

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

1990-W-NO.3712

B E T W E E N :

(1) CHRISTOPHER EDWARD WOLLASTON
MACKENZIE GEIDT

(2) ANTHONY LEIGH DE NORMANN

- and -

(1) JOHN PILGER

(2) CENTRAL INDEPENDENT TELEVISION PLC

Plaintiffs

Defendants

1990-G-NO.4261

A N D B E T W E E N

(1) CHRISTOPHER EDWARD WOLLASTON
MACKENZIE GEIDT

(2) ANTHONY LEIGH DE NORMANN

- and -

ANN CLWYD

Plaintiffs

Defendant

STATEMENT IN OPEN COURT

Plaintiffs' Counsel

May it please your Lordship, this action has now been settled. The terms of settlement provide for the payment of very substantial

damages to the Plaintiffs, together with all their costs of the action. They also provide for the making of this Statement by Counsel for all the parties.

As I told the Jury yesterday, the Plaintiffs visited Cambodia in September 1989. Mr Geidt was then working for the Royal United Services Institute, as Assistant Director (Developments). He had a Diploma in War Studies from King's College, London, and an interest in the political and military affairs of South East Asia. Mr de Normann had just left the Army. He had been a Captain in the Royal Hussars. They were friends. It was Mr Geidt who proposed the visit; Mr de Normann accepted Mr Geidt's invitation to accompany him. For this trip, they needed visas; and Mr Geidt's position at the RUSI, of which Mr de Normann became a member, helped them to get these. They travelled at their own expense. Their travel within Cambodia and Vietnam was organised for them by the Institute of International Relations in Hanoi. They saw a parade in Phnom Penh on September 25th 1989, which marked the withdrawal of the Vietnamese Army from Cambodia. It had intervened to depose the Khmer Rouge. The Plaintiffs were accommodated in Phnom Penh at a Government Guest House in the grounds of what had been the Palace of Prince Sihanouk. They were invited to various official functions. They felt embarrassed at being accorded so high a status. And, unknown to them at the time, they were misdescribed on a list of observers as representatives of an "Institute of Research of the Ministry of Defence". The other observers included two British Members of Parliament, Mr Jim Lester and Ms Ann Clwyd; they would have known that the United Kingdom did not recognise the Government

which had been installed by the Vietnamese Army, so that the Plaintiffs could not have been representatives of the Ministry of Defence.

As your Lordship knows, "Cambodia: The Betrayal", the television programme presented by John Pilger and broadcast by Central Television on the evening of October 9th, 1990, described the Khmer Rouge as the greatest mass murderers since Hitler, and Cambodians as having suffered a holocaust under their rule. The Plaintiffs accept the truth of this description of the Khmer Rouge, which the programme illustrated with film of the skulls of victims, and the bones in the killing fields. The programme also showed many pictures of mutilated Cambodian civilians, including children; and it explained that the Khmer Rouge had been laying mines in paddy fields. My clients do not doubt that the Khmer Rouge had been doing this, with the terrible consequences shown in the programme.

In the second half of the programme, Mr Pilger said: "We have evidence of direct British assistance to Pol Pot". A telephone interview with Sue Elliott of New Zealand then followed. She said that she knew a former Cambodian guerilla who had told her that he had been trained in Malaysia, that the trainees included the Khmer Rouge, that the trainers included British advisers, and that the training included mine-laying. Mr Pilger then said: "Britain's involvement was vividly demonstrated in September last year during the Vietnamese withdrawal from Cambodia. In Phnom Penh were MPs Ann Clwyd and Jim Lester as Parliamentary observers. But there were two other mysterious representatives". A filmed interview with Ms Clwyd

was then shown. She spoke of having met the Plaintiffs in Phnom Penh. In the course of the interview, a copy of the list of observers was shown, and the Plaintiffs' names were highlighted.

Next, a photograph of Mr Geidt was shown, taken at a press conference which he had attended when he was in Phnom Penh. Mr Pilger stated: "This is Mackenzie who we know to have been a member of Britain's highly secretive SAS. At the time of his visit to Cambodia Mackenzie was a member of the SAS "R Squadron" which officially doesn't exist and therefore its activities can be officially denied".

Next, a picture of Mr de Normann was shown, taken from an article about him published in the Royal Hussars' journal on the occasion of his leaving his regiment. And Mr Pilger said: "This is the other mysterious Briton, Captain Anthony de Normann, known by his friends as "The Monster". De Normann has a long history in the SAS. At the end of last year, covering as a freelance photographer, de Normann returned to the Thai/Cambodian border. Members of the "R Squadron" often pass themselves off as photographers, or tourists". As these words were spoken, the following words from the Royal Hussars' journal article were shown on the screen "We all wish him the best of luck with his new venture as a civilian".

Mr Pilger then quoted a statement by the Foreign Secretary in Parliament: "We have never given, and will never give, support of any kind to the Khmer Rouge". Mr Pilger went on to say that this statement was false, and continued "The SAS has given secret

training to the Cambodian guerillas for five years. And as we can now reveal, British support for Pol Pot has never been more crucial".

An interview with the diplomatic correspondent of The Sunday Telegraph was then shown. He said the SAS had been training the Khmer Rouge since 1985, on the Thai/Cambodian border. He said that in Autumn 1989 the training became an MI6 operation, staffed by former SAS men. And he said that the British were supplying mines to the Khmer Rouge.

The Defendants now accept that the programme was understood to mean that the Plaintiffs had trained the Khmer Rouge to lay mines. This was of course a very grave defamatory allegation indeed.

The Defendants say that they did not intend the programme to be so understood; the Plaintiffs have agreed to the Defendants making that statement, but they wish to make it clear that, for their part, they are unable to accept it. As the Jury heard yesterday, Mr Pilger wrote to the Earl of Caithness, a Minister of State at the Foreign Office, on February 26th 1991, and sent copies of his letter to half a dozen Members of Parliament. In the letter, he said that: "Since libel proceedings were begun by the two men .., further investigation has confirmed a great deal about them and their activities, and reinforced the accuracy of our film ... We have further confirmation that both men did serve in the SAS and were members of SAS 21 Regiment Reserve Squadron, and that they visited

the Thai border on official British Government business on at least one occasion other than their "holiday" trip in September 1989".

Mr Pilger added that the action was being vigorously defended, thereby giving the impression that the words complained of were true. The Defendants now accept that neither Plaintiff has ever trained Khmer Rouge or any other guerillas, and particularly not in mine-laying or other military techniques which would be directed against civilians. Neither Plaintiff would ever contemplate any such thing and would refuse to do it, if ordered.

The Defendants acknowledge that neither of the Plaintiffs was a member of the SAS, at the time of their visit to Cambodia or at the time of the broadcast. The Defendants accept that Mr Geidt's only military service prior to the broadcast had been in the Territorial Army. They also accept that neither Plaintiff has ever been to the Thai/Cambodia border. They accept that Mr de Normann's nickname "The Monster" refers to his size and not his character.

The Defendants are prepared to make an unqualified retraction and apology to the Plaintiffs.

Defendants' Counsel

May it please your Lordship, I accept everything that my learned friend has just said. My clients' main concern was to criticise the conduct of western governments towards the Cambodian people. They did not in any way intend to allege that the Plaintiffs trained the

Khmer Rouge to lay mines, but they now accept that that was how the programme was understood. They acknowledge that the Plaintiffs never trained the Khmer Rouge. Through me, each of the Defendants makes to each of the Plaintiffs a sincere apology. The Defendants undertake to the Court not to repeat the words complained of in this action or any similar words defamatory of either Plaintiff.

Plaintiffs' Counsel

Finally, in this action will your Lordship now order by consent that the sum of money paid into Court by the Defendants, be paid out to the Plaintiffs' solicitors in part satisfaction of the agreed damages, any interest having accrued thereon to be paid out to the Defendants' solicitors.

IN THE CLWYD ACTION

Plaintiffs' Counsel

In a second action the Plaintiffs have sued Ms Ann Clwyd, the Shadow Minister for Overseas Development. On 10th October 1990 she wrote a letter to the then Prime Minister calling for a full public enquiry following Mr Pilger's programme, which she said contained "considerable evidence that former members of the British forces operate on behalf of the British Government on the Cambodian border and give military training to resistance soldiers, including the Khmer Rouge". She added that she herself had seen two men whom she understood to be former members of the SAS in Cambodia in 1989.

Ms Clwyd's letter was released by her to the press, so that the Plaintiffs may have been identified as the two men referred to in the letter, thereby suggesting that the allegations in the television programme about them were accurate.

As the Defendant, Ms Clwyd, has agreed to give her sincere apologies to the Plaintiffs publicly, they are content to let the matter rest.

Defendants' Solicitor

On behalf of Ms Clwyd, I entirely accept what Mr Shaw has just said. Ms Clwyd also accepts that the Plaintiffs were in Cambodia legitimately and that they were not involved in the provision of military training to the Khmer Rouge. She apologises to each Plaintiff unreservedly for having released her letter to the Press. She has agreed to meet all the Plaintiffs' legal costs in connection with the action taken against her.