# [GB] RT treated blogger fairly in broadcast

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*Julian Wilkins*
*Wordley Partnership*

In a decision published on 3 February 2014, Ofcom determined that two RT news bulletins had not depicted blogger Mr Eliot Higgins (who has a pseudonym of Brown Moses) unfairly by referring to the footage appearing on his website of Syrian rebel forces carrying out a chemical weapons attack as unauthenticated, without mentioning that Mr Higgins had queried the video's veracity.

RT (formerly known as Russia Today) is a global news and current affairs channel produced in Russia; in the United Kingdom the channel is broadcast on satellite and digital terrestrial platforms. Mr Higgins has a blogging site and has built a reputation for monitoring the armed conflict in Syria.

Mr Higgins contended that RT had been unjust and unfair towards him. Ofcom determines whether a broadcaster's actions ensure that programmes they broadcast avoid unjust or unfair treatment of an individual or organisation as set out at Rule 7.1 of the Ofcom Broadcasting Code ("the Code").

Ofcom recognizes the importance of the right to freedom of expression and the need to allow broadcasters the freedom to report and broadcast matters of genuine public interest; in particular, the right to freedom of expression in accordance with the Human Rights Act 1998 and the European Convention on Human Rights ("the Convention").

Furthermore, Ofcom had to apply rule 7.9 of the Code, the most recent version taking effect on 21 March 2013, covering all programmes broadcast on or after 21 March 2013. The Code Guidance states at:

"7.9 Before broadcasting a factual programme, including programmes examining past events, broadcasters should take reasonable care to satisfy themselves that:

- material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation; and

- anyone whose omission could be unfair to an individual or organisation has been offered an opportunity to contribute."

On 18 September 2013, RT broadcast two news bulletins at 10am and 11am, both included a story on the Syrian conflict. The report included footage from three

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videos posted on Mr Higgins's website, allegedly showing the Syrian rebel opposition committing a chemical weapon attack in the Ghouta suburb of East Damascus on 21 August 2013. The Syrian Government and the opposition blamed each other for the attack. Mr Higgins, on his website, suggests that the footage "kinda seems dubious".

The RT reports refer to Mr Higgins as a staunch critic of President Bashar al-Assad. Also, in the two RT reports, the RT reporter suggests that the Syrian opposition had undertaken the attack. The RT reports were accompanied by an on-screen message describing the footage as unverified, and the caption "chemical doubts". RT's reporter and studio presenter also stated on various occasions that the authenticity of the two videos had yet to be verified.

However, each RT broadcast did not refer to Mr Higgin's own caveats on his website and blog that questioned the videos' authenticity. Mr Higgins considered that RT's failure to mention his own concerns misrepresented his involvement by suggesting that Mr Higgins was representing the footage as genuine, which was not the case. RT's failure not to refer to Mr Higgins's own concerns had, in his opinion, potentially damaged his reputation.

Ofcom accepted that to describe Mr Higgins as a "staunch" opponent of President al-Assad and his government was emotive, given the earlier comments made by Mr Higgins. However, the use of "staunch" was reasonable in the circumstances, and not unfair to Mr Higgins.

RT's failure to specifically refer to Mr Higgins's own words of "kinda seems dubious" was not unfair to him, given the number of qualifications used by RT during the broadcasts such as "Chemical doubts", "apparently", and "if indeed it's correct".

Ofcom considered that the RT reports did not suggest that the video's source, namely Mr Higgins's blog site, were representing the videos to be authentic or that they provided conclusive proof as to who had carried out the chemical attack. The RT reports were about the video footage and were not centered upon criticising Mr Higgins or his website. Ofcom did not consider that there was any obligation upon RT to reflect Mr Higgins's own concerns about the video's authenticity. As such, Ofcom considered that Mr Higgins had not been treated unjustly or unfairly in the news bulletins as broadcast.

***Ofcom broadcast bulletin, Complaint by Mr Eliot Higgins, p.62***

http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins/obb247/

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