# [CH] Biased, Incomplete Presentation of History

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*Medialex*
*European Audiovisual Observatory*

Following large-scale complaints, the independent radio and television authority (Autorité indépendante en matière de radio-télévision - AIEP) looked into the TSR (Télévision Suisse Romande) broadcast entitled "Switzerland's Lost Honour" shown on 6 and 11 March 1997 in the series "Temps Présent". The programme portrayed Switzerland during the Second World War as a country prepared to come to an arrangement with Nazi Germany in the interests of its banks and its economy, the opposite of the traditional view of a neutral Switzerland resisting Hitler's advances.

In its decision on 24 October 1997, the AIEP noted firstly that, according to its cultural mandate contained in Articles 55bis, para.2 of the Constitution and 3, para.1 of the LRTV (Loi sur la Radio et Télévision), TSR is supposed to promote Switzerland's image abroad generally, although this did not mean that each separate broadcast must individually contribute to this aim. Account also needed to be taken of the independence of the broadcaster in compiling its programmes (Article 55 bis, para.3 of the Constitution). In the case in point, the broadcaster certainly did nothing to improve Switzerland's image. It was not diametrically counter to the cultural mandate, however, as it was not in itself unlawful to take a severe look at the country's past, as long as there was no fundamentally destructive intent. As such, programme law had not been violated. The AIEP noted secondly that the independence of the broadcaster needed to be exercised within a context of respect for the mandate conferred on it, which included the principle of a faithful presentation of events (Articles 55 bis, para.2 (end) and 4, para.1 of the LRTV).

This obligation of objectivity applied in particular to information broadcasts, and implied the obligation of truth and reporting diligence. In the case in point, the AIEP stressed that it was not required to examine the truthfulness of the historical hypotheses put forward; its task was to ensure that the producers of the broadcast guaranteed the necessary transparency to enable viewers to make up their own minds. By denouncing the myth of Switzerland during the Second World War and by systematically replacing it with a different view, the broadcast constituted a film expounding a thesis. This type of technique of committed journalism was certainly not prohibited, but it must not lead viewers astray and must therefore meet higher reporting requirements than usual. However, the AIEP noted that viewers were not able to realise that this was a film expounding a

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thesis. The broadcast had been constructed in such a way that the public could have had the impression that it was revealing the truth about Switzerland during the Second World War. The journalist moreover referred on several occasions to a historical interpretation putting economic explanations before political, military and even psychological considerations. He rejected all other interpretations, without telling the viewers what they were, although some might appear to be much more plausible. Nor did the broadcast satisfy the obligation to present events faithfully, as it committed a number of errors of fact. Moreover, on a number of occasions the journalist showed a lack of curiosity and critical faculties when dealing with experts' statements. The AIEP felt that the broadcast as a whole gave the impression of having made the facts fit into a pre-determined mould. Under these conditions, the broadcaster had failed in its obligation of transparency and in its duty to present events faithfully. It had therefore violated programme law.

TSR has appealed to the Federal Tribunal against the decision.

### *Décision du 24 octobre 1997 de l'Autorité indépendante d'examen des plaintes en matière de radio-télévision (b.343)*

*Decision of 24 October 1997 by the Independent Complaints Authority for Radio and Television (b.343)*

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