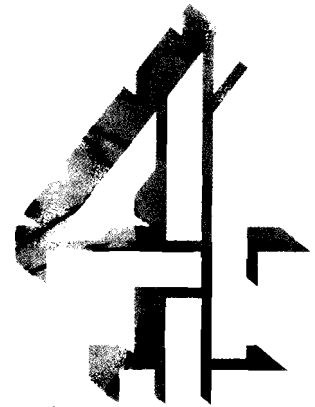


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Mr Jamie Lowther-Pinkerton MVO, MBE
Private Secretary to Prince William & Prince Harry
Clarence House
London
SW1A 1BA



5 June 2007

Dear Mr Lowther-Pinkerton

RE: DIANA: THE WITNESSES IN THE TUNNEL

I am responding to your letter of Friday 1st June to Hamish Mykura. As your letter's contents raise fundamental editorial issues for Channel 4 it was felt more appropriate that I respond.

I hope it is helpful if I first set out clearly the circumstances which gave rise to our offer to view the programme, as discussed between our respective press advisers last week. As I am sure that you and Mr Harverson will appreciate, it is most unusual for a broadcaster to grant an advance screening of a programme. In common with other national broadcasters, including the BBC, we have a policy against such previews, except in the most exceptional circumstances. This well established policy is rooted in editorial independence and freedom which of course is tempered by our legal, regulatory and ethical obligations and responsibilities. Our unprecedented decision to offer the opportunity for you and Mr Harverson, as the Princes' representatives, to view the film was taken in the light of the press reports about this programme in which it was falsely claimed that it contained explicit and distressing images of the crash in which Diana, Princess of Wales died. We felt that, given the obvious potential distress to the Princes if the content of the film was as reported, it was incumbent upon us to allow this opportunity for you to satisfy yourselves on behalf of the Princes that the film contains no images of the dying Princess and so that they could be accurately briefed on its actual contents. Accordingly, the opportunity to preview the programme was made as a courtesy in the highly unusual circumstances created by the misleading press coverage and, therefore, your requests concerning the editorial content of the programme were unexpected.

There is an established procedure for the unusual circumstances in which a programme on a sensitive subject is screened prior to transmission. Such screenings are usually to participants in a programme rather than a potentially affected third party. This process entails not the provision of a tape but the offer of the opportunity for the individuals to view the programme with the producer, and sometimes a representative of Channel 4, present. This is so that the individuals can discuss any concerns, for example about factual accuracy or another issue of concern in good faith with the programme's makers so that they can be properly addressed by those directly involved. This is why we did not release a tape and why we originally offered for the programme's producer and our Commissioning Editor to accompany a tape to Clarence House so that the film could be viewed either with or in close proximity to its makers.

Channel 4 - Programme Commissioning

Luke Johnson, Chairman. Lord Puttnam, Deputy Chairman.
Andy Duncan, Chief Executive. Anne Bulford, Group Finance Director. Andrew Barnes, Sales Director.
Kevin Lygo, Director of Television. Rod Henwood, New Business Director.
Sue Ashtiany, Karren Brady, Tony Hall, Andy Mollett, Martha Lane Fox, Stephen Hill.
Paola Tedaldi, Secretary.



In commissioning this programme we absolutely did not intend to cause distress to the Princes. We unequivocally regret that distress has been caused to them by the press coverage and that the very broadcast of this film will cause further distress. However, Channel 4 must weigh these understandable emotions against the important public value which we believe there is in this documentary which we still believe to be a responsible film which sheds important light on a crucial aspect of the car crash and its immediate aftermath through the use of a limited number of non-explicit photographs and eyewitness accounts of the aftermath of the crash. We do not believe that this programme is in any way disrespectful to the memory of Diana, Princess of Wales.

You question the public interest of the documentary. We believe that, in the context of a measured and responsible history programme, these photographs provide, for the first time, an accurate and detailed eyewitness record of an event of international importance that for ten years has been obscured by conspiracy theories, claims and counter-claims. They support the first-hand testimony of passers-by and the photographers at the scene who have been publicly criticised and condemned for their behaviour that night. As you know, the programme has been produced by ITN Factual, a subsidiary of ITN (Independent Television News) itself. ITN's Chief Executive, Mark Wood, has viewed the film and believes it is a responsible piece of public interest journalism and that it should be broadcast.

You ask us "not to broadcast any photographs which depict the crashed car whilst The Princes' mother lies dying in its wreckage". In addition, you ask us to remove the shot of the ambulance in which the Princess was taken to hospital and in which she was given emergency treatment. In none of these photographs, almost all of which are black and white and grainy, is the Princess in any way visible.

When we commissioned this programme Channel 4 made a clear decision to uphold the consensus quite properly reached by the British media not to use any images that depict the occupants of the car after the crash. We are satisfied that the programme goes no further, visually or in tone, than other British television programmes, including BBC documentaries and UK newspaper reports. Many of the photographs in the documentary which you ask us to remove have already appeared in the British media. In particular, the programme's producer, Philip Armstrong-Dampier confirms that the three colour pictures from inside the tunnel, taken by a passer-by, Mike Walker, were used in a BBC Panorama documentary in the week following the accident and subsequently in another BBC documentary, *Diana: The Conspiracy Files* in December 2006 and were published in *the Sunday Times* and one was used in a recent Channel Five documentary. I understand the photograph showing the ambulance has been commercially available from reputable picture agencies since 1997 and was used in the Panorama report in 1997 and numerous TV and newspaper reports subsequently.

By making this request, you are in effect asking us on behalf of the Princes not to broadcast this programme at all since these photographs are crucial to the programme's evidential arguments and analysis. You will appreciate that a request of this nature has fundamental implications that go well beyond this programme. Furthermore, what you are asking us to do would create a dangerous precedent in that it would have a serious impact on the legitimate and important on-going coverage by news programmes and in documentaries of high profile tragedies like 9/11 and the 7/7 bombings, or accidents in which public figures have died, where there is the entirely responsible use of archive stills or footage depicting the immediate aftermath of the tragedy but where the dead or dying are, quite rightly and in accordance with regulatory provisions, not shown or identified. This is in our view a legitimate media analysis of events which, whilst inevitably personally distressing, concerns matters of immense public interest which have been (and are likely to continue to be) the subject of on-going and extensive world wide reports and comment over a significant period.

In the only photograph which shows any aspect of the car's interior the occupants have been completely obscured. This picture appears in the same form as it was published by *the Sun* newspaper on its front page on 14 July 2006. As you know, the photograph shows the French doctor, Frederic Mailliez leaning into the car to administer oxygen. Dr Mailliez's own testimony is a significant part of the film; he is explicit that he

was not directly obstructed by the photographers, as was widely reported at the time and since, when giving first aid and the picture provides the clear evidence which corroborates his story.

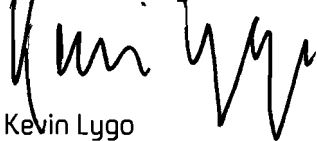
The Princes' statement, from which you quote extensively in your letter, concerned the publication of very different photographs. Photographs which we and no responsible UK media outlet would consider for a moment it would be appropriate to publish - either in terms of distress to the family of the Princess and Dodi Fayed or to readers and viewers who would be caused unjustified offence and distress. The Princess was acknowledged to be the world's most photographed woman and there was immense public interest in her life and in her death. Conspiracy theories and inaccurate accounts of the circumstances of the crash have abounded and this documentary seeks to deal with just one of those.

Channel 4 has a proud track record of responsible journalism in respect of our coverage of these events which has been strongly in the public interest. We were the first major media outlet comprehensively to deconstruct many of the myths and conspiracies propagated by Mr Fayed and his advisers in respect of the crash and its causes in an investigation in our current affairs series Dispatches called *The Accident* shown on 4th June 1998 in which we presented crucial evidence pointing to the fact that the crash was in fact a tragic accident. Subsequent programmes have revealed further evidence to support this.

The current programme was misrepresented in press reports earlier last week. You will have seen from reports later in the week and over the weekend that journalists who have watched the film have taken an entirely different view and agree that it is an important and responsible documentary. We firmly believe this view will be shared by those who choose to watch it. Once again I would like to express Channel 4's regret that the broadcast of the programme will cause further distress to the Princes but we hope that this letter clearly sets out the basis for the decision we have made to proceed with broadcast.

We note that you have released your letter to the press and we reserve the right to do the same with this letter.

Yours sincerely



Kevin Lygo
Director of Television and Content

Cc: Luke Johnson, Chairman, Channel 4 Television
Andy Duncan, Chief Executive, Channel 4 Television
Hamish Mykura, Head of Specialist Factual, Channel 4 Television