[GB] Ofcom determines RT programme was unjust and unfair in its depiction of BBC reporting on Syria

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Ofcom determined that global news and current affairs channel RT, produced in Russia and funded by the Federal Agency for Press and Mass Communications of the Russian Federation, had unfairly and unjustly treated the BBC in its depiction of the British public service broadcaster's reporting on the Syrian crisis.

The BBC complained about an episode of RT's current affairs programme Truthseeker entitled "Media staged Syrian Chem Attack" and broadcast several times in March 2014. The programme made allegations concerning three BBC news reports shown on BBC News at Ten on 29 August 2013, 30 September 2013, and an edition of their current affairs series Panorama, broadcast on 30 September 2013.

The programme used a complaint letter submitted to the BBC by Robert Stuart. Mr Stuart's complaints asserted that the BBC had fabricated an atrocity in a report on Syria, thus attempting to mislead the public and encourage military intervention; the BBC digitally changed the wording used by an interviewee suggesting there had been a chemical weapons attack; the BBC used actors in the reports pretending to be victims of the attack and also relied on claims of a doctor purportedly biased due to family political connections and was lying to win support for British military action; and the BBC used the reports to provoke war and military action in Syria.

The BBC's Editorial Complaints Unit had responded three times in writing to Mr Stuart's complaints, and in extensive detail, concluding that they would not uphold his complaints.However, the programme described Mr Stuart's complaint as "a massive public investigation" with "some extremely disturbing findings". The programme stated that Mr Stuart's complaints to the BBC "remain unanswered" and made no mention of the BBC's detailed response. Further the programme refers to a "statement" in which the BBC said it "stands by its report" thus giving the impression that RT had asked the BBC for its comment ahead of broadcast, whereas it knew nothing of the programme until after broadcast.

The BBC's complaints to Ofcom denied the allegations made in the programme, and Ofcom in its determination made clear it was not a fact-finding tribunal. Ofcom had to instead consider its Code of Conduct drawn up pursuant to section

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107 of the Broadcasting Act 1996 to avoid unjust and unfair treatment in programmes.

Rule 7.1 of its Code of Conduct provides that “Broadcasters must avoid unjust or unfair treatment of individuals or organisations in programmes”. Also, Rule 7.9 of the Code provides, “Before broadcasting a factual programme, 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 the individual or organisation”. In addition, Rule 7.11 of the Code states, “If a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond”. Finally, Ofcom had to consider Rule 7.13 of its Code, which reads, “Where it is appropriate to represent the views of a person or organisation that is not participating in the programme, this must be done in a fair manner”.

When considering the application of the Code concerning the BBC complaint, Ofcom also applied section 3.4(g) of the Broadcasting Act 1996, whereby it has to uphold an appropriate level of freedom of expression.

The BBC complained that the programme had treated it unjustly or unfairly, because material facts about or related to it were presented, disregarded or omitted in a manner which gave viewers an unfair impression of the broadcaster. Further, the BBC had not been given an appropriate and timely opportunity to respond to the claims made in the programme. Thirdly, the BBC’s views were unfairly represented in the programme.

Ofcom upheld the BBC’s complaints, considering that the programme suggested the BBC was subject to a significant official enquiry, rather than responding to Mr Stuart’s complaints. Secondly, the programme depicted the BBC as not responding to or answering Mr Stuart’s complaints, whereas it had and in detail. Thirdly, the allegations against the BBC “fundamentally attacked” the impartiality and integrity of the organisation. Ofcom considered that the BBC ought to have been given sufficient time before the broadcast of the programme to comment, whereas they were not contacted by RT. The programme gave the impression that the BBC had been approached prior to broadcast and responded solely by saying it stood by its findings. No aspect of the BBC’s responses to Mr Stuart were included in the programme.

Ofcom, Broadcast Bulletin, Issue number 288, 21 September 2015, p. 5

http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb288/Issue_288.pdf

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