

in Australia about what purpose might be served by bringing them to justice half a century on.

The Television New Zealand Committee considered that the documentary appeared to be well researched, set out the issues clearly and provided an adequate profile of 1 man who could safely be named as a suspect. In fact, he was given the opportunity to answer allegations and a lawyer was questioned on the propriety of bringing charges. There was a self-evident balancing of viewpoints and the committee did not believe that it could fairly be seen as an attack on the Croatian community in Australasia.

Complaint to the Tribunal

The complainant then referred his complaint to this Tribunal on 13 November 1989. He repeated the allegations and claimed that the Television New Zealand Committee did not objectively consider the points of concern and details of the complaint were glossed over.

He considered that TVNZ should have broadcast a programme presenting positive aspects of the Croatian nation and its present plight and persecution since 1918 to the present time.

Mr Gilich repeated that he was not concerned about Srečko Rover but TVNZ correspondence kept on expounding the case of Srečko Rover. Allegations of inaccuracy and misunderstanding of historical information were also made. The programme would have been more balanced if it showed the scenes of war crimes without mentioning any names of any nationality or alternatively made it clear that crimes were "perpetrated in Germany, Holland, France, Hungary, Croatia, Serbia, Baltic states etc."

Television New Zealand's Submission

In response, Television New Zealand submitted that the programme was concerned with Australia and the question of holding war crime trials in Australia so long after the events which gave rise to the charges. The issue in the complainant's view appeared to be the scope of the programme—the fact that there had not been a broader canvas which would have opened up an investigation of long-standing causes of friction and alleged injustices which have resulted in bitterness and hatred within 6 different states or ethnic groups which make up Yugoslavia. That would go well beyond the nub of the programme—war crimes trials in Australia.

Television New Zealand submitted that it was not obliged, where the statutory provisions had not been breached, to take into consideration further possible programme output to address an unproved imbalance. The complainant's allegations about the representation of the Croatian nation were without foundation because the Croatian nation, intrinsically, was not under examination. The only reason that some Croatian background was given was because of the need to show the background of Srečko Rover, the man whose name was on public record as a war criminal suspect. Had Rover been of a different nationality and a different background, it was certain the Australian producers of the programme would have investigated that background with the same thoroughness.

The company replied to a number of other points that had been raised and said:

"The complainant's consistent comments about the programme constantly referring to Srečko Rover and his affirmation that he has no argument with Rover being investigated as a war crime suspect, appears to confirm the company's belief that he continues to misunderstand the intent of the programme, because Rover is central to it. The Croatian references, to which the complainant objects, were supplied essentially for the purpose of backgrounding Rover."

In reply, Mr Gilich repeated his allegations and added some further information. The complainant added that, in retrospect, the decision by TVNZ should have been not to

broadcast the programme which was likely to offend members of an ethnic minority. There was a precedent set when TVNZ decided not to broadcast a programme about Maoris also made in Australia as it was considered that it would offend members of the Maori race. He concluded his letter with the quotation from the reporter "... the wartime past of other Croats is open to question." Mr Gilich added "Which other Croats? Any one of us?"

Consideration

The Tribunal viewed a tape of the programme and the additional tape and newspaper clippings supplied by the complainant. The Tribunal also read all the correspondence between the complainant and Television New Zealand.

The Tribunal has to say that Television New Zealand has been exemplary in the manner in which it has dealt with the complaint. The correspondence from the Chief Assistant to the Director of News and Current Affairs was thoughtful, considerate and fair and the decision was carefully arrived at and adequately explained.

In our view, the fundamental issue which Mr Gilich has had difficulty accepting is that the programme was primarily about war crimes trials in Australia and their implications. It was not about Croats and their history or the history of and rivalries between the nationalities and peoples that make up modern Yugoslavia.

TVNZ explained this clearly to Mr Gilich in its correspondence with him and the issues between the parties were clearly defined in that correspondence to the extent that it became somewhat repetitive.

However it was clear to us that misunderstanding persisted with TVNZ contending (rightly in our view) that Mr Gilich had not understood the purpose of the programme and Mr Gilich still concerned that TVNZ had not properly understood his complaint.

The Tribunal therefore took the opportunity of holding an oral hearing which Mr Gilich and 2 fellow complainants and the Director of News and Current Affairs for Television New Zealand and his Chief Assistant were invited to attend.

The Hearing

At the hearing, Mr Gilich re-stated his view that the programme showed an unbalanced, inaccurate and biased background on Croats. He said the programme should not have been shown in New Zealand, although he abandoned this contention as the hearing progressed. He did not pursue at the hearing other aspects of the original complaint which were clearly unsupportable, such as the allegation in his letter of 8 August 1989 that the programme conducted a "hate campaign" against Croats.

Mr Gilich emphasised that he made no allegations of bad faith against the representatives of Television New Zealand. He was concerned about the way the programme had been made. It was in that form unsuitable for showing in New Zealand.

Mr Gilich had said several times that TVNZ had misunderstood his complaint—that he was not against the investigation of war criminals. He rightly conceded at the hearing that at no time had TVNZ suggested that he was against the investigation of war criminals.

He effectively dropped his allegations of bias against TVNZ itself.

The points in which Mr Gilich said the programme was defective were:

1. He said the assassination of King Alexander was wrongly attributed to a Croatian group. He considered that those who brought about the assassination could have come from any or a combination of 4 national groups, including Croats. [The script attributed it to the Ustace].
2. The narrator had said that 40 000 Jews were killed in Croatia. Mr Gilich acknowledged that thousands of Jews