

# COMPLAINT IN RESPECT OF THE BBC, PANORAMA AND MARTIN BASHIR

## 1 The Programmes

- (a) *Diana: The Truth behind the Interview* ("The Channel 4 Programme")

Transmitted 9 pm Channel 4 Wednesday, 21 October 2020.

Commissioned from Blink Films

- (b) *Panorama An Interview with HRH the Princess of Wales* Programme on BBC One: The Martin Bashir ("Bashir") interview with Princess Diana, transmitted on 20 November 1995 ("Panorama")
- (c) *Diana The Interview that shocked the World*. Transmitted Channel 5 10 October 2020 ("The Channel 5 Programme")

## 2 Nature of complaint

- This is a complaint which relates solely to Panorama based on the breach of the BBC's Charter and Framework Agreement ("The Agreement") Article 4, the BBC's Object, Article 5 BBC's Mission, Article 6 the Public Purpose and Article 9 the General Duties (and the corresponding preceding regulatory obligations).
- Ofcom is requested to exercise its regulatory enforcement powers under articles 44, 45 and 49 of the Agreement. I make it independently on my own behalf as a licence payer.
- Given the underlying allegations that the BBC has engaged in a course of conduct over 25 years involving serial untruthfulness and cover-up and given that the BBC's position is set out in their statement issued on 13 October 2020 to Channel 4, prior to the broadcast of the Channel 4 Programme, the procedures set out for using the preliminary complaint procedures of the BBC are not appropriate. As appears below, the BBC has in any event made it clear through its present Director General Tim Davie that the BBC does not intend to reopen its investigation. There clearly is an issue which goes to the heart of

the governance of the BBC. Given this relates to the conduct of the BBC, they are not in the circumstances the people to investigate it, the more so given that they have consistently exonerated themselves. It is a matter for Ofcom's regulatory powers in 2020.

- It is appreciated that many of the events pre-date the creation of Ofcom, but, as appears hereinafter, the misconduct of the BBC continues with the latest instance taking place in October 2020 (see below).
- The obligations of the BBC to treat contributors honestly and not to use deceptive tactics to secure an interview, not to conceal documents and not to commit or condone criminal offences in order to achieve their ends existed in 1995, just as it does now.
- Likewise, the BBC in earlier years had very much the same public purposes, and the same requirement to follow accepted principles of good governance and to observe high standards of openness and transparency
- There is the strongest public interest in there being a full independent enquiry with access to all the documents and powers to question the protagonists into what happened and how it came about that the BBC has failed to tell the truth and obfuscated about the matter for a quarter of a century and for those findings to be made public so that lessons may be learned and steps taken to ensure that this never happens again.
- My suggestion set out at the end of this document is that Ofcom should appoint an independent QC to carry out a full investigation with access to all the documents and available witnesses.
- The subject has been the focus of two major documentaries in the last month as well as of various articles in the press including the Sunday Times and the Daily Mail and remains of continuing public interest in the standards we are entitled to expect from the BBC.

### 3. **Background**

- I rely on the facts in the Channel 4 Programme and the disclosed documents and some independent research. The facts can be readily established from the documents in the possession of the BBC and from evidence from those who participated in these events. I do not presently have access to all those documents and would seek to reserve the right to supplement and amend this complaint in the light of those documents. At that stage it will be possible to index properly this complaint and in due course to refer to sections of transcripts.
- As is made clear in the Sunday Times article of 1 November 2020, Earl Spencer took contemporaneous notes which he indicates cast doubt on the version given on behalf of Bashir. **BBC says sorry to Diana's brother for interview 'deceit'** <https://www.thetimes.co.uk/article/bbc-says-sorry-to-dianas-brother->

[earl-spencer-for-interview-deceit-ghfjqbbbx?shareToken=d9ffff6846a842af53febd0f90bb8b11](https://www.bbc.com/news/health-56846a842af53febd0f90bb8b11)

- It is reasonable to assume that given the subject matter of the Channel 4 Programme that Channel 4 and Blink Films would have complied with their legal and regulatory requirements, not least fact-checking and putting the allegations to the BBC and Martin Bashir. From the contents of the Channel 4 Programme it would certainly appear that the BBC were given and took the opportunity to comment on the Programme. Martin Bashir is ill. As noted below, he has chosen not to say anything about the interview over the last 25 years. Although the Panorama Programme dates back to 1995, the facts as now established are not in large measure in dispute and are, after all it seems, documented. It will be seen that as a result of the use of forged documents, a whistle-blower made a complaint to the BBC within days of the Panorama Programme.
- The circumstances were investigated in detail by a BBC internal enquiry which was conducted by the then Managing Director of News at the BBC, Tony (now Lord) Hall, who subsequently became Director-General of the BBC resigning in August 2020 with a report being produced in April 1996. The documents relating to the Programme were eventually – seemingly on 19 October 2020, 2 days before the Chanel 4 programme - disclosed by the BBC after initially denying that they existed.
- The matter was further investigated in 2007 when a Freedom of Information Act (“FOIA”) request was made for the production of the underlying documents relating to the programme and the subsequent 1995-1996 enquiry. The circumstances have been extensively written about, not least by the then Director-General John Birt in his autobiography and by Andrew Morton, the biographer of Princess Diana. There is therefore no prejudice or difficulty in dealing with this matter and establishing the facts notwithstanding the passage of time

#### **4 The nature of the allegations**

- The BBC as a public service broadcaster is subject to statute and funded by the compulsory payment of the licence fee and has a duty to act honestly and with integrity and in the public interest and to comply with its obligations under the Agreement and to answer Freedom of Information requests truthfully and to provide accurate accounts relating to the circumstances of their broadcasts when they are lawfully and reasonably asked for an explanation.
- It used forged documents to obtain access to and persuade Princess Diana to agree to appear on Panorama in circumstances which may amount to criminal

offences (carrying sentences of up to 10 years imprisonment) under Sections 1 and 3 Forgery and Counterfeiting Act 1981. A barrister who appeared on the Channel 4 Programme indicated that the circumstances could amount to forgery.

- In any event and whether or not the BBC were guilty of these criminal offences- and they may not have been, given that Princess Diana wanted to communicate to the public her view of how she felt she had been treated - a person such as Princess Diana was entitled to the protection of section 6 of the BBC Editorial Guidelines, which require the BBC to be open, honest, straightforward and fair in its dealings with contributors and obliges the BBC to obtain the informed consent of the contributor before he or she participates in the Programme. There are corresponding rules under Section 7 of the Ofcom Code. The BBC are not entitled to say that, as the Princess probably wanted to give the interview anyhow, their wrongdoing and subsequent cover-up are irrelevant and do not matter. The consent cannot be obtained by deception and mendacity.
- It will be seen that the BBC have over the years given a number of conflicting accounts of the use that they made of the forged documents, which self-evidently cannot all be true.
- The fact that Panorama won a number of awards and had been able to syndicate the Programme round the world for large sums and congratulated itself on a "*extraordinary coup*" and that Bashir had built his reputation on the Panorama Programme appears to have induced the BBC to close ranks and to mislead and conceal the truth from the public about the underlying circumstances.
- It is also wrong that the BBC through the Panorama reporter Martin Bashir caused false bank statements to be created which were designed to play on the fears which were at the time exercising Princess Diana (see below) and which were calculated to operate as an Open Sesame and influence her overall view of the facts.
- Earl Spencer (Princess Diana's brother) was the gatekeeper to Princess Diana. As is clear from the programmes, a large number of journalists including world-famous programme presenters were trying to get Princess Diana to give an interview. In August to September 1995 it appears Bashir was telling Earl Spencer that - and sending him faxes to the effect that - Princess Diana was under the surveillance of the Security Services, that they were tapping her phone, that high profile figures in royal circles were spying on her and that Prince Charles wanted the Spencer family dead. His purpose was, as a relatively unknown 32-year-old BBC reporter to gain access to Princess Diana (see below in the section headed Earl Spencer)
- Bashir's forged bank statements together with his false allegations of wrongdoing on the part of Palace and the Security Services were, as the Sunday Times notes, key in obtaining the interview for Bashir and in gaining

Spencer's confidence and meeting Princess Diana, with their apparent proof that her brother's former Head of Security, Alan Waller, had betrayed their trust and had been suborned by a news organisation and by "dark forces out to get her" and had been paid £10,500 to do so

- It was highly improper of the BBC to concoct and use defamatory material concerning Alan Waller including payment to him from a non-existent company, whatever the rights and wrongs may have been concerning the dispute between Spencer and his former employee.
- Had the BBC fairly and squarely asked Princess Diana in an honest and straightforward manner whether she wished to appear on Panorama, there could have been no objection to her giving the interview, as was her undoubted right. Instead the BBC went to extraordinary lengths to break their obligations to her as a contributor and to use deceptive means and to play on her fears and have lied about it over the following 25 years. Whether she was wise to appear on the Programme was a matter for her judgement if the choice was properly put to her. This complaint is not about the content of the interview, which was ultimately a matter for her, but rather about the circumstances in which the interview was obtained and the mendacity of the BBC in relation to their enquiry into the Panorama Programme and for the following 25 years.
- For the reasons which follow the BBC are in breach of **Article 4** of the Agreement (Fulfilment of its Mission and the Promotion of the Public Purposes) and  
Of **Article 5** (BBC's Mission) to act in the public interest serving all audiences through the provision of impartial, high quality and distinctive output and services which inform, educate and entertain and  
Of **Article 6** (the Public Purpose) notably
  - (3) to promote high quality service which sets the standard in the United Kingdom and internationally and
  - (5) to reflect the United Kingdom, its culture and values to the world and **Article 9** (General Duties) notably
    - (1) the BBC must act in the public interest and
    - (12) observe high standards of openness and seek to maximise transparency and accountability (with specific duties of recordkeeping under 12 (2)) and
    - (17) having regard to generally accepted principles of good corporate governance.
- This complaint is made to Ofcom under Articles 44, 45 and 49 of the Agreement. Given the history of the matter and that the BBC's position is set out in the statement of 13 October 2020, no useful purpose would, as indicated above, be served by pursuing the matter with the BBC.

- As indicated above, these provisions essentially codify the obligations to which the BBC would have been subject in 1995. Furthermore there is a pattern of wrongful behaviour by the BBC which continues to this very day.

## 5 Chain of events

- **Creation of the fake Bank Statements.** In the early autumn of 1995 (the precise dates will appear from documents to which I do not have access) a graphic designer, Max Wiessler, who worked on a freelance basis doing graphic designs for Panorama was requested by Bashir to produce false National Westminster Bank statements which would purport to show payments to Earl Spencer's former head of security, Alan Waller, of £4000 from News International and £6500 from Penfold Consultants (Jersey), a company which turned out not to exist, with the name seemingly borrowed from an earlier Panorama programme previously presented by Bashir (see below). Wiessler was only (see below) given 9 hours to produce the fake bank statements overnight which then had to be rushed to Terminal 2 at Heathrow – facts some inconsistent with the first explanation given for the fakes by the BBC
- These false bank statements were shown by Bashir to Earl Spencer to get him to persuade Princess Diana to do an interview with Bashir. Although there are contradictory accounts, it seems that the forged accounts were also shown to Princess Diana. Bashir admits talking to the Princess but says that he did not show her the bank statements. That claim does not seem to make sense. The overwhelming probability must be that he did, particularly if Earl Spencer was not convinced by them. They were after all designed to address her fears about her personal safety and security.
- The interview was filmed on 5 November 1995.
- The Panorama Programme was broadcast on 20 November 1995
- **Whistle is blown.** The higher echelons of the BBC appear to have heard about the forgery a few days after the broadcast as a result of Mr Wiessler, the graphics designer, blowing the whistle on Bashir's activities. He is reported as having wanted his bosses to look urgently into the use made of the fakes. According to the Channel 4 programme, he was concerned that he might have been drawn into some sort of con trick and he raised the question of "*Isn't forgery a crime*"? The likelihood is that the forged documents were known about by others in the BBC. There was a group of 7 - 8 working on the programme and the decision to broadcast was referred to the Director General. Bashir must have been asked how he had secured the interview with Princess Diana when all others had failed. The BBC have not alleged that Bashir did not tell them the truth. The Sunday Times report that they have seen a document showing that Tony Hall told the BBC governors

that "there had been no question of Bashir trying to mislead and do anything improper with the document" and that "Bashir was an honest man".

- **Subsequent careers of protagonists.** In contrast to the very successful subsequent careers of Tony Hall and Martin Bashir, the whistleblower Wiessler was fired. The BBC Board of Governors said "we are taking steps to ensure that the graphic designer does not work for the BBC again".
- **No use made of the statements.** Bashir was questioned by Tony (now Lord) Hall, the Managing Director of BBC News, who reported in April 1996 that the documents (the false bank statements) were *put to no use which had any bearing direct or indirect on the Panorama interview*. This was on the face of it an astonishing assertion., given the complaint by the whistle-blower and the speed at which the documents were created and rushed to Heathrow. Furthermore, the circumstances of the programme were being investigated at the highest level in the BBC over a period over 5 months. On 19 October 2020 the BBC admit this was not correct. Bashir *had* admitted showing Spencer the fake bank statements and this was contemporaneously recorded. This must surely have emerged in the months of enquiry in November 1995 to April 1996. In any event it was not admitted till October 2020. Furthermore, as noted below, the BBC chose not to interview Earl Spencer who was the best-placed and obvious person to ask what happened. Instead the BBC seem to rely in large measure on a letter from Princess Diana which has mysteriously disappeared.
- In the Channel 4 Programme it is pointed out by Patrick Jephson, Princess Diana's Private Secretary, that the interview resulted in the Queen writing to the Prince and Princess of Wales suggesting that they should proceed with their divorce. This set in motion, as Mr Jephson notes, the loss of Princess Diana's protection of the Royal Institution (and attendant security) prior to her death two years later
- **BBC admission about the use of and the "mocking up" of the documents.** The BBC now assert by their statement of 19 October 2020 that the records at the time show that what they call the "mocking up" of bank statements *were* shown to Earl Spencer, although they claim that they were not shown to Princess Diana. The BBC and Bashir's explanation as to why these bank statements were created is dealt with below.
- The BBC now admit in a limited admission of wrongdoing that "*suggesting that the mocking up was genuine was wrong then and it is wrong now*". This, however, was more than mocking up.
- **FOIA request for notes and documents.** On 4 July 2007 the BBC were asked under FOIA (Ref 12007000585) to provide notes and documents taken at any meeting between Tony Hall, Tim Suter, Anne Sloman, Martin Bashir and others concerning the Panorama interview with Diana Princess of Wales. Without sight of all the documents I can only comment on the documents shown on

the Channel 4 programme, but the overall picture of non-disclosure is reasonably clear. They replied that *the BBC does not hold the information you have requested. Meetings to discuss the programme would not have been minuted. There were only communications done face-to-face or by telephone to avoid the need for documentary records* – an answer with a trace of irony perhaps, given that the problem arose of a willingness to create fake documents. *The process, they said, was kept on a need to know basis.* This is contrary to their obligations under the Agreement and would have been contrary to the tenets of good governance and the BBC's Charter obligations.

- According to the commentary on the Channel 4 programme, *the BBC were also asked to provide notes of the enquiry and were told that there were none.*
- This appears to be another inexactitude. On 19 October 2020 the BBC released no less than 67 documents relating to the enquiry, saying, with no obvious irony, that the BBC were committed to being "*open and transparent*" and that there were indeed records (including the now disappeared letter from Princess Diana (see below) and revealing that Bashir had admitted showing the false bank statements to Earl Spencer in 1995 and that there were records from the time which explained that Martin Bashir had explained to the BBC that the documents *had* been shown to Earl Spencer. This contradicts the conclusion of a 5 months enquiry in April 1996 that no use was made directly or indirectly of the bank statements. It is also at odds with the *there are no documents* response to the FOIA request in 2007.
- No attempt was made to correct these errors when the true facts came to light.
- Nor it seems was evidence taken from Earl Spencer at the BBC in 1996, which would have clearly established what had happened.
- The BBC Information Rights Office in October 2020 stated that the original denial of the existence of the records was "*inaccurate*". It is clearly worse than that.
- From the documents presently in the public domain, it would seem that there were documents both relating to the making of the programme, which the BBC must have known about when responding to the FOIA request, for example, Richard Ayres the Controller of Editorial Policy who was working with a group of 7 – 8 people to produce the Panorama programme generated at least one memo ending *Sorry to be so Delphic.*
- The engagement of Mr Wiessler must have involved documentation relating to the payment of expenses.
- The Channel 4 programme shows that there were committees considering the Panorama program after it had been transmitted during the currency of the 1996 enquiry, An example is the Board of Management minutes of 4 December 1995 which was attended by the Director General, and the Managing Directors of Regional Broadcasting, Network Television, Network



Radio and News and Current Affairs and the BBC Programme Review Board and the Television Weekly Programme Review Board of 22 November 1995.

- **FOIA request for correspondence with the Princess.** On 10 April 2007 a wide-ranging FOIA request was made in writing asking for all correspondence between the BBC and the office of Diana, Princess of Wales regarding the Panorama interview, making it clear that the correspondence could touch upon any aspect of the programme, such as its organisation, commissioning, research, broadcast, sale or distribution etc. The BBC's written answer was that *the BBC does not hold any correspondence between ourselves and Diana, Princess of Wales including the office of Diana, Princess of Wales regarding her interview on Panorama.*
- By October 2020 just before the Channel 4 programme the BBC's position had changed. They said that there *was* a letter from Princess Diana to the BBC making it clear that she had not been influenced by these documents (the fake bank statements) in her decision to give the interview and that this was contemporaneously recorded and that it was examined by the enquiry members – a fact which had not been mentioned in the conclusion of the April enquiry and which was directly contradicted by the answer to the 2007 FOIA request.
- However, that letter has disappeared and did not re-surface with the other 67 documents turned up in October 2020 and no-one seems to have thought of making a copy.
- As Andrew Morton said on the Channel 4 Programme, this letter would have made the BBC "*bombproof*" against any allegation of having misled Princess Diana and that he finds it *astonishing* that the letter according to the BBC no longer exists.
- It would have been particularly helpful to see the wording of that letter, given that the BBC have asserted that the Princess had not been shown the bank statements., so that it is a little surprising to see it being claimed that she had not been influenced by documents which according to the BBC she did not see.
- **BBC explanation for the creation of the fake bank statements.** After the Channel 4 Programme the BBC Issued a statement that the bank statements were *set up for graphic purposes in the early part of the investigation, but were discarded when some of the information could not be substantiated.* That simply cannot be true and suggests the BBC are still not giving a true account. Penfold Consultants (Jersey) did not exist, yet this was an elaborate forgery with bank codes and so forth. There was no connection between Penfolds, a company connected to Eric Ashby, a business associate of Terry Venables (who had all featured in an earlier Bashir Panorama programme) and Alan Waller (see below). It does not accord with Wiessler's description of their

overnight creation and being rushed to Heathrow. Why was a graphic required at that stage when he was a long way from having a programme to transmit and why the rush?

- If one goes to *50 facts about the Panorama programme*, a link still on the BBC website, one still finds as Fact 32 a somewhat different gloss on the facts *Bashir was first put in touch with Princess Diana by her brother Earl Spencer who was helping the Reporter with his enquiries on security issues affecting the royal family*. Another example of how the public are still being misled.
- Bashir who has founded his career on the Panorama interview has never spoken publicly about the matter – it will be seen that he has spoken in the interim about a great many other things - and is reported as having told the BBC that he *believed that genuine bank statements containing this information did exist, so that he "recreated" them*. That scarcely explains why at the outset of the enterprise he requisitioned such elaborate forgeries, particularly when Penfold Consultants (Jersey) did not actually exist and was therefore unlikely to feature in a genuine bank statement.
- He would surely have known that Earl Spencer and his former head of security had fallen out and were in litigation and that Princess Diana was fearful that she was being spied upon and felt that she was in danger of being "bumped off". Why was it necessary for him to show Spencer the documents which he had manufactured unless it was to pour fuel on the fire and to get access to the Princess?
- According to Andrew Morton, statements *were* also shown to Princess Diana. Bashir denies showing them to her, although he admits discussing the issue whether she was being spied upon with her. It does not make sense to manufacture the statements so elaborately and not then to show them to the Princess
- **The Venables Panorama Programme and Penfolds.** At the time of the report (April 1996) a financial journalist Chris Blackhurst (later editor of the Independent) was reporting in the Independent on 8 and 12 April 1996 about an alleged faked financial document in connection with a loan taken out by Terry Venables. The document had been displayed in that earlier Panorama programme. The allegation was not proven. The accountants Arthur Andersen were reported as saying that there was *substance* behind the claim that the documents were faked. The BBC were, however, reported as saying that they were confident that the information was authentic. The business affairs of Terry Venables were controversial and led to his disqualification as a company director. However, the allegation focussed on the programme's reporter Martin Bashir and was said to involve a company called Penfolds which belonged to a business associate of Terry Venables called Eric Ashby. Virtually the same name – Penfolds Consultants (Jersey) had then been used in the fake bank statements relating to the Princess Diana Panorama

interview showing an apparent payment from the company to Alan Waller. There was in reality no link between Penfolds and Waller. These apparent coincidences were being reported and should have led the BBC to re-examine whether their conclusion in the April 1996 enquiry of no use having been made could be true.

- <https://www.independent.co.uk/news/bbc-quizzed-diana-over-bashir-fake-1303788.html>
- <https://www.independent.co.uk/news/accountants-back-bbc-forgery-claim-1304368.html>

## 6 Pattern of Deception

- Creation of the fake bank statements
- Deceiving the graphic artist as to the use to which the bank statements would be put
- Bashir meeting Earl Spencer and Princess Diana and showing them the false bank statements. Bashir denies showing them to Princess Diana, but admits showing them to Spencer.
- The graphic artist blows the whistle a few days after the Panorama Programme
- An internal enquiry at the BBC concludes in April 1996 no use was made by Bashir of the bank statements
- In 2007 in response to an FOIA request the BBC in some detail state that there were no minutes or notes relating to the making of the programme nor, it seems, the 1996 enquiry. That does not accord with the facts. The BBC also said there was no correspondence with the Princess of Wales. They did not say there were such documents but they had been mislaid.
- In October 2020 the BBC in response to the Channel 4 Programme assert that Princess Diana had written to the BBC stating that the bank statements played no part in her decision to appear in the Programme and that she had not been misled and that *the existence of this letter is contemporaneously documented in the BBC's records of the April 1996 enquiry* and that it was seen by BBC management. As noted above, the BBC do not have that letter or a copy of it and in 2007 the BBC in their response to the FOIA request did not apparently know of its existence.
- As Andrew Morton said on the Channel 4 Programme, this letter would have made the BBC "*bombproof*" against any allegation of having misled Princess Diana and that he finds it *astonishing* that the letter according to the BBC no longer exists.

- By October 2020 the BBC had discovered a trove of 67 documents evidencing what was discussed in the April 1996 enquiry and in direct contradiction of their response to the 2007 FOIA request. It did not, however, include the Princess Diana letter (the BBC having specifically denied in 2007 that they had any correspondence with the Princess of Wales regarding her interview on the Panorama Programme).

## 7 Princess Diana

- Andrew Morton describes the princess as being in an "*agitated state*" in 1995 following the breakdown of her marriage and as believing that "*dark forces were out to get her*".
- Patrick Jephson, describes her "*In a vulnerable state*".
- The Channel 4 Programme describes a meeting she had with her solicitor Lord Mishcon in which she told him of a number of extraordinary matters which were troubling her, including her fear of being *bumped off*.
- It was all the more important that Princess Diana, in what many might feel was a fragile emotional state, was afforded the proper protection set out for contributors in the BBC Guidelines. Instead Bashir produced false bank statements at least to her brother Earl Spencer who was advising her at the time and most likely to her as well.
- Mr Jephson describes this deception as a process of "*seduction and betrayal*".
- Andrew Morton felt that the false bank statements were a *tipping point in Princess Diana's decision to sit down and speak about her life*. It played upon the princess' fears and no doubt influenced her view of the facts and what she was willing to say. It also seems to have persuaded her to bypass other advisors – professional, family and friends – who, it seems, would have advised her against participating in the Programme and who might well have detected Bashir's forgery

## 8 Tony Hall

- Managing Director of News at the BBC, he appears to have played the leading role in the investigation. He surprisingly says that he was not aware of the forged documents till well after the Programme. He indicated that he regarded them as *ill-judged and unwise*.
- Hall should be asked to give a full account of what happened in the April 1996 enquiry, why it was falsely stated that no use was made of the false bank statements, what happened to the documents in that enquiry, why the key Princess Diana letter is missing and how an untruthful response was given to the FOIA request in 2007 and why the facts now relied upon were not disclosed till 2020.
- He subsequently became Director-General of the BBC and received a peerage

- In October 2020 the BBC stated that Hall had *properly fulfilled his management responsibilities as Managing Director of News*, but on his watch, he apparently did not hear of the forged documents till well after the Programme despite the whistleblower having almost immediately complained to the BBC. The conclusions of the April 1996 were untrue and surprisingly so and the answers given to the FOIA requests were false and the key document (Princess Diana's exculpatory letter) has disappeared. It needs to be explained how it came about in October 2020 that not only were there claimed to be exculpatory or explanatory documents in existence, but also contemporaneous records of such documents being examined by the enquiry members, yet these facts were not reflected in the 1996 findings and were specifically denied in 2007.

## 9 Martin Bashir

- Mr Bashir is unfortunately seriously ill as a result of Covid. There was some criticism by the BBC of the recent television programmes being transmitted and of press coverage while he was unable to respond, but it seems that he had declined requests for comment for the Channel 4 programme including his being sent written questions. It was stated in October 2020 on his behalf by the BBC that *in line with his practice over 25 years, Martin Bashir will not be making any public statements about the interview.*
- In addition to what is said above about the circumstances in which Bashir persuaded Princess Diana to give an interview to Panorama, it could be of some significance to examine the circumstances in which Bashir was in 2016 appointed to be BBC News Religious Affairs Correspondent, seemingly at a salary of £60,000 a year.
- His conduct since leaving the BBC would certainly appear to raise serious questions as to his suitability for such a sensitive post, albeit that he has expertise in theology and is a committed Christian.
- In 2008 Martin Bashir had been suspended from ABC News in the United States for making distinctly *crude and sexist remarks* at the Asian-American Journalists Association Convention about his female colleague Juju Chang and about what he termed Asian babes. He later admitted these were *tasteless remarks made in a moment of stupidity.*
- In 2013 when working for MSNBC he criticised Sarah Palin for remarks she had earlier made about federal debt and slavery by stating that *"if anyone truly qualified for a dose of discipline from Thomas Tinselwood (a notorious slave overseer in Jamaica) she would be the outstanding candidate"*
- The reference to dose was to *a form of torture* called Derby's dose, where a recaptured slave would be punished by someone defecating into their mouth.

- Bashir was suspended by MSNBC and not surprisingly resigned two days later. He accepted that his remarks were *wholly unacceptable, unworthy, inaccurate and unfair*. Be that as it may, this was highly public and shocking misbehaviour. Certainly, they have been known to the BBC before he was appointed to his post in religious broadcasting.
- There does appear to be a pattern of very troubling behaviour on the part of Bashir in deceiving contributors and/or tricking them into participating in programs. This must be known to the BBC, when they engaged him as Religious Correspondent in 2016.
- There was an adjudication of the Broadcasting Standards Commission in 2003 regarding his obtaining of an interview with Farooq Yousof, the father of a 16-year-old girl, Sufiah, then widely known as a mathematical prodigy, who had run away from Oxford University. That related to an interview conducted by Bashir and broadcast on ITV in March 2001.
- There were some disputes as to what assurances Bashir had given to Mr Yousof. He claimed that Bashir had assured him that the programme involved the behaviour of the authorities in regard to his daughter's disappearance and that there would be no confrontation between him and Sufiah, there apparently being some issues as to whether there had been a degree of coercive parenthood on his part.
- In the event and contrary to what Mr Yousof was led to believe by Bashir, there does appear to have been a studio confrontation between Mr Yousof and Sufiah.
- I also attach the adjudication to the effect that there was unfairness to Mr Yousof in that Bashir had misled him into believing he was investigating the involvement of the authorities in the disappearance of his daughter, that the programme maker lulled Mr Yousof into a contrary belief for his own purposes and Bashir had not given him a clear indication as to the nature and purpose of the programme. <https://site2.mjeol.com/2003/04/30/adjudication-of-the-yusof-complaint-against-martin-bashir-april-2003/>
- I also attach the Guardian account of the adjudication where the paper under the headline *Bashir "misled" father of teenage prodigy calls it a damning report*. <https://www.theguardian.com/media/2003/apr/25/broadcasting.uknews>

## !0 Earl Spencer

- I would wish to draw your attention to the report in the Daily Mail of 3 November which appeared after I had in very large measure drafted this complaint. This graphically sets out on a first-hand basis the full extent of the scandalous behaviour of the BBC, Panorama and Bashir.

<https://www.dailymail.co.uk/news/article-8907105/Princess-Dianas-brother-Earl-Spencer-sensationally-exposes-Martin-Bashir-letter.html>

- You will see that Spencer accuses the BBC of *sheer dishonesty* in 1995 and Bashir of *yellow journalism*
- Spencer claims that Bashir claimed he was looking into a story on media ethics. This misrepresentation appears to be part of Bashir's modus operandi.
- Spencer also accuses Bashir of making scandalous claims claiming that two then courtiers Patrick Jephson and Commander Richard Aylard, the Private Secretary at the time of Prince Charles, of corruptly receiving large payments from the security services and of engaging in activities such as obtaining secret tapes of Princess Diana and information from her friends
- Spencer also asserts that Bashir also pedalled disgraceful falsehoods that Prince William wore a watch which secretly recorded his mother Princess Diana and that the Queen and Prince Edward were terminally ill.
- Bashir was also peddling disgraceful lies about Miss Legge-Bourke.
- Spencer states that he was so concerned about these wild allegations that he contacted the BBC to check on Bashir's bona fides, but the BBC vouched for Bashir and for what he was saying.
- Spencer rightly considers that the BBC owes Princess Diana a posthumous apology as well as an apology to himself and the viewing public for the wholesale deceptions.
- Spencer rightly rejects what he rightly calls *a piecemeal apology* by the BBC
- Spencer calls for a further investigation by the BBC of what happened. With respect, I disagree that the BBC is the appropriate body to investigate. There is a pattern of institutional cover-up and unwillingness to tell the truth extending over 25 years. There is no reason to believe that things would change. It would appear that a number of careers and reputations at the BBC depend on the success of the panorama program and the consequential need to whitewash it. This should be investigated by Ofcom and ideally by an independent QC appointed by Ofcom.
- As a result of seeing the fake bank statements Spencer arranged a meeting between Princess Diana, Bashir and himself at a friend's apartment in London

in September 1995. It appears that Spencer was also influenced by Bashir's false claims of having evidence that the courtiers were receiving corrupt payments (as described above).

- After the introduction Spencer states that he formed the view that Bashir was a liar and disengaged from him. Bashir had however established contact with the Princess and he continued to see her and to assume to ply her with these falsehoods. Earl Spencer says that Princess Diana was grossly lied to and that Bashir continued this pattern of lying. The result of this lying was, Earl Spencer indicates, that the Princess was persuaded to give Panorama an interview.
- Spencer states that if he had not seen the fake bank statements, he would not have introduced his sister to Bashir. Otherwise, Spencer states, he would have remained one of thousands of journalists hoping that he or she had a tiny chance of getting her to speak to them with no realistic prospect of doing so.
- As regards the 1996 enquiry Spencer says that *the BBC bent over backwards to whitewash Bashir*.
- It is indeed remarkable that the BBC and the investigative resources of Panorama did not take evidence from Earl Spencer as to how the Panorama interview had come about. He was the key witness. Had the BBC taken evidence from him they would not have been able to reach the (later admitted) implausible false conclusion that they proclaimed in April 1996. From what Earl Spencer says it is reasonable to infer that the BBC did not want to take his evidence, because they knew that he would say that Panorama's star reporter was in fact a liar.