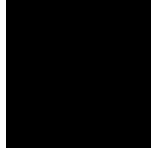


OFFICE OF THE MANAGING DIRECTOR

29 July 2003



Dear 

Further to my initial reply to you of 2 July 2003, I am now in a position to respond to the issues raised in your letter of 12 June 2003.

Your letter raises two areas of concern:

1. The screening of the documentary *Jenin, Jenin*, on SBS Television on 1 June 2003 on the basis that you are concerned about substantial factual inaccuracies in it; and
2. SBS complaints handling procedures in cases such as this.

Each is responded to in turn below.

1. The documentary

Your letter notes, at the outset, SBS' obligation under its Act to provide news and information that is accurate. SBS' Codes of Practice identify how that applies to particular programs, such as the documentary complained of. For example:

SBS believes in the right of its audiences to make up its own mind after a fair, objective, balanced and professional presentation of the issues. SBS provides a forum for views on important issues to be communicated to audiences and seeks to present the widest range of opinion over time.

In assessing the issues raised in your letter, SBS has given consideration to what is required under the Codes of Practices and the circumstances in which the documentary complained of was screened.

Before addressing your specific concerns, I acknowledge that the contents of this documentary were very controversial and SBS was aware, prior to broadcast that if it was to be put to air, it should be done so responsibly.

Matters taken into account in the programming decision

I am advised by the Acting Head Programmer that, having given substantial consideration to the sensitivities around this documentary, the following approach was taken:

- given the high profile and continuing debate and discussion about the conflict which occurred in Jenin, the subject matter was appropriate for broadcast;
- the documentary *Jenin Jenin* itself had generated considerable debate and was, in that sense, considered to be of appropriate interest;

- while you indicate that *Jenin Jenin* appears not to have been shown on television in any other Western country (we are unable to verify this) SBS was aware at the time of programming it that it had been shown at the International Documentary Festival in Amsterdam, the Tel Aviv Cinematheque, Tel-Aviv University's School of Law and at a number of universities in North America;
- the programmers were conscious that the documentary was made in a style which was highly emotive, subjective and which included many serious claims, some of which appeared to lack independent verification. That being said, they were presented as the perspectives of people who claimed to have been exposed to or directly affected by the events;
- given the level of interest in this issue, the series of interviews with inhabitants of the camp was regarded as reflecting a set of views and opinions, which though presented very emotionally, were themselves of interest to viewers.

Bearing in mind the above factors, the SBS programming management determined that *Jenin Jenin* should not be aired on its own and an appropriate counterbalancing program was sought. This was to ensure that SBS audiences were given the widest range of perspectives on these events.

In light of the sensitivities, it was determined that *Jenin Jenin* and the other program should be shown back to back rather than leaving a period of days or weeks in between, as is often the practice when SBS broadcasts alternate perspectives on a controversial issue.

The other documentary, *The Battle of Jenin*, which was chosen to balance *Jenin Jenin*, takes a more structured and objective approach to the issues. The decision was made to broadcast *The Battle of Jenin* before *Jenin Jenin*. It was felt that audiences interested in the issue would be likely to watch both programs and would be able to view the latter in the context of the former.

Review of the programs following complaints

Having received many complaints about the broadcasting of *Jenin Jenin*, SBS undertook a review of both programs in light of the Codes. The following outlines what SBS believes are its obligations under its Codes. In my view, though a controversial decision, I believe the manner in which the programming was handled fulfilled SBS' obligations. In coming to this conclusion the following were taken into account:

- *Jenin Jenin* does, as you suggest, contain a number of strong allegations which are not backed up with factual evidence within the program;
- I accept that the perspectives of the Palestinians interviewed in *Jenin Jenin* are presented emotively;
- Many of the Jenin residents interviewed in *Jenin Jenin* do show animosity for the IDF and the Israeli administration, who they blame for the conflict. A small number of these comments could be described as showing racial hatred or anti-semitism. These comments are not condoned by SBS as the broadcaster and this would be clear to viewers. However, you would agree that the expression of those views is of legitimate interest and reflects the extreme level of fear and misunderstanding underlying some positions taken in the Middle East conflict. I note that some of the statements complained of were

made by a camp inhabitant who had been involved in the conflict and was not presented as a “Palestinian spokesperson” as suggested in your letter.

- Despite the above, viewers who watched *The Battle of Jenin* first would have, through viewing the earlier program, been led to question or challenge elements of the second;
- The facts surrounding some aspects of the Jenin conflict remain in dispute. The reports you mention in your letter, while inconclusive in some respects and not specific to allegations made in the *Jenin Jenin* documentary, certainly make some extremely serious allegations themselves about those involved in the Jenin conflict;
- You correctly note that these authorities have accepted there was no massacre. *Jenin Jenin*, for all its strong claims, does not at any time mention a “massacre” nor does it contain allegations about the numbers killed in that conflict.

I acknowledge that, if some viewers only saw *Jenin Jenin* without having seen the other documentary, they could have received an imbalanced view of the events. I note that the viewing audience for *The Battle of Jenin* was in fact significantly larger than that for *Jenin Jenin*.

In light of the above comments generally, I believe that while the two programs do not match up allegation for allegation (coming, as they do, from entirely different sources and perspectives) viewers of both would have been in a position to assess (and perhaps question) the personal statements and views in *Jenin Jenin* in light of the arguments and other material presented in *The Battle of Jenin*.

2. Complaints Handling

Contrary to your concerns about SBS complaints handling processes, I am confident that the complaints surrounding this programming decision have been given proper consideration, as outlined above.

However, you may be interested to know that SBS is currently reviewing its internal processes and your comments and concerns will be passed on to those who have been tasked to undertake this process.

You will appreciate that SBS programming staff daily have to make difficult and sensitive judgment calls about programming decisions dealing with many complex international conflicts and domestic issues. SBS attempts to provide as great a balance as possible, but recognises that this is not always to the satisfaction of those directly interested in the subject matter. I hope this response addresses at least some of your concerns.

Kind regards

Nigel Milan
Managing Director