

Ms Frey submitted that, in monitoring English language broadcasts of *Radio Israel*, *BBC* and *Voice of America* daily since 1982, not once had members of the Palestine Human Rights Campaign heard the Israeli Air Force described as "the great protector".

She also said the documentary was factually wrong in stating that all Israeli men and women must serve in the military.

The Programme Detail:

The Tribunal should record that it was eventually able to locate an off-air video recording of the *Eyewitness News* programme in question from an independent source. The Tribunal has viewed both versions of the item as broadcast by TVNZ. There are some differences in both content and presentation.

In the *Foreign Correspondent* broadcast on 5 April the 45 second introduction took some pains to establish the source and subject of the report, explained that the Israeli Air Force was normally off-limits to the media for security reasons, listed a number of restrictions imposed on the CBS team, and noted that some footage had been confiscated by Israel's military censors.

The introductory shot of programme host Neil Billington was supported by a chroma-key logo simply stating "Israel's Air Force".

The *Eyewitness News* programme of 18 August opened with a 10 second tease in which one of the programme hosts, Angela D'Audney said:

"Good evening . . .

Tonight we fly with the men of the great protector. The Israeli Air Force attacks Lebanon for the first time in almost a year . . . and we join the mission."

Some 13 minutes later at the end of the first segment of the programme, Ms D'Audney announced:

"Still to come, an airforce that's known as the great protector.

In their first attack on Palestinian positions in Lebanon for almost a year, the Israeli Air Force strikes back."

The programme then cut to a full-frame graphic depicting military aircraft and captioned "the Great Protector". Following the commercial break, the programme's other host Lindsay Perigo presented a 45 second introduction which initially reported that day's decision by the Israeli cabinet to cut the Government budget by more than 400 million dollars, although it could not agree on proposed cuts to the defence budget. The introduction said any such cuts were unlikely to effect the front-line forces including the "elite" Israeli Air Force and continued:

"Israelis consider the IAF to be their great protector and its pilots the cream of the crop. In this special report CBS 60 Minutes' reporter Morley Safer looks at the men Israel considers its best stuff. CBS was granted access to Israel's Air Force only on condition that air bases and key personnel were not named or identified."

The report was then broadcast and ran for a duration of 13 minutes and 9 seconds. It was substantially the same report as broadcast in *Foreign Correspondent* in April except for the final minute which comprised a montage of voice-over comments from Israelis describing the airforce and its pilots as:

"... best of the best . . .
... cream of the take . . .
... the right stuff . . .
... one of the best . . ."

and concluded:

"... if we want to live, we have to have a very good airforce."

DECISION

THE Tribunal received no formal complaint relating to the original broadcast of the CBS report in *Foreign Correspondent* on 5 April. The complaint centred on the re-broadcast of the item in *Eyewitness News* in August and the manner in which it was presented.

Of the factual claims presented in *Eyewitness News*, the Corporation has conceded its inability to state categorically whether this was the first occasion on which the Israeli Air Force had bombed Lebanon in almost a year.

It is evident from the programme that *Eyewitness News* did not "join the mission" as stated in the programme opening.

As to the title "the great protector", no evidence has been produced that the title is in fact in general usage. Mr Safer did not use it during the report, nor did any of the contributors, including those edited into the final descriptive montage. Ms Frey asserts it has never been heard in years of monitoring reports of the Middle East conflict from numerous sources and the BCNZ produced no evidence on the matter. It was not referred to in the original "Foreign Correspondent" broadcast. The term would not appear to be widely recognised by the general public in New Zealand as referring to Israel's Air Force and could therefore require attribution or explanation.

Eyewitness News appeared to wander stylistically between applying the term itself directly and attributing it to Israeli usage.

The Tribunal notes the contrast between the careful explanation and introduction of the item as broadcast in *Foreign Correspondent* and that which applied to its re-broadcast in *Eyewitness News*, particularly as both programmes are produced by TVNZ Current Affairs.

While there are differences in pressure on weekly and daily programmes, several of the statements made in the opening to *Eyewitness News*, were unsubstantiated and not supported by the report itself. There was no indication given of their source.

The Tribunal finds that the introduction failed to comply with the standards required by section 24 (1) (d) for accurate and impartial gathering and presentation of news.

The complaint in these respects is upheld.

On the wider question of objectivity, impartiality and balance of the report itself, news, current affairs and documentary programmes must comply with particular provisions of the Broadcasting Act and the Programme Rules.

Section 24 (1) of the Broadcasting Act requires the Corporation to have particular regard to (*inter alia*):

"(d) The accurate and impartial gathering and presentation of news, according to recognised standards of objective journalism;

(e) The principle that when controversial issues of public importance are discussed, reasonable efforts are made to present significant points of view either in the same programme or in other programmes within the period of current interest."

Programme Rule 1.1 (g) requires broadcasters:

"To show balance, impartiality and fairness in dealing with political matters, current affairs, and all questions of a controversial nature."

Programme Rule 5 requires a television news and current affairs service specifically to take account of the following points (*inter alia*):

"5.1 (a) Viewers should always be able to distinguish clearly and easily between factual reporting on the one hand, and comment, opinion and analysis on the other. This is particularly important where a change of approach, say from news to comment, occurs during the course of a programme;

(b) News must be presented accurately, objectively and impartially;

(c) The standards of integrity and reliability of news sources should be kept under constant review; . . .

(g) No set formula can be advanced for the allocation of time to interested parties on controversial public issues. Services should aim to present all significant sides in as fair a way as possible, and this can be done only by judging every case on its merits. That a particular person represents a majority or a minority faction should not have an over-riding effect on any allocation of air-time. These decisions should be based on such considerations as the integrity of the person concerned, on previous allotments of air-time to all factions, and on the merit and news value of a person's view . . ."

The Tribunal does not accept the BCNZ's submission that the item was "in the nature of a mini-documentary on the Israeli Air Force" therefore "a question of objectivity or impartiality does not arise". The question arises under obligations imposed by both the Broadcasting Act and the Programme Rules. These requirements apply as much to documentaries purchased from overseas as to programmes made in New Zealand.

The report had been prepared under stringent conditions laid down by Israeli military authorities who had confiscated some footage. It could well be regarded by some as an exercise in public relations which required further balance or context to meet recognised standards of objective journalism.

There was no indication from the Corporation that TVNZ had broadcast any other material which could be regarded as presenting a contrary view to the CBS Morley Safer report broadcast twice in a period of five months.

The Tribunal considers that the Corporation has failed to comply with section 24 (1) (e) of the Broadcasting Act and the principle that reasonable efforts be made to present significant points of view.

The Complaint in that respect is upheld.

The Tribunal recorded as long ago as 1979 (Decision 6/79) that:

"... we think it is important in relation to issues such as Northern Ireland, the Arab/Israeli conflict and similar issues which arouse controversy in this country as well as overseas to keep some record of the treatment given and to review it from time to time."