells you it
33 is not picking it up, a head-clog sign, all these things.
34 There are warning lights within the viewfinder which tell you
35 if there is a problem. So if these signs are not going on you
36 just have to presume that everything is going okay.
37

38 Q What is the answer to the question I asked you? Is it the
39 normal practice to check as soon as possible what you have got
40 or not? A. Not necessarily. So if the facilities are
41 there and set up you might want to have a check through. If
42 in this case the facilities were not there, it was not easily
43 accessible to view, then no, you would not bother -- at least
44 I would not bother. So it is not necessarily normal practice,
45 no.
46

47 Q But presumably the reporter and/or producer if you have got
48 one would also want to know as soon as possible after leaving
49 the location, particularly one as important as Trnopolje, what
50 was on the video in order to be able to start planning how
51 they were going to compile their report? A. I cannot --
52 I mean, it is possible to play the tape back in the camera but
53 again that is deemed a very unprofessional thing because it
54 wears out the heads on the camera. It can jam the camera, in
55 which case the tape is ruined, and only one person can see

1 anyway. It is a very, very small viewfinder which is in black
2 and white and so it is just deemed not worth it. So by the
3 time we got back to Belgrade everyone is too tired anyway.
4

5 Q We are running ahead a bit here. Could you just tell me
6 again what is the answer to the question? Does the
7 producer/reporter normally say to the cameraman: "What have
8 you got? I need to know so I can start thinking about my
9 report as soon as possible"? A. No. I mean, I would have
10 told him in vague -- in general terms what there is. But also
11 they are there themselves. They have got a pretty good idea
12 of what there is so they do not need too much from me.
13

14 Q Well, they have got a good idea of what they have seen,
15 have they not, but it is only when you look at the videotape
16 film that you know what you have actually got in the can that
17 you might be able to put into a television report? Do you
18 agree? A. But if you have not got it, you have not got it
19 at that point, so if I have not got the pictures then we are
20 not going to get the pictures.
21

22 Q Let us look at that last piece of evidence you gave, please,
23 Mr. Nicholas. You will recall -- I think you were in court on
24 Thursday afternoon, were you? A. Yes.
25

26 Q Mr. Braddel told us that there is a playback facility on these
27 cameras but it is highly risky, it can destroy the cassette,
28 so very few producers or correspondents actually use that
29 method of looking at the tape? A. That is correct.
30

31 Q That cannot be right, can it? Why would a specialist camera,
32 a specialist film, have a playback facility that damages the
33 very tape the camera is designed to play? A. Well,
34 I mean, I am not that technically minded. But basically you
35 have got two kinds of heads, you have got video heads -- you
36 have got playback heads and record heads and therefore the
37 facility of the playback it can clog and tear. It has been
38 known to happen. I mean, it is just one of those things.
39 It has happened before so therefore why risk it? There is no
40 need to risk it so ---
41

42 Q Was there no need to risk it because you had a monitor back
43 in the hotel room in Belgrade amongst your equipment that you
44 could play the film back on? A. As far as I know, in
45 those days it was all my equipment and I did not used to carry
46 a monitor.
47

48 Q I am sorry, I did not hear that answer. A. It was my
49 equipment that we had down there. In those days I did not
50 have a monitor because that would normally come with the edit
51 pack, which I do not believe we had. So as far as I can
52 recall we did not have a monitor to play.
53

54 Q You had 200 kilograms of equipment with you in Belgrade - a
55 camera, recording equipment, video tapes - but you did not

1 have a small monitor that you could play back videos on?
2 A. That is correct. In those days I personally did not have
3 one.
4
5 MR. JUSTICE MORLAND: When you say "your equipment" do you
6 mean --- A. I owned it.
7
8 Q You owned it? A. Yes, and a monitor -- they are about
9 £1,000; very rarely used and not worth buying.
10
11 MR. MILLAR: So your case is that when calls are made, as we know
12 they are, from Belgrade back to London to report back into the
13 newsroom before you head off to Budapest, the calls that are
14 being made by Mr. Williams are not calls in which he is able
15 to say to London: "Look, this is what we have got on the
16 tape"? A. Well, I mean, he can say that in the respect
17 that he has been there, he has seen. He is presuming that
18 what I have taken is obviously going to be what is there, so
19 he is making a judgment that I have done my job.
20
21 Q Yes, but he does not know what you have managed to get in the
22 can, does he, or how good a quality it is, or whether you
23 switched off at the particular moment he hoped you were
24 filming, or switched on? He does not know any of that, does
25 he? A. Not for sure, no.
26
27 Q Unless he has reviewed the tapes? A. Which he had not
28 done.
29
30 Q So your evidence is - have I got this right? - that at no
31 stage between Trnopolje and Belgrade do you play back on your
32 camera the 22 minutes of rushes we have got in court of what
33 you shot at Trnopolje? A. That is correct, yes.
34
35 Q What about Mr. Irving, the ITN cameraman, did he play any of
36 his tapes back on that trip? A. Not to my knowledge.
37 I think the same conditions would apply. I certainly do not
38 remember that happening.
39
40 Q I see. So two cameramen sat there for 8 or 9 hours on the
41 trip back from Trnopolje with this facility on your camera and
42 neither of you played back the 15 or 20 minutes of tape that
43 you had to watch it through the viewfinder? A. That is
44 correct.
45
46 Q You see, I have to put it to you that it is the normal
47 practice as soon as you leave a location like this to check
48 what you have got to see if anything has gone wrong with it?
49 A. It might be normal practice with other people, but I ---
50
51 Q But not with you two? A. No -- certainly not with me.
52
53 Q And apparently not with him? A. Apparently not.
54
55

1 Q It is nonsense to suggest that playing back through this
2 facility has any risk of damaging the tape? A. It has not
3 happened to me but I have heard it has happened.
4
5 Q It has not happened to you but you have heard it has
6 happened? A. Yes.
7
8 Q And in how many years as film cameramen on these sorts of
9 stories has it not happened to you? A. About 12, 13
10 years, but that is because I do not do it. (Laughter)
11
12 Q You have never looked at a film through one of these
13 cameras? A. Very, very rarely, and certainly not with
14 something which you were taking.
15
16 Q I have to also put it to you that it is inconceivable that two
17 film crews such as this would go to Belgrade with between them
18 400 kilograms of equipment without including in that equipment
19 a monitor on which you could play back Beta tapes?
20 A. I did not own one. I did not own a player either.
21
22 Q And Mr. Irving did not have one either? A. I cannot
23 answer. I do not know what equipment he had.
24
25 Q You do not know what equipment? A. I do not know, no.
26 He came a different day and I have no idea whether he had a
27 monitor or not. I did not ask him for one, so ---
28
29 Q I see. When you drove back from Trnopolje to Belgrade I think
30 you went all in the one bus, which was the ITN bus?
31 A. Correct, yes.
32
33 Q And I think Misha, the ITN translator, was driving, was he
34 not? A. I cannot recall for sure. We might have had a
35 driver.
36
37 Q You cannot recall? A. I cannot recall.
38
39 Q Do you recall whether Misha was in the van? A. Yes, he
40 was in the van.
41
42 Q And there were discussions, were there not, about what you had
43 seen at Trnopolje? A. Yes.
44
45 Q Do you recall there being a discussion about whether the camp
46 you had just seen could properly be called a concentration
47 camp in the reports that were going to be put out?
48 A. There were discussions about it, yes, and there was
49 questioning as to whether it could be called such, nobody
50 having witnessed one before. It was up for debate on what
51 people thought.
52
53 Q Were there any discussions in that context about the sights
54 you had seen of men behind a barbed wire fence when you
55 arrived, in particular very thin men like Alic behind that

1 barbed wire fence? A. I cannot remember the exact
2 conversation but it might be possible.

3
4 Q It is possible? A. I cannot actually remember the
5 particular conversation word for word.

6
7 Q But might somebody have said: "The shots we think we have got
8 of barbed wire fence with thin men behind" -- well, I can only
9 ask you, do you recall this being said -- "might be used as an
10 image suggesting a concentrating camp"? A. I think
11 everybody was erring the other way. Because nobody could say
12 anything people were saying: "Well, perhaps we shouldn't do
13 that" -- sorry, "shouldn't say that because we cannot for sure
14 say that ourselves", which was the theme throughout the next
15 few days.

16
17 Q You go from Belgrade to Budapest, where arrangements have been
18 made for an editing suite and a satellite link with a view to
19 broadcasting a report at 7 o'clock the next day? A. That
20 is correct.

21
22 Q As I understand your evidence, all that has been arranged and
23 you do all that, leave Belgrade, go all the way to Budapest
24 without having any idea of the quality of the film you have
25 got or indeed what you have got? A. That is correct.

26
27 Q You just do it in the hope that you are going to have
28 something worth bringing to a t.v. report? A. That is
29 correct.

30
31 Q On that drive to Budapest there was apparently some discussion
32 about how you would, as I think Mr. Williams put it in his
33 evidence, "define" what you had seen at Trnopolje in your
34 reports? Do you remember that? A. Again, vaguely.

35
36 Q Can you remember anything about that conversation? A. Not
37 much. I have to say, I was trying to get some sleep as well.

38
39 Q I want to ask you some questions about the rushes that
40 yourself and indeed Mr. Irving took of the camp at Trnopolje.
41 As I understand it, you had a chance to review your rushes in
42 connection with this case, is that right? A. That is
43 correct, yes.

44
45 Q And have you also seen the C3 rushes, the ITN rushes?
46 A. Again, vaguely, yes.

47
48 Q Mr. Braddel told us on Thursday that as far as the ITN rushes
49 are concerned, you and he, I think he said "spooled through"
50 the ITN rushes in Budapest on the day that you were compiling
51 the reports, is that right? A. As far as I can remember,
52 that is correct. We certainly saw them.

- 1 Q You therefore saw Mr. Irving's shots of the early part of the
2 ITN crew's filming at the camp up at the barbed wire fence?
3 A. Yes.
4
- 5 Q I think you have also seen both sets of rushes in court as
6 well? A. I have, yes.
7
- 8 Q All that being the case, can I just see where we are going on
9 this with you and in what depth we need to go through the
10 rushes and go into this. Do you accept that there was a pre-
11 war enclosure comprising barbed wire fence around the barn?
12 A. Around the barn you are saying we were around? As far as
13 I can recall there were parts of fencing, yes, but I would not
14 call it anything that was around us.
15
- 16 Q But in the light of you reviewing the material and seeing it
17 in court, are you disputing now that there was a pre-war
18 enclosure around the barn of barbed wire fencing with those
19 old brown rusty poles? A. There was certainly fencing
20 around there, yes.
21
- 22 Q Around the barn? A. Around the barn.
23
- 24 Q With barbed wire on the top? A. In places, yes.
25
- 26 Q Did those places include the southern side where you went in,
27 the eastern side up the east road and the northern side
28 through which your colleague filmed Alic? A. Well, there
29 were gaps where we obviously went in from the south and there
30 were gaps to the north-west side where we went round, and for
31 the east side I do not actually remember walking through any
32 of that so I cannot say for sure.
33
- 34 Q Okay. Could we just run a couple of the shots from the
35 rushes. I am sure I can take this more shortly with you than
36 with some of the other witnesses. Could I ask you to stop,
37 please, at the first shot that you took after the shot in the
38 van on the approach to Trnopolje. Just there. That is it.
39 Now, we know that the van is still moving at this point and
40 you come back and actually take some shots of this location,
41 I think Mr. Braddel explained to us? A. I am pretty sure
42 that is correct, yes.
43
- 44 Q But I just want to use this one because it is the furthest
45 back and one therefore gets most in it. The shots that you
46 took from this location were I think what he called
47 "establishing shots", correct? A. Yes. Not a very good
48 one, but yes.
49
- 50 Q Everyone else had gone ahead up to the fence and you, he and
51 Mr. Hease stayed behind to take these longer shots of the area
52 ahead of you? A. Well, I think at this point Channel 3
53 would just be pulling over themselves or have just pulled over
54 and on their way. So I was a bit slow off the mark probably,
55 but yes. That was the idea anyway.

1 Q Explain to me the idea -- the idea of you staying behind and
2 taking these shots rather than doing what everybody else did,
3 which was going straight in and up to the fence -- was what?
4 A. Well, to establish where we were and if Mr. Irving has
5 gone on ahead perhaps there is no point in me going as well as
6 we both have access to pictures. So perhaps I should try and
7 sort out other pictures. But I think quite soon on it became
8 obvious that this was not the relevant thing to do.
9
10 Q "To establish where we were", I think you said? A. Well,
11 perhaps we were better off just getting up to the fence, to
12 where the prisoners were enclosed ourselves.
13
14 Q I think he told us in one of the shots we will see in a moment
15 that you stood on a boulder to take one of these shots?
16 A. I am pretty sure I did not step on a -- I do not know
17 whether it was a boulder or not. I cannot remember exactly
18 what I stood on, but it was not here, that was further up.
19 That was again by the other fence.
20
21 Q I see. You have a zoom lens on your camera? A. I do.
22
23 Q So although they are in the distance there in that shot, as we
24 will see in a moment, you can zoom up and look closely at the
25 fence in the distance and that group of men in the distance?
26 A. That is correct.
27
28 Q And you did that? A. Yes.
29
30 Q And you could see a barbed wire fence in the distance?
31 A. I could see a fence at that point, yes. I mean, I could
32 see something.
33
34 Q Well, we are going to see the zoom shot that you took in a
35 moment. A. Yes.
36
37 Q While you were there you could presumably also see the
38 barbed wire fence immediately in front of you there, because
39 you took some shots of that, did you not? A. I think
40 I -- obviously I got to the point where I did see it because
41 I did do that shot, yes.
42
43 Q You did the rack shot that comes back from up in the distance
44 through the fence, through the barbed wire? A. Yes.
45
46 Q Could you also see -- look at the line of poles on the right,
47 up the east road. A. Yes.
48
49 Q Could you also see what fencing was running up there?
50 A. I was not looking along that side. There was nothing to
51 see as far as I was aware. The main events where everybody
52 was focusing was other people.
53
54 Q While you are doing that, while you are filming these shots,
55 Mr. Braddel is your eyes, as it were? He is looking around

1 you and at your back and to your side because you cannot?
2 A. As is Mr. Hease, yes.
3
4 Q As is Mr. Hease? A. Yes. They would both be somewhere
5 around near that point. I would not be looking for them
6 again, so I presumed they were around me or very nearby.
7
8 Q While you were doing this their job is not to film, they do
9 not have to do that, so they are looking around, are they?
10 A. Well, they can look around and if they see something which
11 is happening or particularly relevant they can obviously tell
12 me.
13
14 Q Okay. Now, if we run the tape on and see what you did shoot.
15 Stop there, please. So you can see a fence up in the distance
16 through your zoom lens --- A. Yes, you could see a fence.
17 As I say, it is a very small monitor in black and white so you
18 cannot pick out the detail that you can pick out now.
19
20 Q Right. A. But you have a pretty reasonable idea.
21
22 Q So you thought it was worth filming? A. Yes, definitely.
23
24 Q As what, as part of the establishing shot, or some other
25 reason? A. The shot there at the time and you take the
26 shot. You do not "Um" and "Ah" as to whether you should take
27 the shot. You take the shot, it is on tape; if it does not
28 get used, it does not get used. At that point that is not my
29 problem. My problem is to take the pictures.
30
31 Q Yes. All right. Run it on, please. Pause there. So that is
32 the shot that the C4 report ends with? A. Correct.
33
34 Q And indeed we will see in due course that it is the shot that
35 the ITN News at Ten report ends with? A. I believe that
36 is correct, yes.
37
38 Q Again, was there some particular reason why you took that rack
39 shot and ended up shooting through a piece of barbed wire like
40 that? A. When I actually took the picture?
41
42 Q Yes. A. I happened to be there and it was not a conscious
43 thing, as far as -- I certainly do not remember thinking
44 "I have got to take this shot." It was there, just do it.
45
46 Q It is a good shot? A. I think it is a good shot, yes.
47
48 Q And that is why you take it at the time? A. As I say, at
49 the time it would not be in context to anything because it is
50 obviously not in context to doing a piece, a cut spot, so at
51 the time you take the pictures and ---
52
53 Q It would not be in the context of a piece of investigation
54 where you are going to look at camps that have been alleged to
55 be concentration camps? A. But what I was saying is ---

1 Q That is the context, is it not? A. Well, at this point
2 I am taking the picture. I am not thinking of necessarily --
3 I have not been up to that particular fence, the other fence
4 with all the prisoners there. So I had not -- at that point
5 it was a shot I had taken because it happened to be there.
6
7 Q Okay. Now, if we could just switch to the other shot that we
8 are very familiar with but you may not be so because it is at
9 the end of the ITN rushes, although you may have seen it in
10 court in the last few days, which is the shot moving round
11 from left to right, south to north of the area we have just
12 been looking across. Let us just watch that all the way
13 through, please. Pause there. Now that, is this right, is
14 the area that you subsequently walked across after the shots
15 that we have just seen from the south to get up to the fence
16 where the men were? A. It makes sense to me, yes.
17
18 Q We understand it is about 25/30 metres, something like that?
19 Does that sound about right? A. It is around that area,
20 yes, perhaps a bit further ---
21
22 Q It is very difficult actually with a lot of these shots to get
23 an idea of distance, is it not? A. It is on that one,
24 yes.
25
26 Q On that sort of shot? A. Yes.
27
28 Q As I understand it from Mr. Braddel and Mr. Williams, when you
29 came back to your car you came down that road, the east road
30 that we see on the right-hand side of the screen? A. Yes.
31
32 Q So you walked in up to the fence with this section of fencing
33 that we see here on your right-hand side and you walked back
34 to your car with it on your right-hand side coming down the
35 other way? A. Correct, yes.
36
37 Q But your case is that you did not pay any particular attention
38 to it at either stage? A. No.
39
40 Q Although your colleague Mr. Irving took this establishing shot
41 of it at the end? A. Yes. Well, it is a perfectly good
42 establishing shot.
43
44 Q There does not seem to be any gap in that fencing, does there,
45 on that shot? A. I do not know. There could be gaps
46 further up. I would not want to comment. I mean, I ---
47
48 Q Could we go back to the Channel 4 rushes that you took,
49 please. Pause there. You are up at the fence by now,
50 I think? A. I think that is correct, yes.
51
52 Q And I think in total you spent about 15 minutes, you and your
53 crew, your colleague Mr. Williams up at the fence? Does that
54 sound right? A. It would be in that area, yes, perhaps a
55 bit longer.

- 1 Q During which time, according to Mr. Williams, you roamed to
2 the fence? I think that is what he said, with him doing
3 interviews? A. That is correct, yes.
4
- 5 Q And the ITN crew were there but you made a point of being in a
6 different location to them for obvious reasons? A. That
7 is correct, yes.
8
- 9 Q Do your recall while you are taking this shot whether they
10 were up to your left doing interviews? A. I do not
11 remember exactly. I cannot say. But they would certainly be
12 in that area.
13
- 14 Q We are going to go through a couple more clips just to see
15 where you go to along the fence. I just want to ask you this.
16 During the time, that 15 minutes or so that you are in this
17 location up at the fence, having got there from the south and
18 walked across that area that we have just looked at, did you
19 at no stage stop and ask yourself: "What is this area that
20 I am in and what is this barbed wire fencing doing here?"
21 A. No.
22
- 23 Q Never once? A. Not once, but I remember; it did not seem
24 a relevant question to ask. They were enclosed.
25
- 26 Q Because you see we have got significantly less than -- I mean,
27 we can see it because we are going to go through it -- 15
28 minutes' worth of rushes from you during this period. So you
29 are not filming all the time there, are you? A. Well,
30 I think the 15 minutes is a guestimate but -- I mean, I was
31 filming certainly most of the time. Maybe there was -- coming
32 down on the east side, coming back to the car, we filmed less
33 because you have got the main thing. Certainly around this
34 time at the moment I would be filming pretty much constantly.
35
- 36 Q Constantly? A. Yes.
37
- 38 MR. JUSTICE MORLAND: Pretty much constantly.
39
40 10.45 a.m.
41
- 42 MR. MILLAR: Let us let it run on, please. Just pause there.
43 I am sorry, we have gone past it, but that shot, you are up
44 there at the north-east corner of the area with barbed wire,
45 are you not, by the east road? A. I would imagine so.
46
- 47 Q And there was a section of fencing running north beyond that,
48 north east along the side of the east road ---- A. That
49 fencing there.
50
- 51 Q -- that was lower fencing, mesh fencing. Do you remember
52 that? A. I'm pretty sure I do.
53
- 54 Q As I understand it, your movements from that point whilst you
55 are at the fence take you all the way along the inside of the

1 fence up to the north western corner? A. That's correct.
2
3 Q Can you run the film on, please? We have seen that. That is
4 Mr. Williams and Mr. Braddel, slightly obscured by the man in
5 the white vest? A. It certainly appears to be, yes.
6
7 Q You are standing a little way back there from that part of the
8 fence? A. So it seems, yes.
9
10 Q But you do not have any impression of what is to your right,
11 fencing to your right? A. No.
12
13 Q Indeed, I do not think you took any shots of it?
14 A. Because presumably there was nothing there to film.
15
16 Q Okay. If we run on we will get to the shot outside the
17 western ... Just pause there. Again, a similar sort of
18 thing. You are a few yards back, filming along the fencing.
19 But again to your right, did you look to your right? You did
20 not film to your right at all? A. Again, presumably there
21 was nothing there worth -- it was the people that was the
22 story.
23
24 Q No, you did not look to see what was there? You were not
25 conscious of ---- A. Well, we had just come from there.
26
27 Q So what was there? A. I don't remember there being
28 anything there.
29
30 Q You do not remember there being anything? A. No. As in a
31 fence or anything. I mean, we just walked round there and so
32 you just carry on filming, but now from a slightly different
33 angle.
34
35 Q Mr. Braddel used the word "derelict" to describe the fencing
36 there. Do you have a recollection of that? A. I don't
37 remember there actually being any fencing there at all.
38
39 Q Now I think we can run on quite a long way because I think it
40 is common ground, and you agree, that what happens from here
41 is that you go up the west side of the camp? A. Yes.
42
43 Q Through a building in which some interior shots are taken and
44 then back down the east road? A. As far as I remember,
45 that is absolutely correct, yes.
46
47 Q Can you just help me with one point? It may be difficult to
48 remember at this remove. Do you remember which building you
49 went into, was it the school or the community building?
50 A. I'm pretty sure it was the northern building.
51
52 Q The school? A. Which I think is the school, yes.
53
54 Q With the sort of gymnasium inside that we see that you filmed?
55 A. Yes.

1 Q With the climbing bars at the side and basketball hoops?
2 A. Yes.
3
4 Q As I say, we can run on for I think five or ten minutes rather
5 than playing the tape through. That is in the building that
6 we have just discussed? A. I believe it is, yes.
7
8 Q Pause there, please. This is a shot from the east road
9 pointing southwards down the east road. Correct?
10 A. I believe so, yes.
11
12 Q And that fence there is the low mesh fence on the east side of
13 the area where the men were running up the road?
14 A. Again, I believe so. I'm pretty sure.
15
16 Q Yes, but you filmed some shots of women, as we can see. We
17 fast forwarded through a couple of them, talking over that
18 fence to men in the field? A. That's correct.
19
20 Q And if we just run on in normal time. Stop there. In the
21 background is the barbed wire fence where you filmed that?
22 A. Yes.
23
24 Q We can see a strand running across the top, sagging a bit
25 there. Do you see that? A. I can just about see it.
26
27 Q I think if we run on a bit it may get a bit clearer. Can you
28 just run on in normal time? A. I don't know about
29 sagging but can you see a bit there, yes.
30
31 Q Stop there. You can see some coming across? A. Yes.
32
33 Q In fact you can see the chap on the left with something on his
34 head. It looks like it is running into his neck there?
35 A. Yes.
36
37 Q It is a white strand. A. It seems like barbed wire, yes.
38
39 MR. JUSTICE MORLAND: That is the lower strand, is it not?
40
41 MR. MILLAR: It is a lower strand, yes.
42
43 MR. JUSTICE MORLAND: A higher strand above the heads of the two
44 red haired women.
45
46 MR. MILLAR: Yes.
47
48 THE WITNESS: Yes.
49
50 MR. MILLAR: (To the witness): Now, you continued to go down the
51 east road from here and took some shots that I want to look at
52 in one sequence. So if we just play on at normal time. In
53 front of the community building there, I think, that is the
54 canopy up at the top. Pause there. I am sorry, just wind
55 that back slightly. Catch that shot there. Stop there. Now,

1 it is our understanding that that is from the east road again
2 looking along the fence where Alic is filmed on the north
3 side? A. I cannot tell you for sure. It is obviously
4 around there but I can't tell you which direction because
5 I don't actually remember shooting it.
6
7 Q You are on the road at this point, are you not? You are on
8 the east road? A. I can't honestly tell you. Can you
9 play it back? I mean, that could be from the top of the
10 prison section going to the building. But I can't say for
11 sure.
12
13 Q I am sorry, can you help me with that? A. Going from east
14 to west at the top, part of -- you have got the prisoners that
15 are ----
16
17 Q Have you got the defendants' documents there? The thin
18 bundle. Just open at the first page behind the index. That
19 is a plan of the camp. A. Yes. I'm not saying for sure
20 but it could be just going along here a bit.
21
22 Q I am sorry, what are you pointing to? A. Sorry. This is
23 the community building and it might be that about there.
24
25 Q You mean immediately to the south of the community building?
26 A. Yes, but running east to west.
27
28 Q Well, we have seen some shots of the community building in the
29 background across the field and there is no sign of the barbed
30 wire fence running across there. A. No, well, that's what
31 I'm saying, I don't know, it might be. I can't exactly know
32 which point it is.
33
34 Q Run this sequence through, please. It might help you. That
35 is the man carrying the water across the area. Pause there.
36 That is a shot taken from roughly the same location as the one
37 we were looking at a minute ago, is it not? A. It might
38 well be, yes.
39
40 Q What has happened is you have shot into the area you
41 originally entered pointing, as it were, southwest, and
42 followed the man coming up to the fence on the approach that
43 you made originally when you arrived at the camp?
44 A. That's quite possible.
45
46 Q And what he is doing is handing water over the fence to men in
47 the field? A. So it appears, yes.
48
49 Q But you did not go back into that area that you originally had
50 been in, did you? You stayed on the road? A. As far as
51 I remember, that's correct, yes.
52
53 Q That was because you could not get back into that area from
54 the east road, could you? A. I think it is because we
55 didn't try to get back into that area. Because our cars -- we

1 could see our cars were on the road at that point, so there's
2 no point in trying to get back.
3

4 Q Now I do not want to spend long on this with you because we
5 have done this in detail with other witnesses, but just so
6 that we have got your evidence on the record. If our
7 understanding of that shot is right, your case is that the
8 area where you leave this fence to get round to the west side
9 and take those shots of the low mesh fence on the west side is
10 in the background there at the far end of that fence? Have
11 I got that right? A. I can't say for 100% but it seems to
12 make sense that that ----
13

14 Q If this is that fence, if you are looking east to west along
15 the fence where Alic was filmed? A. If it is that fence,
16 it would certainly make sense.
17

18 Q It is not a question of it making sense, that is your case?
19 A. Well, then that would -- if that's the fence, then that's
20 what we would have done, yes.
21

22 Q That is where you got round? A. Yes.
23

24 Q Your whole crew? A. Yes.
25

26 MR. JUSTICE MORLAND: Somewhere in the area beyond the plastic
27 bottle. That is beyond the plastic bottle, the neck of the
28 plastic bottle, we can see the barbed wire hanging down?
29 A. It's going downwards so it ----
30

31 Q Sagging? A. The barbed wire is going down from right to
32 left.
33

34 Q Right to left. A. I would imagine that we went somewhere
35 round there, yes.
36

37 MR. MILLAR: If you could take that out and put the shot that we
38 had a moment ago in the Channel 3 rushes in, the ITN rushes,
39 freeze it where we were. Now, this was a shot your colleague
40 Mr. Irving took. We saw it a moment ago. I do not think,
41 unless you want to see it again -- it is the left to right one
42 across the area where you originally walked. A. Yes.
43

44 Q And that is a sort of establishing shot on the way out, is it
45 not? A. Yes.
46

47 Q To get the layout of that area on film? A. Yes.
48

49 Q Now if you could just run on, please, and we are going to look
50 at the next shot which I do not think we have looked at at all
51 before now. Just pause there. We may have to run that again
52 because we are not as familiar with it. It is right, is it
53 not, that when you got into the van and left Trnopolje you
54 left up the west road. Do you remember that? Look at the
55 plan. A. Up the -- I don't know which ----

1 Q Up the road which runs north west to the left? A. I don't
2 remember which road we left on.
3
4 Q You do not remember that? A. No.
5
6 Q Do you remember whether Mr. Irving stopped the van in order to
7 take some establishing shots of the west side of the camp
8 before you left? A. I have to say I don't remember, no.
9
10 Q Not at all? A. No.
11
12 Q Just let this run on to the end. A. But I presume we
13 obviously did because we have got these shots.
14
15 Q Thank you. Now, you have got to Budapest, and I just want to
16 deal with the compiling of the report and see what your
17 evidence is about that. In the course of 6th August you spent
18 several hours in the editing suite in Budapest compiling the
19 report? A. About five or six hours, something like that.
20
21 Q Five or six hours? A. Something like that.
22
23 Q You must have got there somewhere around lunchtime?
24 A. Around there, yes. I can't remember exactly the time.
25
26 Q And you were due to feed at 6.30 in the evening for the seven
27 o'clock news? A. Yes.
28
29 Q Mr. Braddel explained to us that what he thought happened was
30 that you had seen by spooling through - this is you - all of
31 the C3 rushes in the course of the afternoon? A. Highly
32 likely.
33
34 Q Highly likely? A. Yes.
35
36 Q But you do not have any independent recollection of that?
37 A. I mean it would be the obvious thing to do and the normal
38 thing to do and I presume I did do that because we do -- we
39 have used some of their shots in our piece.
40
41 Q Yes, and as we are going to see, vice versa, they used yours?
42 A. Yes. So therefore I presume that I went through all those
43 shots.
44
45 Q And would that be a normal thing to do where two crews ----
46 A. Oh, yes.
47
48 Q -- from ITN are working together -- well, not together on a
49 story, producing different reports, but had both been at the
50 same location? A. Oh, yes. Totally normal.
51
52 Q And Mr. Williams says he saw them in that way with you, the
53 ITN rushes? A. Well, that's -- I mean, if I remember,
54 then I would go and take -- bring shots back or when Mr. Frost
55 has finished with the tapes or whatever I might use that --

1 take that tape and use it myself. I can't remember exactly
2 how it worked on that particular day.
3
4 Q Now we know that in Mr. Williams' report some of the footage
5 from the fence, including a clip of Alic, was taken and used.
6 A. Yes.
7
8 Q Can you recall how that came about? A. Again, not in
9 precise details because it is such a long time ago and such --
10 but I would go through the pictures, whichever way that
11 happened, and then you see some and think: "Oh". And I think
12 there was an incident a bit later on where they were having
13 problems with their edit machinery and I was helping them or
14 they used my machine to line up a tape -- line up a shot or
15 something, and at some point I saw that shot and thought: "Oh
16 that's a really good shot, we could use that".
17
18 Q And did you convey that to Mr. Williams and Mr. Braddel, that
19 you thought that was a good shot you should use? A. I did
20 at some point, yes.
21
22 Q And did Mr. Williams see the relevant section of the rushes,
23 the ITN rushes, at the barbed wire fence? A. I would
24 imagine so. That would be normal.
25
26 Q Do you recall whether there was any discussion surrounding the
27 use of that ITN clip in your report? A. Only to the
28 extent that we should use it.
29
30 Q You cannot remember any other discussion beyond that?
31 A. I think that was probably -- that was more or less it,
32 because it was a good shot, it summed up lots of things and
33 therefore it should go in the piece.
34
35 Q That was your view, it was a good shot, it summed up lots of
36 things? A. I thought it was a great shot. That's why
37 I drew it to their attention.
38
39 Q What did you think it summed up? A. Well, it is a great
40 shot which you see it sums up everything, that people are
41 incarcerated because of the barbed wire, they are emaciated
42 because you can see the ribs on their bones and it was just --
43 it just said so many things in one particular shot.
44
45 Q Did you say the people were incarcerated because of the barbed
46 wire? A. Well, I knew they were because I had been there.
47
48 Q And you thought that shot carried that impression that they
49 were incarcerated because of the barbed wire? A. Yes.
50
51 Q But you say, do you, that the thought did not occur to you
52 that it looked a bit like one of those old images that so many
53 people are familiar with, concentration camps? A. No,
54 but, I mean, it doesn't have to. That is a shot that summed
55 up -- I didn't necessarily think of concentration camps.

1 I just thought: "That's a good shot of what I have seen the
2 day before".
3
4 Q Just one final point which is on a slightly different area but
5 it is an area of fact that I want to check with you. You
6 logged during this period in Budapest, I think is the
7 phrase ---- A. Yes.
8
9 Q -- your shots? A. I mean, it depends on -- an editor who
10 has not shot the pieces would make a much better log than
11 I would. I would make a rougher log because having been there
12 I already have an idea of where everything is. But certainly
13 Tony would make a much better log than I would.
14
15 Q But one or other of you, you or Mr. Braddel, would have done
16 this exercise of logging the footage that you had got?
17 A. Yes.
18
19 Q And that involves writing out a description of ----
20 A. It's very rough. I mean, it's just, you know -- it may
21 even be one word so that you can, kind of, bring -- you know,
22 just jog the memory of where something is. It is not a
23 detailed log. It is not meant for anything apart from to find
24 tapes faster, or find images faster.
25
26 Q So you cannot send to London the rushes that you have got
27 because you have got to have a satellite feed booked to do
28 that and that does not happen until later. A. That's
29 correct.
30
31 Q You have not got the satellite link to send the rushes?
32 A. No, but it's ----
33
34 Q 22 minutes worth, or whatever, during the day. A. Again,
35 it is very unusual for you to send rushes. You would normally
36 send a cut spot. Maybe afterwards send two or three shots
37 just for other purposes, general.
38
39 Q But do you, given that you cannot do that, send any
40 information through to London as a result of the logging
41 process as to what it is you have got on the shots, a
42 description? A. I definitely wouldn't but, I mean --
43 I definitely wouldn't because I have got other things to do.
44 But just by the fact that Mr. Williams is talking to the
45 office and is -- that is conveying all the information and
46 talking about it.
47
48 Q But you would not send through a list of shots as you have
49 logged them? A. No.
50
51 Q Descriptive shots of the different ---- A. No.
52
53 Q Descriptions of the different shots? A. No.
54
55 MR. MILLAR: Thank you. I have no further questions.

1 Re-examined by Mr. SHIELDS

2
3 Q I think this is what was put to you. It was put to you that
4 you had lied to this court when you told my Lord and the jury
5 that you did not rewind the film which you shot at Omarska and
6 Trnopolje. Have you lied to the court about that?
7 A. I have not lied to the court.

8
9 Q I will just ask you one final question. We saw a film clip of
10 the enclosure viewed from the east side. I think we can see
11 that again. Do you see the stones there? A. I do, yes.

12
13 Q You see the white path going through -- the white there?
14 A. I see the stones and I presume -- sorry what ----

15
16 Q You see a guard there just behind the man? A. Yes.

17
18 Q As far as you can recall, was that the area, between there and
19 there, where you went through? A. It is certainly
20 somewhere around there.

21
22 Q Somewhere around there? A. Yes.

23
24 Q Are you confident in your recollection that you went through
25 there? A. I am confident, yes.

26
27 MR. SHIELDS: I have no more questions, my Lord. Would that be a
28 convenient moment?

29
30 MR. JUSTICE MORLAND: It would, yes. We will break off until half
31 past.

32
33 MR. SHIELDS: Can this witness be released, my Lord?

34
35 MR. JUSTICE MORLAND: Certainly.

36
37 11.15. a.m.

38
39 (Adjourned for a short time)

40
41 MR. JUSTICE MORLAND: Yes, Mr. Shields?

42
43 MR. SHIELDS: Mr. Hease, please.

44
45 Mr. CHRISTOPHER JOHN HEASE, Sworn
46 Examined by Mr. SHIELDS

47
48 Q Your full name, please, Mr. Hease? A. Mr. Christopher
49 John Hease.

50
51 Q And you will need to speak up because you have got to be heard
52 by the members of the jury in the back row. What is your
53 address, please, Mr. Hease? A. Number 1, Somerset Road,
54 New Barnet, Herts.
55

1 Q You are by profession a sound recordist. Is that right?
2 A. I am a cameraman now, and at the time, 1992, I was a
3 junior cameraman, but on important missions abroad I would
4 travel as a sound recordist.
5
6 Q When did you join ITN? A. In 1977.
7
8 Q I think it is right that in 1981 you were what is described as
9 an "on the road" sound recordist. Would that be right?
10 A. That's correct.
11
12 Q What did that involve? A. It means recording sound to the
13 best of one's ability which is recorded on the camera.
14
15 Q Did you cover Northern Ireland and make trips abroad involving
16 going to Australia and China during the next few years?
17 A. I did.
18
19 Q Did you from 1988 to 1999 start working exclusively for
20 Channel 4? A. I did.
21
22 Q As a result of that, did you work in the former Yugoslavia?
23 A. From the beginning of the conflict I worked in Yugoslavia.
24
25 Q How often were you over there, would you say? A. At one
26 stage and throughout the early 1990s probably I spent three or
27 four or even five months a year in Yugoslavia.
28
29 Q That was covering the conflict, was it? A. In the
30 beginning that was the conflict between Croatia and Serbia and
31 then covering the conflict in Bosnia after that.
32
33 Q When were you first involved in the matters which have brought
34 us to this court, namely the trip to Belgrade? A. I was
35 phoned up. I remember I was at home. I was phoned up saying
36 would I go out the next day to Belgrade.
37
38 Q Do you remember who called you? A. No. Somebody on
39 Channel 4's Foreign Desk. I can't remember their name.
40
41 Q Did they tell you why they wanted you to go to Belgrade?
42 A. They did, yes.
43
44 Q And did you know who you were going to join there?
45 A. Yes. I was told I was going out with James Nicholas who
46 I had worked with previously, and that we would be meeting
47 Andy, Mr. Braddel and Ian Williams from Moscow. At that time
48 I was not aware that Andy was in fact in London and Ian was in
49 Moscow.
50
51 Q Had you worked with Andy Braddel before? A. No.
52
53 Q Had you worked with Ian Williams before? A. Yes, I think
54 I had worked -- yes, I am sure I had worked with Ian in London
55 prior to him being appointed a Moscow correspondent.

1 Q You waited with the others, I suppose, in Belgrade?
2 A. Yes.
3
4 Q And did you accompany them on their visits to film during that
5 period there? A. I did.
6
7 Q Did you then fly with them to Pale in that helicopter which
8 you have heard about? A. Yes, I did. It is not something
9 you would forget.
10
11 Q You remember that trip as well, do you? A. Yes.
12
13 Q Prior to going on that trip had you read any articles
14 concerning alleged concentration camps and similar
15 allegations? A. I can remember some reports in the press
16 but I can't remember any detail or in any detail.
17
18 Q As far as you were concerned, what were your orders as a sound
19 recordist? A. All I can remember is that apparently
20 Dr. Karadzic had invited Channel 4 News to come and have a
21 look at the camps. There was an interview on Channel 4 News
22 between Jon Snow and Mr. Karadzic, and it was as a result of
23 that that we made our trip via Belgrade to Bosnia.
24
25 Q Now, have you been present in court during these proceedings?
26 A. Only last Thursday.
27
28 Q Last Thursday. Do you recall the journey to Omarska from Pale
29 via Banja Luka? A. Vaguely. I know it was a very long
30 journey.
31
32 Q Do you remember an incident occurring during that journey?
33 A. I remember some firing as we approached Omarska. At the
34 time I thought it was something that they put on for our
35 amusement as we were a very long way -- as far as I was aware,
36 we were a very long way from any front line, and I thought it
37 was something that they had laid on to try and make the point
38 that it was too dangerous for us to go on and to try and
39 discourage us from going any further.
40
41 Q Do you recall your visit to Omarska? A. I do, yes.
42
43 Q Would you like to tell the court of your recollection of that
44 visit and the impression it formed upon you? A. It was --
45 I was horrified by the state of all the men there. They were
46 what you might call sort of military age. There were no
47 women, no children, no -- I don't remember seeing anybody over
48 the age of about 40. They all looked very pale. They all
49 looked very frightened. Nobody wanted -- they weren't talking
50 amongst themselves. They were very wary of us. Quite
51 naturally, they didn't know who we were. We did talk to a few
52 people but my recollection is that these were very frightened
53 people.
54
55

1 Q Do you remember if there were any other camera crews there?
2 A. I remember one local television crew being there. I don't
3 know who they were. But that is not unusual to be filmed or
4 have another local camera crew present.
5
6 Q Now after that do you remember visiting Trnopolje?
7 A. I do.
8
9 Q Can you tell us what your recollection is of your visit there?
10 A. The people I didn't think were as frightened as those at
11 Omarska. I was under the impression that although the
12 security around the camp wasn't that great, you know, it was
13 fairly, sort of, simple wire fencing, there were plenty of
14 armed guards around, and I was under the impression that they
15 would have been unwise to try and venture outside of the camp.
16
17 Q Now, were you here this morning when Mr. Nicholas was being
18 cross-examined? A. I was.
19
20 Q You saw him being shown film of the barbed wire fence which
21 runs I think east to west. Does that ring a bell with you?
22 A. It does.
23
24 Q I just want to ask you something. Can you recall when you
25 left the side, if I say facing north, to go to the west side,
26 how you reached the west side? A. All I can say is that
27 we must have gone through the fence on the west side because
28 we basically went round in a clockwise direction. I don't
29 remember backtracking at all. And on some of the pictures
30 there is a shot of a gate on the east road and I'm sure that
31 we never went through that gate either in or out of the
32 compound.
33
34 Q Did you have your boom with you? A. Yes.
35
36 Q We have been asked some questions about this so we just want
37 to try and -- I mean, how big is the boom? A. Well, it is
38 telescopic and it can -- the one I had at that time, the
39 maximum length was about five feet. But I must say that most
40 of the time my method of operation, you would only extend it
41 to its maximum length if you were, say, in a position where
42 there were lots of camera crews around, i.e. outside the High
43 Court during the Al Fayed trial where you would stand at the
44 back and put the boom over the top. In any other
45 circumstances I would normally have the boom collapsed so it
46 would be about so long and I would not put the boom over the
47 top because you are more likely to get it in the camera shot.
48 I would put it in underneath. So that was my normal method of
49 working. It is easier to use as well. If you have got the
50 boom extended it is quite unwieldy. If you have got it
51 collapsed, then it is a lot easier to hold.
52
53 Q But it is collapsible? Is that right? A. Yes, it
54 collapses down to about 50 cms or less.
55

- 1 Q I think you returned with the others back to -- just before
2 I get to that. Do you remember how long you spent at
3 Trnopolje? A. Round about an hour, hour and a half. No
4 more than that.
5
6 Q Do you remember when you came to leave? A. Not exactly,
7 no.
8
9 Q You drove back with the others to Belgrade. Is that right?
10 A. I did, yes.
11
12 Q I think it is right that you did not go on to Budapest with
13 the others next morning? A. That's correct. The only
14 people that went to Budapest were James Nicholas, Penny
15 Marshall, Ian Williams and Andy Braddel. They just left --
16 James left me with a large pile of boxes and myself, Jeremy
17 and Mickey Lawrence the next morning organised a much -- a
18 large van, collected and packed all the equipment, and I don't
19 think we left Belgrade until probably eleven o'clock and made
20 a much slower journey to Budapest.
21
22 Q Just one final matter. On the journey back in the minibus
23 from the camp to Belgrade, do you recall whether there was any
24 discussion about what had been seen? A. There was a
25 discussion. I didn't take any part in it and I was trying to
26 get a bit of sleep on the way back. I was aware that there
27 was a discussion going on around me about the events that we
28 had seen during the course of the day.
29
30 Q Would you stay there, please?
31

32 Cross-examined by Mr. MILLAR
33

- 34 Q Mr. Hease, I think you said that at this time in August 1992
35 you were a junior cameraman but on - and this is my note of
36 your words - an important mission you would go as the sound
37 recordist? A. Yes. At that time I was not a cameraman
38 who would be sent on foreign stories. I would be sent to do
39 arrivals at, say, Downing Street or the Foreign Office.
40 I would do that sort of assignment but I would not be trusted
41 to -- yes, I would not be trusted to undertake foreign
42 stories.
43
44 Q Would it be right to say that this was an important mission,
45 this trip to northern Bosnia? A. Yes, but it was also a
46 foreign story and our Foreign Desk would not have sent me as a
47 cameraman on any foreign story.
48
49 Q Now, we know that you spent four days in Belgrade before you
50 flew to Pale on the helicopter, and evidence has been given by
51 Mr. Nicholas that you had no monitor available to you in
52 Belgrade amongst your equipment to watch tapes. Is that
53 right? A. That's correct, yes.
54
55 Q Do you know if ITN had one? A. Monitors are normally part

1 of the editor's equipment. I am a cameraman now working for
2 ITN and I have never had a monitor. It is not part of my
3 standard equipment.

4
5 Q Do you know if ITN had one? A. ITN has a number of
6 monitors but -- sorry, the ITN crew, I don't know, but
7 I wouldn't have thought so.

8
9 Q You were here this morning when Mr. Nicholas was being cross-
10 examined, were you? A. I was.

11
12 Q And do you confirm his evidence that at no stage during this
13 trip did he review film through the playback on his camera?
14 A. As far as I'm aware, that's true, yes.

15
16 Q Have you ever seen him do that? A. No. It's risky and
17 also by the time Mr. Nicholas and -- we were in the van
18 travelling back, if you have got it, you have got it, and if
19 you haven't got it, you haven't got it. So there's no point
20 in looking at it. And the camera is designed as a recorder.
21 I have done it myself when somebody has insisted that I played
22 back a tape. It is very easy, having rewound the tape, to put
23 it in to record. So you then over-record and lose what you
24 have previously recorded. Does that make sense? So it is
25 something that you don't do unless it is insisted upon.

26
27 Q So your evidence is that at no stage during that trip over
28 those five days did you ever see Mr. Nicholas using his camera
29 to ---- A. I never saw Mr. Nicholas rewind any of the
30 tapes.

31
32 Q I am sorry, let me put the question precisely. It is not
33 rewinding the tapes. You never saw ---- A. Well, you
34 have to rewind the tape to play it to look at it. I have
35 never seen James do that, Mr. Nicholas do that.

36
37 Q On the drive back to Belgrade you were all in the same bus.
38 Can you recall Micha driving? A. To be honest, no. Micha
39 at that time was running a transport service and specialised
40 in journalists. He had a number of drivers working with him.
41 On a long trip like that he probably would have had another
42 driver with him. But on this particular trip I can't remember
43 whether it was him driving or one of his other employees
44 driving.

45
46 Q And you cannot recall any detail of a conversation on that
47 trip about whether the camp should be called a concentration
48 camp? A. I can't remember any -- there was a discussion --
49 I remember there was a discussion about what we had seen that
50 day. I can't remember any of the details.

51
52 Q When you got back to Belgrade, what did you do? Do you
53 remember? A. Had a drink in the bar and went to bed.

1 Q You did not go out to dinner, or did not go in the hotel for
2 dinner? A. No, we went back to the hotel. I think they
3 -- I can't remember exactly. They did lay on something to
4 eat, but it was about midnight or after midnight by then. But
5 the hotel did manage to provide us something to eat. I had a
6 quick drink and went to bed.
7

8 Q Now, you again have had an opportunity, I think, to review the
9 Channel 4 rushes before giving your evidence in this case?
10 A. Yes, I have.
11

12 Q You told us you were in court on the Thursday so you saw us go
13 through them in court on Thursday? A. That's correct.
14

15 Q Having looked at them and seen them in court, do you not
16 accept that there was an enclosure around the barn that we
17 have seen fenced in by those dark brown poles with barbed wire
18 fencing between them? A. I was not aware of there being
19 an enclosure there at the time.
20

21 Q Well, I was asking you about now, to see what I need to put to
22 you in cross-examination.
23

24 MR. JUSTICE MORLAND: Really that is a matter for the jury, is it
25 not? He is in no better position than the jury are. Is that
26 not right?
27

28 MR. MILLAR: Well, save that he was there and has reviewed of the
29 tapes. He has a different perspective on the ----
30

31 MR. JUSTICE MORLAND: Yes, but he is not an expert on reviewing
32 tapes, is he?
33

34 11.50 a.m.
35

36 MR. MILLAR: (To the witness): Well, let us look at your
37 understanding of the location. Can we go to the initial shots
38 of your arrival at the camp, please. Again, stop at the very
39 first shot, please, after ... Now, again, I think you were in
40 court this morning when I took Mr. Nicholas to this shot?
41 A. Yes.
42

43 Q Do you have a recollection of spending some time in this area
44 with him taking some shots before you went up to the fence?
45 A. To be perfectly honest, no.
46

47 Q None at all. You went forward to the fence and took some film
48 there. Can we run on, please? Pause there. We can move on
49 fairly speedily from this. I just want to see whether you
50 have got any recollection of appearing at the fence. Do you
51 recall going up to the far right side of the fence as you walk
52 up to it and spending a period up there filming? A. I can
53 remember spending some time at the fence. Exactly which part
54 of the fence I don't recall.
55

1 Q I think the only other shot I want to show, with apologies
2 because we have to run on quite a way, is the shot of the man
3 with the water bottle handing it over the fence. Can you run
4 it at normal time now? We are going to come to some shorts
5 that are taken on the east road. Can you open, if it is not
6 open already, the defendants' bundle and have a look at the
7 plan on p.1. The thin bundle. The very first page behind the
8 index. Just pause there, please. Running up from the bottom
9 to the top right on the plan - do you have it there,
10 Mr. Hease? From the intersection of the two roads at the
11 bottom. A. Yes.
12
13 Q This is in fact north, south, east and west as it looks on the
14 diagram. So the one running up to the right, running north
15 east on the diagram, and as we understand it this is a shot
16 that was taken and the subsequent shots on your approach and
17 your departure from the camp when you have come past the
18 buildings or you are actually at the community building, you
19 are coming down the east road. Does that ring any bells?
20 A. No, but it would make sense, yes.
21
22 Q And if just run on a bit, please, to the shot along the fence.
23 Do you remember some women speaking to the men over this fence
24 when you were shooting that? A. No.
25
26 Q Pause there. Do you remember at some point from the east road
27 looking along the fence that you had originally approached
28 from east to west across the far side of the camp?
29 A. I don't. No, I don't remember.
30
31 Q You have no independent recollection now of any of this?
32 A. No. Not in this detail, no. I know we went round the
33 camp in a clockwise direction and did come down the east road
34 back to where the vehicles were but exactly where we stopped
35 and what James shot -- Mr. Nicholas shot, I don't recall.
36
37 Q I just want to show you one other sequence and then I think
38 that is all I do want to ask you. If you could just run the
39 shot of the man with the water bottle through and see if this
40 assists you. The background on the shot we are about to look
41 at now is the far side of the area that you first entered.
42 Pause there. Behind that man as he was walking along, the far
43 side ---- A. Yes.
44
45 Q As you approach the fence as he is doing, it is up on the left
46 hand side? A. Yes.
47
48 Q But you do have a recollection of coming out of this area on
49 that far side and going up the west side of the camp?
50 A. Yes. If you go back a few frames, back a little bit more,
51 that is it. Can you see where the wire is pushed up and
52 bunched together?
53
54
55

1 Q Yes. Well, it goes criss-cross? A. Yes. I think that's
2 the way we went through there, where they all seem to be tied
3 up. Can you see where they all seem to cross?
4
5 MR. JUSTICE MORLAND: It is almost straight behind the man?
6 A. Yes. Just where the chap's nose is now, all the wires
7 pushed up.
8
9 Q As if the second strand has been pushed up to the stop strand?
10 A. Yes, that's it.
11
12 Q To give a gap. A. Yes.
13
14 Q Presumably a gap over the chicken wire, if there is chicken
15 wire there, so that you can just step over the chicken wire
16 and under the barbed wire? A. I don't remember the
17 chicken wire but I'm sure that's where we went through there.
18
19 MR. MILLAR: No further questions.
20
21 MR. SHIELDS: No re-examination, my Lord. Thank you very much.
22
23 (The witness withdrew)
24
25 MR. SHIELDS: Mr. Dunlop, please.
26
27 Mr. WILLIAM McNAUGHT DUNLOP, Sworn
28 Examined by Mr. SHIELDS
29
30 Q Your full name, please, Mr. Dunlop? A. William McNaught
31 Dunlop.
32
33 Q And your address, please, Mr. Dunlop? A. In France it is
34 number 10 ... in the village of ...
35
36 Q I will not ask you where you were born. Where did you go to
37 school, Mr. Dunlop? A. In Glasgow, Hutchesons' Grammar
38 School.
39
40 Q And after Hutchesons' Grammar School did you take a degree in
41 politics from the University of Glasgow? A. I did.
42
43 Q I think you originally lived in London but you now live in
44 Lyon, France, is that right? A. Yes, just outside.
45
46 Q And what are you doing there? A. I am the editorial
47 director of the Pan European News Channel, Euronews.
48
49 Q Could you direct your answers to the jury? A. I beg your
50 pardon.
51
52 Q You are by profession a television journalist? A. Yes.
53
54 Q And have you worked for both ITN and BBC? A. I have.
55

1 Q Did you join ITN in 1988? A. I did.
2
3 Q And I think it is right that -- did you in that position do an
4 element of work in relation to reporting of wars?
5 A. I did indeed, yes.
6
7 Q And what was your actual speciality? A. Well, I was a
8 producer. I was a general producer and worked up to being a
9 programme editor of Channel 4 News. In terms of wars, notably
10 the Gulf War, I was there. Afghanistan. Various other
11 conflict situations.
12
13 Q I think that you worked with Mr. Williams in Kuwait. Would
14 that be right? A. I did, after the Gulf War.
15
16 Q Were you the programme editor of Channel 4 News on the evening
17 of 6th August 1992? A. I was.
18
19 Q What time did you arrive on 6th August 1992 at work. Can you
20 remember? A. Yes, normally, and on that day, about 8.00
21 a.m. when you are the programme editor.
22
23 Q When you arrived there, were you told anything in relation to
24 a report which was to come from northern Bosnia? A. Yes,
25 I was. I was told there would be a report from northern
26 Bosnia; that we had a team which had gained access to the
27 region and had returned with material pertaining to camps.
28
29 Q Did you have an editorial meeting that morning? A. We
30 did. We have a daily editorial meeting at 9.30.
31
32 Q And is that where you plan how the day's news will be
33 broadcast? A. Indeed it is, yes.
34
35 Q And we are dealing solely here with Channel 4. Is that right?
36 A. We are. Channel 4 News, yes.
37
38 Q At that time, as today, it is broadcast at seven o'clock in
39 the evening? A. Correct.
40
41 Q Were you involved in discussion at that stage? A. I was
42 involved in a discussion, yes.
43
44 Q And following that discussion did you take any action in
45 relation to Dr. Radovan Karadzic, for example? A. Indeed.
46 We discussed the nature of what we had been told about what
47 had been discovered in northern Bosnia, the camps etc., and we
48 had a discussion during that morning meeting about how we
49 could move the story on and obviously one of the things to do
50 is to allow the Bosnian Serbs to put their side of the story
51 as well as challenging them on the material which we had. So
52 for those twin reasons we decided to bid for an interview with
53 Dr. Radovan Karadzic who is the leader of the Bosnian -- or
54 who was the leader of the Bosnian Serbs.
55

- 1 Q When did you personally first see any pictures from those
2 camps? A. The first pictures which I saw were those fed
3 for the 5.40 news on ITV, so I saw them as they came in before
4 that 5.40 news bulletin.
5
- 6 Q Did you see among those pictures the picture of a man at a
7 fence? A. Indeed I did, yes.
8
- 9 Q Who we now know to be called Fikret Alic. A. Yes.
10
- 11 Q How did that picture strike you? A. Well, it struck me as
12 a very, very powerful image. Clearly the man -- the most
13 striking thing for me was actually the fact that the man was
14 so thin that his ribs were protruding, that his arms were
15 extremely thin and it struck me as being a very powerful image
16 indeed.
17
- 18 Q Who made the decision to use that picture on Channel 4 News as
19 part of the headlines? We have seen it already. I think we
20 have seen the announcer and we see that picture behind it.
21 Who would have made that decision? A. I made that
22 decision.
23
- 24 Q You made that decision? A. Yes.
25
- 26 Q Did you see the full report when it was fed from Budapest?
27 A. I did indeed, yes.
28
- 29 Q In the light of the report which came over from Mr. Williams,
30 did you make any further decisions as to what should be shown
31 on the programme at seven o'clock? A. Well, simply that
32 the full report confirmed the strength of the pictures which
33 I had initially seen coming in for the 5.40. Given that,
34 I was very happy with my choice of image for the headlines.
35 I was also satisfied that we had indeed secured an interview
36 with Dr. Radovan Karadzic for the twin reasons that
37 I mentioned earlier. So, you know, at that stage it was clear
38 that what we had been expecting had indeed come to pass in
39 terms of the strength of the report and I was satisfied.
40
- 41 Q Would you stay there, please?
42
- 43 Cross-examined by Mr. MILLAR
44
- 45 Q Mr. Dunlop, you have told us you arrived at about 8.00 a.m. on
46 the 6th? A. Yes.
47
- 48 Q And there was some discussion in the morning at the normal
49 editorial meeting at about 9.30 of what might be coming from
50 your crew in northern Bosnia who had been to northern Bosnia?
51 A. Yes.
52
- 53 Q Was there any discussion about the shots the crew had
54 obtained? A. No, not individual shots at that stage. No,
55 the discussion was about the fact that they had come across

1 and had limited access to detention camps. But, I mean, no at
2 that stage no, not individual shots.

3
4 Q Was there any discussion about any of the footage, whether
5 individual shots or not? A. Not at 9.30 in the daily
6 editorial meeting, no. It was about the general nature of
7 what they had discovered.

8
9 Q Have you been in court this morning? A. I have, yes.

10
11 Q Mr. Nicholas gave evidence that the crew in Belgrade that had
12 been out there for a few days did not have any sort of monitor
13 that enabled them to play back tapes, rushes they had taken
14 during their filming out there. That is not normal, is it, on
15 an assignment like this to leave a crew for several days
16 filming without any sort of monitor to review what they had
17 been filming? A. I would say it is, yes. The monitor is
18 part of an edit pack, and it would be the editor who would
19 have the monitor with him, and normally in a situation like
20 that if you were going to review pictures after they had been
21 shot you would do it in the edit suite on our monitor there.

22
23 Q Yes, but we know that there was a doubt when it came to
24 editing this about doing it in Belgrade at all. Indeed, the
25 crew were asked to go all the way to Budapest to do it in an
26 editing suite there. A. Yes.

27
28 Q Did Channel 4 know when they went out there that it would not
29 be wise or appropriate to seek facilities of that sort in
30 Belgrade? A. That is not part of my decision-making.
31 That would be organised by Sue English, the foreign editor who
32 was responsible for planning this trip. My involvement was on
33 the day about the programme that night.

34
35 Q Did you speak to Mr. Williams in the course of the day?
36 A. I cannot recollect all the conversations I had in the
37 course of that day but I can only say it would be normal that
38 I should have, yes.

39
40 Q Now, you picked the image that we have seen on the
41 introduction of the broadcast with the shot of Alic's body and
42 the barbed wire fence. Was that enhanced in any way for use
43 as a background? A. Certainly not, no.

44
45 Q Did you pick the "Inside the camps" caption that went with it?
46 A. Yes. I would have done, yes.

47
48 Q And explain your thinking, please, in picking that caption?
49 A. Well, I think it is a very straightforward caption. It is
50 in fact not sensationalist, it is a very straightforward
51 representation of what the reporters were doing and what the
52 camera crews -- where the camera crews had been.

53
54 Q Were you aware that the background to this trip was that there
55 had been allegations of Bosnian Serbs running concentration

1 camps in northern Bosnia? A. Yes, I was aware that there
2 were allegations that camps were being run in northern Bosnia
3 where people were being detained, yes.
4

5 Q Were you aware that an article had been run in the **Guardian**
6 very prominently by Maggie O'Kane describing these camps,
7 including Omarska and Trnopolje, as concentration camps?

8 A. At that point, no, I was not aware of that, no.
9

10 Q Were you aware of any such allegations having been made about
11 the camps? A. No.
12

13 Q You were not aware that Bosnian Muslims had put out a list
14 describing a series of these camps including these two as
15 concentration camps? A. No. I mean, my responsibility
16 was not in the planning of this journey. My responsibility
17 was on the day after we had obtained what we had obtained,
18 what to do with it and how to put it on the air.
19

20 Q But, you see, what I wanted to put to you was, against that
21 understanding, if it was there but you did not have it, that
22 image might be seen as an image reminiscent of a concentration
23 camp shot from the Second World War? A. Well, it is up to
24 people to make what they will of that image. That image for
25 me was chosen because it was a very powerful single image
26 showing a very emaciated man. It did have the barbed wire
27 too. Those two elements made it a singularly powerful image.
28

29 Q But you had no idea that allegations had been made that this
30 camp might be a concentration camp? A. No. But I was
31 well aware of the fact that I didn't want us -- and that we
32 had made a positive decision never to refer to these camps as
33 concentration camps because we felt it was inappropriate.
34

35 Q So you were aware there had been such an allegation?
36 A. No, I didn't say that. I said that we decided that that
37 was not an appropriate way to describe these camps.
38

39 Q During the course of the day? A. Yes.
40

41 MR. MILLAR: Thank you very much.
42

43 MR. SHIELDS: I have no re-examination.
44

45 (The witness withdrew)
46

47 MR. SHIELDS: My Lord, I am just checking on my witnesses.
48

49 MR. JUSTICE MORLAND: Certainly.
50

51 MR. SHIELDS: Mr. Garron Baines.
52
53
54
55

1 Mr. GARRON JOHN BAINES, Affirmed
2 Examined by Mr. SHIELDS
3

4 Q Your full names, please, Mr. Baines? A. Garron John
5 Baines.

6
7 Q And your address, please? A. ... Hurton End, Debden,
8 Saffron Walden, Essex.

9
10 Q And your present position, please, Mr. Baines? A. I am
11 managing director for ITN New Media.

12
13 Q Is it right that you joined ITN in 1976? A. Yes.

14
15 Q Were you with Channel 4 News when it started in 1982?
16 A. Correct.

17
18 Q You are a former Home News editor? A. I am.

19
20 Q Deputy head editor and head of Channel 4 News?
21 A. Correct.

22
23 Q I would like to take you up to 1992 now. What was your
24 position in 1992 within Channel 4 News? A. I was deputy
25 editor of Channel 4 News at that point.

26
27 Q Could you address your ---- A. I was deputy editor of
28 Channel 4 News at that point.

29
30 Q And who was the foreign editor at that stage? A. Sue
31 English.

32
33 Q Did there come a time when you heard some rumours about camps
34 in Bosnia? A. Yes, we did.

35
36 Q Could you just tell us about that? A. There were
37 newspaper reports suggesting that people were being held in
38 camps inside Bosnia by the Serbs and this is the type of
39 situation that a television news operation like ITN would sift
40 and assess and make some evaluations to determine whether we
41 should investigate these matters further.

42
43 Q Did you read any articles at the time relating to those camps?
44 A. Yes, I did.

45
46 Q Do you remember who had written them? A. I remember
47 specifically the articles that the **Guardian** journalist Maggie
48 O'Kane had written, describing evidence that was reported to
49 her as she travelled around Bosnia on some of the public
50 transport in Bosnia.

51
52 Q If we look at the bundle in front of you, tab 11, it is headed
53 "Muslims nightmare under the long hot Yugoslav sun". Is that
54 the article you remember? A. Yes.
55

1 Q Now, did there come a time when you decided to send a Channel
2 4 crew out to Belgrade with a view to finding some camps?
3 A. Yes, we did.
4
5 Q Do you remember the circumstances in which that occurred?
6 A. I cannot remember the specific circumstances but I can
7 remember the generality if that suffices, which is that I had
8 a conversation with the senior foreign editor, Sue English, to
9 establish her views on these reports and she had also seen
10 other articles I believe appearing in the International Herald
11 Tribune which was made aware to me, and we felt that
12 cumulatively two reporters acting independently of one another
13 provided us with adequate information to begin enquiries as to
14 the veracity or otherwise of these claims. I don't know
15 whether I am going too far but if you want me to refer to
16 Mr. Karadzic's presence ----
17
18 Q Well, we have heard about Mr. Karadzic. Do you remember
19 Mr. Karadzic being interviewed by one of your reporters?
20 A. Yes. At of the time that we were on the point of making a
21 decision we were aware that Mr. Karadzic was in London and
22 giving a press conference and I was instrumental, with Sue
23 English, in asking other diplomatic correspondent, Nick
24 Gowing, to attend that press conference, and Sue English and
25 myself felt that if we asked Dr. Karadzic for his authority to
26 visit these camps that would facilitate quite considerably our
27 opportunity of either proving or disproving the existence of
28 these camps in Bosnia.
29
30 Q Can you remember when you first became aware that a Channel 4
31 crew had indeed visited some camps in north Bosnia?
32 A. A Channel 4 News crew?
33
34 Q Yes, a Channel 4 News crew? A. Well, the circumstances
35 were such -- I am not quite sure I follow the purpose of the
36 question.
37
38 Q In that case it is a badly phrased question. I am jumping
39 ahead. You decided to send a Channel 4 team out there. Is
40 that right? A. In consultation with our Foreign Desk,
41 yes.
42
43 Q When did you first become aware that the Channel 4 team had
44 visited those camps out in northern Bosnia? A. We
45 received regular updates from the foreign editor, Sue English,
46 regarding the progress of this team because, as you will
47 appreciate, it is expensive to have a team abroad following a
48 particular assignment, and I was conscious that there was a
49 delay in terms of them being allowed access outside Belgrade.
50 But I was kept informed when they had visited two camps in
51 particular, those of Trnopolje and Omarska on the same day,
52 because the evidence that our teams found at those camps
53 suggested that prisoners were being held in conditions that
54 one would not expect in the 20th century.
55

1 Q What part, if any, did you play in the actual decision to
2 transmit on August 6th? A. It may be worth explaining the
3 sort of responsibility and the hierarchy in a sense in a
4 newsroom. As Richard Tait, the editor of the programme, was
5 not in the country, he was on vacation, at that time, I had
6 the ultimate responsibility for the Channel 4 News content.
7 That is other than in the sense that I would also be reporting
8 to the editor in chief, Stewart Purvis, but the programme
9 editor of the day has the day-to-day responsibility for the
10 production of that programme and the intricate editorial
11 structure of the programme and its content, and the senior
12 foreign editor and her Foreign Desk team would have
13 responsibility for the inputs in terms of the structure of
14 that piece as well so the programme is collaborative in a
15 sense and the Foreign Desk would be briefing the team in the
16 field.

17
18 12.20 p.m.

19
20 They would be advising. The programme editor would not
21 normally necessarily speak in great detail to the teams. It
22 depends on the case by case circumstances, and I would not
23 necessarily have expected to have had detailed conversations
24 relying on those two executives in our news operation, but the
25 gravity of the story and my own conviction that it would
26 arouse considerable interest was such that we went to great
27 pains to ensure that we did not overstate or embroider the
28 strength of the visual images which I knew had been collected
29 and that we would put it in a full context. The context was
30 for us very important, both the way that the pictures are
31 edited together to be a fair representation of what was seen,
32 the accompanying script of the reporter to match those
33 pictures and give the same contextualisation and, indeed, the
34 contextualisation of the programme, which the programme editor
35 (who gave evidence before me) would have been responsible for,
36 although I had discussed in outline with him some of the
37 reaction that would be required in terms of a request to the
38 Foreign Secretary for an interview, alerting our office in
39 Washington so that they could put calls through to the State
40 Department to see whether there would be any American
41 response. Probably most importantly of all to enable Dr.
42 Karadzic, who had given us the authority in the first place,
43 the right to reply to the reports that we were to screen on
44 that particular programme. And something that was exceptional
45 in this circumstance was that we facilitated a return video
46 path to enable Dr. Karadzic to see the pictures, as opposed to
47 just hearing the words.

48
49 If you will allow me to indulge for the benefit of the
50 jury, normally an interviewee that you see on television is
51 actually not seeing the presenter in London but merely has an
52 earpiece enabling him to hear what we call "the return sound",
53 and that is purely a cost exercise, but a necessary one in
54 television news terms, because there is no need in normal
55 circumstances to convey the pictures back to the interviewee;

1 they are gaining an adequate sense from the audio description.
2 But in these circumstances, Sue English and myself believed
3 that it was absolutely imperative so that we were being as
4 fair as we possibly could to Dr. Karadzic to allow him to have
5 the benefit of seeing the individuals in prison who appeared
6 on the film in person so that he could be seen to have been
7 given the fairest possible opportunity to respond.

8
9 Q And his interview was shown on the television? A. Indeed,
10 it was.

11
12 MR. SHIELDS: Would you stay there please.

13
14 Cross-examined by MR. MILLAR

15
16 MR. MILLAR: One matter, Mr. Baines. You have told us that during
17 the day you took various steps in preparation for the report
18 in the evening, thinking about an interview with the Foreign
19 Secretary, lining up the Karadzic interview and so on and so
20 forth. My note of your evidence just a moment ago said, "It
21 was on the strength of the visual images which I knew had been
22 collected". Do you remember saying that? A. Indeed.

23
24 Q When were you first aware of the strength of the images that
25 had been collected on film? A. I cannot be precise.
26 I remember to some extent the chronology of events the
27 previous evening. I was not at my home address. I was
28 contacted by pager by Sue English to be informed that the team
29 had been to these camps and that they had collated images
30 which would probably be regarded as disturbing to right minded
31 people, and I then telephoned her and we began a discussion
32 about how we should prepare our programme for the following
33 day. In a news programme like Channel 4 News a degree of pre-
34 planning is a key requirement to ensure that you have enough
35 material to fill 52 minutes of air time. By the same token,
36 if you have something that is of fairly exceptional nature,
37 then you will need to restructure the programme and that is a
38 process that involves the programme editor and the input teams
39 as well. I also recall making a phone call to the now Chief
40 Executive of ITN, Stewart Purvis, to inform him that we were
41 preparing to screen the reports the following day, and
42 I believe they would have significant impact.

43
44 Q Let us go back to the beginning of that long answer. You were
45 contacted on the evening before, is that right, by Sue
46 English, late in the evening? A. To my recollection.

47
48 Q Can you remember roughly what time? A. It would have been
49 after 8.30 or 9.00 o'clock because I would have been at the
50 office until that time.

51
52 Q And what did she say to you? A. I cannot remember the
53 precise conversation that we had. All that I am able to
54 recollect is the fact that she would have informed me, and the
55 nature of the fact that our team, who had been assigned to

1 establish whether prisoners were being held in unsatisfactory
2 condition in Bosnia, and her belief that they had evidence,
3 televisual evidence, which supported that contention.
4

5 Q Did you speak to her again later on in the evening about the
6 crew having arrived back in Belgrade at the hotel?

7 A. I cannot remember, members of the jury, whether I had one
8 or two conversations. It was in 1992. However, I remember
9 being advised by Sue English, as it was her operational
10 decision, that the crew should actually leave Belgrade to
11 travel to Budapest, where they would edit their pictures. In
12 part that operational decision was due to the sensitive nature
13 of the material, and the not unreasonable supposition that the
14 television technicians within Belgrade may not have allowed
15 those pictures to be broadcast to London.
16

17 Q No. You could not edit in Belgrade. You took a decision that
18 that might not be a sane or sensible thing to do?

19 A. Indeed.
20

21 Q What I want to understand is, at the end of the day in the
22 light of those conversations, was it your understanding from
23 what Sue English had told you that they had looked at the
24 footage they had taken and they were saying, "It is powerful
25 footage". A. I am afraid due to the intervening years,
26 I cannot remember with that level of detail whether they were
27 relying on their recollection of the images that they had
28 encountered, whether they had actually reviewed them through
29 the camera -- as members of the jury will be aware, you can
30 actually review your rushes through the camera while
31 travelling back to Belgrade -- or, indeed, whether they had
32 set up a temporary editing facility to enable to view them.
33 I am afraid it would not be wise of me to be able to give a
34 precise answer purely because I am not able to recollect at
35 that level of precision.
36

37 Q You would not need a temporary editing facility. You would
38 just need a monitor, would you not, to have a look?

39 A. That is what I meant by a monitor, indeed, plugged into,
40 but it depends on the configuration whether there is a monitor
41 available, whether it is packed up in one of the boxes. There
42 are 101 logistical considerations involved in such matters.
43

44 Q Were you involved in the decision, say, to go from Belgrade to
45 Budapest now, or in the morning, and we will edit there?

46 A. As I previously suggested, that was an operational
47 decision taken by Sue English and she would have informed me
48 if I had said, "I don't think that's a sensible thing." She
49 would have listened to me and we would have discussed it, but
50 it was an operational decision within her jurisprudence.
51

52 Q But you did not suggest that. You just let the decision run
53 its course? A. That is to the best of my recollection.
54

55 MR. MILLAR: Thank you. No further questions.

1 MR. JUSTICE MORLAND: Thank you very much.

2
3 (The witness withdrew)

4
5 MR. SHIELDS: Sue English, please.

6
7 Ms. SUSAN CLAIRE ENGLISH, Affirmed
8 Examined by MR. SHIELDS
9

10 MR. SHIELDS: Your full name please? A. My name is Susan
11 Claire English.

12
13 Q And your address, please? A. 10, Percival Road, London
14 SW14.

15
16 Q And your present job? A. I am the Editor of LBC.

17
18 Q Can I ask you a bit about yourself? Where did you go to
19 school? A. Where did I go to school? I went to school in
20 Wimbledon, at Wimbledon High School.

21
22 Q Then did you do a degree in European Studies at The University
23 of East Anglia? A. I did.

24
25 Q And was that followed by a Post-Graduate Diploma in Radio
26 Journalism at the London College of Printing? A. It was.

27
28 Q When did you begin your career in radio journalism then?
29 A. I started in radio journalism in 1979. I began in fact at
30 LBC, where I am now editor. I then worked in a number of
31 local radio stations around the country before going to
32 'TV AM', when the breakfast television station started.
33 I worked there for two years and then I was taken on by
34 Channel 4 News as a scriptwriter.

35
36 Q What does a scriptwriter do in that context? A. A script-
37 writer writes scripts for the newsreader, and also produces
38 items for the programme, and scriptwriters are now mostly
39 known as producers, and they would also go out on the road, as
40 I did, working with correspondence with at home and abroad,
41 doing very much the job that Andrew Braddel, whom you heard
42 from last week, described to you as a producer's role.

43
44 Q Did you come in 1988 a foreign editor of Channel 4 News?
45 A. Yes, I did.

46
47 Q Could you just tell us what the duties are of a foreign
48 editor? A. The foreign editor runs the foreign operation
49 for the news programme, so they run the desk, which is a desk
50 of people and on the day foreign editor who will arrange and
51 organise the coverage for that day; an assistant who works
52 with the foreign editors arranging satellite feeds,
53 interviews, travel arrangements and so on. I also ran the
54 three bureaux that Channel 4 News at that time had in Moscow,
55 Washington and at that time in South Africa. The job of the

1 foreign editor was to coordinate all the foreign coverage for
2 the programme, to plan the coverage that we would do; to
3 assign the team to go abroad, to make sure that everything
4 they needed in terms of equipment and facilities was available
5 and also, crucially, to be an adviser to the editor of the
6 programme and to the programme editors about the editorial
7 content of the output.
8

9 Q That was in 1998 onwards when you were the foreign editor?

10 A. That is right.
11

12 Q I am now going to take you forward in time. Did you develop
13 an interest in what was happening in Yugoslavia at the end of
14 the 1980s? A. Indeed. It was very clear to all of us
15 that the collapse of Communism in Eastern Europe was going to
16 have some very wide-ranging consequences, and nowhere more so
17 than in Yugoslavia. We were fortunate in as much as we had a
18 correspondent who had worked extensively in Yugoslavia during
19 the Communist period and was very well aware of the kind of
20 tensions that were existing in that country. We had therefore
21 covered the story in probably more detail and more regularity
22 than most other news programmes over the intervening years.
23 I had personally commissioned a number of teams to go over
24 there and to cover the unfolding conflict between Serbia and
25 Croatia. We covered all the Independence Movements for
26 Slovenia and Croatia and, in the early nineties, we had of
27 course covered the war itself between Serbia and Croatia. So
28 we were very well aware of the history of that region and of
29 the most recent news coverage that we had done.
30

31 Q You said you sent teams out to Yugoslavia. When those teams
32 were out there did you regard their personal safety being in
33 peril? A. Indeed. It was a war zone, and we were very
34 conscious of the safety responsibilities that we, as
35 television news managers, had to the teams of people we were
36 sending out there. And not just to the teams that we were
37 sending there, but to the local people that they were working
38 with as well because all television news teams need local
39 fixers, and those are people who are usually nationals of the
40 country that you are reporting on, who will translate for you,
41 who will arrange transport for you, and those people too
42 deserve to be looked after by the television news company that
43 is working with them. So personal safety was an absolute
44 priority for us and we worked very hard to ensure that our
45 teams were given absolutely the maximum protection we could
46 give them.
47

48 So, for example, we insisted that they wore flak
49 jackets. We insisted that they took helmets with them. They
50 had large and professional medical kits to take with them so
51 that if anybody was hurt, they had the facilities to deal with
52 them. They were sent on battlefield training course so that
53 if somebody was actually injured they could be dealt with and,
54 crucially, we were very conscious of the fact that when you
55 send a team into a war zone the composition of the team is

1 absolutely crucial. A team that works together, and that is a
2 strong team that trusts each other is going to be safe, and a
3 team that does not have that kind of cohesion and trust are
4 more at risk in danger zones.
5

6 Q Let me take you up to the summer of 1992. When did you first
7 start hearing reports regarding Serbian camps where Muslims
8 were being kept? A. During the spring and early summer of
9 1992 there were a number of reports that started to come out,
10 particularly as the fighting swept through Bosnia, and there
11 was obviously a high degree of displacement of civilians. We
12 had heard a number of rumours through people that we worked
13 with on the ground that there were rumours that men were being
14 herded into camps. These rumours then started to appear, as
15 we have seen, in the British press but also, crucially, in the
16 American press. I first became aware of them in a series of
17 articles which appeared in an American publication and which
18 were then reprinted in the **International Herald Tribune**. They
19 were also the subject of the articles that you have heard of
20 from Maggie O'Kane in **The Guardian**.
21

22 Q In the light of what you read, did you yourself make any
23 decisions? A. All the time we were reading these reports,
24 you have to bear in mind the context we were working in. A
25 war was going on in this region. It was a region that we had
26 covered extensively. We knew what the history of this region
27 was, and the history of this region meant that way back,
28 before the Second World War there had been reports of human
29 rights abuses of genocide and that, of course, had been
30 particularly true during the Second World War, where both
31 sides used very barbaric methods against each other. So we
32 were dealing with these reports in the context of the fact
33 that we knew that both sides used propaganda, used historical
34 atrocities in the battle that they were waging against each
35 other. So all the way through we were very conscious of the
36 fact that it was our role, as television news reporters and as
37 a television news programme, to try and sift the truth from
38 these conflicting rumours. So all the time we had been
39 looking at the possibility of going and actually checking out
40 some of these reports. But I was very conscious of the fact
41 that, as I have said, it was a war zone; that these were
42 areas that were being fought over and that there was precious
43 little point in sending out a team which would not be able to
44 have access to the areas of the country that we needed to get
45 to.
46

47 Q Did there come a time when one of your reporters interviewed
48 Dr. Karadzic when he was in London at a press conference?
49 A. Yes, there did. Dr. Karadzic was in London. Again, at
50 this time, the diplomatic moves to try and resolve the
51 conflict in Bosnia were gathering pace and we were heading
52 towards some kind of peace conference in London at some point
53 in the summer. Dr. Karadzic came over to have a number of
54 meetings in London. He held a press conference on a day when
55 there had been even more reports in the papers of civilians

1 being held in camps. We held our 9.30 morning editorial
2 meeting and decided that we would ask our diplomatic editor,
3 Nick Gowing, to go to the press conference and to put to
4 Dr. Karadzic the reports that we were seeing in these papers
5 and to ask him for his reaction to it, and to do it on camera.
6 We assigned Nick to go down there with a camera crew. While
7 he was down there, after the press conference, he interviewed
8 Dr. Karadzic. He then rang me on his mobile phone and told me
9 that Dr. Karadzic had absolutely denied the allegations of
10 people being held in camps and had offered us the chance to go
11 and see, as he put it, "with your own eyes that there is
12 absolutely no truth in these rumours".
13

14 Q So what did you do then? A. I immediately rang John
15 Kennedy, who was Dr. Karadzic's press officer or press
16 representative in London, who had also been at the press
17 conference. I said to him that I was very glad that
18 Dr. Karadzic had offered us the chance to go to Northern
19 Bosnia, and I had a team ready and waiting to go. They would
20 be in Belgrade the following morning and I expected him to
21 make good on his promise to show us around.
22

23 Q What steps, if any, did you take then to get the team
24 together? A. I was aware of the fact that Ian was in
25 Moscow because Ian Williams at that time was our Moscow
26 correspondent. I knew he was in Moscow. I was also conscious
27 of the fact that Andrew Braddel, who was his producer, was in
28 fact in London, as you heard, on his way back from a vacation
29 in America. I knew we had James Nicholas in London and Chris
30 Hease as well. They were all highly experienced, professional
31 operators. Ian and Andrew had worked together in a number of
32 extremely unpleasant parts of the former Soviet Union where
33 there were pretty well constant outbreaks of civil war. They
34 were both very experienced in working in what I would describe
35 as a highly sensitive situation where, above all else, you
36 need to know how to get people who don't want to show you
37 things and don't want to take you to places to do what they do
38 not want to do. I think Ian would probably agree that Moscow
39 is a very good training ground for that. It was a hard place
40 to work. You need to have a lot of persistence to actually
41 get to this story, but also to sift through the truths and
42 half-truths and lies that people will tell you. So I was very
43 keen that Ian and Andrew should go because they were a good
44 strong team. James Nicholas was one of the best camera-men
45 editors that I had ever worked with. He was also, because he
46 was able to edit as well. I knew that he would be able to
47 shoot the pictures and edit them, which is a big advantage.
48 And Chris Hease was a sound man who had worked with James in
49 Bosnia on many occasions. These four people would together
50 constitute the kind of team that I felt absolutely confident,
51 both journalistically and also in terms of their own safety in
52 sending into what was obviously going to be a very difficult
53 situation.
54

55 Q So did you contact Ian Williams by phoned? A. I did.

1 Q And did you brief him? A. I did.
2
3 Q What kind of instructions did you give him as to the task you
4 were setting him? A. Ian was obviously very well aware of
5 the background of what was going on in Yugoslavia. There was
6 a lot of coverage of the events in Yugoslavia in Russia, where
7 there had been a historical connection with the Serbian
8 community. So he was very aware of the stories, and he was
9 also well aware of the reports that he had been circulating
10 about the camps.

11
12 To my recollection I faxed him a list that I had been
13 given by the Red Cross which listed a number of camps where
14 they were concerned -- they put it no more strongly than that
15 -- that they were concerned that there reports of maltreatment
16 of prisoners. I also sent him, I believe, the most recent
17 articles from **The Guardian** and **The International Herald**
18 **Tribune**. My brief to him was very simple. It was this. "We
19 have been offered the chance to go in with Dr. Karadzic's
20 blessing. You are going to have to push to get him to deliver
21 on that." I was quite sure the red carpet would not be laid
22 out for us; that we would have to put pressure once we got
23 them to get the access we wanted. But what I and the rest of
24 the programme team wanted was for Ian to go and report what he
25 found on the ground. I wanted to know what the truth of the
26 rumours were. If he found no evidence in these camps of any
27 maltreatment, then that is what wanted to know and that is
28 what we would broadcast.

29
30 Q The team went out there, as we all know. Did you have any
31 arrangement with Mr. Williams as to whether he would call you
32 from Belgrade? A. Ian would always call as soon as he
33 arrived on location. That was a basic rule of any foreign
34 operation. As soon as he arrived at the place you were going,
35 you called into the desk to say that you were there; that
36 your team was with you; that you had met the translator;
37 that you had all the equipment; that we had not lost a camera
38 in transit or anything like that. He would have called me
39 from Belgrade when he arrived. The arrangement then was that
40 he would keep in touch with me on a daily basis whilst he was
41 in Belgrade which he duly did for the first two or three days.
42 At the end of that time he and I were both concerned that
43 Dr. Karadzic's people had not at that stage provided us with
44 access to the area of northern Bosnia that we needed to go to.
45 At that point I again rang John Kennedy, Dr. Karadzic's
46 representative in London, and told him that we were unhappy
47 that they had failed to deliver on their promises and that
48 I was expecting him to ensure that Mr. Williams and the team
49 were given access to the areas of north-western Bosnia which
50 he knew we wanted to visit very quickly. Shortly after that,
51 Ian called and told me that things were moving and that he
52 thought they were going to leave Belgrade and head out into
53 the Serbian controlled part of Bosnia.

54
55

1 At that point he and I agreed that communications
2 would then become very difficult, that he would call me as and
3 when he could, that I wouldn't be unduly concerned if I didn't
4 hear from him for a few days. We also agreed, when he could
5 make contact with me, that it may be that it would not be
6 possible for him to be very specific about what was happening,
7 because clearly those communications would not be secure. On
8 that basis, Ian then left and I duly did not hear from him for
9 several days.

10 12.45 p.m.

11
12
13 Q Do you remember when you next heard from him? A. Yes,
14 I do. It was late in the evening. I was at the theatre
15 and, in fact, I was bleeped. I came out of the play and rang
16 to get a message that Ian had called.

17
18 Q Can I just pause there: is it right that Belgrade is an hour
19 ahead of London? A. I'm sure it is. I'm sure it is,
20 yes, absolutely, yes, it's an hour ahead.

21
22 Q You were at the theatre? A. I called back to collect the
23 message that Ian had called me and I subsequently spoke to Ian
24 later on that evening. He simply told me that they had, in
25 fact, been taken to a couple of camps, that they had some
26 strong material, or some quite strong material, that they were
27 heading back to Belgrade where they would - in fact, by that
28 time they were back in Belgrade - they would spend three or
29 four hours having a sleep, having a wash, having something to
30 eat and then they would get into their transport and go to
31 Budapest first thing the following morning. We had arranged
32 for editing in Budapest, as you have heard, partly because
33 I was concerned about the security aspects of cutting this
34 kind of picture in Belgrade; but also, and in some ways just
35 as crucially, because I was very concerned that the satellite
36 transmission of the item for our programme for that night
37 would be as reliable as possible. In those days it was more
38 reliable to take a feed out of Budapest than it was to take a
39 feed out of Belgrade. We had arranged for a facilities house
40 in Budapest to provide equipment for James Nicholas to edit
41 his material on - I had also obviously liaised with the ITV
42 programme department because we wanted to ensure that both
43 teams were in the same location to cut, and we all felt
44 comfortable that they were in the right place in Budapest.
45 Ian then told me that he would drive to Budapest and would
46 call me the following morning as soon as they arrived in
47 Budapest.

48
49 Q Did you subsequently that evening have a conversation with
50 Mr. Garron Baines? A. I did.

51
52 Q The following morning, obviously you went to work, did you
53 have a conversation with Mr. Williams? A. Yes, I went to
54 work. We knew that Ian would not call us until the middle of
55 the morning because it was a long drive from Belgrade to

1 Budapest and also they had to cross the border. There were
2 delays and hold-ups at the border at that time, and therefore
3 we couldn't be absolutely sure what time he would arrive in
4 Budapest, but we made the necessary arrangements to feed
5 pictures from Budapest. We also, as Mr. Baines said, started
6 to work on the interviews that we would like to have in
7 response to the item that we were going to put out that night.
8 Clearly the most important one was to get Dr. Karadzic's
9 reaction. So we therefore made the bid through a fixer in
10 Belgrade to ask for Dr. Karadzic to appear live on the
11 programme. We also, as Mr. Baines explained to you, arranged
12 for a return video circuit so that he would be able to see the
13 pictures.

14
15 Q Did Mr. Williams tell you anything about his trip? A. He
16 did not speak to me about his trip in detail until he got to
17 Budapest.

18
19 Q In Budapest? A. In Budapest, yes. When he arrived in
20 Budapest - I guess he probably arrived about mid-day his time,
21 about 11 o'clock our time - he immediately called in. He
22 told us about the visit to the two camps. He told us what
23 kind of material they had. They were at that stage getting
24 the equipment sorted out and were going to start viewing their
25 rushes and editing. Clearly my understanding was that he had
26 not seen this material, but being a professional correspondent
27 obviously he knew that he had some very strong material from
28 both camps.

29
30 Q Did you or anyone else, to your knowledge, have any
31 discussions with Channel 3 as to who would show what programme
32 when? A. I didn't. That was something that Mr. Baines
33 dealt with.

34
35 Q When did you envisage that the first Channel 4 news broadcast
36 would be shown with Mr. Williams' material? A. That
37 night.

38
39 Q That night, that is at seven o'clock? A. Yes.

40
41 Q When did you first see Mr. Williams' report? A. When it
42 was fed in. The feed was booked for 6.30. It came up
43 straight away at the top of the feed, so it would have been in
44 by 25 to, 20 to, seven.

45
46 Q That was the first time you saw the material? A. Yes.

47
48 Q In the light of that material did you make any decisions as to
49 what would be shown that night at seven o'clock, or do your
50 decision-making powers not extend to that? A. No, the way
51 that the newsroom organisation works is that a senior foreign
52 editor's job is effectively to commission, assign and manage
53 the trip, to discuss with the correspondent what material they
54 have and to arrange the transmission of that material into
55 London. At the point that it arrives in London it really

1 then becomes the programme editor's job to decide what to do
2 with it.

3
4 Q So as far as you were concerned your particular role in
5 relation to that had ended? A. It had ended in so far as
6 the report had arrived in London and would then be
7 transmitted. My role continued in the sense that I was still
8 responsible for the live interview coming out of Belgrade with
9 Dr. Karadzic and also for Ian Williams' live interview, which
10 we had also booked a circuit for out of Budapest.

11
12 Q That was your responsibility, the live interview which
13 followed? A. Yes.

14
15 MR. SHIELDS: If you could stay there.

16
17 MR. JUSTICE MORLAND: Mr. Millar, how long are you likely to be?

18
19 MR. MILLAR: Probably not much more than five to ten minutes.

20
21 MR. JUSTICE MORLAND: Shall we finish this witness before we have
22 a break?

23
24 Cross-examined by Mr. MILLAR

25
26 MR. MILLAR: When the crew are sent out there, the issue, and
27 important issue, arising from the Gutman/O'Kane articles is:
28 are any of these camps being run by the Bosnian Serbs,
29 concentration camps, is it not? A. The issue that I was
30 interested in and the issue we had asked them to investigate
31 was were there camps being run anywhere in north-western
32 Bosnia where large numbers of people were being held in bad
33 circumstances. That was the question that I asked Ian to go
34 and investigate.

35
36 Q You were aware that they had been alleged to have been
37 concentration camps by Maggie O'Kane in **The Guardian**?
38 A. I was aware that there were reports of large numbers of
39 civilians being held in camps in north-western Bosnia in
40 circumstances which were not favourable to the inmates and
41 that there were reports of human rights abuses there, and
42 that's what I asked Ian to go and cover.

43
44 Q You had read the Maggie O'Kane article? A. I had read the
45 Maggie O'Kane article.

46
47 Q In which they are described as "concentration camps"?
48 A. In which she describes them as "concentration camps".

49
50 Q The other important issue was whether Karadzic had lost
51 control of these Bosnian Serbs who were running the camps, was
52 it not? A. That wouldn't be my recollection.

53
54 Q No? A. That would not be my recollection.
55

1 Q To see whether he had made a mistake in allowing you to go
2 there - to see whether he knew what he was doing in allowing
3 you to go there? A. I am sorry, I am slightly confused by
4 your question.
5
6 Q If he invited you to go there and it turned out that there was
7 evidence of such abuse then that might suggest that he did not
8 have proper control over the people who were running these
9 camps, might it not? A. Dr. Karadzic responded to our
10 question about the claims that had been in the newspapers
11 about maltreatment in these camps by offering us the chance of
12 going to see with our own eyes and report what we saw, and
13 that was what we did.
14
15 Q You send a crew out there with an arrangement with an
16 arrangement to stay in regular touch by telephone from
17 Belgrade. Have I got that right? A. Yes.
18
19 Q And the plan is from the start - is this right - we will not
20 edit in Belgrade or feed from Belgrade, we will do it from
21 Budapest, if it comes to that? A. That was my initial
22 preference and that was what we had set up. One of the
23 aspects of this that is a purely logistical aspect but it is
24 quite an important one is this: you will remember in the
25 evidence that, I think, Mr. Nicholas gave you, we talked about
26 the amount of equipment had to be taken to place. If you are
27 also taking editing equipment it becomes incredibly difficult
28 and bulky, and one of the things, therefore, that I was very
29 keen to do was to ensure that we hired editing equipment on
30 site so that we went to a facilities house where there was
31 good editing equipment. The best editing equipment that we
32 would find would be in Budapest and not in Belgrade at that
33 time. So that was one of the reasons why I wanted to edit
34 out of Budapest.
35
36 Q That was the plan from the outset? A. It was.
37
38 Q If it comes to that you would go to Budapest to do the
39 editing? A. That was our original plan, yes.
40
41 Q But stay in contact regularly on the telephone from Belgrade?
42 A. Because all foreign teams, when they are abroad covering
43 stories, habitually stay in touch with their foreign desk to
44 make sure that there has been no change of plan, that
45 something that has not happened that they do not know about.
46 So on a daily basis, absolutely standard practice for any team
47 abroad is that they call in at least once a day.
48
49 Q We know that whilst they were there they visited some camps in
50 the Belgrade area being run by the Serbs. You were made
51 aware of that ---- A. I was.
52
53 Q ---- on the telephone? A. I was.
54
55

1 Q But no reports were shown on Channel 4 at that stage about
2 those camps? A. The material that Mr. Williams was
3 shooting was all to be shot for one report, so those camps
4 were being shot and were being filmed, and it may well have
5 made part of a report had they not, in fact, gone into north-
6 western Bosnia and filmed in the other two camps. But that
7 material was there and was being shot and I knew that Ian had
8 been there and had visited those camps.
9

10 Q It did not end up being used that way, did it, it ended up
11 being used on the day after the report about the Omarska and
12 Trnopolje camps? A. Indeed, it ended up being used the
13 day after to show that there were a number of camps that were
14 on the list that the Red Cross had given us where there was no
15 evidence of any maltreatment that we had come across.
16

17 Q What had Mr. Williams told you from Belgrade about what had
18 been filmed at the first two camps? A. He told me that
19 they had been to two camps where there were refugees, people
20 who had clearly been displaced from their homes, who were
21 living in difficult circumstances, but there was no evidence
22 of any maltreatment there; and that they had filmed there and
23 they had footage and they had interviews.
24

25 Q Did you in the course of those conversations at that stage, as
26 it would have been, presumably, a normal thing to do, have
27 some cryptic way of discussing whether he had got any good
28 footage there? A. It wouldn't have been a normal thing to
29 do, and I would not have done it cryptically, and, no,
30 I didn't have that conversation with him. He told me what he
31 had filmed at those camps and I was quite happy with what he
32 told me.
33

34 Q The end product is the important thing, is it not, what you
35 have captured on film? A. I knew what he had captured on
36 film, because he told me what he had seen at the camps.
37

38 Q Had he told you what he had seen on film that he had captured
39 them? A. Sorry, can I just clarify with you: are we now
40 talking about the places that he was filming at in Belgrade?
41

42 Q Yes? A. Yes. I don't know whether he had seen the
43 pictures or not, but I presume he had. He told me what the
44 situation at those camps was and he told me that he had filmed
45 there.
46

47 Q You presumed he had seen the footage that he had taken there?
48 A. I didn't presume one way or another. We had a
49 conversation in which he told me what he had seen at those
50 camps and the fact that they had filmed there.
51

52 Q So as far as your understanding was concerned back in London,
53 you had no knowledge one way or the other of whether he was
54 reviewing on a daily basis what he was filming out there?
55 A. Perhaps if I could clarify for you: when a team goes

1 abroad and films over a period of time for a film that you are
2 making, rather than, say, sending back reports on a daily
3 basis, it is up to the team themselves to keep across the
4 rushes that they are shooting. As I think I told you before,
5 I had worked with James Nicholas on many occasions and I knew
6 Ian and Andrew's work very well, and I would have assumed
7 that, on the ground, they would have been looking at their
8 rushes in Belgrade if they wanted to, but they didn't have to.
9 That's their decision. At a certain point operationally the
10 team on the ground decides how to operate.

11
12 Q And your assumption would not have gone beyond that. For
13 example, you would not have made any assumptions about how
14 they managed to watch it and whether they saw it in
15 colour ---- A. No.

16
17 Q ---- on a monitor, or anything like that? A. No.

18
19 Q Then the plan comes to fruition. There is something that it
20 is worth going to Budapest to edit. You get called at the
21 theatre late one evening. Do I understand your evidence to
22 be that it is Mr. Williams' decision to go and do that rather
23 than a joint decision or your decision? A. No,
24 Mr. Williams called me to say that he was back in Belgrade,
25 that they had been given access to two camps in north-western
26 Bosnia, that he had some strong material and that he was
27 proposing to go to Budapest to edit it and I agreed that that
28 is what we should do.

29
30 Q Right. The same question: at that stage, was it your
31 understanding, when he told you that he had some strong
32 material, that he had had an opportunity to look at what was
33 in the can? A. I didn't ask him. I would have thought
34 it unlikely because I knew that the bus journey, that they had
35 been on a bus for several hours coming back from the camp,
36 that they were tired and hungry and they needed a shower, and
37 that they were going to get in a bus and go off to edit in
38 Budapest at the crack of dawn the following morning, but
39 I didn't ask him whether he had seen the pictures at that
40 stage, no.

41
42 Q But you are reliant on him, as I understand it, under this
43 arrangement for the decision that it is worth going?
44 A. Indeed.

45
46 Q That there is something worth going to edit in Budapest?
47 A. Indeed.

48
49 Q Surely it would only make sense taking that decision if the
50 arrangement was for him to review in Belgrade what he had got
51 in the can and decide whether it was worth going to Budapest
52 to edit that material? A. If you have a team as
53 experienced as Ian Williams, Andrew Braddel and the rest of
54 the team, when you send them abroad you send them properly
55 briefed, properly equipped, and once they are there you then

1 expect them to operate as a professional news-gathering team.
2 Ian felt he had the necessary pictures, the necessary story,
3 the necessary information, to produce a piece for us and he,
4 therefore, said: "I'm proposing to go to Budapest to edit",
5 and I absolutely agreed with that.
6

7 Q One last question, Miss English, you say you send them
8 properly equipped. Would "properly equipped" include a
9 monitor? A. Properly equipped would include a range of
10 things. I assume they took a monitor with them, but I do not
11 know.
12

13 MR. MILLAR: Thank you, I have no further questions.
14

15 MR. SHIELDS: I have no re-examination.
16

17 MR. JUSTICE MORLAND: Thank you.
18

19 (The witness withdrew)
20

21 MR. JUSTICE MORLAND: Shall we say five past two.
22

23 (Adjourned for a short time)