Annex 4

Footnotes to Report including extracts of transcripts and written statements

Footnote 1
Letter from Princess Diana to Martin Bashir dated 22 December 1995
See Annex 3, pages 20-22

Footnote 2
National Westminster Bank, News International fake bank statement dated 16 March 1994 and Penfold Consultants (Jersey) fake bank statement dated 15 June 1994
See Annex 3, pages 1-3

Footnote 3
Letter from Princess Diana to Martin Bashir dated 22 December 1995
See Annex 3, pages 20-22

Footnote 4	
Nicholas Fielding transcript of interview on 22 February 2021, 6/8-24	
Page	Extract

6	8 You say on page 2 of your statement that you became 9 involved in this towards the end of March 1996, and you 10 received a call from a contact. You say in the fourth 11 line: 12 "Hints that there was something amiss were already 13 by this time beginning to circulate around 14 Fleet Street." 15 This is 25 years ago we are talking about. It is 16 a very, very long time ago. I don't know if you can 17 elaborate on that in any way? 18 A. I can't in specific detail, except to tell you that 19 I believe that I had heard -- I think it was -- news 20 rooms in Fleet Street, I'm sure you know, Lord Dyson, 21 are hotbeds of rumour and all sorts of things pass 22 across news desks, and so on. I believe that I had 23 heard that there was something wrong about that 24 interview…

Footnote 5	
Written statement of Earl Spencer received on 13 January 2021, pages 23-24	
Page	Extract
23	**OCTOBER 2020:** By the time I spoke to Bedell-Smith, I had come to accept that Bashir had shown me fake bank accounts to groom me, so that he could then get to Diana for the interview he was always secretly after. However, I had no proof that this was the case. It was not until late October 2020 that I received that proof, in the form of the FOIA papers released by the BBC that month, which finally conceded the fact that Bashir had commissioned forgery as part of his plan to dupe me, en route for Diana. I have received thousands of interview requests over the years about Diana (my office established that there were 800 of

	these, from around the time of the tenth anniversary of her death, from every corner of the globe), and I very rarely give any, unless requested to by my family members. So, I had not even noticed turning down a request from Andy Webb, who was making a documentary for
24	Channel 4, marking the 25th anniversary of the broadcast of the interview with Diana. I had briefly overlapped with Webb when making some documentaries for the History Channel in 2004. In late October he sent me an email saying he respected my not wanting to take part in his documentary, which was about to air, but I ought to see the attached. What I saw was utterly astonishing: a snippet from the Tony Hall BBC report of April 1996, in which I seem to have been accused (in a heavily redacted passage) of having shown Bashir fake bank accounts belonging to Alan Waller. I was outraged: I had done no such thing; and, to make the lie worse, the BBC seemed to be falsely claiming that I had given Bashir the idea to resort to using his own fake bank statements.

Footnote 6
BBC Lies: The Spencer Files **Daily Mail article dated 7 November 2020**
Published online on 6 November 2020: https://www.dailymail.co.uk/news/article-8922701/In-Earls-notes-Martin-Bashirs-lies-included-Prince-Edward-AIDS-writes-RICHARD-KAY.html

Footnote 7
Mark Killick transcript of interview on 10 February 2021, 5/2-5

See paragraph 14 of the Report for relevant extract

Footnote 8	
Mark Killick transcript of interview on 10 February 2021, 36/16-38/7	
Page	Extract
36	16 This is talking about the graphics for the Venables 17 programme: 18 "... but, in one case, the backgrounds had been 19 reconstructed. This had been a serious error by the 20 programme producer, who would be formally told this." 21 That's you, as I understand it? 22 A. That's me. 23 Q. Just tell me a little bit about that? 24 A. Sir, you must be bored stiff of reading it. The graphic 25 in question came from a document that was in a safe.
37	1 I wasn't allowed to film it. I wasn't allowed to take 2 a picture of it. I was allowed to write it into a tape 3 recorder -- to read it into a tape recorder, word for 4 word, which I did. I came back. I told BBC legal and 5 BBC editorial policy what I had done and there were some 6 discussions. I said I wanted to use this document in 7 the show and some specific quotes. I produced the 8 graphic with these photos in it that were word-for-word 9 perfect and the BBC was comfortable that we ran this. 10 What I find astonishing, sir, is, I'm here, I'm told 11 I made a serious error and I think there is another 12 phrase as well that I will be severely rebuked. When 13 you look at the language that is used, that Martin's 14 untrue graphics intended to deceive, it is -- what's the 15 phrase -- 16 Q. Unwise and incautious. 17 A. Yes, sir. I'm asking you to draw attention to the 18 unfairness of it. It is not an equivalence. More than 19 that, mine was sanctioned by the BBC. There were 20 discussions with editorial policy and with legal about

	21 this, and I understood, you know, it was not entirely 22 clear, but, my God, it was an awful lot better than what 23 Bashir did. I was never sanctioned. Nobody ever 24 brought it to my attention. This is all brand new stuff 25 to me. But they wouldn't have dared sanction me
38	1 because -- 2 Q. Because the word used, I think, is "reprimand". You 3 never received a letter of reprimand? 4 A. I was never reprimanded for producing an honest graphic, 5 for talking to legal, for talking to editorial policy, 6 for getting their sign-off on it and putting it in. 7 What more could an honest guy do?

Footnote 9	
Written statement of Martin Bashir dated 19 February 2021 page 9, para 28	
Page	Extract
9	28. Although I cannot recall specific details, I believe that a potential programme on the future of the Monarchy may have been mentioned in team meetings in early 1995. I note that a document marked 'For the Director General', which I had not seen until I received it from the BBC a few days ago in the course of preparing this statement, refers to a conversation that is said to have taken place between myself and producer Mark Killick 'at the beginning of 1995' where a royal story was discussed... Although I cannot recall the particular conversation, I was sharing an office with Mark Killick at that time, we had worked together on the Venables investigation, and subjects as wide ranging as media coverage and surveillance had already been dominating headlines for some time so it is quite possible that such a conversation took place.

Footnote 10
Written statement of Martin Bashir dated 19 February 2021 page 8, para 25
See paragraph 23 of the Report for relevant extract

Footnote 11	
Written statement of Nicholas Witchell dated 28 December 2020, page 1, para 8	
Page	Extract
1	8. On 20 July 1995, Mike Robinson and I met Baroness Margaret Jay at the House of Lords. Baroness Jay knew the princess through the National Aids Trust, one of the charities supported by the princess. The purpose of this meeting was to make our case for the princess to speak to Panorama. We emphasised that this would be a "forward-looking" interview, focusing on her charitable work and exploring the role that she sought for herself. Baroness Jay gave us the impression that she thought the princess might well be interested in doing such an interview and promised to speak to her on our behalf. She suggested we should make a formal approach to the princess's Private Secretary, Patrick Jephson.

Footnote 12	
Written statement of Earl Spencer received on 13 January 2021, page 7	
Page	Extract

7	… We spoke on many occasions over the following twenty days. I believe that he dropped by to see me at Althorp on at least one more occasion than the two that I noted as being anticipated in my appointments' diary. (I have all of my appointments' diaries going back to 1985, being an inveterate hoarder of my past records.)

Footnote 13
Handwritten telephone message by Carol Sprigg dated 24 August 1995 (2.30 pm) and transcript
See Annex 3, pages 4-5

Footnote 14
Letter from Martin Bashir to Carol Brigg [sic] dated 24 August 1995
See Annex 3, page 6

Footnote 15	
Written statement of Earl Spencer received on 13 January 2021, page 7	
Page	Extract
7	… At this meeting Bashir told me that I was a particular target of the tabloids, and that my household contained informants who

	were selling private information about me to that end of the media…

Footnote 16	
Written statement of Earl Spencer received on 13 January 2021, pages 8-9	
Page	Extract
8	… After meeting with Bashir for the first or second time, I called Steve Hewlett, Executive Producer of Panorama, whose number Bashir had given to me so I could verify his claims and his trustworthiness. I said words to Hewlett along the lines of: Hello – my name is Charles Spencer. I've just been talking with your Martin Bashir. Is what he says true? To which Hewlett responded:
9	Yes. I can vouch for him – Martin is one of my very best. …

Footnote 17	
Written statement of Alan Waller dated 7 March 2021, page 1	
Page	Extract
1	…

	…Charles Spencer obtained an injunction forbidding me to talk to anyone about him or the family. …

Footnote 18	
Email from Earl Spencer to the Investigation dated 20 February 2021	
Page	Extract
	5. I did, indeed, meet MB (for the first time) at Althorp, on 31 August. … My lawyers had employed private detectives (on my behalf) to try to serve an injunction on Waller, in 1994. They had not found him then. I had not put any energy into tracking him down since that single attempt… …

Footnote 19	
Written statement of Martin Bashir dated 19 February 2021, page 10, para 31	
Page	Extract
10	31. ...After discussing his work at NBC he said that there was an important story, which nobody in the media was covering but one that had real potential. He said that he did not wish discuss matters further on work premises and suggested we meet at his estate in Northamptonshire…

Footnote 20
Earl Spencer's handwritten note of meeting with Martin Bashir on 31 August 1995 and transcript
See Annex 3, pages 7-8

Footnote 21	
Earl Spencer transcript of interview on 9 February 2021, 14/14-15/2	
Page	Extract
14	14 A. Yes, I know. It is very annoying it hasn't got a date 15 on it. I don't believe this can have been from the 16 first meeting -- 17 Q. No. 18 A. -- because it is too detailed about Waller to be 19 possible. 20 Q. Sorry to interrupt you, but it looks as if it is 21 referring to Diana as well, if you look just above -- 22 A. Yes, "From D, access to her suite". I don't know if 23 this is in person, from a subsequent meeting, or whether 24 this is a record of a phone conversation with Bashir. 25 I don't know which it is.
15	1 Q. It looks as if it is a bit later in the story? 2 A. Definitely.

Footnote 22	
Earl Spencer transcript of interview on 9 February 2021, 9/10-11/4; 11/6-16	
Page	Extract

9	10 A. No. I know I met him twice, but I'm assuming I met him 11 three times before 19 September. If I can -- I don't 12 want to interrupt your flow, but I cannot believe he 13 came with anything more than the bare outline of 14 accusation against Waller to the first meeting. I can't 15 believe he came with bank statements. Because -- 16 I don't know, I'm just trying to make logical sense of 17 it, you know. There is -- since I've written this, I've 18 really, really scratched my head. I cannot name a date 19 when I met him, but it is possible a third time before 20 the 19th. 21 Q. It may not matter to get this absolutely precisely 22 pinned down. It is just, if you can, it is helpful, but 23 if you can't, I don't think it really matters? 24 A. I sadly can't. 25 Q. No. It is a long time ago now. It's extraordinary. If
10	1 it hadn't been for all the documents you've kept, you 2 wouldn't be able to give as much information as you are 3 able to give. 4 So you had this meeting. You think he showed you 5 these statements, what, possibly on 14 September? 6 A. Well, do you know, I've really scratched my head on this 7 a lot. I just don't know. I'm just putting forward 8 a possibility, and I don't remember this, but it seems 9 possible that he may have shown me the bank statements 10 relating to Waller on 2 September when I was leaving 11 Heathrow, and the reason I hadn't thought that was 12 possible was because I always travelled with my camera 13 crew, and I thought -- you know, I certainly made no 14 arrangement to meet him at Heathrow, but I'm piecing -- 15 it is probably not at all helpful to piece together 16 a hypothesis, but it is possible that he doorstepped me 17 in Heathrow before I left for Argentina. Although 18 I really think I would remember that. 19 The reason I thought it wasn't possible was because 20 I had been with my camera crew and it would have been 21 a very bold move for him to have tackled me in front of 22 three witnesses with faked statements, but I've checked 23 with them all in the last week, and my producer is

	24 absolutely adamant she didn't come to Argentina, and 25 that's true. We were behind on the editing of other
11	1 pieces and I wasn't doing hard news, I was doing 2 feature. So she stayed behind in the edit room. 3 I spoke to my cameraman, who… 4 …said he can't even remember the trip… … 6 Then I spoke to the sound recordist, who was so 7 precise, and he said, "Well, of course I can't remember 8 it because I wasn't there in Heathrow". It transpires 9 that the camera crew were flown out in advance of me to 10 get some footage. So I really was travelling alone. 11 So that takes away one of my reasons for him not 12 approaching me in front of three witnesses, but 13 I really -- I'm sorry to go slightly around in circles, 14 but I would be very surprised if I had been doorstepped 15 by a journalist in an airport and have failed to 16 remember it. But it is possible.

Footnote 23	
Written statement of Martin Bashir dated 19 February 2021, page 10, para 33	
Page	Extract
10	33. We met subsequently at Althorp House (in late August I believe) and Earl Spencer quickly launched into an attack on a man called Alan Waller - a name I had never heard before. He said that Mr Waller "…" who had stolen property from him and taken money from the press for leaking stories. I recall clearly that Earl Spencer said that he had employed private detectives who were investigating Mr Waller and that he fully expected to be in possession of evidence in the future.

Footnote 24
Note purportedly from Earl Spencer to Martin Bashir dated 2 September 1995 enclosing unsigned affidavit of Paul Gammon
See Annex 3, pages 10-11

Footnote 25	
Written statement of Martin Bashir dated 19 February 2021, pages 10-11, para 34	
Page	Extract
10	34. As a means of supporting his claims, I recall Earl Spencer showing me a bank statement. He said he wanted to prove that Mr Waller was receiving payments from outside sources, such as newspapers, that were engaged in attacking him and undermining his sister, the Princess of Wales. I have read 'Notes from Meeting between
11	Martin Bashir, Tony Hall and Anne Sloman', paragraph 6, which says, 'Spencer gives the bank statement to Martin'. Although I recall seeing the bank statement, I do not recall taking it away. However, I can see from the 1996 documents that I said I had done so. I have not been able to locate it and therefore I have not been able to provide it to the Inquiry.

Footnote 26
Handwritten statement by Martin Bashir concerning documents produced for the purposes of research dated 28 March 1996, para 3, and transcript

See Annex 3, pages 23 and 28

Footnote 27	
Written statement of Martin Bashir dated 19 February 2021, page 11, para 38	
Page	Extract
11	38. Returning to the relationship with Earl Spencer, a few days later, I believe, he called on the telephone and said that he was in possession of "a smoking gun" and asked if I could come to his offices to collect an envelope. I agreed a mutually convenient time. I went to the NBC offices and collected the envelope, which contained a handwritten note from Earl Spencer and two other documents (Documents 1, 2 and 3). One of the documents was a letter from Mr Waller to Earl Spencer and the other appeared to be a draft statement from a private detective…

Footnote 28	
Written statement of Martin Bashir dated 19 February 2021, pages 11-12, para 39	
Page	Extract
11	39. The following day, I think, Earl Spencer and I spoke on the telephone and he was eager to hear my thoughts on the material he had supplied. I politely expressed gratitude for
12	the letters, described them as interesting, but explained that I wasn't really sure what (if anything) they proved. I remember him saying that Mr Waller was clearly on the run, had

	obviously taken large payments from the press and even senior administration officials working in the Royal Household. He also said that his sister, the Princess of Wales, could vouch for the story though he wasn't sure that she could offer any material evidence. Since Earl Spencer had raised the possibility of his sister corroborating his claims, I asked if it would be possible to speak with her and he said that he would see what he could do. Getting direct access to the Princess would obviously be hugely beneficial in moving any royal story forward though at this stage there was no guarantee that Earl Spencer might facilitate contact…

Footnote 29
Undated post-it note for Martin Bashir regarding a call from "Charles"
See Annex 3, page 9

Footnote 30	
Written statement of Martin Bashir dated 19 February 2021, page 12, para 40	
Page	Extract
12	40. …I subsequently received a phone call from the Princess of Wales and we agreed to meet. I have read in 'Notes of Meeting with Martin Bashir, Tony Hall and Anne Sloman' and a note 'For the Director General' that a first meeting is said to have taken place in a Knightsbridge apartment. I recall meeting Princess Diana for the first time with her brother at someone's home in Central London though I cannot recall what was said in detail…

Footnote 31
Written statement of Martin Bashir dated 19 February 2021, page 12, para 40
See Footnote 30

Footnote 32	
Written statement of Martin Bashir dated 19 February 2021, page 13, para 42	
Page	Extract
13	42. A few days later I remember that she called by telephone and asked if we could go for a drive out of London during the afternoon. Since my wife needed the car for work…I had to hastily organise a rental car. I believe we drove to the New Forest and back - which took around 5 hours. During the trip, I mentioned the allegations her brother had made concerning Mr Waller. She described Mr Waller as "one of brother Charles' pet hates" and said that she believed the Prince of Wales' private secretary, Richard Aylard, may have set up a fund to pay Mr Waller. In the handwritten statement, provided in 1996, I say that she told me the exact amounts of money that were paid and from whom. I cannot now remember these exact amounts. I do, however recall that the Princess of Wales told me that the payors were News International and a Jersey-based fund though I do not recall a particular name for the fund.

Footnote 33
Handwritten statement by Martin Bashir concerning documents produced for the purposes of research dated 28 March 1996, para 4, and transcript

See Annex 3, pages 23-24 and 28

Footnote 34
Handwritten statement by Martin Bashir concerning documents produced for the purposes of research dated 28 March 1996, para 7, and transcript
See Annex 3, pages 25 and 28-29

Footnote 35	
Written statement of Earl Spencer received by the Investigation on 13 January 2021, page 10	
Page	Extract
10	… I see from my appointments' diary that I met Bashir at Althorp at 6pm on Thursday 14 September, 1995. It was at this meeting he showed me bank statements that Bashir showed me bank statements that, he said, showed that Richard Aylard (a senior courtier of the Prince of Wales, who had formerly served Diana) and Patrick Jephson (Diana's Private Secretary, and her most loyal, sensitive and intelligent adviser) were receiving secret payments from dark forces, hostile to my sister. …

Footnote 36	
Written statement of Earl Spencer received by the Investigation on 13 January 2021, pages 11-12	
11	… I am absolutely certain that the bank statements relating to Waller, and the one relating to Aylard and Jephson, were shown to me separately; and that the Waller ones were shown to me first. I clearly remember, when being shown the Aylard/Jephson bank statements, that I pointed out to Bashir at (sic) that this bank account was based in the Channel Islands. I also clearly remember Bashir answering - without missing a beat - that this was because Aylard came from the Channel Islands. I did not check if that was the case at the time, because I felt no need to do so; but, looking at Wikipedia now, it appears that Aylard was born and educated in West and North London. I remember two other things from this showing to me of the alleged Aylard/Jephson bank account: first, that Bashir did not release it from his hands – he held it in his own hands, at all times; and he appeared to be agitated.
12	Bashir held it with only the top part (showing the name and address of the account, which – other than the Channel Islands element, I do not recall) and the bottom part (with various transactions) visible. The middle part was covered over by Bashir: the whole sheet was, essentially, folded like a letter, with top and bottom on show, but the middle shielded from sight. I have no idea why it was folded in this way, but the awkwardness of Bashir at this time has stuck in my mind. Secondly, I remember the size of two sums that were recorded as being paid into this account: £10,000 and, separately, £30,000. …

Footnote 37			
Martin Bashir note for the Investigation dated 5 March 2021, pages 4-5			
No.	**Issue**	**Relevant Documents**	**Evidence**
5	Whether I also showed Earl Spencer bank statements purporting to show payments to Mr Jephson and Mr Aylard	1. Paragraph 74(1)(k)(i) and (ii), 2021 Statement; 2. Electronic copy of Daily Mail article dated 7 November 2020 (pages 1230a – bb); 3. BBC article dated 4 March 2021 enclosed with this note; 4. Tim Gardam's 28 March 1996 statement, page 945i; 5. My 28 March 1996 statement, page 945m(vi); and 6. Paragraph 12 of the Notes of my meeting with Anne Sloman and Tim Suter on 17 April 1996 at page 981.	1. I was not clear until Lord Dyson explained in my interview with him that Earl Spencer was alleging that there were two sets of bank statements. When answering this allegation from the Daily Mail article in my 2021 Statement, it was not clear to me that Earl Spencer was alleging that there were two different sets of bank statements (Paragraph 74(1)(k)(i) and (ii). 2. Having seen some of the newspaper articles in the last couple of days reporting on the Metropolitan Police's decision not to take the allegations that have been made to them in relation to this matter any further, I

			note that these reference “bank statements which wrongly purported to show that two senior courtiers were being paid by the security services for information on [the Princess of Wales]”. I enclose a copy of the BBC article from which I have taken that quote dated 4 March 2021 with this note. This suggests that it is alleged statements showing payments to Mr Jephson and Mr Aylard, rather than to Mr Waller, that were the subject of the complaint. 3. There is nothing in any of the notes that Earl Spencer had produced that indicates that I had shown him such a bank statement. 4. There was never, during the 1996 inquiry, any mention of any other bank statements than those in Mr Waller’s name, as far as I am aware.

			5. It has not been made clear to me when it is alleged that I showed Earl Spencer these statements. 6. Earl Spencer's recollection of events from this time at best inaccurate (see my comments in relation to issue 8, the 19 September 1995 notes, below). 7. As I understand it there has been no suggestion from Mr Wiessler that he mocked up more statements than the ones in Mr Waller's name at my request (pages 1230u – z) and the documents he appears to have provided to the Daily Mail are the Waller bank statements which appear in the bundle at pages 43e, f and g. I do not understand whether Earl Spencer alleges I asked another graphic designer to mock-up a different bank statement?

			8. Where would I have obtained Mr Jephson or Mr Aylard's bank details from? My comments about the lack of resources available to me to illegally obtain Mr Waller's bank details apply equally to this matter. 9. The suggestion that a bank statement would show payments from security services sounds absurd to me – how would a bank statement show that? Would it list "MI6" as a payor? 10. I have consistently acknowledged that I mocked-up bank statements in Mr Waller's name. I refer to mine and Tim Gardam's 28 March 1996 statements which reference this at pages 945i and 945m(vi) and paragraph 12 of the Notes of my meeting with Anne Sloman and Tim Suter at page 981.

Footnote 38
Sally Bedell Smith notes of interview with Earl Spencer dated Summer 1998
See Annex 3, pages 74-75

Footnote 39	
Written statement of Alan Waller dated 7 March 2021, page 1	
Page	Extract
1	… The bank statements used related to a company owned and operated by an individual then known as Alan Waller prior to 1995. The business account for this company did exist, but it was closed on 9 March 1994. Therefore, the documents shown by the Mail on Sunday, in their whistleblowing article of 7 April 1996, show details that never existed nor could have existed. Mr Robert David Harper, the former business partner of the individual then known as Alan Aller (sic), has since publicly stated that "[t]he account was closed [in 1994], after our sports clothing business ceased trading". The forged bank statements were all dated after the bank account listed had already been closed. …

Footnote 40	
Written statement of Alan Waller dated 7 March 2021, page 1	
Page	Extract

1	… Mr Bashir had instructed Mr Weissler to add certain payment details indicating that Mr Waller's account had received an amount of £6,500 on 8 March 1994 from 'Penfolds Consultants'. Neither the individual then known as Allan (sic) Waller nor his business partner had ever heard of Penfolds Consultants. …

Footnote 41	
Written statement of Matthias Wiessler dated 23 December 2020, page 2, para 14	
Page	Extract
2	14. …Reporters always worked with a producer, who oversaw filming, and put shape to the story. Normally, the producer would brief the graphic designers with a written requisition and rough script written by the reporter. A graphic designer's role was to help communicate and integrate parts of a story that could not be told through filmed interviews and shot footage alone…

Footnote 42	
Written statement of Matthias Wiessler dated 23 December 2020, pages 4-5, para 26	
Page	Extract
4	26. On the only evening of Martin Bashir's only visit to my home, which took place, as explained above, whilst I was on

	leave and seeing out my notice, I was in my flat in Parliament Hill when I received a call from Martin Bashir on my mobile phone. He said he needed to come see me as he had a job that needed doing in a great hurry. I was surprised at the reason for his call because Panorama would have had their own designers in my place and I didn't understand why he would come to me. He said that the designers were busy working on the programme so he wanted to see if I could help mock up some documents. He described the job as small and confidential. It sounded to me like it was of the utmost importance to him so I said he could come over straight
5	away. He was at my flat within thirty minutes or an hour of his call.

Footnote 43
Written statement of Matthias Wiessler dated 23 December 2020, page 5, para 28
See paragraph 64 of the Report for relevant extract

Footnote 44	
Written statement of Matthias Wiessler dated 23 December 2020, page 5, para 30	
Page	Extract
5	30. Martin provided me with the branch address, account names, Penfolds' details, the sums of money and the balance. That gave me some reassurance, although he seemed to work parts out as he talked to me. Not all of the information seemed readily available and he kept referring to his

	notebook, holding it close to his chest and looking as though he were solving the answers to some of my questions as we went along. I never doubted the authenticity of what he was asking me to produce because it appeared that he had the information directly in front of him, and that it was important and true…

Footnote 45	
Written statement of Matthias Wiessler dated 23 December 2020, page 6, paras 34 and 38	
Page	Extract
6	34. While we were sitting in my flat, Martin said the documents needed to be sent to Terminal 2 of Heathrow Airport. I didn't know where in Terminal 2 they were going, but Martin called for a BBC courier to come the next morning, giving the exact end destination. I would have had to call the transport department and confirm that the work was ready to collect. … 38. Sometime before midnight, I called Martin on his mobile and told him the maths was wrong on one of the statements. The balance didn't add up. He told me I should make the appropriate change. That was before the final printout and that was the last time I spoke to him during the course of my work.

Footnote 46	
Written statement of Matthias Wiessler dated 23 December 2020, page 7, para 40	
Page	Extract

7	40. The courier collected the envelope marked "Martin Bashir" around 6am. I still didn't know what they were for, or why they had to be driven to Terminal 2, but the courier knew where he was going.

Footnote 47	
Written statement of Matthias Wiessler dated 23 December 2020, page 4, para 25	
Page	Extract
4	25. In previous accounts, I mistakenly said the date of Martin Bashir's visit to my home was in October 1995. I wrongly identified it as being shortly before the end of my BBC contract on 13 October. I now realise that my memory was faulty. I had forgotten that I had nearly two months leave and that this happened when I was not going into the BBC, but was starting my own company. I've also been made aware that Charles Spencer's recollection is that he was shown these documents on 31 August 1995 and I've now reconsidered the date. The visit must have taken place on or before 31 August 1995 but I am also hoping that the BBC, or any other party, locates and provides to me the details of the courier showing the collection date in the early hours of the day it was delivered to Martin Bashir.

Footnote 48
Written statement of Martin Bashir dated 19 February 2021, page 14, para 48
See paragraph 72 of the Report for relevant extract

Footnote 49
Written statement of Martin Bashir dated 19 February 2021, page 13, para 42
See Footnote 32

Footnote 50
Handwritten statement by Martin Bashir concerning documents produced for the purposes of research dated 28 March 1996, para 3, and transcript
See Annex 3, pages 23 and 28

Footnote 51
Handwritten statement by Martin Bashir concerning documents produced for the purposes of research dated 28 March 1996, para 6, and transcript
See Annex 3, pages 24 and 28

Footnote 52
Handwritten statement by Martin Bashir concerning documents produced for the purposes of research dated 28 March 1996, para 4, and transcript
See Annex 3, pages 23-24 and 28

Footnote 53	
Martin Bashir transcript of interview on 1 March 2021, 20/25-21/2	
Page	Extract
20	25 …This was a statement that I was
21	1 effectively ordered to write under extremely difficult 2 circumstances.

Footnote 54	
Martin Bashir transcript of interview on 1 March 2021, 22/7-24/3	
Page	Extract
22	7 Q. So you're saying that the information that went into the 8 mocked-up statements came from Earl Spencer? 9 A. No, not the amounts, but the account number, details, 10 the name of -- because it was something trading as 11 something. Wasn't that right? It wasn't -- 12 Q. Yes. 13 A. Yes, I believe that those came from Earl Spencer, 14 absolutely. Because I could not have got that 15 information from anybody else. 16 Q. So you got that information from Earl Spencer, but you 17 say you got the figures from Princess Diana? 18 A. Yes. 19 Q. If you look at your statement to me at page 25, just to 20 put this in context, you are dealing here with the 21 accusation, as you call it, at k at the bottom of 22 page 24 -- do you see that? 23 A. Yes. 24 Q. The accusation is that you showed Earl Spencer falsified 25 bank accounts purporting to show that Patrick Jephson

23	1 and Richard Aylard: 2 "... were being paid by the security services for 3 information on his sister; and 4 "I showed Earl Spencer copies of bank statements 5 which purported to be from the private account of 6 Mr Waller." 7 You say: 8 "I did show Earl Spencer graphic reconstructions ... 9 but cannot recall the details of our conversation. 10 Those bank statements were intended to reflect payments 11 to Mr Waller, which the Princess of Wales and 12 Earl Spencer himself had told me about. They did not, 13 as far as I can recall, purport to show payments to 14 either Mr Jephson or Mr Aylard ..." 15 Leave those payments aside for the moment. We are 16 just talking about Waller. 17 A. Yes. 18 Q. I read that as you're saying that these were statements 19 which reflected payments which the Princess of Wales and 20 Earl Spencer, both of them, had told you about. That's 21 what it says. Are you saying that's not right? 22 A. What I mean by that is: 23 "Those statements were intended ... to Mr Waller, 24 which the Princess of Wales and Earl Spencer himself had 25 told me about."
24	1 Earl Spencer was the one who had told me about the 2 bank account details. The Princess of Wales is the one 3 who had said those figures were paid…

Footnote 55
Handwritten statement by Martin Bashir concerning documents produced for the purposes of research dated 28 March 1996, para 8, and transcript

See Annex 3, pages 25 and 29

Footnote 56	
Martin Bashir transcript of interview on 1 March 2021, 36/2-21	
Page	Extract
36	2 I was cooking in Kensington Palace, we were chatting 3 about various things, and she said, "Oh, by the way, 4 I was wrong about that", and her source was wrong, and 5 I said, "Fine". 6 Because, you know, at that stage, I wasn't planning 7 on doing anything with those documents. There was no -- 8 at that stage, I don't even believe we had been 9 commissioned to make a programme. So it was just, 10 "Okay, that bit of information was wrong". I believe 11 I destroyed them and forgot about it completely. 12 I didn't -- I never mentioned them again. They never 13 became material to a programme and only reemerged, as 14 you know, after questions were raised by colleagues and, 15 subsequently, an inquiry. 16 Q. I'd just like to understand, though, what she was saying 17 was mistaken. So it was the sums of money. You'd been 18 given these figures of £4,000 and £6,500? 19 A. I think -- my recollection, sir, is that she was 20 basically saying, you know, the whole thing was not 21 true, and, you know, "I'm sorry, I made a mistake".

Footnote 57
Martin Bashir transcript of interview on 1 March 2021, 34/11-35/2
See paragraph 80 of the Report for relevant extract

Footnote 58
Handwritten statement by Martin Bashir concerning documents produced for the purposes of research dated 28 March 1996, para 3, and transcript
See Annex 3, pages 23 and 28

Footnote 59	
Written statement of Earl Spencer received by the Investigation on 13 January 2021, page 24	
Page	Extract
24	… What I saw was utterly astonishing: a snippet from the Tony Hall BBC report of April 1996, in which I seem to have been accused (in a heavily redacted passage) of having shown Bashir fake bank accounts belonging to Alan Waller. I was outraged: I had done no such thing; and, to make the lie worse, the BBC seemed to be falsely claiming that I had given Bashir the idea to resort to using his own fake bank statements.

Footnote 60	
Written statement of Earl Spencer received by the Investigation on 17 January 2021, page 25	
25	… Fourth para.: this is heavily redacted, but seems to say that I showed Bashir someone's bank statement. In that our first

	conversation involved Alan Waller, I am forced to assume Bashir is saying I showed him Waller's bank statement. I never showed Bashir anyone's bank statement, so this is deeply upsetting and defamatory. …

Footnote 61
Earl Spencer transcript of interview on 9 February 2021, 46/7-8
See paragraph 84 of the Report for relevant extract

Footnote 62	
Earl Spencer transcript of interview on 9 February 2021, 46/17-23	
Page	Extract
46	17 "Earl Spencer opened a particular letter which was 18 a bank statement." 19 No: 20 "Earl Spencer gave me a copy of that bank statement 21 and also another photocopy which referred to a security 22 company." 23 No:

Footnote 63
Handwritten statement by Martin Bashir concerning documents produced for the purposes of research dated 28 March 1996, para 11, and transcript

See Annex 3, pages 26-27 and 29

Footnote 64
Martin Bashir transcript of interview on 1 March 2021, 34/12-18
See paragraph 91 of the Report for relevant extract

Footnote 65
Handwritten statement by Martin Bashir concerning documents produced for the purposes of research dated 28 March 1996, para 6, and transcript
See Annex 3, pages 24 and 28

Footnote 66
Written statement of Martin Bashir dated 19 February 2021, pages 13-14, para 46
See paragraph 95 of the Report for relevant extract

Footnote 67
Written statement of Martin Bashir dated 19 February 2021, page 14, para 47
See paragraph 96 of the Report for relevant extract

Footnote 68	
Martin Bashir transcript of interview on 1 March 2021, 68/1-69/19; 69/21-71/8; 71/12-15	
Page	Extract
68	1 "At this stage, there was no plan to publish any 2 documents, but merely to organise a research file, in 3 the normal way." 4 At this stage, you're saying the reason for getting 5 these mocked-up documents is to add them to a research 6 file for, what, some possible future project, was it, or 7 what? 8 A. Yes -- well, I mean, at this stage, it's -- I'm 9 collating material, I'm meeting sources and people, and 10 I'm trying to work out what shape a potential story 11 would take, and normally what I would do is, I would put 12 those notes or material into some kind of a file, and 13 that file would then be research. Now, there's no 14 suggestion that the evidence in that research file would 15 become a programme or that the material there was 16 designed to be the basis, but that's how I would 17 generally work on that sort of thing, yes. 18 Q. So put it in a file, research file, for some potential 19 future use. Would that be a fair summary? 20 A. Potentially. 21 Q. Is that a fair summary? 22 A. Yes, it is, sorry. I'm not being clear. 23 Q. No, no, thank you. Then if I can just draw your 24 attention to another document which I think you've got, 25 which starts at 1001f. This was the report prepared by
69	1 Tony Hall for John Birt, the director-general, after 2 your meeting on 17 April; okay? He sets out in some 3 detail the account you had given about leading up to the 4 interview. You will see, if you go to 1001i, the second 5 line at the top of the page: 6 "When pressed by Tony [Hall] about the circumstances

	of the forged document, Martin said: "- It was done in a rush because he [you] didn't want to leave it in Wiessler's hands longer than necessary." A. Yes. Q. Then there is another paragraph, do you see that: "'On previous occasions when Mark Killick ...'." Then there's a short paragraph, "Why", and the answer you gave was: "At the time, it was just one of those things. I didn't think it was a big deal." Then skipping a paragraph: "Why use Penfold's name?… … …I just put it down. It was stupid'." You didn't really give an explanation here -- sorry, I should draw your attention importantly to the next page, 1001j: "To sum up on the Spencer issue:
70	"I have talked to Martin ... and I am satisfied ... "- the graphic had no part whatsoever in gaining the interview ... We also have her word in writing for that." The next bullet point: "I have talked to Martin at length about his reasons for compiling the graphic. "- he has none, other than he wasn't thinking." I think it is fair to say, if this is an accurate record of what you said to Hall and Sloman, you didn't really provide them with any explanation as to why you did it? A. Did I not earlier refer to putting together a file, a pile of evidence, on 1001i?: "I was trying to get together a pile of evidence as an addendum to my research brief ... I was trying to do something I wasn't very good at." Q. You're quite right. A. So I think that would be -- forgive me for interrupting. Q. No, please do.

	21 A. My recollection is that I was confronted by an 22 individual who wanted to do a particular story, and he 23 kindly provided a bank statement and then a document 24 from his private investigators, all of which he felt 25 proved that this man was dishonest, and I was putting
71	1 this material together for the purpose of potential 2 research that would form the basis of a programme, and 3 that's why I've said on repeated occasions that that was 4 what I was doing. 5 I accept what they say with me saying I wasn't 6 thinking, and, again, in retrospect, if those two bank 7 statements had never been constructed, or reconstructed, 8 we wouldn't probably be here… … 12 I would also say that -- and I do think this is 13 important -- I have never gone to air with material on 14 a programme that is ever -- would ever be, or has ever 15 been, the subject of litigation –…

Footnote 69
Martin Bashir transcript of interview on 1 March 2021, 68/18-22
See Footnote 68

Footnote 70
Handwritten statement by Martin Bashir concerning documents produced for the purposes of research dated 28 March 1996c, para 11, and transcript
See Annex 3, pages 26-27 and 29

Footnote 71
***Diana's BBC Man and Fake Bank Statements* Mail on Sunday article dated 7 April 1996**
See paragraphs 103 and 203 of the Report for relevant extracts

Footnote 72	
Martin Bashir transcript of interview on 1 March 2021, 39/12-15; 41/1-4	
Page	Extract
39	12 do you accept -- I had better get this clear. Do you 13 accept that your introduction to Princess Diana was 14 brought about by Earl Spencer? 15 A. Yes…
41	1 Q. That may be right. But I just want to be absolutely 2 clear that you do accept that, in this case, the 3 introduction to Princess Diana was made by Earl Spencer? 4 A. I accept that.

Footnote 73	
Written statement of Earl Spencer received by the Investigation on 13 January 2021, page 13	
Page	Extract
13	I believe that Bashir encouraged me to tell my sister about them, and that seemed a fair suggestion to me.

	When I told Diana about Jephson and Aylard, she was absolutely intrigued, and wanted to learn more as quickly as possible: she had felt spied on for a while, and what I told her seemed to fit with her general fears. I arranged for her to join me for lunch at Althorp at 12.30pm on Sunday 17 September, and organised for Bashir to join us at 2pm. However, for some reason that I cannot recall this fell through, and I then arranged for me to introduce Diana to Bashir in London at 4pm on Tuesday 19 September. …

Footnote 74	
Earl Spencer transcript of interview on 9 February 2021, 23/12-24/9	
Page	Extract
23	12 "When I told Diana about Jephson and Aylard, she was 13 absolutely intrigued and wanted to learn more as quickly 14 as possible: she had felt spied on for a while, and what 15 I told her seemed to fit with her general fears." 16 Can you expand on that a bit? 17 A. Yes, it's my -- my theory is that before anyone even 18 knew the term, she was probably being phone hacked, and 19 I think that she -- it looks like paranoia, but I think 20 she was finding very, very private things she had only 21 said to close friends or confidants were getting in the 22 papers, and I believe, as do other members of my family, 23 that she was being phone hacked at the time. We have 24 not seen any evidence of it, but it would just seem to 25 make sense because she was, you know, very sensible on
24	1 such matters. 2 Q. I'm afraid you froze or I froze at that point. I missed 3 about 15 or 20 seconds. 4 A. I think my family and I -- I have talked to various 5 members of my family. We believe she was phone hacked,

	even though she didn't know such a phenomenon existed. I think reading things in the paper that she'd only said to really close friends made her, understandably, extremely unsettled.

Footnote 75
Handwritten note from Martin Bashir to Earl Spencer dated 20 September 1995
See Annex 3, page 19

Footnote 76	
Martin Bashir transcript of interview on 1 March 2021, 63/4-64/7	
Page	Extract
63	So I was responding to him saying, you know, she might be able to support this, and I think, if you look at my note on 20 September, where I'm thanking him for the meeting, I think what you will note -- sorry, forgive me. Let me just find it. Q. It is page 67. A. You're already there. Thank you. I'm so sorry. I think what you have there is, first of all, obviously, an expression of deep gratitude that the meeting had taken place, but also what I say is, "I believe we can do this". At this stage, the story is about the story that Earl Spencer has brought to our gatherings, which is this obsession with Mr Waller and... I think that note is what I am saying. I'm basically saying, "Look, you know, if we can get evidence on this, we might be able to do something". I'm certainly not saying in this note, "Oh, thank you for the introduction. Now I'm going off to make a programme with the Princess of Wales".

	23 Q. Well, you do say in the third line: 24 "... for all your efforts on my behalf." 25 A. Yes, I do say that. But I think what I mean by that is,
64	1 you know, the effort to arrange the meeting on my 2 behalf. I've asked him -- that's what I'm referring to. 3 But in the second part, what I refer to is, I believe, 4 the purpose, and I still think, at that stage, the 5 purpose was to try and see if we could bottom out this 6 series of allegations that he had been making over 7 a period of time about Mr Waller.

Footnote 77	
Earl Spencer transcript of interview on 9 February 2021, 43/1-45/5	
Page	Extract
43	1 …are you able to 2 say what the catalyst was for your introducing him to 3 Diana and, in particular, what part you think the bank 4 statements played in your decision to introduce him? 5 A. Well, they were the absolute clincher, because I had met 6 Jephson and he seemed a nice chap. I didn't really know 7 Aylard, but I remember him being around. The thought 8 that Diana -- because I believed the bank statements, of 9 course, because they're coming from a Panorama 10 journalist who's been vouched for by the head of 11 Panorama, and I had the highest respect. You know, 12 I had been a colleague of BBC, actually, because NBC and 13 BBC used to share resources and so, for instance, when 14 I was based in Johannesburg, I worked out of the BBC 15 office. So for somebody from Panorama to present these 16 documents to me, I believed them. I didn't really know 17 what to do with them myself because they were clearly 18 relevant to Diana. And when I said to Diana, "Look, 19 I have been shown these things, and you really ought to 20 see them", that is the -- that's the clincher. I mean,

	the Alan Waller thing had nothing to do with Diana. As I see it -- and obviously you're the man who is drawing conclusions, but as I see it, I think Waller was a very easy in to me and that I was effectively groomed for the second hit. It was always going to be the things to do
44	with Diana that were going to get to Diana. I would never have mentioned the Waller things to Diana. They were of no interest to her -- well, might I have mentioned it over lunch? Possibly. But that was never going to get Bashir to Diana. It was the direct threat to her that I felt I had to report. Q. When you say "never going to get Bashir to Diana", but the prior question is, what led you to arrange for Diana to meet Bashir? You've explained very clearly that the Jephson statements were the clincher. But if you hadn't had the Jephson statements but you'd had the Waller statement -- A. That wouldn't have done it. Q. -- you wouldn't have introduced her? A. Absolutely not. Q. So what part do you think the Waller statements played in bringing about the interview? A. Well, they weren't irrelevant because, of course, it hooked me in. I mean, I was duped. So that was clearly their purpose. So, yeah, when I flippantly say, "They had nothing to do with it", of course they did. It was the breadcrumb towards the trapdoor. It was a very clever -- this isn't your question. At no stage did he mention the future of the constitutional monarchy to me. He very cleverly came to me on my number one bugbear:
45	the bad behaviour of the press, which of course is ironic, but that's what he came to me with. When he had hooked me in on that by showing me a bank statement which seemed to prove what he was saying, then he played his ace.

Footnote 78
Earl Spencer's handwritten notes of meeting with Martin Bashir and Princess Diana dated 19 September 1995 and transcript
Annex 3, pages 12-18

Footnote 79
Written statement of Earl Spencer received by the Investigation on 13 January 2021, pages 14-15
See paragraph 118 of the Report for relevant extract

Footnote 80	
Earl Spencer transcript of interview on 9 February 2021, 24/15; 25/2-27/18	
Page	Extract
24	15 Q. We then come to the meeting of 19 September… …
25	… 2 Q. I don't want to go through all of those points, but do 3 you have a clear recollection of that meeting? 4 A. Totally clear, yes. It was a very big deal for me. 5 I had never introduced Diana to a journalist before or 6 since, and that's what I think -- I am a note taker, but 7 I think I particularly took them to make sure I could 8 remind Diana of what had been said, you know, if she 9 progressed things. But, yes, I remember absolutely --

	and so does Samantha Weinberg remember us coming around as well. Q. Without going through all the details of this huge range of diverse topics and ground covered, what was her reaction to all of this? A. Well, I can't -- I honestly can't remember. She didn't say much. I remember Bashir sitting there with an A4-sized notebook and he sort of went through them. So I can't remember, at the time, her really -- if I remember a tone, it was one of -- I don't remember her contributing, really. Q. I don't suppose that she was reassured by anything that she was hearing? A. No. I'm not sure if this is relevant. I feel that he was playing battleships and seeing what hit and so how he could -- I mean, I'm obviously coming from an angle
26	where I've seen Bashir has done terrible things, so to try to make sense of what he has done, in my mind, he was scattering these things widely to see where Diana bit and she did bite Legge-Bourke, and the Jephson thing was obviously incredibly worrying. So I think that's how he learnt to progress those theories. Q. In your statement on page 15, at the top of the page: "It seemed highly improbable, as did some of his wilder comments about the Queen and Prince Edward. "I also felt ... that I was listening to a man who was not telling the truth. He was overexcited, but also shifty." That's the impression you had and you've still got that impression in your mind and your memory? A. Absolutely. That's why I consigned him to history at the end of the meeting. I felt -- I didn't know if he was a liar or a fantasist, but I knew he was bad news, in my opinion, and that was the end of him for me. I see, actually, I was very intrigued to see he did call a couple of times afterwards, but that was the end of my engagement with him, really. Q. I was going to ask you about those calls in a minute. You say: "The straight fact was that the things he had told

	25 me during our meetings at Althorp did not fit with what
27	1 he was telling Diana now." 2 A. That's right. 3 Q. Can you give examples of the things? 4 A. Yes. Can I go back to the document, the notes? 5 Q. Yes, of course. 6 A. He kicked off with a problem for me. Again, he came up 7 with escort -- this is number 1 on the first page. 8 Escort girls in the Langham Hilton for "…" Wharf, who 9 was one of Diana's police protection officers. He had 10 said exactly the same thing when I met him or spoke to 11 him earlier about "…", the Daily Express 12 reporter. So that struck a -- I thought it was very 13 unlikely -- when I say the small details caught him out, 14 that was one. Because I thought it's so unlikely two 15 people would be doing the same thing in the same place. 16 Nothing else jumps out. But it was a sort of -- it 17 was (a) tone and (b) things -- just sort of details that 18 didn't add up with what I had heard previously.

Footnote 81
Earl Spencer transcript of interview on 9 February 2021, 26/16-21
See Footnote 80

Footnote 82	
Written statement of Earl Spencer received by the Investigation on 13 January 2021, page 16	
Page	Extract
16	I have never seen Martin Bashir since 19 September 1995…

Footnote 83	
Martin Bashir transcript of interview on 1 March 2021, 45/22-56/4; 56/21-58/19	
Page	Extract
45	22 As I read this, if I am being -- if these 23 assertions, 1 to 32, with an empty space for 33, are 24 being attributed to myself, I think it would be 25 important for us both -- or for me to be given the
46	1 opportunity to go through some of them and ask you to 2 look at them in detail, because I think this is very 3 important. This appears to be the substance of 4 the fundamental allegation, as I understand it, which is 5 that I went into a meeting and told a series of lies 6 that secured for me a relationship with the 7 Princess of Wales. Am I correct in understanding that? 8 Q. You are correct. 9 A. I'm afraid, if that's the case, then I think it would be 10 worth our while to go through this. Because -- I'm 11 happy to do so immediately or to wait for your guidance, 12 but there are things in this which are -- I think one 13 could categorise them: it is possible that I could have 14 said some of these things, it's possible; there's 15 a second category, where I think it is highly unlikely 16 I would have said these things; and there's a third 17 category, where I would never have said some of these 18 things because I wouldn't believe them. 19 I do fear that this is a collation of material which 20 probably was written some time later, or even possibly 21 last year, for the purpose of a newspaper story. I say 22 that because of the content. 23 Q. I think we will have to go through it, then, carefully. 24 I'm really in your hands here. Let's start at the 25 beginning and go through them.
47	1 A. Look at page 1 of the contemporaneous note, which is

	page 60 in the bundle. Point 3. Q. Let's start at point 1. Let's go through them all. I want, to be absolutely fair to you, to give you every opportunity to comment on all of these points? A. Very kind: "4-months ago, 3 men met him -- MI6. ... escort girls in Langham Hilton ..." I have absolutely no idea what he's referring to. It says here "commissioned Wharf (scum)". If "Wharf" is "…", he is somebody that I have had dealings with and indeed have filmed with. I would never refer to him as "scum", if that is what this is. Point 2: "Aylard paid by Jonathan Dimbleby. 2 years ... 1 year ago, decided to attack Diana." I had the great privilege of working in the same department as Jonathan Dimbleby for two years. Jonathan Dimbleby would never take, nor give, money. The reason why this is particularly ludicrous is because, as you will know, for a period of over 14 months, I believe is what was published, Jonathan Dimbleby had access to the Princess of Wales for a documentary and a 600-page book. It simply defies
48	logic that I would suggest that anyone had to pay Jonathan Dimbleby anything for access. "MI6 taped C ... 'in endgame' -- D told Aylard what she thought of him, + that she wouldn't divorce." That suggests that it is the Princess of Wales who is saying that. That's not me saying it. If I'm sitting in front of the Princess of Wales, am I telling her what she's told Aylard? It doesn't make any sense. I'm just trying to focus on some of the most important ones. Point 7 on page 60: "Difficult relationship with William for D ..." Again, this suggests that the princess herself is talking about how worried she is about Tiggy, and she's the only one who would have known if there was a difficult relationship with her son. How on earth would I be sitting there at a meeting telling the Princess of Wales about her relationship with her son?

	It doesn't make any sense. Q. You keep saying it doesn't make any sense. I take it that, by that, you mean you did not say it? A. Well, I did not say it, absolutely. But what I'm asking, Lord Dyson, is for you to reflect on the social dynamics of me sitting in a meeting with the Princess of Wales and telling her about her relationship with her son being difficult. What possible logic and
49	evidence would I have for telling the mother of her child the nature of the relationship? Point 8: "D: ..." Again, I wonder whether he's referencing her speaking there: "... for past 6 months, had letters delivered ..." I note from the Daily Mail that it was alleged that I had suggested mail had been intercepted, but, again, I look at that and it looks as though the "D:" is referring to things that have been said by the Princess of Wales. How would I know about her chauffeur? I didn't know anything about any of her personal details. Then it says: "Change your chauffeur." Is it possible that she said this, made this allegation, and I said, "Change your chauffeur", or indeed Earl Spencer said, "Change your chauffeur"? If you turn over to point 11 on page 61: "James Goldsmith ..." Again: "... Jonathan Dimbleby told him 'She's had it'." Annabel Goldsmith was a very close friend of the Princess of Wales. She went to her house in Ham regularly. She's much more likely to know what
50	James Goldsmith thinks than I ever could. I had no connection with James Goldsmith in my life. Again, I have to ask you, Lord Dyson, if I said that, would it not be fairly straightforward for the Princess of Wales to ring up Annabel Goldsmith and say, "You won't believe this, but this chap, this journalist

	I've never met before, has told me that your husband has had a meeting with Jonathan Dimbleby and told him, 'She's had it'". I mean, what an appalling thing to say and allege, fairly dramatic, but very easy to resolve as to whether it was true. You go on. Point 10 -- sorry. Q. You skipped over point 9. Do you want to say anything about point 9? About "Bugs on car"? A. Again, "3 lines at KP bugged; mail read ..." Again, imagine the situation, Lord Dyson. I'm talking to the woman who lives in the property. If this, or anything like this, were true, it could be resolved immediately. It could be checked immediately. I take you to the next page, 61, points 14 and 15: "D's stepped up engagements. Off to Chiracs ... "VJ day: D asked. PC stopped it, tried to stop it, + failed." How on earth would I be telling the Princess of Wales details like this when it's clearly –
51	I'm telling her what she's done in relation to the Chiracs? I'm telling her about VJ Day, that she asked PC, presumably Prince Charles, "tried to stop it, + failed". I go on. Point 17 -- sorry, forgive me: "Aylard terrified of Tiggy -- she's very powerful." How would I have any access to a woman who is employed by the Prince of Wales to care for his children and have access to a conversation which, excuse me, I'm reporting from the Prince of Wales's private secretary to his nanny? That sounds like the sort of thing the Princess of Wales believed, that she was powerful somewhat. Point 19 -- sorry, I just need to go back. 20: "D finished with Soames in March. She trying to reconvene with Nicholas S." I'm assuming that may be Sir Nicholas Soames. Again, surely she would know about her own relationships. How would I be telling her about her relationships with her girlfriends? It doesn't make sense. Again, I take you to point 20 -- sorry, point 19:

	23 "Fergie gone to US for huge deal today. Andrew 24 looks after her." 25 This is an individual that the Princess of Wales is
52	1 related to and is a close friend of. Does that sound as 2 if she's telling us this or I'm saying this in the 3 meeting: 4 "For a huge deal." 5 What huge deal: 6 "Andrew looks after her." 7 This sounds as if the Princess of Wales is speaking. 8 Then there is this reference here: 9 "Edward has AIDS?" 10 Again, it's being alleged that I'm sitting in my 11 first meeting with the Princess of Wales and her brother 12 and I'm making an allegation about a serious, chronic, 13 potentially fatal, illness that may have afflicted her 14 brother -- her brother-in-law. If I were to say that, 15 surely one would accept, if I was the originator of that 16 idea, it would be very easy to check the provenance of 17 that claim. (Clicks fingers) Just like that. It would 18 make me look ridiculous and a complete and utter 19 fantasist and the relationship with the princess would 20 never have taken off if I was exposed as that kind of 21 fool. I take you to number 28 -- 22 Q. Are you saying that you just don't think that any of 23 this was said by anybody at this meeting? 24 A. I'm saying, Lord Dyson, that I cannot possibly have said 25 the things that are being attributed to me because they
53	1 are so utterly outlandish and so easy to check that, had 2 I said any of these things, the Princess of Wales could 3 have rung Buckingham Palace and said, "Has Prince Edward 4 contracted HIV?" In other places, it is quite clear 5 that she is talking about her friends -- the Soames, 6 Fergie. Again, if I may -- and I think this will help 7 you. If you go to 63, at point 28: 8 "... £20,000 on clothes. Fergie told D." 9 It is being alleged that I am telling the 10 Princess of Wales what her sister-in-law, the Duchess of

	York, Sarah Ferguson, has told her. What possible basis would there be for me saying that? If you move on to point 32: "Graham Harding, Fergie's contact, has swept Ken Palace recently. Can't do telephone lines. Didn't do it thoroughly." If I may ask you, Lord Dyson, how could I possibly know if this had happened? This sounds like something that the Princess of Wales is talking about, that Graham Harding, Fergie's contact, she has commissioned to come into Kensington Palace and sweep it, he can't do the telephone lines, but he's done it thoroughly. Again, how is it possible that I'm alleged to have said this. This is why I say, Lord Dyson, the newspaper report was so outrageous, because what it did was, it
54	relied upon what appears to be a contemporaneous note without actually reading what the note says. It is alleging that I have said these things, but they are ludicrous. Why would I -- in so many categories, why would I be saying to the princess what she knows to be the case in relation to friendship groups, Sarah Ferguson, and so on? It is interesting to me, and if you go to page 63, there is an area which appears to be boxed off, and, again, we have here, "Bhatia" -- this obsession that Earl Spencer has with Shekhar Bhatia: "... no action -- but number of interactions with BBC. "Tried to get job on 'Public Eye' ... editor said ... corrupt. Legal department ... will take one year." It looks as though that may be the only thing that I said at the meeting, because, when you take everything else that has been written here, it is -- I mean, let me take you also, if I may, to page -- point 23 on page 62 of your evidence bundle. It says: "... bleeping Swatch." In the Daily Mail newspaper, it was alleged that I had said that Prince William had been given a watch

55	that was somehow a device. Well, if I'm sitting in a meeting making an allegation that the princess's son has a Swatch which is in some way being used for bugging purposes, would it not strike you as perfectly obvious that all she would need to do is go and see her son, ask him for the watch and I would be immediately discredited as an idiot and a fool and somebody not to be trusted? 24: "3 days to get [turn] with William, after he goes back to D." Again, how can I possibly know about the familial arrangements of children for two parents who have separated? I'm sorry, but this document is, I think, a collation of material -- I do not know where or who has said everything, but it is very hard to believe that this was a contemporaneous note of everything I said, because it would be -- I'm not the cleverest person in the world, but I'm quite sure you would agree that anybody making specific allegations about personal relationships, about ill-health, about all kinds of things, all of that could be very, very easily checked and dismissed. One other thing I think you need to know, Lord Dyson, and you may already know this, it has been a matter of public comment for some time that the
56	Princess of Wales had a number of relationships, and they included clairvoyants, mediums, mystics, various other people, who provided her with support, consolation, and so on. … What I'm saying to you is that, not only is this document very, very difficult to accept the terms of what it is alleged that I'm supposed to have said, but it is perfectly possible that some of the material in here are things that she had garnered and she had said
57	and, as I say to you, there are so many occasions in

here where I couldn't possibly know the details.
Point 11 [sic] on page 62:
"Julia Samuel out of the way since June. Menzies out from March -- fell out severely."
How would I be sitting in front of the Princess of Wales telling her that she's fallen out with her best friends? The breadth of information. It's just not possible. I don't know any of these people.
Q. There is no doubt that an awful lot of things set out here were fantastic. I think you use the word "fantasist". The question is, whose words are they? Spencer says that they came from you and that he thought you were a fantasist and that your -- he thought your motivation might have been to frighten Diana. Can you offer any explanation for this? Are you saying this is pure invention on the part of Spencer, or what are you saying?
A. I can't speculate on what Earl Spencer's thinking was. All I can say to you is, if you go through this document, it contains -- if it is alleged to be a record of a very first meeting with the Princess of Wales, it concerns things where not only on the surface does it appear she's talking about her own life, her

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friendships, her details, it would be -- I just don't know how I am supposed to be telling the Prince of Wales about her arrangements with her children or about her arrangements with a security expert that she has employed at Kensington Palace that was advised to her by Sarah Ferguson, or how I am saying things that are so outlandish, like a member of the Royal Family has a serious illness, for which there is -- was no evidence and which it would be possible, within a phone call, to dismiss immediately.
What I'm saying to you is, I don't know who said these things or whether they were said, but I am confident that, in the vast majority of cases, I could not possibly have said these things, because if I -- and remember, Lord Dyson, if my motive is to ingratiate myself with the Princess of Wales, would it not make sense for me to say things circumspectly that could be

	18 very easily proven or disproven? I mean, would that not 19 make sense?

Footnote 84
Martin Bashir transcript of interview on 1 March 2021, 46/19-22
See Footnote 83

Footnote 85		
Schedule of points in Earl Spencer's handwritten note of meeting 19 September 1995 provided to the Investigation by Martin Bashir on 5 March 2021		
Point, Page of Handwritten Note	Statement	Comment
Point 3, Page 1	"MI6 taped C + Aylard: "in end game" - D told Aylard what she thought of him, + that she wdn't divorce."	Why would I be telling the Princess of Wales what she had told Mr Aylard herself? This is consistent with recording the Princess of Wales' comments.
Point 7, Page 2	"Difficult relationship with William for D., because of Tiggy. C's in love with her."	I cannot imagine that anyone would have told the Princess of Wales in their first meeting with her about her own relationship with her son. This must be a comment from the Princess to Earl Spencer.
Point 9, Page 2	"Bugs on car. Senior police officers making	These sound like the sort of concerns that the

	money. 3 lines at K.P. bugged; mail read; disinformation down line; line on car bugged."	Princess of Wales had at the time, as reported in the newspapers and her book by Andrew Morton. I never had any specific information about cars or lines being bugged. I read this note as a list of first-person recollections of the Princess of Wales.
Point 23, Page 6	"Aylard + PC. have strategy - special present for William 3 weeks ago - bleeping swatch."	If I had said this to the Princess of Wales, I imagine she could have had the swatch checked and discover quite quickly that I was not telling the truth.

Footnote 86
Martin Bashir transcript of interview on 1 March 2021, 59/3-17
See paragraph 128 of the Report for relevant extract

Footnote 87
Note by Lord Mischon dated 31 October 1995
http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/diana_inq0006335_mishcon_note.pdf

Footnote 88
Richard Ayre transcript of interview on 15 February 2021, 8/3-12/9

See paragraph 137 of the Report for relevant extract

Footnote 89	
Tim Gardam transcript of interview on 16 February 2021, 35/9-25	
Page	Extract
35	9 Q. You've explained very clearly how, as far as you were 10 concerned, the primary objective on which you set your 11 sights now was seeing whether it was true that these 12 documents had or had not been -- or had been shown to 13 Princess Diana, and if they had been shown to 14 Princess Diana, that would have been dreadful. But it 15 would have been a breach of the guidelines, wouldn't it, 16 even if they had not been shown to Princess Diana? 17 A. It would certainly have been a breach of the guidelines 18 if they had been shown to anybody, yes. Whether it 19 would have been a breach of the guidelines if he had 20 made up the document as graphics to hold in a research 21 brief, I'm not sure. If he had used those documents to 22 any purpose to pass them off, obviously it would be more 23 than a breach of the guidelines, it would be unlawful, 24 I would imagine. But it certainly would have been 25 a breach of the guidelines if he had made use of them

Footnote 90	
Anne Sloman transcript of interview on 19 February 2021, 31/6-10	
Page	Extract
31	6 In terms of the main guideline about straight and 7 fair dealing, no, of course it wasn't. It wasn't. But

	8 you shouldn't need a guideline to tell you that. You're 9 a BBC journalist, you don't go around telling fibs. 10 Apart from anything else, you'll always get caught.

Footnote 91	
Lord Hall transcript of interview on 24 February 2021, 33/23-34/9	
Page	Extract
33	23 A. I agree, it was a serious breach, and I don't for one 24 moment deny that. It was serious breach. It would have 25 been an even more serious breach had it actually been
34	1 transmitted on air, but they were shown to one person, 2 as we now know, and then -- what should have happened 3 is, someone should have gone back and said there was no 4 factual basis, or something like that, for the document 5 that was shown -- the documents that were shown to 6 Earl Spencer. But, no, it was a breach, and it was 7 a straight dealing breach, and those sort of documents 8 should not have been forged in that sense, or faked in 9 that sense.

Footnote 92
Martin Bashir transcript of interview on 1 March 2021, 91/23-94/17
See paragraph 139 of the Report for relevant extract

Footnote 93

Diana, a cover-up and why the BBC must final come clean **The Times article dated 18 November 2020**
https://www.thetimes.co.uk/article/tom-mangold-on-diana-a-cover-up-and-why-the-bbc-must-finally-come-clean-80tsjlmx8

Footnote 94	
Mark Killick transcript of interview on 10 February 2021, 11/24-14/7	
Page	Extract
11	24 A. Lord Dyson, I have thought long and hard about this. 25 I have to say, I have worked with Tom Mangold, I have
12	1 been Tom Mangold's producer, and we have sparred over 2 this slightly. It is the norm that in current affairs 3 long-form film making, particularly the investigations, 4 you run a producer and a reporter alongside each other. 5 They're meant to complement each other. They are meant 6 to check each other. This was not an investigation, 7 sir. This was an interview. I suspect -- you said to 8 me I mustn't speculate. 9 I think if Martin could get in the room with 10 Princess Diana, I'd back him against anybody. Would the 11 route he took have made a difference if there had been 12 a senior producer with him? I think it might have done, 13 but I think Tom is overstating the case. 14 When I worked with Martin, and when I worked with 15 Tom, we're both senior people in our little world, we 16 would quite often divvy up the work. So I would go in 17 one direction to seek one thing and the reporter would 18 go in another direction to seek another. So if Martin 19 wanted to create some improper device and then show it 20 at a meeting, I would not necessarily have been there 21 alongside him to know it anyway. That's the first 22 thing. 23 I would look at it, Lord Dyson, much like the BMA

	24 looked at Shipman. If you recall, the BMA decided that 25 no doctor's practice could have a single partner after
13	1 Shipman, there would be two partners. For that very 2 reason, the checking and the weight and the balance, but 3 I don't think the BMA would say it would eliminate the 4 possibility of a rogue doctor. I think, to Tom's point, 5 it would have made it more difficult, but it wouldn't 6 have eliminated the possibility. If a reporter was 7 determined to be rogue, I don't think a producer would 8 have been able to stop that. 9 Q. You think he's overstating the case, do you, when he 10 says that with a story of this kind and with somebody -- 11 he describes Martin as being an "untested operator". 12 I read what you are saying as you don't agree with that 13 at all? 14 A. Tom was Panorama's lead reporter for 25 years, sir. 15 They were all untested compared to him. Martin was not 16 an untested reporter. He had won awards, he had broken 17 big stories, with me and with other producers and 18 things. I think that's unfair. Tom's point of two 19 people are the norm is fair and that two people can 20 check each other better is fair. I think what I'm 21 saying to you, if someone was determined to be rogue, 22 I'm not sure that two people would have resolved that 23 issue. 24 Q. So the norm you think would have been, with particularly 25 something of this significance and sensitivity, to have
14	1 had two people involved; is that a fair way of putting 2 it? 3 A. Yes, it would have been more normal, sir, but this was 4 an interview, not an investigation. To the extent -- an 5 investigation normally raises more ethical questions. 6 An interview was, basically, can we get there, will the 7 person sit down and do it?

Footnote 95	
Tim Gardam transcript of interview on 16 February 2021, 7/1-10	
Page	Extract
7	there is any doubt about this -- that there wasn't actually a programme producer, and that's why Steve Hewlett took, probably, a closer interest in this than he might have done if there'd been a producer involved. Not at the very outset, but once the story had got going, once the investigation had got going, my understanding is that normally there would have been a programme producer come in at that stage. But that didn't happen here. A. Yes…–

Footnote 96	
Tim Gardam transcript of interview on 16 February 2021, 13/9-11	
Page	Extract
13	What was clear to me was that Steve Hewlett was -- and he was reporting to me, was keeping very close contact with Bashir on what was a very sensitive story,

Footnote 97	
Lord Grade transcript of interview on 22 February 2021, 6/2-5	
Page	Extract
6	In the case that you're looking at, I have not seen anywhere where a senior producer was appointed to hold the hand of the reporter who was doing the interview.

	5 That seems to me fairly odd, indeed.

Footnote 98
Letter from Princess Diana to Martin Bashir dated 22 December 1995
See Annex 3, pages 20-22

Footnote 99	
Written statement of Matthias Wiessler dated 23 December 2020, page 7, para 43	
Page	Extract
7	43. I witnessed the Diana interview at the same time as the rest of the world, on 20 November 1995 and immediately made the connection between the bank statements and the programme…

Footnote 100	
Written statement of Peter Molloy dated 14 December 2020, page 1	
Page	Extract
1	… …He worried that his graphics had been presented as genuine documents to someone. He was concerned that they might have played a role in obtaining the Panorama interview with Princess Diana through deception. Matt asked me what he should do as he was afraid that he might become the target of a blame game. I

	strongly recommended that he talk to Steve Hewlett, Tim Suter and Tim Gardam. …

Footnote 101	
Written statement of Mark Killick dated 10 December 2020, page 2	
Page	Extract
2	I was immediately suspicious about the veracity of these documents. Whilst it was just about conceivable that News International was paying these people, it seemed to me inconceivable that Penfolds Consulting was paying them too. The absence of any other payments (other than a suspicious £4,000 cash withdrawal) also made these statements highly suspect – the transactions cried out "look at me" in a way that simply would not happen in real life. Matt had told me in the earlier phone call that Martin had asked that these graphics be produced overnight as a matter of urgency. I have a copy of the invoice that Matt sent to the BBC dated 16/10/95 saying, "To complete artwork for Panorama overnight at short notice" and confirming that the instruction came from "a telephone conversation with Martin Bashir to complete job by first thing next morning". Matt had said that the bank statements needed to be biked over to Heathrow as soon as they were completed which reinforced the idea that they were needed extremely quickly. The more I considered this, the more concerned I became. The Diana interview needed no such graphics but the urgency of the request suggested that they had an important role to play somewhere in the proceedings.

	As I reflected on it, I very reluctantly concluded that there was a real possibility that the bank statements may have been used to deceive someone and the likeliest target seemed to be Earl Spencer who was widely known as the gatekeeper to Diana. …

Footnote 102	
Written statement of Mark Killick dated 10 December 2020, page 2	
Page	Extract
2	… The following day I approached him and said I had something I needed to discuss urgently. We met in the BBC canteen and I showed him the bank statements. I asked him what they were for and he was clearly very angry that I had the documents. He refused to answer my questions and told me that it was none of my business. …

Footnote 103
Extract of note from Tom Mangold to Anne Sloman dated 11 April 1996
See Annex 3, page 45

Footnote 104
Tom Mangold transcript of interview on 15 February 2021, 15/18-21

See paragraph 157 of the Report for relevant extract

Footnote 105	
Written statement of Tom Mangold statement undated, page 2	
Page	Extract
2	… When I telephoned Bashir, he was curt with me and said that if I had anything to say about the allegations, I should address the editor Steve Hewlett directly "as he knows all about it." As I recall, at some stage Bashir called us back, told us he had reported our concerns to Steve Hewlett, and that we should now see Steve anyway.

Footnote 106	
Written statement of Mark Killick dated 10 December 2020, page 3	
Page	Extract
3	… We met Steve Hewlett, the editor of Panorama, late in the day and went through what we knew. We made it clear that we did not know what the documents had been used for but I do recall saying that the simplest way to resolve the matter was to contact Earl Spencer. The meeting did not go well. Steve was furious with us. He said it was none of our business and we had no right to raise it. He also

	said that we were to leave the matter with him and not to talk to anyone about it. …

Footnote 107	
Tom Mangold transcript of interview on 15 February 2021, 18/25-21/10	
Page	Extract
18	25 A. Yes, the meeting was brief and unpleasant. It was quite
19	1 screamingly obvious that we were not breaking any news 2 to the editor of Panorama. 3 Q. Yes, I'd like to ask you about that, because you say in 4 your Times article -- my pagination is not the same as 5 yours, but I think it is at the end of page 5 of 6 the article as you have got it. I hope I've got the 7 right place. The last paragraph, does it say: 8 "He asked us no questions ..." 9 A. Yes. 10 Q. "... said everything was taken care of, repeated it was 11 none of our business, and now would we leave his office, 12 please. On the way out, Killick suggested ... that he 13 should call Lord Spencer to straighten everything out. 14 Hewlett never did. In my view, he clearly knew all 15 about the alleged forgeries." 16 You certainly stand by that description of what 17 happened at the meeting. You have repeated it I think 18 in your statements. Just to get it absolutely clear, 19 you do stand by the whole of this paragraph -- in fact, 20 you probably stand by the whole of your article. But 21 particularly on this paragraph, the facts that you have 22 set out here, you stand by those? 23 A. I want to say one thing about the line "In my view, he 24 clearly knew all about the alleged forgeries". 25 Q. Yes.

20	1 A. If I had been thinking a little straighter when I wrote 2 that, I would have added the words "at the meeting". 3 Q. Sorry, can you explain that? 4 A. What I meant to say, and I checked my original script 5 last night, because I thought I had said it and maybe 6 the subs took it out, but I'm afraid I didn't say it. 7 I should have written, "In my view, he clearly knew all 8 about the alleged forgeries at the meeting". I'm not 9 implying here that he clearly knew the forgeries had 10 been created. I'm saying that he knew about the 11 allegations at the meeting we had with him. 12 Q. Oh, I see. I read it as he already knew, but you're not 13 saying he already knew? 14 A. Semantically, you're correct. He knew before we came to 15 see him, but I wish it didn't have a tiny implication 16 that he always knew about the forgeries, ergo, he must 17 have been involved in them, because nothing could be 18 further from my mind. In other words, when we went to 19 see him, he obviously knew everything about the 20 allegations of the forgeries because he didn't ask us 21 a single question about it. And if the situation was 22 that we were breaking news to him, he would have kept us 23 in there for an hour, asking every single question that 24 one would obviously raise. So I regret the fact 25 I didn't add the three words "at the meeting".
21	1 Q. Thank you for clarifying that, because I wasn't sure 2 whether you were actually saying that he was somehow 3 involved in conspiracy with Bashir. You're not saying 4 that? 5 A. No, absolutely not. Absolutely not. In fact, I have no 6 evidence -- I know very little about the crime. My 7 speciality is the coverup. But I would be astonished if 8 Steve knew about the forgeries. 9 Q. This acrimonious meeting did not last very long? 10 A. No.

Footnote 108	
Written statement of Harry Dean dated 5 December 2020, page 2, para 10	
Page	Extract
2	10. Things were initially a tad bad tempered and Steve's first comment was "I don't see why any of this is your f****** business"… At the end of the meeting Steve thanked us for bringing the matter to his attention.

Footnote 109
Note from Harry Dean to Anne Sloman dated 12 April 1996
See Annex 3, pages 46-7

Footnote 110	
Written statement of Harry Dean dated 5 December 2020, page 2, para 12	
Page	Extract
2	12. I had another meeting with Steve the next morning in the Panorama office… There was no one else present. He then explained to me that one of the specific concerns I had raised the night before with him was not in fact an issue. This will take a little unpacking for it to make sense. 12.1 One of the names on the bank statements was a Jersey based company called Penfolds Consultants which… featured heavily in our Venables programme. 12.2 I had said to Steve that it was rather odd that the same Penfolds name appeared on the Diana bank

	12.3	statements and was it possible that Martin Bashir had just plucked a name to put on the statements? At this latest meeting Steve told me that it was all a coincidence… and he repeated that that the information on the statements was correct…

Footnote 111	
Written statement of Clive Edwards dated 17 December 2020, page 1, para 7	
Page	Extract
1	7. He was furious. He said that they were jealous and were trying to undermine the Diana programme. I had the strong impression that Steve had not heard of their accusations before that moment. He was genuinely shocked and angry that members of the Panorama team were trying to spoil the programme's most successful achievement.

Footnote 112	
Written statement of Peter Molloy dated 14 December 2020, page 2	
Page	Extract
2	At the Panorama Christmas party in 1995 Matt Weissler approached me and indicated that he wanted to talk to me urgently. Matt looked shocked. He said that his home had just been broken into. He added that this was not a normal burglary because the only thing stolen were the floppy discs that contained the backup to the bank statements he had created for Martin Bashir… I strongly recommended that he report this to the police as well as to the BBC. …

Footnote 113	
Written statement of Matthias Wiessler dated 23 December 2020, pages 8-9, paras 53-54	
Page	Extract
8	53. I remember briefing Tim Gardam, starting with the night Martin had come to my flat… I gave them a lot of detail and asked if the BBC could protect me if there was a criminal investigation. They said, "we'll talk about it." Tim Gardam did not appear to me to be
9	reassuring or effective, but he said, "leave it with me, I have to speak with the relevant people". 54. Gardam later called and said it was being handled and not to worry. He said if I had any concerns, I should call him on his mobile (he would be in Oxford that weekend) but not to speak to anyone else.

Footnote 114	
Written statement of Tim Suter dated 11 December 2020, page 2	
Page	Extract
2	**Phase 1: December 21 – 23 1995** At the end of our final management routine meeting on the morning of Monday December 21st my assistant Noelle Britton alerted me to the fact that Martin Wiessler, a free-lance graphics designer, needed to see me on a matter of importance. I saw him straight away. He told me that he had been asked by Martin Bashir to mock up

	a set of documents, specifically two bank statements, using information given to him by Martin. There was some haste in the commission, and he had been asked to deliver the finished documents to Martin at Heathrow Airport. I do not recall when he said he had been asked to create these documents, but I understood that it was some time before the interview itself had been recorded. I understood that he had worked with Martin Bashir before, including creating documents for inclusion as graphics in a Panorama film using content given to him by the production team. He was now concerned that: • These documents might have been intended in some way to persuade the Princess to take part in the interview • That he might now be being "set-up" as the fall guy for this, not least because the disc on which he had kept the electronic version of the documents had gone missing, and he feared it had been stolen, and might have found its way to the press This was clearly a very significant issue, and I immediately asked Mr Wiessler to repeat the story to Tim Gardam, the Head of Weekly Programmes, whose office was adjacent to mine and to whom I directly reported. I recall that that meeting took place almost immediately. After Mr Wiessler had repeated his story, I recall that Tim Gardam and I met urgently with Steve Hewlett, Editor of Panorama, and Martin Bashir. …

Footnote 115
Handwritten statement by Tim Gardam dated 28 March 1996 and transcript
See Annex 3, pages 30-41

Footnote 116	
Written statement of Tim Gardam dated 11 December 2020, page 8, para 30	
Page	Extract
8	30. …It did not occur to me that Martin Bashir might have shown the documents to Earl Spencer.

Footnote 117	
Tim Gardam transcript of interview on 16 February 2021, 16/1-25	
Page	Extract
16	1 I think at some stage, in September or October, there 2 must have been a point at which I knew that Earl Spencer 3 was the conduit. And, working backwards from March, 4 when Earl Spencer gets in touch with the 5 director-general's office, and that is down to us, and 6 I hear that he is wanting to talk to the BBC because of 7 The Mail on Sunday investigations, I was not -- it was 8 not news to me that Earl Spencer had been someone who 9 had led to meeting Diana. What was news to me, at that 10 moment in March, was that Steve Hewlett had spoken to 11 Earl Spencer to vouch for Bashir before the first 12 meeting because Steve Hewlett had never told me that. 13 I didn't see there was anything particularly suspicious 14 or untoward in his failure to tell me that, but what 15 that tells me is that clearly by March, and sometime 16 after the interview, I was aware that Earl Spencer had 17 been the person through whom Hewlett had -- through whom 18 Bashir had got to the Princess of Wales. 19 I don't think that it would have seemed to me hugely 20 significant that Spencer had made that introduction, 21 because when the prospect of the interview became real, 22 it was in a context where we knew that the only person

	23 to whom the Princess of Wales had talked about the 24 interview was to Bashir -- or so he told us -- and that 25 she was very anxious nobody else should know…

Footnote 118	
Tim Gardam transcript of interview on 16 February 2021, 18/2-3	
Page	Extract
18	2 So I don't think that Earl Spencer really featured 3 in our thinking…

Footnote 119	
Tim Gardam transcript of interview on 16 February 2021, 24/1-12	
Page	Extract
24	1 …The allegation that he said 2 Mark Killick had put to him was that these documents 3 which he had made for Bashir, assuming they were sort 4 of -- been made as graphics in the way he had done 5 before, and we can come on to that in a moment, had been 6 shown to Princess Diana and were used to persuade her to 7 give an interview. There could not be a more serious 8 allegation, that the most high-profile programme that we 9 had made, which we were quite proud of having got to air 10 through all the controversy, would be seen to have been 11 achieved by deceit. I mean, there could not be a more 12 serious allegation than that.

Footnote 120
Tim Gardam transcript of interview on 16 February 2021, 31/20-32/12
See paragraph 174 of the Report for relevant extract

Footnote 121	
Tim Gardam transcript of interview on 16 February 2021, 32/23-33/20	
Page	Extract
32	23 …it was a very unwise thing to have done 24 because there were now allegations he'd shared this 25 document which he had created. It was for this reason
33	1 that I thought that the essential thing to do, the only 2 thing we could do, was to not debate with Bashir whether 3 or not he was telling the truth -- and he had absolutely 4 categorically denied he had shown the documents to the 5 Princess of Wales and to nobody else. I seem to 6 remember he said he'd had them made up, he'd put them in 7 this dossier and shown them to no-one. It may be that 8 that absolute assertion was the reason I did not think 9 of Earl Spencer. I don't know. 10 But what I did decide, and I can't remember whether 11 it was me or Tim after Bashir had gone, or even if it 12 may have been Hewlett, that we had no option but to 13 approach the Princess of Wales to get an assurance from 14 her that she had not seen any documents. I think that 15 was no small thing to decide to do, to approach the 16 Princess of Wales and say, "We want you to sign a piece 17 of paper saying you weren't shown any documents". It 18 was quite a dramatic thing to decide to do, but I felt 19 that that was the only way we could get independent 20 corroboration of what Bashir had told us.

Footnote 122	
Tim Gardam transcript of interview on 16 February 2021, 42/12-14	
Page	Extract
42	12 this is the lacuna which I cannot reconcile between my 13 focus on the Princess of Wales and others' focus on 14 Earl Spencer.

Footnote 123	
Tim Gardam transcript of interview on 16 February 2021, 42/24-43/1	
Page	Extract
42	24 the word is. I felt that we had acted quite decisively 25 in going to the Princess of Wales because that was at
43	1 the heart of the matter...

Footnote 124
Tim Gardam transcript of interview on 16 February 2021, 46/9-47/8
See paragraph 178 of the Report for relevant extract

Footnote 125	
Written statement of Nick Fielding dated 6 December 2020, page 2	
Page	Extract

2	… Towards the end of March 1996 – I cannot be sure of the exact date - I received a call from a contact who asked if I would be interested in learning more about a story concerning the extraordinary interview which BBC Panorama reporter Martin Bashir had obtained with Princess Diana and which was shown to the public by the BBC in November 1995. Hints that there was something amiss were already by this time beginning to circulate around Fleet Street. As a result of that call, I set off to knock at the door of a graphic designer who, according to my source, had been asked to create documents for Bashir in relation to the interview… …

Footnote 126	
Written statement of Earl Spencer received by the Investigation on 13 January 2021, page 21	
Page	Extract
21	I did not send a substantive reply to Holborow in the end because (a) I did not want to say anything in public that might be perceived as an undermining of my sister Diana's decision to talk to Panorama – her taking part in the interview was a highly divisive matter, with some cheering her on, and others pointing to it as proof that she was "paranoid", manipulative, etc. That explains my choice of words in the actual reply – I did not think it would be "helpful" to Diana if I answered his specific questions; and (b) I was trying to settle into an anonymous family life in South Africa with my young family, and the last thing I wanted was to help in any way one of my tabloid tormentors. …

Footnote 127
Handwritten statement by Tim Gardam dated 28 March 1996 and transcript
See Annex 3, pages 32-33 and 39

Footnote 128
Handwritten statement by Tim Gardam dated 28 March 1996 and transcript
See Annex 3, pages 32-33 and 39

Footnote 129
Tim Gardam transcript of interview on 16 February 2021, 52/10-20
See paragraph 190 of the Report for relevant extract

Footnote 130	
Tim Suter transcript of interview on 19 February 2021, 13/15-16/19	
Page	Extract
13	15 A. I certainly became aware of that because it was on the 16 basis of that -- not just the emergence of the story, 17 but the extension, if you like, of the issue into now 18 involving Earl Spencer, that I was asked to conduct the 19 interview with Bashir and to get his full account of 20 what had happened. 21 Q. You see -- again, it may be you can't comment on this --

	22 Tim Gardam told me that he had been assured, and indeed 23 you will have read this on page 20 of his note, the 24 second complete paragraph on that page: 25 "I then rang Bashir again, but failed to get hold of
14	1 him. However, he rung me and told me for the first time 2 that he had shown, despite his specific denials 3 on December 21st, and that morning, the graphicised 4 documents to Earl Spencer." 5 A. Yes. 6 Q. Tim Gardam told me that when he was told for the first 7 time, contrary to what Bashir had been previously 8 saying, that he had shown these statements to 9 Earl Spencer, that he, Tim Gardam, was absolutely 10 furious. Let me just read to you a short passage of 11 what he said to me in his evidence I think on Tuesday of 12 this week. He said: 13 "Answer: ... At that moment, it was -- there's 14 a lot of particular dates, and so on, 25 years later 15 which are a bit fuzzy, but this I remember absolutely 16 crystal clear, because, you know, it was one of those 17 moments when you just go cold, and I know exactly where 18 I was standing at the time ... I actually took a great 19 effort not -- to keep temperate, actually, because I was 20 absolutely staggered that a BBC journalist -- you know, 21 I was leaving the BBC at this stage -- could have 22 behaved like this. It would never have occurred to me 23 that a BBC journalist would lie (a) to produce something 24 to deceive someone, and then at the same time to lie to 25 his editors and managers."
15	1 He also said to me that this news, this change of 2 position on the part of Bashir, was a terrible 3 development. So he put it in very, very strong terms to 4 me. I just wonder whether any of that was communicated 5 to you at the time, whether you were aware that this 6 change of story had produced this reaction in 7 Tim Gardam? 8 A. I can't recall -- I can't confirm, as it were, Tim's 9 state of mind or his behaviour either at that phone call 10 or afterwards. I can recall that this was a serious --

	11 a very serious -- twist in the tale, and meant that we 12 did need to find out more clearly from Bashir what had 13 actually happened because he had lied to us first time 14 around. We had asked him whether the documents had been 15 used, and he'd said no. He always admitted that they'd 16 been created, but he had always maintained that they had 17 not been used. 18 Q. So he had lied. That meant that he was dishonest, 19 obviously? 20 A. He had not been straight with us. We had asked him 21 whether the documents were used and he had not been 22 straight with us. 23 Q. Therefore, I imagine that that would have made you 24 suspicious of him and been certainly a bit sceptical 25 about the truth of what he was telling you, or what he
16	1 was about to tell you? 2 A. It meant that we needed to be clear and rigorous in 3 getting a full account from him that explained what he 4 had done, yes. 5 Q. A full account is one thing, but it also had to be one 6 that was credible, didn't it? Here is a man who, on 7 a fundamentally central issue, had lied more than once. 8 If you were now trying to get a full account, that had 9 to be, to the best of your ability, hadn't it, 10 a straight and honest account? 11 A. Yes. We had to get the fullest and clearest account 12 from him of what he said he had done. 13 Q. You say "fullest" -- I'm sorry to press you on it -- 14 "and clearest account", but also you wanted the truth, 15 didn't you? There is no use having a clear and full 16 account which is packed with lies? 17 A. Yes. We wanted an account that we could understand and 18 that made sense. Yes, we wanted an account that was 19 true.

Footnote 131
Richard Peel transcript of interview on 16 February 2021, 21/25-22/8

Page	Extract
21	25 Q. Because were you aware that Tim Suter had also had
22	1 a meeting with Bashir at about the beginning of April, 2 after the recantation, if you like, by Bashir, when he 3 admitted that he had shown the documents to Spencer? 4 This led to another kind of investigation, conducted by 5 Tim Suter. Were you aware of that? 6 A. I was aware of that. I don't know that I was 7 necessarily aware of that at the time of this log 8 reference.

Footnote 132	
Tim Suter transcript of interview on 19 February 2021, 17/13-22	
Page	Extract
17	13 A. I thought he was telling the truth, yes. There were 14 elements of it that were hard to understand, that had 15 always been hard to understand, which is why he felt he 16 needed to create these documents in the first place. 17 But, given that he had now admitted that he had, on this 18 occasion, used them, but given the point at which they 19 were used and the provenance of the information 20 contained in them and the state of the relationship that 21 he already had with the princess, I thought it was 22 a credible statement, yes.

Footnote 133
Tim Suter transcript of interview on 19 February 2021, 18/23-19/3

See paragraph 196 of the Report for relevant extract

Footnote 134
Letter from Tim Suter to Martin Bashir dated 4 April 1996
See Annex 3, page 42

Footnote 135	
Tim Suter transcript of interview on 19 February 2021, 25/8	
Page	Extract
25	8 and formed this interim view…

Footnote 136	
Tim Suter transcript of interview on 19 February 2021, 25/10-27/23	
Page	Extract
25	10 had not been put under pressure. She had not been shown 11 documents. The relationship that she had with Bashir, 12 however it was initiated, was one that had developed 13 independently and, therefore, there were no further 14 questions to be pursued about the relationship with the 15 princess and the securing of the interview with the 16 princess. It then moves on to the third paragraph of 17 the letter, but that, I think, was the import of our 18 conclusions as they relate to that paragraph. 19 Q. That was a joint conclusion reached by you and

	20 Tony Hall, was it? 21 A. Yes, I presume so. I take the first line of that 22 paragraph, that I had consulted with Tony, I had given 23 him an account and reflected on what Martin had told us, 24 and this was, therefore, our considered view. 25 Q. It did depend, didn't it, on accepting the truth of
26	1 everything that he told you? 2 A. It depended on accepting the truth of what he told us in 3 relation to his dealings with the princess and her 4 corroboration of it in the note that she had sent. 5 Q. Then let's move to the next paragraph: 6 "However, it is also clear to us that the creation 7 and use of some material in the early preparation for 8 the programme was in breach of the ... guidelines on 9 straight dealing." 10 Let's just stop there. What are you referring to 11 there? 12 A. So the fact that, having created these documents, they 13 were then put to use by being shown to Earl Spencer. 14 That's the only use that was made of them, but it was -- 15 in making any use of the documents, that was a breach of 16 the guidelines. 17 Q. You didn't have to consider whether, by making use of 18 the documents in that way, that had somehow, maybe 19 indirectly, contributed to the securing of 20 the interview? 21 A. I think we felt that that issue was addressed by both 22 the nature of the information contained in the 23 documents, which -- information that originated with the 24 princess, and the fact that, at the point at which those 25 documents were used, Martin Bashir had already
27	1 established an independent relationship with the 2 princess. 3 Q. But you only knew that, or believed that, because that's 4 what he told you? 5 A. That's right. 6 Q. Wasn't that an unwise thing to do, given that he had 7 palpably been dishonest in a very serious way and lied 8 more than once?

	9 A. My Lord, I can't recall the nature of the conversation 10 that I had with Tony Hall after submitting 11 Martin Bashir's account of it, but I think it was clear 12 to us that Martin Bashir had committed a breach of 13 the guidelines and that there did, therefore, need to be 14 a further stage of the process. 15 Q. Again, I'm sorry to press you on this, but it is quite 16 important. The belief that you had that Bashir had 17 already formed an independent relationship with the 18 princess was quite an important part of your thinking, 19 wasn't it? 20 A. I imagine that it would have been, yes. I can't, at 21 this distance of time, rank the impressions, if you 22 like, but it would have been a significant part of our 23 thinking.

Footnote 137
BBC Press Office Log dated 6 April 1996
See Annex 3, page 43

Footnote 138	
Richard Peel transcript of interview on 16 February 2021, 9/24-11/15	
Page	Extract
9	24 A. I don't remember the specific details around it, but if 25 we looked at, say, the logs of 6 and 7 April together,
10	1 my impression is that the April 6 log is a poor example 2 of drafting by committee. It looks like a general 3 statement that was put together to describe the 4 mocked-up bank statements in response to what The Mail 5 said it knew, and it didn't actually address, as you've

	pointed out, The Mail's specific questions. I have to say, given what was said to the press on 7 April, having now seen these logs afresh, I don't know why it didn't more closely resemble the 7 April log, which actually explained that the BBC had investigated the mocked-up documents and confirmed that they were not connected to the Diana interview, which, of course, she, herself, also confirmed. Q. You very frankly and fairly say that the statement did not really address the questions asked at all. A. Looking at this afresh, I can see that the obvious answer to who commissioned the mocked-up statements would be Martin Bashir; had their authenticity been called into question -- yes; and an investigation was conducted by news management in December 1995. We could have also volunteered that they weren't shown to Diana, as confirmed by her, so were not used in the interview. It is clear that senior staff were informed and concerned about it. So, you know, with the benefit of hindsight, I can
11	see that this log, unlike, I believe, the log of 7 April, which was only a day later, did not answer those questions specifically. Q. We will come on to that log in a moment. This statement was very clearly a carefully drafted statement. This was not just dashed off in a moment. It was a product of a number of people putting their heads together, including no less than Tony Hall and Steve Hewlett. That was presumably because it was recognised that this was -- it was important to give a good answer to these questions. Would you accept that? A. I would accept that. It was also not unusual in those times to produce a general statement rather than actually responding to specific questions. That wasn't an unusual thing.

Footnote 139
***Diana's BBC Man and Fake Bank Statements* Mail on Sunday article dated 7 April 1996**
See paragraphs 103 and 203 of the Report for relevant extracts

Footnote 140
BBC Press Office Log dated 7 April 1996
See Annex 3, page 44

Footnote 141	
Richard Peel transcript of interview on 16 February 2021, 24/21-25/21; 26/21-28/24; 31/5-23; 32/21-36/25	
Page	Extract
24	21 Then Blackhurst comes back with another call and he 22 asks three specific questions: 23 "Had the statements been shown to Earl Spencer? Had 24 they been produced in conjunction with an earlier 25 investigation? Had Earl Spencer been questioned by the
25	1 BBC?" 2 The response to that is to reiterate "our position 3 from statement". That is a reference back, isn't it, to 4 the statement from the previous press log? 5 A. I think it is a reference back to the earlier part of 6 this statement. 7 Q. These three specific questions: had the statements been 8 shown to Earl Spencer -- you knew they had been shown to

	9 Earl Spencer. 10 A. I was aware from Tim Gardam's note that they may have 11 been shown to Earl Spencer. 12 Q. Not that they may have been, but that they had been. 13 There was no doubt about that. That's why Tim Gardam 14 was pretty angry about this, wasn't he? We can look at 15 his statement, if you wish, the statement of 28 March. 16 I don't know if it's in the bundle. I'll just read to 17 you from a passage in his statement. He said, this is 18 on 23 March, and after Gardam had been told by the Mail 19 on Sunday that Spencer had been shown these documents 20 which had -- I'm reading from the transcription of 21 Tim Gardam's note made on 28 March.
26	21 So it is very clear that what Tim Gardam was saying, 22 and he recorded it at the time in the note, was that, 23 contrary to previous assurances, he had, in fact, shown 24 these documents to Spencer -- not "may have done", but 25 did?
27	1 A. I think at the end of Tim Gardam's note, he makes 2 reference to the fact that his expectation is that 3 Tony Hall was going to look further into this matter, if 4 I remember correctly. 5 Q. Yes. 6 A. And I accept that Bashir had changed his story and did 7 say that. I think the concern was, where did the truth 8 lie, at this point. 9 Q. Are you saying to me, therefore, you accept that you 10 knew that the answer to the first of Blackhurst's 11 questions, "Had the statements been shown to 12 Earl Spencer?", you knew they had been shown to 13 Earl Spencer, but because you believed there was going 14 to be some further investigation, you didn't really want 15 to say too much because you didn't know everything that 16 there was to be known. Is that what you're suggesting? 17 A. That's what I believe was the case, but it's 25 years 18 on. 19 Q. I understand that. 20 A. Yes. 21 Q. I really do. But the fact is -- because you do say --

	you did tell me a few minutes ago that, in hindsight, you weren't very happy with the way in which the questions in the first press log had been answered? A. That's correct.
28	Q. Really, 7 April was a better effort, if you like -- my words, not yours, but I think that's the gist of it. A. Yes. Q. But when we look at it and we examine it, and forgive me for putting a lawyer's hat on here -- A. No, not at all. Not at all. Q. -- but I've spent a lot of my life in the law. So you were asked this very, very precise, specific question, "Had the statements been shown to Earl Spencer?", and you simply don't answer it? A. And all I can say in relation to that is what I said a moment ago: if you ask me now whether or not I might have confirmed that with new information available, further confirmation, I think, possibly, from Martin Bashir that he had shown the documents to Earl Spencer, then the question might have been answered in a different way. Q. Because, of course, at this time, you didn't know whether Tony Hall was going to require a further investigation to be carried out? A. No. Only that it seemed to be Tim Gardam's recommendation. Q. What, in his note? A. Yes.
31	MR SMITH: The paragraph reads: "However, the same day, I agreed with the MD of NCA, Tony Hall, that the BBC needed to find out the entire truth behind Bashir's activities, given he had misled us when asked specifically about the graphicised documents and appeared to have acted unethically and in breach of the guidelines. On the Monday, there was a meeting ..." And then it goes over to the next page: "... where it was agreed that a full enquiry would be undertaken + action decided upon when the full facts

	were known. Given that I was leaving the BBC 3 days later, this would be conducted by the managing editor of weekly programmes to ensure continuity ..." But then, as you pointed out earlier, right at the end he says: "At [the] time of writing, Tony Hall ... has not determined what action he will take but will do so once he has had time to study carefully what has occurred." LORD DYSON: Thank you very much…
32	So by the time of this press log, you knew all of that. You knew there was going to be a full enquiry. You knew that it appeared, at any rate, to Tim Gardam that Bashir had acted unethically and in breach of the guidelines and that there needed to be a full
33	enquiry. You had all that knowledge? A. I can only assume that I did. I can't say for certain that I did. Q. But I think you said that you did have Tim Gardam's note of 28 March? A. I expect I would have had that note on that date, yes. Q. Just coming back to these specific questions, you accept that you didn't answer, "Had the statements been shown to Earl Spencer?", but I think you're saying, well, you were being a bit careful, knowing that there was to be a full enquiry, you didn't want to commit yourself to saying anything until more was known? A. Correct. Q. The second question was, "Had the statements been produced in conjunction with an earlier investigation?", and you didn't answer that question either. Was that for the same reason? A. No, we wouldn't respond to questions about ongoing or abandoned investigations. That was our policy. Q. The third question was, "Had Earl Spencer been questioned by the BBC?", and that wasn't answered either. A. Had Earl Spencer been questioned by the BBC? Q. Yes. In other words, I think what they were driving at was, you've got Bashir's side of the story. Of course

34	the press were not aware that Bashir had changed his story about showing the documents to Spencer. What they were asking you about, "Well, we know what Bashir is saying, but surely the BBC should have asked Spencer for his side of the story?", and they were asking you whether that had happened? A. I think the answer would be the same as to the previous question. In other words, this related to -- or potentially related to another investigation. Q. You say, "reiterating our position from statement", and you say you don't think that's a reference back to the careful -- A. It may be, Lord Dyson, yes. It may be. Q. I must say, it looked to me as if it was. But you say now it may be? A. I beg your pardon. I'm just taking another look, if I may. Q. Yes, please do. Please do. A. Yes, it probably was because there is a reference at the top to "see yesterday's log", the implication being that -- yes. Q. Also, I think it must have been, actually, because you then refer to: "Jon Ungoed-Thomas (Daily Mail) asked for BBC view on the creation of the documents. Replied it was
35	obviously not something we condoned and referred him back to final paragraph of original statement." That, I suggest, was a reference back to -- it is not the final paragraph, but the statement going back to the first press log, the last sentence: "Their use would never have been sanctioned at higher editorial level ..." A. Yes. Q. And so on. That reference to "final paragraph of original statement", is that also not a reference back to yesterday's log -- A. Yes, I think it is. Q. -- and the statement in quotes? A. Yes.

	15 Q. Then you will see another journalist at the very foot of this one: "From Simon Rahamim ... Daniel James (UK News) asked if there had been any investigation into the use of the documents." "The use" as opposed to "the creation" of the documents. The answer was, "Replied as above". What is "C.CINCA aware"? What is that a reference to? A. That's me being made aware of the response that had been given. Q. Oh, that's you.
36	A. Controller, Communication and Information, News and Current Affairs. Q. I see. Thank you very much. You know, because we told you in the letter that Mr Smith sent to you, that Nick Fielding has stated to me in his statement that the statement in the first press log, the one in quotes, which was referred to also in the second press log, he described it as a perfect essay on evading the point and denying the truth. Would you like to comment on that? A. I think I'd reiterate that my impression is that the April 6 log is a poor example of drafting by committee. It looks like a general statement that was put together to describe the mocked-up bank statements in response to what The Mail said it knew about them, and it didn't address The Mail's specific questions. I don't know why it didn't more closely resemble the log of the following day. If Nick Fielding's allegation is that it was deliberately evasive, I don't accept that, particularly given what was said in the April 7 log about having investigated the matter and not condoning the creation of the documents. Also, to reiterate, it is common practice to draft general statements to give an organisation's position on an issue, rather than addressing specific questions.

Footnote 142
Lord Hall transcript of interview on 24 February 2021, 39/19-40/1; 43/19-24
See paragraph 207 of the Report for relevant extract

Footnote 143	
Written statement of Nick Fielding dated 6 December 2020, page 5	
Page	Extract
5	… Before publication we were given a carefully-worded statement that included these words: "The draft graphic reconstructions on which this story is based have no validity and have never been published. They were set up for graphics purposes in the early part of an investigation and were discarded when some of the information could not be substantiated. They were never connected in any way to the Panorama on Princess Diana and there was never any intention to publish them in the form we believe they have been leaked. Their use would never have been sanctioned at a high editorial level and if they had been transmitted it would have been a clear breach of our editorial guidelines." Which is a perfect essay on evading the point and denying the truth… …

Footnote 144
Lord Hall transcript of interview on 24 February 2021, 40/10-14
See paragraph 208 of the Report for relevant extract

Footnote 145
***BBC quizzed Diana over Bashir 'fake'* The Independent article dated 8 April 1996**
https://www.independent.co.uk/news/bbc-quizzed-diana-over-bashir-fake-1303788.html

Footnote 146
***Could a BBC rival be out to get Bashir?* Daily Mail article dated 8 April 1996**
See paragraph 211 of the Report for relevant extract

Footnote 147
Alison Kelly transcript of interview on 17 February 2021, 15/4-25
See paragraph 212 of the Report for relevant extract

Footnote 148	
Written statement of Lord Hall dated 18 January 2021, page 24, para 60	
Page	Extract
24	60. …I was not aware that anyone had been instructed to brief the press along these lines and certainly I would never have countenanced such a briefing...

Footnote 149	
Written statement of Harry Dean dated 5 December 2020, page 3, para 15	
Page	Extract
3	15. She told me that management had behaved properly and that she "totally supported" what Steve Hewlett had done. She said she thought Martin had behaved “stupidly”, didn’t know why he did it and thought we would probably never know. She thought that nobody cared about the story, that what mattered was the leaks and that I needed to be very careful of the company I kept…

Footnote 150
Anne Sloman transcript of interview on 19 February 2021, 45/15-46/7
See paragraph 218 of the Report for relevant extract

Footnote 151
Minutes of BBC Board of Management meeting on 15 April 1996
See Annex 3, pages 48-50

Footnote 152	
Lord Hall transcript of interview on 24 February 2021, 49/3-12	
Page	Extract

49	3 Q. The position being more robust, is that a reference to 4 what you say at the top of page 979c? 5 A. Yes, because, again, I just go back, the underlying 6 tenor that the princess was inveigled into the interview 7 in some sort of way was also very much top of our mind 8 when we were talking as colleagues at board of 9 management and, you know, that was clearly not the case. 10 It's a separate issue with Earl Spencer, but her letter 11 was not broadly known. So that's the more robust 12 position that I was referring to.

Footnote 153
Note of a meeting between Martin Bashir, Tony Hall and Ann Sloman dated 17 April 1996
See Annex 3, pages 51-53

Footnote 154
Briefing note from Tony Hall to John Birt regarding Martin Bashir and the Mail on Sunday allegations
See Annex 3, pages 54-60

Footnote 155
Written statement of Anne Sloman dated 11 December 2020, page 1, para 9
See paragraph 229 of the Report for relevant extract

Footnote 156

Summary note prepared by Anne Sloman dated 22 April 1996
See Annex 3, page 68

Footnote 157
Minutes of BBC Board of Management meeting on 29 April 1996
See Annex 3, page 71

Footnote 158	
Martin Bashir transcript of interview on 1 March 2021, 94/18-24	
Page	Extract
94	18 Q. Thank you. Let me move on, finally, and come back to 19 the meeting of 17 April. It is a very long time ago 20 now. Do you have any clear memory of it? 21 A. 17 April? 22 Q. 17 April 1996. The meeting with Tony Hall and 23 Anne Sloman. 24 A. I'm afraid I don't.

Footnote 159
Written statement of Lord Hall dated 18 January 2021, pages 25-26, para 63
See paragraph 232 of the Report for relevant extract

Footnote 160	
Lord Hall transcript of interview on 24 February 2021, 22/21-23	
Page	Extract
22	21 So the agreement was that there should be a full 22 enquiry to establish the entire truth? 23 A. Yes, that's right. That's right. Exactly as I recall.

Footnote 161	
Lord Hall transcript of interview on 24 February 2021, 50/4-9	
Page	Extract
50	4 …I say it in my statement: 5 it is unusual, it would be unusual, for the chief 6 executive, having asked, in this case, Anne and Tim to 7 come to me with a -- to look into all of this, to have 8 a full inquiry, for then, as it were, the chief 9 executive to say, "Yes, but I want to also meet Bashir".

Footnote 162
Lord Hall transcript of interview on 24 February 2021, 30/15-21
See paragraph 235 of the Report for relevant extract

Footnote 163
Lord Hall transcript of interview on 24 February 2021, 25/14-26/19
See paragraph 236 of the Report for relevant extract

Footnote 164
Lord Hall transcript of interview on 24 February 2021, 56/11-16
See paragraph 237 of the Report for relevant extract

Footnote 165
Lord Hall transcript of interview on 24 February 2021, 58/13-22
See paragraph 238 of the Report for relevant extract

Footnote 166
Lord Hall transcript of interview on 24 February 2021, 71/8-72/3
See paragraph 239 of the Report for relevant extract

Footnote 167	
Anne Sloman transcript of interview on 19 February 2021, 18/24-29/11; 30/15-34/1; 46/19-47/14; 48/14-52/12	
Page	Extract
18	24 I think you've explained your position on that quite 25 clearly, so let's look at the meeting that you did have
19	1 with him and Tony Hall on 17 April. 2 A. Yes.

	3 Q. Can you remember, what was your objective in having this 4 meeting? What was the purpose of it, from your point of 5 view? 6 A. I wanted to find out why he'd done it. You know, we 7 knew he'd done it. We knew, at that stage, what he'd 8 done. But what was the point of it? I think that was 9 where I was coming from: why did you do it; what was the 10 point of it? His explanation was, he didn't really know 11 why he did it, it was a stupid thing to do. And we 12 bought that. And that was my view. I think it's still 13 my view, quite honestly, even having thought about it as 14 much as I have over the last few weeks, that he was 15 flailing, in a way. He couldn't cope with what he was 16 trying to do, and I think it would never have got to 17 this stage, in a way, if the interview hadn't been such 18 a high-profile interview, if it had led to an interview 19 with somebody else which hadn't had the impact that that 20 extraordinary interview had, and the impact of 21 the interview was all about what Princess Diana said, it 22 wasn't really about Martin at that stage, which may have 23 been why she wanted him to do the interview, so it was 24 all about her and not about the interviewer -- not Oprah 25 or David Frost or whoever.
20	1 Q. We have the notes of the interview at page 980. These 2 were your notes, were they? 3 A. No, they were Tony's notes, because Tony always used 4 this very large font and he was the only one who ever 5 used this large font and that's how I know they're 6 Tony's notes. 7 Q. Clearly I'm going to have to ask him about them, but it 8 seems from these notes that you did go back to the 9 beginning with him. I mean, you didn't sort of plunge 10 into the middle and end of the story, saying, "We know 11 you've done this. We know you've shown them to 12 Earl Spencer. We just want to know why you did it". 13 Can you remember how long this meeting lasted? 14 A. An hour and a half, I should think. 15 Q. So it was a fairly detailed meeting going back through 16 the whole history? 17 A. Well, we asked him to tell his story, and Tony has got 18 a note of what he said. That was the story. You know,

	he starts -- we asked Martin to tell his side of the story, and that's what he said. Those were his notes. Q. We get, for example -- A. We had his word then -- they were doing the investigation on and off from doing other programmes. He came back. He was just doing this on the side,
21	really, on top of other things, and it was Steve Hewlett who said, "Well, go for her, go on. Let's see if we can get an interview". Q. You're looking at paragraph 7 of these notes. A. Sure. Q. Paragraph 6 records that Bashir said: "In a second meeting with Spencer, Alan Waller's name came up." Just like that, it seems. It's slightly odd. I realise this is a summary of what was said: "Spencer said, 'I want to show you something' ..." A. Yes, I mean, the difference of opinion, as I understand it now -- and that's only with the benefit of hindsight and what Earl Spencer had said; we didn't know this at the time -- is Martin is saying Earl Spencer showed him the bank statement and Martin is -- and Martin is saying he showed it to him -- sorry, Martin is saying Earl Spencer showed it to him. Earl Spencer said he never showed him anything of the sort. Q. But of course, by this time, you knew that he had? A. Yes. Q. You knew that this was untrue? A. We didn't know -- we know he'd showed it to -- no, "I want to show you something" were the details, not the actual -- the forged statement was shown to him
22	afterwards and had more detail in it. Q. Okay. Paragraph 10 says: "That evening [the evening of the third meeting] the Princess of Wales bleeped Martin and said thank you. The relationship is established." A. Yes. Q. That's what he told you and, as I say, as I've said

	already, if you'd asked Spencer -- Earl Spencer -- for his side of the story, you would have got a very different picture. But you say, well, you never really thought it was necessary to contact Earl Spencer, and, really, although you were getting all this detailed story from him -- have I misunderstood the thrust of what you are saying? -- really, by now, what you are really interested in was an explanation for why he'd done it rather than the whole history as to how you got this far? A. Yes, that is correct. Q. You weren't really interested in -- why were you letting him tell you in detail about the whole history, if -- A. Well, because you often say at the beginning of an interview to someone, you know, start off by saying, "You tell your side of the story", and that's what he was doing. He was giving, you know, his account. I think it wasn't an enquiry, in the sense in which you
23	are conducting one, Lord Dyson. It wasn't. You know, we had big jobs, we had lots of other things going on in our lives. I was asked to go and sort it out, and that's what I did, and produced a report saying, "This is what I think we should do. This is the way forward. This is where we go on from here". So I wasn't conducting a forensic enquiry. I didn't have legal advice at that point. We didn't have -- you know, I didn't -- we didn't even have PAs doing things. We were doing all this along -- we were doing big jobs, you know, with an awful lot going on in our lives. Don't forget, this was a programme that had gone out four months previously. We had programmes that were going out tomorrow, the next day, a lot of programmes, all of which needed very careful scrutiny, editorial scrutiny. This was about something in the past for us. Q. Well, was it? I mean, here the Mail on Sunday were making these very serious allegations about an interview which was as high profile as they come, and you are giving me the impression that this was really a fairly incidental, almost unimportant, thing you were engaged on? A. No, it wasn't unimportant. It was one of many things we

	were engaged on. I'm not saying it was unimportant. I'm saying there were many things we were engaged on.
24	And, don't forget, The Mail -- The Mail was constantly bashing at the BBC, constantly. This was one of many -- you know, we have had all sorts of challenges and so on. So that's what you put up with. In BBC journalism, you're used to it. It's par for the course, you know. Q. You say The Mail was always bashing the BBC. There's a cutting which is not in your bundle and you're probably not sorry it isn't in your bundle, but let me just tell you. This is from the Independent, and it is also 8 April, so just a few days before your meeting. A. Yes. Q. This is headed "BBC quizzed Diana over Bashir 'fake'", and it refers to the inquiry -- I think it refers to the inquiry that was conducted in December which says -- it says: "This formed the basis of the internal inquiry [the December inquiry] in which Mr Bashir was cleared." So that's talking about the earlier one. But it is very much talking about this story, and it says: "A BBC spokesman said last night [that is to say on 7 April] that an inquiry had been held 'two to three months ago' into whether the documents had been used to secure an interview with the Princess. This inquiry, said the spokesman, 'culminated in an assurance from Princess Diana that she had never seen these
25	documents'." We know about that: "The inquiry, said the spokesman, had cleared Mr Bashir." Then a bit later on: "Asked if Mr Bashir had shown the faked documents to Earl Spencer during the preparations for the programme on the Royal Family, the spokesman said: 'I don't know. All I know for certain is that they weren't used to secure an interview with Diana'." So, first of all, it wasn't just the Mail on Sunday. This story was very much alive and kicking at the time

	of your interview, and you accept that, obviously? A. Of course. It's in the timeline as well of all the -- and in the press logs, all the other enquiries from other newspapers. Of course. Q. Yes. And there was this question being asked whether the documents had been shown to Earl Spencer, and of course we know that the BBC was made aware on 23 March, some two weeks earlier than this press spokesman said that he didn't know whether it had been shown -- they had been shown to Earl Spencer, so he personally may not have known, but, I mean, the BBC corporately did know. So the point I'm putting to you is that, of course I understand that the BBC -- you and Lord Hall and
26	everybody else -- were very busy with all sorts of things, but this was, I suggest to you, a very important thing going on, because, far from going away, which it had been hoped would happen after the December letter from Princess Diana, the story was coming back with a vengeance, I suggest to you? A. Of course I agree with that. The story was coming back with a vengeance, and I'm not denying that for one moment. Q. So it was really important to deal with it and you were taking it seriously, you say? A. Very seriously. I mean, it's quite unusual, you know, for the head of news and current affairs and the acting head of the department in question to sit and cross-examine a reporter. I mean, you know, it wouldn't happen normally. It would be dealt with by the editor. I mean, all those sort of things were dealt with by editors, normally. They were the line managers. So of course it was being taken -- and also Tony was going to report to the board of governors and the director-general. I'm not saying it wasn't taken seriously. I'm saying the focus, my focus, was on why he'd done it rather than going through a timeline, as we have done now, to sort out exactly who said what to whom when. It wasn't that sort of enquiry, and I didn't
27	consider it to be that sort of enquiry.

	2 Q. I have to put to you -- you will have seen Tom Mangold's 3 article in the Times of November last year? I expect 4 you have views about that article. It is written, shall 5 we say, in really striking terms. What do you say about 6 his accusation that it was the cosiest formal interview 7 of his life, of Bashir's life? 8 A. One wasn't too pleased at that description, as you can 9 imagine. It wasn't a cosy interview. It was not 10 comfortable. It is not comfortable for someone to be 11 called in for their two bosses to cross-examine them. 12 What was comfortable about it? We wanted to find out 13 what was going on. I think the word "formal" can be 14 misleading. A lot of things have changed in the last 15 25 years. I've done a lot of formal interviews, both in 16 my role at the BBC and also when I was working for the 17 church, and I know that you don't do it without HR, you 18 don't go through -- I know what the law is now, you go 19 through all the disciplinary processes. It was not 20 a formal interview in that sense. Otherwise, we would 21 have had to have lots of stages and HR would have been 22 present. It was Tony and I, as journalists, trying to 23 find out what was behind where he'd been at. So it 24 wasn't a formal interview. 25 Again, it wasn't an enquiry. "Enquiry" has taken on
28	1 a different meaning in the last 25 years. There are 2 enquiries going on at the moment on all sorts of issues, 3 including this one, of course. But those enquiries 4 didn't happen then. It was really Royal Commission or 5 nothing in those days, wasn't it? 6 Q. You're probably right. 7 A. We were investigating. I think I'd be happier with that 8 word than "enquiry". It wasn't -- there was nothing 9 cosy about it. And Tom wasn't there, so I don't know 10 why he thought it was cosy, because he wasn't there, as 11 far as I know. 12 Q. No. I don't think he suggests that he was. I think 13 he -- anyway, you have given your answer to that 14 question. I just thought it was right that I put it to 15 you for your comment. 16 A. Of course. 17 Q. Just coming back to the note of the meeting, page 980:

	"Martin gave a lucid and detailed account of the events leading up to the interview ..." Well, it's detailed. Did you consider it to be lucid? A. Yes. Part of what lies behind all this is that Martin is lucid, he's -- you know, he's got charm and he presented it -- you know, he goes through it in a very serious way. That's his manner. You know, whether
29	"lucid" was quite the adjective -- I'm just grasping for what a better one would have been and I can't think of one off the top of my head. "Plausible" has a pejorative tone to it, but you see where I'm getting at. Q. Yes, okay. Were you aware -- I think you probably weren't, but let me just check. You said you hadn't seen the letter that Suter wrote, although, to be fair, I should be fair to you and say that that letter of 4 April was not actually sent. A. I know.
30	Q. I shall have to ask Lord Hall about that because it was a joint effort, I understand, that letter, and maybe he knows why it wasn't sent. But it does refer to a breach of the guidelines, and I think you accept that, on any view, even taking what Bashir said at face value, there was a breach of the guidelines? A. Yes. I've thought a lot about the guidelines, because, of course, when I became chief political advisor, which I was for the last seven years, the guidelines were very much part of my responsibility and the guidelines have gone through different iterations. The copy I have here
31	is almost certainly not the current copy, because I left, what, 20 years ago, but it is the copy I was involved with, and there was a very good note, as a result of this, written about computer graphics. We can come back to that, if you want to ask me about it. In terms of the main guideline about straight and fair dealing, no, of course it wasn't. It wasn't. But

	you shouldn't need a guideline to tell you that. You're a BBC journalist, you don't go around telling fibs. Apart from anything else, you'll always get caught. Q. I don't think we need to look at the subsequent guidelines which talked specifically about computer graphics and so on, because the guidelines that were in force at the time were the 1993 guidelines and the only relevant one is the straight and fair dealing guideline? A. Yes. It is a pity there wasn't one, because if there had been, it would have been a bit clearer what you can and cannot do. Q. There is nothing unfair about "straight and fair dealing". This was not a borderline case, was it? A. No. Q. So I don't think we need to worry about lack of precision or detail in the guidelines. On any view, there was a breach of the guidelines, and you accepted that at the time, and it's clearly correct.
32	You have said to me several times now that, as far as you were concerned, the main reason for this meeting was to get an explanation from Bashir as to why he did this. A. Yes. Q. You never got that explanation? A. No. Our conclusion was, you know, "I don't think it is a very big deal". He was out of his depth. Here I've noticed this bit, he said other people -- Mark Killick always produced "a brilliant folder of research. I was trying to get together a pile of evidence to present to Steve [the editor]. I was trying to do something I wasn't very good at". Well, I don't think Martin had a forensic mind and I think he was completely out of his depth, he was just being stupid. Q. Where have you just been reading from? A. If you look at -- I'm just trying to help you with the pages, but it's not paginated. Under point 13, there are some bullet points, and I'm going down -- well, four and five. MR SMITH: It is page 982, Lord Dyson. LORD DYSON: I have the page, yes, I'm looking at the bullet points. Which one were you actually referring to?

	24 I see, "I was trying to do something I wasn't very good 25 at".
33	1 A. Yes, "... it was just one of those things". "I didn't 2 think it was a big deal". 3 If I can go back a tiny bit, I wasn't suggesting we 4 needed detailed guidelines to say that it was a breach 5 of ethics. But I do think that if there'd been 6 a guideline about graphics, he wouldn't have been able 7 to say it wasn't a very big deal, and I regret that, and 8 that was one of my recommendations, a specific one on 9 graphics, because, you know, I agree with you of course 10 that, you know, you don't go around making things up, 11 but I think, if it had been a bit more specific that you 12 don't make things up on paper in graphics, that would 13 have stopped it happening, maybe. 14 Q. But at all events, you didn't agree that -- in your 15 view, it was a big deal; it was a serious breach of 16 the guidelines? 17 A. Yes. 18 Q. These notes were to form the basis of Tony Hall's report 19 to the director-general. 20 A. Yes. 21 Q. I now understand why the language in his report so 22 closely mirrors the language here, because the two 23 documents were penned by the same person? 24 A. Yes, and it was a copy and paste, wasn't it, to some 25 extent?
34	1 Q. Yes, it was.
46	19 Q. Just to go back to your interview with Martin Bashir for 20 a moment, did it trouble you that you really didn't get 21 an explanation from him as to why he'd done it? 22 A. "Trouble me" is not quite right. I just thought he was 23 flailing around. People do stupid things. It was all 24 done on the spur of the moment, all this ridiculous 25 drama about Heathrow, as if that had anything to do with

47	anything. It's all built up like some great spy story. I just think he was failing around. I don't think he did it -- see, the real link is whether that document, mocked up for whatever reason, really played a part in her decision to give the interview, and, for me, that link isn't there. That link is quite tenuous. The link is to the introduction. But she could have been introduced and had phone conversations with him and never agreed to give an interview, and I think, one of the things that's troubled me a bit is, there were only two women in this story, the princess and me, and the assumption all along is we were a bit naive, a bit stupid, taken in. I don't think she was taken in. I think she knew exactly what she was doing.
48	Q. You've never really -- I've got to put it. I have probably covered this already, but I will just cover it for the last time. You never really bottomed out that question of, how key a part did those documents play in effecting the introduction that Charles Spencer says he made of Bashir to Diana? That's the question. I'm just suggesting to you that your investigations didn't really go anywhere near enabling you to form a conclusion about the answer to that question? A. I think you're right, Lord Dyson, but I would say, in my defence, that I was never asked to do that. What I was asked to do was go and sort out the situation, to find
49	out why Martin did it, not what he'd done, because we knew what he'd done, but why he'd done it. I wasn't asked to answer the question you have just posed. Q. So you say you were not asked to consider what part those documents played in leading to that interview? A. No, I wasn't. I was asked why he'd done it. You're quite right, we never got a very satisfactory answer, though my answer would be that he was stupid and flailing around. No, I wasn't asked. It wasn't a formal legal enquiry. It would have been conducted very differently if it had been even a quasi legal enquiry, and it wasn't. It was never purporting to be

	that. I was asked to go and sort things out. And I made those recommendations at the end, which I stand by, because I think they were quite sensible, but they -- but it wasn't a legal enquiry. The lawyers were not involved. You know, we didn't do anything -- apart from the timeframe, we didn't do the piecing together. I had no reason to speak -- I mean, with the benefit of hindsight now, 25 years later, you're right, saying, oh, yes, why on earth didn't she go off and talk to Lord Spencer? I had no reason to do so at the time. He had said nothing. I think, for us, context matters. It doesn't excuse his breach of ethics, which was clearly there. But the context was: she gave the interview
50	freely, and we had her written evidence for that; she didn't complain about it afterwards -- in fact, she continued, as far as I can see, a relationship, talking and chatting to Martin Bashir, and it was never shown on air and it would never have got to being on air. Our ethics are about programmes and what gets on air. That's always the overriding factor in making judgments, and it would never have got on air, that forged document. Q. The document that you have got in your bundle there, starting at 1001f, is the report for the director-general. A. Yes. Q. You've seen that, and you see that it follows very closely the document that we have been looking at, which is not surprising, since that was drafted by Tony Hall as well. On page 1001j, he is talking about "I have talked to Martin ... I am satisfied of the following points". Next bullet point: "I have talked to Martin at length about his reasons for compiling the graphic: "- he has none, other than he wasn't thinking." Pausing there, that reflects how you saw it? A. Yes.
51	Q. Then he says, next one:

	"I believe he is, even with his lapse, honest and an honourable man. He is contrite." Did you see this document before it was -- A. No, I wouldn't have been party to a personal memo to the director-general from Tony Hall, no. Q. Do you agree with that? A. Well, I agree that he was contrite. I mean, he was -- you know, he really was very sorry, because this guy saw everything falling away because of a stupid mistake he'd made. He'd done this amazing interview and then suddenly, four months later, his world was falling apart because of this stupid thing he'd done about the made-up bank statement. "Honest" and "honourable" ...? Hmm. I think I might have toned that down a fraction. Q. That little gesture has to be translated into language because the transcriber can't reflect that little gesture in the text. A. I might have been more judicious, Lord Dyson, in my choice of language. Q. Let's be blunt: he wasn't honest, was he? A. No, not all the time. Not all the time. I mean, you know, we don't have -- let's be careful before we make these grand -- I'm not saying that you would, but, you
52	know, I would make a grand moral judgment. We are not all divided into honest and dishonest people. I mean, some people are congenitally dishonest, like criminals and so on, but very few of us who would regard ourselves as being honest have never actually told a fib. Have you never not told a fib or elided something or shutting up about something? So I don't think he was a congenital liar. I think he was just silly. Q. Well, he was more than silly. I mean, silly -- A. Okay, that he was very unwise and made a very foolish mistake, which he is paying a very, very heavy price for.

Footnote 168
Diana, a cover-up and why the BBC must finally come clean **The Times article dated 18 November 2020**
https://www.thetimes.co.uk/article/tom-mangold-on-diana-a-cover-up-and-why-the-bbc-must-finally-come-clean-80tsjlmx8

Footnote 169	
Anne Sloman transcript of interview on 19 February 2021, 11/18-14/5	
Page	Extract
11	18 What I'm suggesting to you is that, before we come 19 to the time when you spoke to Bashir, on 17 April, 20 nobody had got in touch with Spencer to find out, could 21 he shed any light on how it was that Bashir had been 22 introduced to Diana? 23 A. Yes, I've obviously thought about this, and I think 24 there are two points to be made. One is, Earl Spencer 25 was not involved at the point -- we are talking about
12	1 six months after -- or four months after the interview. 2 He had not spoken to his sister after he'd made that 3 introduction. We have her word for that. She didn't 4 want -- one of the conditions she made for the interview 5 was that nobody should know about it until she told the 6 Palace, and she wanted to be the one to tell the Palace. 7 That's why it was conducted in this rather secretive 8 way. 9 She certainly -- the evidence we have was she didn't 10 want her brother to know about it because she thought 11 he'd go to the Palace and stop it. So she was very much 12 acting on her own. At that point, we had no particular 13 reason to talk to Earl Spencer. After all, he had said 14 he didn't have anything to say. He'd said that in the 15 Mail on Sunday article.

	16 Q. That was a statement -- I want to be absolutely clear 17 about this, Ms Sloman. Are you saying that a conscious 18 decision was taken not to ask Earl Spencer for his 19 comments because of what he'd said -- because he'd said 20 he wasn't prepared to talk to the press? 21 A. No, I think a conscious decision is making it look as if 22 there was some sort of plot not to talk to him. It just 23 didn't seem necessary to me to talk to him because I was 24 looking internally at what had gone on. I was looking 25 internally. Like Tim, I believed Martin, as you know,
13	1 when we -- we will come on to the 17 April interview, 2 but I don't see -- Charles Spencer was not figured -- 3 all the things he said in the last few months he had not 4 said at the time. We had no way of knowing he had 5 played this major role, as he thinks, in achieving the 6 interview for Martin. We had no way of knowing that. 7 He had kept very quiet, and one of the first points in 8 my summary is, I said I don't think there's any future 9 in this unless he speaks, and he showed no inclination 10 to speak. 11 Q. Well, he wasn't prepared to speak to the press because, 12 I don't know whether you know this, but the Mail on 13 Sunday had been on to him in late March, saying there 14 were all these rumours flying around and forgeries 15 having been shown to him, et cetera, was he prepared to 16 comment, and he -- this is all documented, it is clearly 17 the case -- decided he was not prepared to speak to the 18 press and he had a very bad relationship with the press. 19 A. Yes. 20 Q. So he wasn't prepared. And he told me that he wasn't 21 prepared to speak to the press, but it certainly didn't 22 follow that he would not be prepared to speak to the 23 BBC. 24 A. He never felt the need to contact us. After all, there 25 was a gap, wasn't there, between the interview being
14	1 announced and it going out, in which all sorts of things 2 were swirling around. He never said anything at that 3 point. So maybe I should have spoken to him but, at the 4 time, it just didn't seem necessary. It wasn't

	5 a conscious decision to sort of hide anything.

Footnote 170
Anne Sloman transcript of interview on 19 February 2021, 19/7-12
See Footnote 167

Footnote 171
Anne Sloman transcript of interview on 19 February 2021, 47/2-48/13
See Footnote 167

Footnote 172
Anne Sloman transcript of interview on 19 February 2021, 48/16-49/3
See Footnote 167

Footnote 173
Anne Sloman transcript of interview on 19 February 2021, 51/8-16
See Footnote 167

Footnote 174
Anne Sloman transcript of interview on 19 February 2021, 37/10-38/16

See Footnote 167

Footnote 175
Lord Birt transcript of interview on 2 March 2021, 21/5-25
See paragraph 248 of the Report for relevant extract

Footnote 176
Lord Birt transcript of interview on 2 March 2021, 25/5-12
See paragraph 249 of the Report for relevant extract

Footnote 177
Lord Birt transcript of interview on 2 March 2021, 55/4-55/20
See paragraph 250 of the Report for relevant extract

Footnote 178
Lord Birt transcript of interview on 2 March 2021, 49/17-23
See paragraph 251 of the Report for relevant extract

Footnote 179
Lord Birt transcript of interview on 2 March 2021, 58/19-59/5
See paragraph 252 of the Report for relevant extract

Footnote 180
Lord Birt transcript of interview on 2 March 2021, 34/12-35/18
See paragraph 254 of the report for relevant extract

Footnote 181
Lord Birt transcript of interview on 2 March 2021, 36/3-9
See paragraph 255 of the Report for relevant extract

Footnote 182
Letter from Lord Birt to John Garrett MP dated 10 June 1996
Annex 3, pages 72-73

Footnote 183
***A Graphic Deception?* Sunday Times article dated 28 April 1996**
See paragraph 292 of the report for relevant extract

Footnote 184
Lord Grade transcript of interview on 22 February 2021, 20/24-21/4
See paragraph 262 of the Report for relevant extract

Footnote 185
Lord Birt transcript of interview on 2 March 2021, 24/10-13
See paragraph 263 of the Report for relevant extract

Footnote 186
Earl Spencer transcript of interview on 9 February 2021, 63/23-64/6
See paragraph 269 of the Report for relevant extract

Footnote 187
Written statement of Mark Killick dated 7 February 2021, page 1, paras 3-4
See paragraph 286 of the Report for relevant extract

Footnote 188
***A Graphic Deception?* Sunday Times article dated 28 April 1996**

See Footnote 183

Footnote 189	
Richard Peel transcript of interview on 16 February 2021, 38/15-39/17	
Page	Extract
38	15 Paul Donovan is pretty excoriating, really, in his 16 criticisms of that BBC position being taken, that this 17 story by now was of sufficient public interest that the 18 BBC should have mentioned it as a news organ itself and 19 that to say that it was not sufficiently interesting or 20 not sufficiently newsworthy really was really pretty 21 disingenuous. Would you like to comment on that? 22 A. This is all about editorial judgment. It is down to 23 individual editors to decide whether they run a story or 24 not, whether it is about the BBC or something else. It 25 would -- I suggest it would depend on other news stories
39	1 that were around at the time, what priorities were in 2 relation to those stories. There were follow-ups to 3 The Mail on Sunday story, but I don't recall there was 4 extensive coverage. I think the statement that we put 5 out says sometimes editorial judgments are difficult, 6 and this presumably fell into that particular category. 7 I think, on balance, the BBC covers stories about 8 itself quite well compared to others. 9 Q. To say it wasn't sufficiently interesting or newsworthy, 10 do you really believe that? Anything to do with Diana 11 and The Diana Interview was of great interest, wasn't 12 it? 13 A. Well, it really is down, as I say, to individual editors 14 to determine that, and it was The Mail and The Mail on 15 Sunday who were focusing very much on this story. There 16 were some followups. But, as I say, it's down to the 17 editors to make that judgment, not me.

Footnote 190
Richard Peel transcript of interview on 16 February 2021, 38/22-24
See Footnote 189

Footnote 191	
Lord Hall transcript of interview on 24 February 2021, 66/20-70/7	
Page	Extract
66	20 Q. We will come to those in a minute. Just sticking with 21 the chronology as we have got it in our bundle, on 22 page 1000, there is a press log of 23 April, 23 Sunday Times, Donovan: 24 "... asked why the BBC had not reported the 25 allegations made about Martin Bashir by Mail on
67	1 Sunday ... in its news summaries and newspaper reviews." 2 The reply is: 3 "The BBC is proud of its track record on reporting 4 issues about the corporation objectively, when it is 5 appropriate. Sometimes judgments are difficult. On 6 this occasion allegations of a potentially defamatory 7 nature, to which the BBC responded, were made by 8 a newspaper. After careful consideration we decided the 9 story was not sufficiently newsworthy." 10 We know, and there are other examples of this, that 11 the upshot of your investigations and the reprimand, and 12 so on, were not disclosed to the world. I think you 13 have already told me why this is a difficult call, but 14 you really didn't want to tell the world about this, if 15 I have understood you correctly? 16 A. That's right, yes. 17 Q. To say that the story was not sufficiently newsworthy 18 was pushing it a bit, wasn't it?

	19 A. These are absolutely not my words. Can I tell you the 20 thing which might be helpful is, Paul Donovan, who 21 I think is the person who instigated this piece, wrote 22 I think it is a Radio Waves column which is in this pack 23 somewhere, saying, "Why haven't they covered this?" 24 When I had read that, and also read this press office 25 log, my thought was that, if, as Paul Donovan was
68	1 suggesting, there was some edict that says, "You will 2 not publish this", that that's an excuse for BBC's 3 journalist to absolutely run the story. There is 4 a really clear line, and I have been on the damaging end 5 of this many, many times personally whereby the BBC 6 editors and correspondents, but programme editors, will 7 decide what stories they run of the BBC, and, no matter 8 what any person at the middle or top end of 9 the organisation might say, they will do that. 10 So I really think that, even though this had been in 11 the newspapers, the decisions whether to cover it or not 12 would have been at a programme maker's level and, in my 13 experience, programme makers show every desire to show 14 their strength by having a go at the BBC and running 15 stories if they think it is worth it. So it really 16 would have been at that sort of programme level. 17 Programme makers exercise that right, and, if you 18 ask, you know, my judgment, I think they often do it too 19 much and with too much volume, but they do it and it is 20 right that there is a separation between what the 21 management think and what they are allowed to do. 22 I think you've got to be able to report on yourself 23 without fear. 24 Q. Thank you. I think you're referring to the piece 25 written by Paul Donovan in The Sunday Times on 28 April,
69	1 which we have at page 1004. 2 A. That's it. That's right, the Radio Waves piece. 3 Q. You say in the bottom of the middle column: 4 "... the reaction could not have been more 5 different. No BBC radio (or television) programme has 6 covered the Bashir saga, or even alluded to it in any 7 way whatsoever. It has not made a single news bulletin

	8 ... nor has been mentioned in a single review ... 9 The total absence of Panoramagate from the radio news 10 programmes ..." 11 And so it goes on. Just a couple of lines further 12 down: 13 "The day after The Mail on Sunday's revelations, the 14 editors of Radio 4's daily sequence programmes (Today, 15 The World at One, PM and The World Tonight) found this 16 email message on their computer screens from a senior 17 BBC news and current affairs executive: 'If anyone asks 18 about Bashir, the official line is: "It's not 19 interesting"'." 20 That editorial line, would that have come from 21 Hewlett? 22 A. I speculate. I don't know. What I would say is, in my 23 experience, if someone sends you a line saying, "This is 24 the official line: 'It is not interesting'", that's 25 usually when people start wanting to run stories, you
70	1 know, journalists being journalists. 2 Q. Not a wise thing to do? 3 A. Not a wise thing to do, no, in my experience. 4 Q. Anyway, what you are telling me is that the decision not 5 to cover the story was taken editorially and management 6 had no part to play in that? 7 A. That's right. That's right.

Footnote 192	
Lord Birt transcript of interview on 2 March 2021, 62/4-64/9; 64/15-19	
Page	Extract
62	4 Q. Thank you for that explanation. The last topic I'd like 5 to discuss with you briefly is the fact that the 6 existence of these investigations, the whole Bashir 7 business, was not, itself, reported by the BBC. 8 A. Yes. 9 Q. You will have seen the article by Paul Donovan in the

	Sunday Times -- A. Yes, I've seen it. Q. -- at page 1004. What he says, if I can just remind you, he says that there was an exchange with the news people: "If anyone asks about Bashir, the official line is: 'It's not interesting'." And then: "Last week [he said], the BBC issued this statement to Radio Waves. 'The BBC is proud of its track record in reporting issues ... Sometimes judgments are difficult. On this occasion, allegations of a potentially defamatory nature ... were made by a newspaper. After careful consideration we decided the story was not sufficiently newsworthy.'" Paul Donovan says he is unhappy with that line.
63	A. Yes. Q. Can you comment on this, please? A. Yes, I can. I firstly say this is a difficult issue for any media organisation. I go so far as to say, I doubt there is a media organisation in the world that has reported on its own affairs, often very difficult and sensitive affairs, to the extent that the BBC has, and if my mother were alive, I'd be happy to parade her as evidence about how the BBC covered my time as deputy director-general and director-general because I was subject to its coverage over and over again. But there is no sense in which there would have been any diktat at the centre of the BBC, if that is what you are fearful of, saying, "You can't cover this story", but it is a highly decentralised organisation. They don't get diktats from the centre. Day by day, sequence editors and television and news have to make editorial decisions and deploy their resources. I can see from their point of view that -- I have no idea whether it was covered by the BBC at the time. I simply don't remember. And it may not be true that it wasn't covered by the BBC. But, plainly, there comes a point where -- and we have seen it in the period up to this inquiry, where allegations are made against Martin Bashir, and I don't actually even recall the

64	degree to which they surfaced, but it wouldn't have been easy for a BBC journalist to investigate somebody who was the religious editor of the BBC who works in the same news room. There comes a point where it comes under the "too difficult" heading, but there is no sense in which the BBC, in general, over time, has not reported on its own affairs and there is no sense in which the BBC ever, from a central position, says, "Don't report this story"… … …But I can't think there'd be any example where anybody would say don't report on something which is a matter of public interest. I'm very sympathetic to the editors and journalists involved on just how difficult that would be for them.

Footnote 193
BBC Press Office Log dated 23 April 1996
See Annex 3, page 69

Footnote 194
The Harder Path **by Lord Birt, page 414**