



## COMPLAINTS REVIEW EXECUTIVE

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### **Determination on a series of complaints from Senator Richard Alston, Minister for Communications, Information Technology and the Arts, on 28 May 2003**

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#### EXECUTIVE SUMMARY

##### Background

Senator Alston wrote to the ABC Managing Director, Russell Balding, on 28 May 2003 indicating that Minister's office had received a number of complaints of 'biased, and in particular anti-American coverage by the ABC, particularly on the AM program' in relation to the recent Iraq conflict.

Senator Alston outlined 68 examples from 21 March 2003 until 14 April 2003 that he claimed supported such a contention. All excerpts came from the ABC Radio current affairs program AM.

Senator Alston concluded that what he provided are 'numerous examples of one-sided and tendentious commentary by program hosts and reporters'. The

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Minister further concluded that AM's coverage was characterised by a number of ongoing themes: (page 5).

Senator Alston outlined the statutory duty of the ABC Board to ensure that the gathering of presentation of news and information 'is accurate and impartial according to the recognised standards of objective journalism'. The Minister then cited some of the requirements of the ABC *Charter of Editorial Practice* (page 6).

The ABC Managing Director referred the Minister's concerns to the Complaints Review Executive (CRE) for appraisal. The CRE was established in 2002 as a second tier of internal review and for direct reference of serious audience complaints. It is independent of programming areas.

### CRE View

The Minister's substantial complaint is a serious challenge to the reliability and integrity of the AM program as well as the efficacy of the ABC's Editorial Policies.

There is a constitutional, legislative, regulatory and professional context relevant to the appraisal of the Minister's concerns.

### **Approach**

The Minister's 68 complaints about the content of AM were put to the Division of News and Current Affairs for a response.

Reportage of the Iraq War was also tracked on other agencies such as the BBC, the Washington Post, AFP, Reuters and the Guardian. It was also tracked against the transcripts of the official press briefing sessions undertaken by the White House, Pentagon and CENCOM in Qatar.

All editions of AM were analysed over the period of war coverage from 20 March 2003 until 14 April 2003. Transcripts were analysed as well as audio recordings of the program.

The criteria by which AM reporting and the Minister's complaints were evaluated was by reference to the *ABC Charter of Editorial Practice* (Page 8-9).

Each of the 68 complaints was considered together with the 8 conclusions that the Minister has made about the Iraq conflict reportage on AM.

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## Outcome

Two of the Minister's 68 complaints were supported (Complaints 6 and 58). However none of these instances amounted to evidence of systemic anti-American or anti-Coalition and partisan reporting. The supported complaints were cases of speculative reporting that did not have any evidentiary support in the story that followed or a tendency towards sarcasm.

This means that there were 66 complaints that were not upheld. The two supported complaints reflect my appraisal of the AM coverage of the Iraq war. Over thirty days in several editions a day, AM asked some hard questions of both sides and reported reliably and competently. Election and war coverage are the most testing and vulnerable times for a broadcaster's reputation for fairness, impartiality and accuracy. In this test, AM provided a rigorous and reliable analysis of this conflict in Iraq.

## The Minister's Conclusions: the eight themes

The Minister, after detailing the complaints, outlined eight themes that he believed characterised the AM coverage. These themes are responded to in detail by the CRE (page 111).

## The methodology of the complainant

In the 28 May 2003 letter to the Managing Director, the Minister makes the following comments:

The Australian public would consider that it is a legitimate role of a current affairs presenter in introducing an item to put it in context and/or foreshadow or summarise what follows...Any introductory comments should therefore always be justified by what follows.

The complainant has often failed to meet these expectations of observing context by the way in which elements of the AM presenter's comments have been extracted without consideration for what follows either in the remainder of a lead or in the remainder of a story.

By selectively applying the *ABC Charter of Editorial Practice* (page 6) the complainant has limited both the professional duties of a journalist and the regulatory code. By omitting part of section 5.1.5 and section 5.1.6 entirely, the complainant has misapplied the *Charter of Editorial Practice*. The remainder of 5.1.5. expects editorial staff to be questioning. Section 5.1.6 requires editorial staff to be enterprising in perceiving, pursuing and presenting issues in order to serve the public's right to know.

Being questioning means being sceptical. Perceiving and pursuing issues may involve provocative questioning.

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By not applying these editorial expectations, the complainant could be understood to be advocating a form of reporting that is more passive if not deferential.

There is a difference in genre between news and current affairs reporting. Both separate ABC teams work to the *Charter of Editorial Practice*. The news reporter provides an electronic journal of record. The current affairs reporter is focussed on context, issues that emerge and possible outcomes. My sense at times was that the complainant wanted the genre of news applied to a current affairs program.

The complainant appeared committed to the view that AM was anti-American in its coverage of the Iraq conflict. Sometimes the assumptions of the critique appeared to be that the coverage would be remedied if it were supportive of a Coalition position in the war. The AM coverage could neither be an advocate nor adversary for the American, Australian, British or Iraqi position in the war.

#### *Further Review*

If the complainant is dissatisfied with any aspect of this appraisal then application may be made to the Independent Complaints Review Panel and/or the Australian Broadcasting Authority for further review.

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CRE DETERMINATIONBackground

Senator Alston wrote to the ABC Managing Director, Russell Balding, on 28 May 2003 indicating that Minister's office had received a number of complaints of 'biased, and in particular anti-American coverage by the ABC, particularly on the AM program' in relation to the recent Iraq conflict.

Senator Alston outlined 68 examples from 21 March 2003 until 14 April 2003 that he claimed supported such a contention. All excerpts came from the ABC Radio current affairs program AM.

Senator Alston concluded that what he provided are 'numerous examples of one-sided and tendentious commentary by program hosts and reporters'. The Minister further concluded that AM's coverage was characterised by a number of ongoing themes:

Claiming that the war was not going as planned for the Coalition, that the US military strategy was flawed and the Iraqis were successfully combating the Coalition;

Claiming that the Coalition's military action and the US were despised by the Iraqi people and the wider Arab world;

Over-emphasising every Coalition difficulty (civilian casualties, friendly fire incidents, logistical difficulties);

Implying that there was a looming humanitarian disaster caused by the Coalition;

A constant questioning of American motives and "propaganda" while information from the Iraqi regime was taken at face value or not seriously questioned;

Readily asserting that the Coalition was contravening the Geneva Convention but providing little or no critical analysis of Iraqi war crimes (execution of POWs, policy of suicide bombing, execution of Iraqi deserters, burning oil wells);

An obvious lack of emphasis on the tyranny of the Iraqi regime and its record of genocide, rape and torture as well as its systemic deprivation of the peoples' economic and social rights; and

Minimal coverage of Australia's troops in the conflict on their strategic achievements.

Senator Alston outlined the statutory duty of the ABC Board to ensure that the gathering of presentation of news and information 'is accurate and impartial according to the recognised standards of objective journalism'. The

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Minister then cited some of the requirements of the ABC *Charter of Editorial Practice*:

1. The ABC takes no editorial stand in its programming.
3. Every reasonable effort must be made to ensure that the factual content of news and current affairs programs is accurate and in context.
4. Balance will be sought through the presentation, as far as possible, of principal relevant viewpoints on matters of importance.
5. The commitment to balance and impartiality requires editorial staff to present a wide range of perspectives and not unduly favour one over the others.

The Minister then concluded:

The Australian public would consider that it is a legitimate role of a current affairs presenter in introducing an item to put it in context and/or to foreshadow or summarise what follows.

It is not legitimate, however, to over dramatise or use journalistic licence – particularly in relation to a war, which will always be controversial and when listeners will be striving to make up their own minds on the primary material presented. Listeners do not have control over news selection and they do not need unnecessary editorialising in interpreting the material presented. Any introductory comments should therefore always be justified by what follows.

In my view, the evidence provided in this letter strongly indicates that the ABC's own Editorial Policies have not been adhered to in the AM coverage of the Iraq conflict.

The ABC Managing Director referred the Minister's concerns to the Complaints Review Executive (CRE) for appraisal.

#### CRE View

The Minister's substantial complaint is a serious challenge to the reliability and integrity of the AM program as well as the efficacy of the ABC's Editorial Policies.

There is a constitutional, legislative, regulatory and professional context relevant to the appraisal of the Minister's concerns.

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## Constitutional

It has been found by the High Court that the Australian Constitution provides an implied right of political communication. In a unanimous judgement in *Lange v Australian Broadcasting Corporation* (1997)<sup>1</sup> the Court found that

Freedom of communication on matters of government and politics is an indispensable incident of that system of representative government which the Constitution creates by directing that the members of the House of Representatives and the Senate shall be “directly chosen by the people” ...[those sections of the Constitution] do not confer personal rights on individuals. Rather they preclude the curtailment of the protected freedom by the exercise or executive or legislative power.

Such freedom of political communication is not confined to election periods:

...those provisions which prescribe the system of responsible government necessarily imply a limitation on legislative and executive power to deny the electors and their representative’s information concerning the conduct of the executive branch of government throughout the life of a federal Parliament<sup>2</sup>.

The Australian Constitution protects the implied necessity of freedom of communication about the way in which government conducts its affairs.

## Legislative

The *Australian Broadcasting Act 1983* (Cth) outlines expectations of the Corporation’s Board and the relationship of the Minister with the Corporation.

The duties of the Board include:

- (a) to ensure that the functions of the Corporation are performed efficiently and with the maximum benefit to the people of Australia;
- (b) to maintain the independence and integrity of the Corporation;
- (c) to ensure that the gathering and presentation by the Corporation of news and information is accurate and impartial according to the recognised standards of objective journalism; and
- (d) to ensure that the Corporation does not contravene, or fail to comply with:
  - (i) any of the provisions of this Act or any other Act that are applicable to the Corporation; or

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<sup>1</sup> 189 CLR 520 at 559

<sup>2</sup> 189 CLR 520 at 561

- (ii) any directions given to, or requirements made in relation to, the Corporation under any of those provisions<sup>3</sup>

The Board is charged with the responsibility to maintain the ABC's independence and integrity as well as the accuracy and impartiality of ABC news and information.

The relationship of the Minister to the Corporation is prescribed in the circumstance where direction is given to broadcast an address to the nation. In all other situations 'the Corporation is not subject to direction by or on behalf of the Government of the Commonwealth'<sup>4</sup>.

In terms of Ministerial direction to the ABC over matters of content, this is confined to a context of the placement of an address to the nation. There is nothing in the legislation that would curtail a Minister from expressing a view about the ABC but there is legislative sensitivity about the Corporation's independence from Government.

#### Regulatory

The regulatory context in which the ABC operates is derived from the Board's responsibility to ensure the accuracy and impartiality of ABC news and information and the jurisdiction of the Australian Broadcasting Authority to investigate alleged breaches of the *ABC Code of Practice*<sup>5</sup>.

The Board in expounding the legislative obligation for 'accurate and impartial gathering of news and information according to the standards of objective journalism' prescribes *Editorial Policies* which all program making staff are required to observe.

The *Policies* include the *Charter of Editorial Practice* which was cited, in part, by Senator Alston in his letter. The *Charter* sets the following requirements for all news and current affairs staff:

1. The ABC takes no editorial stand in its programming.
2. Editorial staff will avoid any conflict of interest in the performance of their duties.
3. Every reasonable effort must be made to ensure that the factual content of news and current affairs is accurate and in context. Demonstrable errors will be corrected in a timely manner and in a form most suited to the circumstances.
4. Balance will be sought through the presentation, as far as possible, of principal relevant viewpoints on matters of importance. This may not

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<sup>3</sup> Section 8(1)

<sup>4</sup> Section 78(6) : 'Except as provided by this section [s78], or as expressly provided by a provision of another Act, the Corporation is not subject to direction by or on behalf of the Government of the Commonwealth'

<sup>5</sup> s 150 *Broadcasting Services Act 1992* (Cth)



- be reached within a single program or news bulletin but will be achieved as soon as possible.
5. The commitment to balance and impartiality requires editorial staff to present a wide range of perspectives and not unduly favour one over the others. But it does not require them to be unquestioning, nor to give all sides of an issue the same amount of time. News values and news judgements are a material consideration in reaching decisions, consistent with these standards.
  6. In serving the public's right to know, editorial staff will be enterprising in perceiving, pursuing and presenting issues which affect society and the individual.
  7. Editorial staff will respect legitimate rights to privacy of people featured in the news.
  8. Authority for editorial directions and decisions will be vested in editorial staff.
  9. Editorial staff will ensure that coverage of newsworthy activity within the Australian community is comprehensive and non-discriminatory.

In appropriately using the *Charter of Editorial Practice* as the principal means of appraising the content of AM, the Minister, however, has not cited the full text of the *Charter*. The *Charter* expectation of balance and impartiality is explained: '...it does not require [editorial staff] to be unquestioning nor to give all sides of an issue the same amount of time'. Further, news and current affairs staff are expected to be 'enterprising in perceiving, pursuing and presenting issues which affect society and the individual' in order to serve 'the public's right to know'. By not taking these criteria into account, the Minister may not have reflected an appropriate application of the full context of the *Charter of Editorial Practice*.

#### Professional

The professional demands of war reporting are made particularly difficult when information from combatants is usually very carefully managed. For security reasons, 'embedded reporters' had their material vetted by the forces they were accompanying. Briefings by military leaders were carefully crafted occasions. In this context it was a principal professional duty for reporters to be questioning and enterprising in perceiving, pursuing and presenting the issues associated with the conflict. A principal obligation was to serve the public's 'right to know'.

The difficulty in obtaining that information is illuminated by the way in which the Coalition Media Centre appeared to operate at the Saliyah military base in Doha, Qatar. Michael Massing, Contributing Editor for the *Columbia Journalism Review*, observed:

Along the back wall is the door to the UK press office. Knock on it and moments later an officer in fatigues will appear and field your request. By contrast, the door to the US office, to the right of the main entrance, opens onto an empty corridor, and if you knock on it no one will answer. Instead,

you have to phone the office and leave your request with the officer on duty. If you're lucky, someone will come out and speak with you.

During the war, many of the reporters crammed into the centre would dial the US number, seeking to check facts, get some background information, or ferret out a bit of news. Usually, they'd be disappointed. Getting confirmation for even the most basic facts filed by reporters in the field would often prove difficult...

The daily briefings were even less helpful. Held in a large conference hall with the now famous \$250,000 stage set, the briefings were normally conducted by Vincent Brooks, a tall, erect, one-star general who is impeccably polite, unflappable, and remarkably uninformative. Each briefing would begin with a few choice videos – black and white clips of “precision-guided” missiles unfailingly hitting their targets, and colour shots of American troops distributing aid to grateful Iraqis. No matter what was taking place inside Iraq, Brooks would insist that the coalition remained “on plan” and that morale remained “sky high”.<sup>6</sup>

Massing was a critic of the war accusing some media of being too ‘hawkish’ in relation to war coverage<sup>7</sup>. His above account provides a perspective on how Coalition press communication took place.

Greg Sheridan, Foreign Editor of the *Weekend Australian*, offered these observations on 29 March 2003:

Former Israeli prime minister Ehud Barak thinks the war in Iraq will take another five to nine weeks. That seems a pretty sound assessment. The question then arises: how can coalition leaders, President Bush and prime ministers Blair and Howard, maintain public support for that period.

One place to start would be in reforming the military briefings of the Central Command, which the whole world watches on CNN, Fox or the BBC. These briefings are atrocious, as bad as anything I've seen.

Democratic electorates, and certainly the American, British and Australian electorates are much more resilient about costs, including casualties, than they are give credit for, so long as they know the casualties are incurred in a good cause that will eventually succeed...

But an essential element of all this is trust, trust in the word of governments and their militaries. On the big things-such as Saddam Hussein's weapons of mass destruction-Bush, Blair and Howard have told us the truth.

But the Centcom military briefings have been a disgrace. Just one example. Either they were incredibly sloppy in telling us that Umm Qasar had been taken when it hadn't, or they were telling us lies...

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<sup>6</sup> ‘The Unseen War’ (29 May 2003) 50 *New York Review of Books* 9  
<<http://www.nybooks.com/articles/16293>>

<sup>7</sup> ‘Hawks at the Washington Post’ (11 November 2002) *The Nation*  
<<http://www.thenation.com/doc.html?I=20021111&s=massing>>

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The US military briefers are almost farcical in their refusal to admit that anything had gone wrong anywhere. Repeating mantras such as “We are on our time line” rather than answering a question is foolish communications strategy.<sup>8</sup>

The Iraqi Information Minister’s briefings became recognised for their fictional distortions of what was in fact happening. Journalists in Iraq were unable to report without the scrutiny of Iraqi government minders.

What is clear is that obtaining authoritative information about the progress of the conflict was a most demanding professional task for reporters and other editorial staff.

This constitutional, legislative, regulatory and professional context is critical to an adequate scrutiny of the integrity of the ABC’s Iraq coverage.

#### *Approach*

The Minister’s 68 complaints about the content of AM were put to the Division of News and Current Affairs for a response. The Division conferred with reporters who prepared the stories that the Minister is concerned about. This News and Current Affairs response has been considered and evaluated as part of this investigation and determination of the complaints.

Reportage of the war was also tracked by event and analysis on other agencies such as the BBC, the *Washington Post*, AFP, Reuters and the *Guardian* together with Australian press such as the *Daily Telegraph*, the *Sydney Morning Herald* and *The Australian*. Transcripts of briefings at the Pentagon, Centcom in Qatar and the White House in Washington were examined.

All editions of AM were analysed over the period of war coverage from 20 March 2003 until 14 April 2003. Transcripts were analysed as well as audio recordings of the program.

The criteria by which AM reporting and the Minister’s complaints were evaluated was by reference to the *ABC Charter of Editorial Practice*.

Each of the 68 complaints are considered together with the 8 conclusions that the Minister has made about the Iraq conflict reportage on AM. The complaints broadly concern either matters of fact (accuracy) or matters of analysis and opinion (balance and impartiality). The complaints are direct citations from the Minister’s letter and for clarity this text is included within a boxed area. The underlined and italicised text is as in the Minister’s letter.

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<sup>8</sup> *Weekend Australian* 29-30 March 2003

*The 68 Complaints*<sup>9</sup>Complaint 1**21 March 2003 - 08:22:30***Example of a beat-up*

1. LINDA MOTTRAM: International aid agencies are warning of a humanitarian catastrophe as the war unfolds. They fear that hundreds of thousands of Iraqis could soon be streaming out of Iraq...

MARK WILLACY: Well Linda, we've got groups like the UN and the Red Cross warning of a humanitarian crisis as they put it, in Iraq, mainly because of a shortage of food there, and the possibility of hundreds of thousands of refugees trying to leave in a hurry... and there's talk of possibly hundreds of thousands...

But the Red Cross here in Amman is warning of a potential catastrophe.

*After all this, what was the Red Cross actually reported as saying?*

"...the infrastructure of this country could be vulnerable if it can open doors for more refugees".

*No catastrophe, not even a crisis. Only one aid agency, not hundreds of thousands of refugees, not even a crisis. Only one aid agency, not hundreds of thousands of refugees, not even possibly.*

The allegation is that there was no support for the possibility of a humanitarian crisis; that the mention of 'hundreds of thousands' was an inaccurate reflection of what the Red Cross were thinking and that the Red Cross was the only agency offering speculation about any humanitarian difficulties.

As a matter of context, reporter Mark Willacy included in his report the following, not cited in the Minister's letter:

Iraq's neighbour's, Jordan Iran and Syria have agreed to set up refugee centres along their borders. We've seen so far about 250 Sudanese flee Iraq to

<sup>9</sup>< [http://www.dcita.gov.au/Article/0,,0\\_4-2\\_4008-4\\_114922,00.html](http://www.dcita.gov.au/Article/0,,0_4-2_4008-4_114922,00.html)>

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Jordan in the last day or so but they're expecting this figure to build and there's talk of the possibly hundreds of thousands. That's the worse-case scenario.

Mark Willacy's caveat that 'possibly hundreds of thousands' was 'the worse case scenario' does tend to remove any notion that the story was 'a beat-up'.

The facts of the matter confirm that the reporter's speculation was shared by the Red Cross, CARE, and the United Nations.

The Director of Operations for the International Committee of the Red Cross, Pierre Krahenbuhl, in a press briefing, held on 20 March 2003, observed:

One of the concerns in the early stages of a conflict of this nature is obviously the question of the numbers of war-wounded and of people otherwise affected by the hostilities. To date we have prepositioned enough medical supplies to treat a total of 7,000 war-wounded in the Iraqi context, and we have sufficient additional medical material to cover the basic health needs of up to 180,000 people.

Another area of concern is the matter of IDPs, internally displaced persons. Here I think it is important to make a distinction between people displaced within the country, who are of concern primarily to the ICRC, and people who may cross the international border and become refugees. The latter would be of concern, within the context of the Movement, primarily to our colleagues at the International Federation, and of course to UNHCR.

The ICRC has stockpiled sufficient material in the country to meet the needs of 150,000 displaced persons. I should make it clear that this is not because we expect that to be the total number of people displaced. We obviously have no idea how many people may become displaced or decide to move today or tomorrow. But this is the capacity we must have so as to be able to respond in a first phase. We have the means to increase that capacity rapidly to cover up to half a million people if required<sup>10</sup>.

Also on 20 March 2003 the United Nations Commissioner for Refugees, Ruud Lubbers, briefed journalists:

UNHCR's contingency planning for a conflict in Iraq has been based on a preparedness figure of 600,000 refugees. These initial contingency preparations require \$60 million to cover the cost of relief during one month. As of today, the agency had received \$21 million, but had spent more than \$28 million, including funds borrowed from emergency reserves<sup>11</sup>.

On the following day 21 March 2003 CARE issued a media release with the heading 'CARE WARNS OF HUMANITARIAN CATASTROPHE IN IRAQ':

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<sup>10</sup>

<<http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList74/7D6C5F231D0EF490C1256CF0004DECEC>>

<sup>11</sup> <<http://www.unhcr.ch/cgi-bin/texis/vtx/home/opendoc.htm?tbl=NEWS&id=3e79b4774&page=news>>

CARE believes that the war in Iraq has the potential to cause significant civilian casualties, unleash a public health disaster as well as seriously damage infrastructure including water systems.

As the only international non-government organization that has worked continuously in the centre and south of Iraq since 1991, CARE Australia has witnessed first-hand the effects of the last Gulf War and sanctions on ordinary families.

The people of Iraq do not have any coping mechanisms left to face more conflict. Most of the population survive on just \$US 6 per month and are reliant on food rations.

The humanitarian consequences of this conflict will be catastrophic for an already weak and exposed population. The UN has estimated that over three million women and children will be in immediate need of food in the coming weeks<sup>12</sup>.

Considering Mark Willacy's own caveat in his story and the detailed scenario planning by at least three international aid agencies, it was a matter of fact that 'international aid agencies are warning of a humanitarian catastrophe as the war unfolds'.

This report in AM was accurate and therefore Complaint 1 is not upheld.

### Complaint 2

**21 March 2003 10:14:06**

*Example of, at least, exaggeration.*

2. LINDA MOTTRAM: "Tens of thousands of people have taken to the streets across the Middle East..."

*The supporting evidence?*

PETER CAVE: "Protests against the American-led war on Iraq drew large crowds onto the streets of Libya, Egypt, Lebanon, Jordan, Syria and the Gaza Strip."

PETER CAVE: "In the Gaza Strip, however, thousands turned out....."

The full text of Peter Cave's report included:

<sup>12</sup> <[http://www.careaustralia.org.au/Media\\_Releases/2003/MR\\_210303b.htm](http://www.careaustralia.org.au/Media_Releases/2003/MR_210303b.htm)>

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In the Gaza Strip, however, thousands turned out, waving photographs of Saddam Hussein, who's given millions of dollars to the families of suicide bombers.

And leaders of the radical Islamic group, Hamas, like Sheik Yassin...

[Sheik Yassin speaking]

...demanded a regional holy war, or Jihad, to teach the Americans, the British and their allies a lesson they'll never forget.

[Protesting]

In the Jordanian capital, Amman, three protestors were hospitalised after 500 Jordanian lawyers staged a sit-in, after being forcibly prevented from marching to the Iraqi Embassy to show their solidarity, and everywhere the argument returned to the alleged double standards shown by the United States towards Iraq on one hand, and Israel on the other.

The report from Peter Cave was sourced from wire service reports that originated from agencies such as AFP:

CAIRO, March 20 (AFP)- Tens of thousands of people took to the streets across the Middle East Thursday, demonstrating against military strikes on Iraq and calling on Muslims to wage a holy war against the United States and its allies.

Lebanon and the Palestinian Authority issued fierce denunciations of the US-led attacks, while the Egyptian government daily Al-Ahram warned it marked "the beginning an era of US colonisation that will benefit only Israel".

Protests against the action aimed at toppling Iraqi President Saddam Hussein were held in cities across Libya, Egypt and Lebanon, as well as in Amman, Damascus and the Gaza Strip.

However, there were no reports of protests against the war from the Gulf states, many of whom are host to US military personnel...

In the Egyptian capital, 10 demonstrators and at least four policeman were injured in clashes after several thousand demonstrators took to the streets near the US and British embassies.

Riot police intervened after the protestors, who included hundreds of students from the American University in Cairo, rallied on the city's central Tahrir Square, close to both the university campus and the US embassy.

More than 1,000 people also gathered at Cairo's Al-Azhar Islamic University, where they burned an American flag and demanded the expulsion of the ambassadors of the United States, Britain, Spain and Israel.

Demonstrations also took place in the northern Egyptian cities of Alexandria, Tanta and Kafr el-Sheikh.

In Amman, three protestors were hospitalised after some 500 Jordanian lawyers staged a sit-in at the main court house after being forcibly blocked by riot police from marching towards the Iraqi embassy to show their solidarity.

In Lebanon, hundreds of students gathered on the campuses of the Arab University of Beirut and the American University of Beirut calling for the assassinations of US President George W. Bush and British Prime Minister Tony Blair.

South of the capital in Sidon, some 1,500 schoolboys denounced "the Bush assassin" and the "silence of the Arab leaders who sold out Iraq".

And in Khartoum, hundreds of university students took to the streets, carrying tree branches, a symbol of popular uprising in Sudan, and shouting "Allahu Akbar" (god is great), "Down Down US", "One Arab nation, one Arab people."

<sup>13</sup>

It is clear from this Cairo sourced report that many thousands of people had taken to the streets across the Middle East.

As a matter of accuracy, Peter Cave's AM report reflected what was happening in the region.

On the extent of demonstrations against the war in the Middle East the AM report appears to be accurate.

Complaint 2 is therefore not upheld.

### Complaint 3

**21 March 2003 10:14:06**

3. LINDA MOTTRAM: "..... and in Egypt the Arab League warned that it fears the US could turn its attention to other Arab countries once it's finished with Iraq."

ARAB LEAGUE CHIEF: "What is important is to preserve the Iraqi state intact....."

*The reported comments of the Arab League chief bear no relation to the introduction.*

<sup>13</sup> Provided by ABC News and Current Affairs



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The above cited report from Peter Cave does have the following excerpt from the Secretary-General of the Arab League, Amr Moussa :

It is not a joke, a war under the present circumstances in the region. Protest against war, against the policy of invading Arab countries, especially against the background of the very pathetic situation in the occupied territories.

In my view, this excerpt has some relationship with Linda Mottram's introduction '...the Arab League warned that it fears the U.S. could turn its attention to other Arab countries once it's finished with Iraq'. The source for the introduction, however, comes from a wire service. Associated Press reported on 21 March 2003:

#### **Arab League fears US attacks**

THE Arab League said today's launch of US attacks on Iraq marked a "sad day for all Arabs" and warned that other countries in the region would be next in the firing line.

"After Iraq, one day, it will be other Arab countries' turn," assistant secretary general Said Kamal told AFP.

"The question is, for every Arab citizen: Who gave the authorisation to (US President George W Bush) to interfere in Iraqi affairs? Who gave this authorisation?" he asked.

The pan-Arab organisation's secretary general, Amr Mussa, meanwhile, said it was a "sad day" for the Arab world.

"It's a sad day for all the Arabs, that Iraq and its people should be subjected to a military strike which will leave nothing standing and take no account of civilians nor of the whole of Iraq," he told reporters.

"I feel saddened and angry in the face of this aggression," he said. <sup>14</sup>

It is clear that the Arab League had some apprehension about post- Iraq US intentions.

AM appeared to accurately reflect the views of senior officers of the Arab League.

Complaint 3 is therefore not upheld.

#### Complaint 4

<b>21 March 2003 10:14:06</b>
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<sup>14</sup> Associated Press 21 March 2003, provided by ABC News and Current Affairs

4. PETER CAVE: "Turkey's parliament today grudgingly (*no evidence provided*) passed legislation allowing allied planes to use Turkish airspace."

The program had provided previous coverage<sup>15</sup> about divisions in the Turkish parliament about the presence of US troops in Turkey. On 11 March an altercation had broken out in the parliament over the place of the US military on Turkish soil and airspace. The prevarication of Turkey in response to some \$40 billion in US aid in return for bases was a matter of considerable domestic and international tension.

The US supported Radio Free Europe and Radio Liberty reported on 13 March 2003 :

Yielding to government pressure, lawmakers on 6 February grudgingly authorized American military engineers to upgrade at least half-a-dozen seaports and airfields for use in a possible attack against Iraq<sup>16</sup>

The sense of reluctance by sections of the Turkish Parliament to allow any US presence had been widely reported by journalists and commentators<sup>17</sup>.

The Minister is right to point out that there was no evidence in the AM story to support the notion of a grudging legislature but it is not right to suggest that the reluctance did not exist. The vote of 332-202 demonstrates this.

The report of the attitude of the Turkish Parliament as grudging was an accurate description of the legislature's approach to concessions to the US over ground and air rights.

Complaint 4 is not upheld.

#### Complaint 5

**22 March 2003 - 08:02:24**

<sup>15</sup> 20 February 2003

<sup>16</sup> <<http://www.rferl.org/nca/features/2003/03/13032003173941.asp>>

<sup>17</sup> CBS in the United States reported, for example:

The United States for months has been pressing Turkey, NATO's only Muslim member, to base the American troops to open a northern front against Iraq.

By four votes, the Turkish Parliament refused to allow the troops into the country in a March 1 vote that stunned U.S. military planners.

But as the date for an Iraq war drew closer, Washington requested the urgent use of Turkish airspace for overflights.

War in Iraq is extremely unpopular in Turkey. As a result, the government of new Prime Minister Recep Tayyip Erdogan has delayed putting the request before parliament again.  
<<http://www.cbsnews.com/stories/2003/03/20/iraq/main544811.shtml>>

*Gratuitous Barbs.*

5. LINDA MOTTRAM: Well in Washington, the Bush Administration has been briefing journalists on the latest developments in Iraq, quickly taking the opportunity to make advances in the propaganda war to match those they say they're making on the ground, but also having to acknowledge two combat casualties.

*On what evidence is a US media briefing characterised as a negative, dubious and grudging propaganda exercise?*

Is it being suggested that in the context of a military conflict, that briefings to journalists are not part of an information management strategy by either side?

The *ABC Charter of Editorial Practice* requires of editorial staff to be 'questioning' and enterprising in 'perceiving, pursuing and presenting issues'. In reporting military conflict, progress briefings from either side should be treated with some element of scepticism.

The complainant has seen the AM report as characterising the US media briefing as a 'negative, dubious and grudging propaganda exercise'. The briefing as a propaganda exercise is acknowledged but the other inferences I find harder to draw.

Complaint 5 is not upheld.

#### Complaint 6

**22 March 2003 08:02:24**

6. JOHN SHOVELAN: "White House Spokesman, Ari Fleischer, said the President hadn't watched the opening of the air offensive on television, an indication of just how sensitive he is to launching a massive bombing campaign in an area so heavily populated".

*It is one thing to report the President's viewing pattern for which there may have been a number of reasons. It is another thing altogether to draw an unequivocally negative conclusion which implies, at least, embarrassment on the President's part.*

On examining the source for this story (below) it is clear to me that the White House Spokesman was sensitive about the President's television watching patterns. It is conjecture on John Shovelan's part as to how the President felt about the television coverage of the war. However the inference of Presidential sensitivity about watching television is justified on the basis of the following exchange between Ari Fliescher and journalists on 21 March 2003:

Q Ari, has the President watched any of this, the unfolding events in Baghdad, do you know?

MR. FLEISCHER: Obviously, the President, having authorized the mission, was aware of the mission, knew when it would begin, et cetera. And I don't think he needs to watch TV to know what was about to unfold.

Q I was wondering if he had any comment on the impact of it?

MR. FLEISCHER: No, the President's approach is to gather the information about what is happening in its totality. He receives the information from his advisors, people who have a sight on all areas of what is underway. The President is aware, of course, the American people as they watch these events unfold; but he gets his information in a totality.

Q To follow up on that, the President has spoken many times of the special burden and the special responsibility he has as Commander-in-Chief of sending young Americans into harm's way. And has he ever spoken of -- he's also talked about liberating the Iraqi people from this brutal regime. But have you heard him talk about this other responsibility which may weigh on him heavily today, and that is for the death of innocents, for Iraqi moms and dads and children who may, despite our best efforts, be killed?

MR. FLEISCHER: There's no question about that. And I think the President worries about it from two points of view -- one, in terms of the present mission. This is why the President and the Department of Defense work so carefully, and we have such a modern military that is capable of engaging in precision strikes, so that the targets are indeed the military targets. As always in war, there is risk, there will be innocents who are lost. And the President deeply regrets that Saddam Hussein has put innocents in a place where their lives will be lost.

The other portion of what the President remembers when he thinks about the innocents are the 3,000 innocents who lost their lives on September 11th in the United States. And if it were not for the worries that the President had about an Iraqi regime, in defiance of the United Nations, possessing weapons of mass destruction, which he fears could again be used against the United States, you might not see this developing.

Campbell.

Q Just to clarify Terry's question. You said the President doesn't need to watch TV to know what's going on in Iraq, but you're telling me -- these are pretty astounding images -- he doesn't have a television on somewhere, he's not watching what's going on?

MR. FLEISCHER: The President, again, understands the implications of the actions that he has launched to secure the disarmament of the Iraqi regime to liberate the people.

Q Right, right, right. The question, though, is he watching TV, or not?

MR. FLEISCHER: The President may occasionally turn on the TV, but that's not how he gets his news or his information.

Q I'm not suggesting it is; but we just want to try to get an image of --

MR. FLEISCHER: From time to time, he might.<sup>18</sup>

The guarded and cautious manner in which the White House spokesman spoke of the President's approach to watching the war on television is evident. The President's sensitivity about civilian casualties is acknowledged by the spokesman (as are the casualties of September 11 and the victims of Saddam Hussein's own abuse of human rights.) However, to link the President's sensitivity to 'launching a massive bombing campaign' and his apparent lack of watching television is a matter of inference and conjecture.

Complaint 6 is upheld to the extent that it is not clear why the President was reluctant to indicate his television watching habits. The sensitivity of the President (through his spokesman) about watching television coverage of the war can be justifiably inferred. However, to link that sensitivity with the President having not watched television because he was sensitive about civilian casualties, is speculative.

Reporter John Shovelan, in responding to these findings in draft form, pointed out:

...based on the words in the complaint I can't see where I said he was sensitive about civilian casualties I meagrely said he was sensitive about watching the bombing campaign unfold over Baghdad...I just add again as a statement of fact the President and his officials repeatedly talked about the US military's intention to limit civilian casualties. So all of this didn't just appear out of nowhere. [I]t had context that has been overlooked in the original complaint and is being overlooked again in Mr Green's finding. Of course the administration was sensitive to civilian casualties that was why Donald Rumsfeld later described the bombing campaign as 'humane'.

In upholding the complaint Mr Green says "..... to link that sensitivity with the President having not watched television because he was sensitive about civilian casualties, is speculative."

I attach below the transcript of the Question and Answer broadcast on that day.

" [Linda Mottram]... Our Correspondent, John Shovelan, has joined me on the line from Washington.

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<sup>18</sup> <<http://www.whitehouse.gov/news/releases/2003/03/20030321-9.html>>

[pause]

John, we're hearing from the US that the air war has begun; that's Donald Rumsfeld's line. What does he exactly mean, do you think?

JOHN SHOVELAN: Well, the Pentagon says within a few hours of the start of the campaign the bombardment, or the attack, will hit something like several hundred military targets.

A-Day, as today has been dubbed, is the day many here in the Bush Administration had hoped would never come. They had hoped the strikes against the Iraqi leadership might have been enough to convince the significant parts of the Iraqi military to surrender.

White House Spokesman, Ari Fleischer, said the President hadn't watched the opening of the air offensive on television, an indication of just how sensitive he is to launching a massive bombing campaign in an area so heavily populated.

But the US Defence Secretary, Donald Rumsfeld, says everything has been done to minimise the risk of civilian casualties, and even went so far as to characterise the preparations for the bombardment as "humane".

DONALD RUMSFELD: Every single target has been analysed, and the weapon has been carefully selected, and the direction which the weapon is deliberate has been carefully examined, and the time of day when there is the greatest prospect of minimising any innocent lives. It is an enormously impressive effort, humane effort, to reduce this threat against our country in that region."

There is no mention of civilian casualties in the item.....further I attach the transcript of the Whitehouse briefing of that day provided to Mr Green [above].

I accept John Shovelan's distinguishing of the facts in his report. There is no mention of the President being sensitive about civilian casualties. However, in my view, it was still a matter of conjecture to link the apparent sensitivity of the President about television watching with the President's alleged sensitivity about watching the bombing campaign unfold over Baghdad.

In upholding Complaint 6, I do not regard this as evidence of a lack of impartiality or endemic anti-Americanism. Rather, the conjecture concerning the President's motivation should have been expressed more tentatively.

Complaint 7

22 March 2003 08:02:24

*Implied Gaffe.*

7. JOHN SHOVELAN: "Indeed today the Joint Chiefs of Staff said, I am not sure he meant to say it, but he said that the progress had been swift, swifter than it would have been if chemical weapons had of (sic) been used."

*Once again, this interpretation strongly implies a verbal slip. John Shovelan seems to have assumed the JCOS was talking about what would have happened if the Americans had used chemical weapons. Why should he so assume when the logic of the statement is quite to the contrary?*

The reporter is understood to be saying that the Joint Chief of Staff is observing progress in the military campaign as swift and at a greater speed than if chemical weapons had been used, not by the Americans but by the Iraqis.

The preceding report is relevant to the context:

LINDA MOTTRAM: Well the key issue, of course, is once they get to Baghdad, because it seems that they're not encountering a great deal of resistance on the run north from the Kuwaiti border. Are the Americans indicating whether they expect any more resistance as they move further north?

JOHN SHOVELAN: No, they haven't. So far they've characterised the resistance they've run into as sporadic. Even though we're not seeing the whole picture here, there are coalition troops basically encircling Baghdad on the north, the south and the west, and we're not seeing the complete picture, but they are obviously running into resistance, but not as much as they had thought.

Indeed today the Joint Chiefs of Staff said, I'm not sure he meant to say it, but he said the progress had been swift, swifter than it would have been if chemical weapons had of been used.

The comment by John Shovelan is in the context of a discussion about the progress of the campaign and how little resistance was encountered. The comment of the Joint Chiefs of Staff is remarkable because of the debate about Iraq's weapons capacity and the reporter reflects on this. Such analysis is, in my view, what the *Charter of Editorial Practice* means by 'perceiving, pursuing and presenting issues' as part of the public's right to know. Whether or not the Iraqis had chemical weapons was a major area of interest.

Complaint 7 is not upheld.

Complaint 8

22 March 2003 08:02:04

8. JOHN SHOVELAN: "The Bush Administration concedes (*why not "says" or "believes"?*) that the voice in the tape..... is that of Saddam Hussein."

An appraisal of this complaint is more satisfactory if the context of the discussion is understood:

LINDA MOTTRAM: And Saddam Hussein, dead or alive? I guess this is the question that's been rumbling around for the last 24 hours.

JOHN SHOVELAN: Well, there's no categorical answer to that. The Bush Administration concedes that the voice in the tape that was released shortly after the strike on the palace compound on the first night the war began is that of Saddam Hussein. But what they don't know is whether that tape was pre-recorded or not. The suggestion has been that, US intelligence says that he had been known to prepare speeches before events, and the suggestion is that that could have happened now.

But certainly, the US military is operating on the assumption that Saddam Hussein is alive and in control, and that's why we're seeing what we're seeing today.

The context of the discussion is what US intelligence is saying about Saddam Hussein. It is appropriate, in my view, to use the word 'concede' in an information environment where the relationship between the intelligence source and reporters is guarded if not combative.

Complaint 8 is not upheld.

#### Complaint 9

**24 March 2003 - 08:04:34**

9. LINDA MOTTRAM: ".....the issue of the American dead and captured ....has that disturbed the American public, in particular about the progress of this war?"

*On what basis should a reporter be asked a leading question designed to elicit a sweeping anti-war comment? Indeed on what basis should the amorphous "American public" be expected to have second thoughts about progress, especially after only a few days of hostilities?*

The matter of context is important in appraising this complaint. By selectively quoting from the presenter's lead, the complainant has attempted to build a presumption that I cannot infer when the full text is examined:

LINDA MOTTRAM: John Shovelan, the issue of the American dead and captured, apparently according to the Iraqis, who were shown on Iraqi television and on Al-Jazeera, has that disturbed the American public in particular about the progress of this war?



JOHN SHOVELAN: Not so far, and that's largely because the Defence Secretary, Donald Rumsfeld, asked the major networks here not to air that footage. The administration itself is deeply disturbed by the images because Iraq has used images of captured American POWs before in the 1991 Gulf War and then there was Somalia where a body of a US soldier was dragged around, and this today, these images today have been treated in much the same way by officials at the Pentagon.

President Bush didn't say much about the incident, the POWs today, but he demanded that they be treated according to the Geneva Convention.

GEORGE BUSH: I expect them to be treated, the POWs, I expect to be treated humanely, just like we're treating the prisoners that we have captured humanely. If not, the people who mistreat the prisoners will be treated as war criminals.

LINDA MOTTRAM: US President George W. Bush there. John Shovelan on the line from Washington.

The presenter was justified in asking about the reaction of the US public to prisoners of war as the images of captured US soldiers had a significant effect on public opinion in the 1991 Gulf War. This is explained in the story. Further, it was clear that there had been no reaction to images of US prisoners of war as the American networks had agreed with the Defence Secretary's request not to show them.

I am unable to understand how the lead to this story could be construed to 'illicit a sweeping anti-war comment' when the response of the reporter is considered. The complainant has apparently isolated what are seen as partisan phrases, and stripped them of the meaning and context in which they appear, in order to demonstrate a lack of impartiality.

Complaint 9 not upheld.

#### Complaint 10

**24 March 2003 08:17:34**

10. LINDA MOTTRAM: "With the reports of more American losses overnight in fighting in places like Nasiriyah, is that having any impact on morale where you are?"

*On what basis could it be suggested that very modest and predictable losses could undermine morale? In contrast, it would be very difficult at any stage of the conflict to find any suggestion in the ABC AM coverage that American morale was boosted by overall rapid progress.*

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The answer to the complainant's question is in the report from embedded journalist Geoff Thompson travelling with a support and supply convoy moving through Southern Iraq. This was the same sort of convoy from where US soldiers were captured:

GEOFF THOMPSON: We've been travelling in this truck convoy, it's more than 70 trucks and we've been travelling for, for 30 hours now, and it's very cold at night and very hot during the day, and right now we're sort of huddled around this sort of sandbagged back of a security truck and we just get to see what we pass on the side of the road and we get to stop every now and then when trucks break down, that sort of thing, and we get to have a little bit of a look around at the places we're passing through.

LINDA MOTTRAM: With the reports of more American losses overnight in fighting in places like Nasiriyah, is that having any impact on morale where you are?

GEOFF THOMPSON: Well, certainly in talking to the marines that are driving and guarding this convoy, you know, when we put on CNN on the radio on the back of this truck they all huddle around, and they certainly, they talk about it being a wake-up call. They talk about it, you know, they've actually in these few days when they've crossed this border they're aware for the first time in their lives of the reality of war.

We were with one young sergeant as he was looking at his first ever dead body he'd ever seen in his life of what appeared to be some Iraqi civilians caught up in the attack as they came over the border and he, you know, he, clearly these are marines who are trained but they're also young men and women who haven't seen things like this before. So, yeah, it's certainly an eye opener for them.

Geoff Thompson's report is an eyewitness analysis of the state of mind of at least one group of US marines. Linda Mottram's question about morale seemed unremarkable and pertinent since the US were suffering some losses.

On the matter of AM coverage reporting on any increase in morale because of the rapid progress of the Coalition, this will be examined in the consideration of the themes at the end of this determination. However in AM reports up until the date of this particular complaint (24 March 2003) included: on 21 March, President Bush and Defence Secretary Rumsfeld and Retired Colonel John Warden speaking positively of the early progress; on 21 March Australian Defence Minister Hill saying troop morale is high; on 22 March Brigadier Maurie McNarn speaking most positively about the achievements of the Australian SAS and Major General John Hartley praising the progress and the rapid advance of Coalition forces; and earlier in the program of 24 March 2003 President Bush indicating how pleased he was in progress to date.

Complaint 10 is not upheld.

Complaint 11**25 March 2003 - 08:00:40***Repeated willingness to jump to negative conclusions*

11. LINDA MOTTRAM: "The Coalition forces in Iraq continue to battle the perception that all is not going to plan."

*This is a sweeping and very negative conclusion. The only justification provided on AM seems to be that several Apache helicopters were badly shot up - surely a minor and totally predictable episode which could not possibly be turned into "not all is going to plan".*

The source for Linda Mottram's comment came from a Pentagon briefing from Assistant Secretary of Defence for Public Affairs, Victoria Clarke, and Major General Stanley McChrystal on 24 March 2003:

Q: General, have your ground forces begun engaging the Republican Guard yet in Baghdad? You say the Apaches are attacking. And the questions being raised about the mad dash for Baghdad to cut off the head, to speak, and questions being raised about what you're doing to backfill. Are you going to start moving the 4th ID in soon to southern Kuwait to join its equipment and move into southern --

McChrystal: Sir, I think I have all that. First, I'd stress that the tempo of the operation is controlled by General Franks, and operations and contact will occur at the time and place of his choosing. And that's key to his strategy, because he's got an array of forces -- special operating forces, air forces and maritime forces, both of which provide exceptionally precision strike capability. I mean, he's got a very lethal and very agile ground force, which can move quickly. It can stop, start, move left and right. So he's got the ability to control the tempo of operations, probably like never before.

So what that allows him to do is create the conditions or preconditions, as we describe, on any place on the battlefield before he makes the next move. What you're seeing in the ground movement now has in fact created conditions for the very rapid move that you've seen. Additional conditions are being created. At this point, to my knowledge, we have not gotten in direct firefight with Republican Guard forces. But they have been engaged with air forces and now with attack helicopters, which are -- belong to the Army; they're an arm of the ground forces.

And so all of the pieces are falling in place to allow him again to control the tempo of the move.

So, the final part of your question on the 4th Infantry Division, of course General Franks has directed that its equipment move down through the Red Sea, and it will be brought in so he can use the force at the time and place of his choosing in the south.

...

Q: General, there is some concern among officers, particularly in the Army, that you didn't bring enough armour to this fight; you only have one heavy division there, the 3rd ID. How would you respond to that?

McChrystal: Sir, I'd respond that General Franks has incredible flexibility right now. In fact he has a heavy division, the 3rd ID, which has moved with extraordinary speed, more than 200 miles in a short amount of time. He's got the air assault capability of the 101st, which gives him incredible reach and the striking power of a large number of Apache helicopters. He's got a Marine force, the 1st MEF, which has been remarkably successful to date. And then he's got a coalition force from the Brits. So --

Q: So you think one heavy division is sufficient for the start of this fight?

McChrystal: Sir, I wouldn't put words in General Franks' mouth on what he needs.

Q: I'm actually addressing you.

McChrystal: Yes, sir, I think he's doing pretty well with what he's got right now.

Q: Are you going to bring back any of the 3rd ID armour to help protect the supply line?

McChrystal: Sir, I'd be speculating on any plan General Franks has.

Clarke: Well, and I'd say two things. Tom, you started out your statement saying, some Army officers. Who knows, I'm guessing they might be in this building, or they might be very far away from where the action actually is. I know most people think that we are -- what, four days in? -- four days into this conflict, and most people think extraordinary progress has been made; some say historic progress has been made. Not to say there won't be problems, not to say the toughest battles might lie ahead. But I think most people are looking at this, and most people with real information, are saying we have the right mix of forces. We also have a plan that allows it to adapt and to scale up and down as needed.

But I'd just -- it's a lot easier to sit in Washington, D.C. and criticize, but it's not very useful.

Q: What about all the bad news that U.S. and British forces got over the weekend? How does that fit into the statements that, you know, everything's going according to plan? Could you just --

Clarke: One of the things I did want to find an opportunity to talk about, and I guess this is it -- there are many strengths, and we think over the long haul, there will be many more strengths to this incredible media coverage of the operations. It is unprecedented, and it is of a size and a scope that we've never seen before. And that is very good for the obvious reasons. It can be very challenging, because, as the secretary has said, we have hundreds of journalists out there, many of them reporting just one very small slice of something. It's probably an accurate slice, but it's just one slice of what is a very large, very complex effort. And it may take time for people to sort through, what's the significance of all of those things. And what somebody with some perspective and some context looks at and says is a small firefight that it's absolutely something you would expect in a situation like this, from somebody there on the ground with the forces, it might look like something much bigger and much more intimidating.

Having said that, we're on the fourth day of these operations. We are on timeline, if not slightly ahead, that General Franks and his team have set. We have made considerable progress toward our objectives that they have spelled out. You know, we're securing the oil fields for the benefit of the Iraqi people. We have quite a bit of dominance from the air. We continue to make good progress heading toward Baghdad.

So it's hard, given all the information that is out there and all the reporting that is going on. But if you step back and you have some context, it looks about where it should be. Having said that, you know, people talk about what was expected and what's unexpected, one thing you do expect in any conflict is for bad things to happen. We said that repeatedly in the weeks and months leading up to this action. We said repeatedly, one of the reasons you work so hard to avoid going to war is because bad things happen and people die. And that is awful. But if you have context on this plan, it is going, according to most people who have the right kind of context, about as we expected.

Q: And General McChrystal, did you want to comment on that, because you looked --

McChrystal: No, I think she got it incredibly well. I think if you put it in perspective, and one of the things a commander always has to do is make sure he sees the big picture, because it's a great tendency, as a commander war-games his plan, to expect little things to go wrong. And then when they go wrong, there's a chance that you can focus on that, but if you step back and look at the bigger picture, like on this campaign, it's going superbly, and I think General Franks has kept that focus<sup>19</sup>.

It is evident from this exchange between reporters and Pentagon officials that there were questions about whether the offensive was in fact going to plan. Linda Mottram in her introduction accurately reflects this perception.

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<sup>19</sup><[http://www.defenselink.mil/news/Mar2003/t03242003\\_t0324asd.html](http://www.defenselink.mil/news/Mar2003/t03242003_t0324asd.html)>

Ian McPhedran in the *Daily Telegraph* personified what he believed had not been taken into account by Coalition planners:

"I will stay and I will kill Americans" the wealthy young Iraqi said.

"There are seven million of us and we all want to kill Americans"

This is not some fanatic talking, but a middle class Iraqi prepared to die for his homeland.

He could easily drive across the border to Jordan in his Mercedes-Benz and travel on to the United Arab Emirates where his family have money and property, but he wants to stay....

The spirit of this young man, 11 days after American and British forces began their massive bombardment of Baghdad, is what coalition military planners did not count on<sup>20</sup>.

There was a sense that all was not going to plan.

Complaint 11 is therefore not upheld.

#### Complaints 12-16

12. *John Shovelan immediately proceeded to say that "Saddam Hussein loyalists are working behind the scenes fighting using guerrilla tactics and this is really unsettling the Pentagon".*

*And the evidence?*

*JOHN SHOVELAN: "They were talking yesterday about it and again today"!*

13. *After Major General Stanley McChrystal had said that: "the Fedayeen may be preventing a number of regular soldiers from surrendering", Linda Mottram immediately concluded: "so they do sound quite unnerved by this, John".*

14. *She followed this up with another gratuitous observation: "even the Americans now are conceding, (this war) has a fair way to go".*

15. *After a further unremarkable dialogue between American spokespersons Linda Mottram couldn't help volunteering "the Pentagon spokesperson Victoria Clarke, who, John, really did seem to dive in there to save Major General McChrystal, didn't she, because he did not seem very comfortable with these questions at all".*

16. *Having unilaterally decided on the flimsiest basis that one spokesperson was uncomfortable, Linda Mottram then sought to taint or at least raise doubts about the*

<sup>20</sup> *Daily Telegraph*, 31 March 2003

*entire Administration: "is any of that discomfort translating to the upper echelons in the US, to Bush or to any of the other senior officials?"*

I infer from the complainant's critique, suggestion that a current affairs reporter or presenter should be cautious if not reluctant to critically evaluate the substance of a military briefing given in the context of war. The *ABC Charter of Editorial Practice* is quite clear about how the editorial standards of balance and impartiality are to be applied:

5. The commitment to balance and impartiality requires editorial staff to present a wide range of perspectives and not unduly favour one over the others. But it does not require them to be unquestioning, nor to give all sides of an issue the same amount of time. News values and news judgements are a material consideration in reaching decisions, consistent with these standards.
6. In serving the public's right to know, editorial staff will be enterprising in perceiving, pursuing and presenting issues which affect society and the individual.

Linda Mottram and John Shovelan are not unquestioning and are being enterprising in perceiving and pursuing relevant issues. The transcript of the program demonstrates this:

LINDA MOTTRAM: The Coalition forces in Iraq continue to battle the perception that all is not going to plan. The top US military is talking this morning about the struggle to secure their long lines into Baghdad. The Pentagon has had a briefing this morning, focussing on those issues.

John Shovelan, our Correspondent in Washington, joins us.

John what, first of all, is the Pentagon saying about the Iraqi tactics?

JOHN SHOVELAN: Just in terms of that Apache firefight with the Republican Guard, there are a number of reports coming out that several Apache helicopters were very badly shot up and unable to complete their mission there, but there still hasn't been an exchange with the, a firefight, a ground fight as it were, between Coalition forces and Republican Guard forces.

What they are finding though is that elite loyalists, Saddam Hussein loyalists, are working behind the scenes, fighting using guerrilla tactics, and this is really unsettling the Pentagon. They were talking yesterday about it and again today.

They say that these members of the Fedayeen Saddam, which is apparently one of the most loyal arms of Saddam's security forces have been out working. They have planted themselves into the regular army and they are stopping the regular army from surrendering and when the regular army is defeated they are then going behind the lines and attacking coalition forces.

Today Pentagon spokeswoman Victoria Clarke said the use of these tactics was a breach of convention.

STANLEY MCCHRYSTAL: General Franks also mentioned the Saddam-

Fedayeen paramilitary troops.

We've known that this group was being dispersed throughout regular army forces in an attempt to control allegiance to the Iraqi regime.

We believe, from prisoner of war debriefings, that the Fedayeen may be preventing a number of regular soldiers from surrendering, giving the soldiers either the choice of fighting or being shot in the back if they attempt to surrender.

LINDA MOTTRAM: Major General Stanley McChrystal who is the US Army Director of Operations, who was in fact speaking alongside Victoria Clarke, the Pentagon spokeswoman.

So they do sound quite unnerved by this John. What are they saying about casualties as a result of these tactics?

JOHN SHOVELAN: The Pentagon is refusing to give an up to date casualty toll at the moment. They've been persistently asked for it and they are saying the reason why they are going slow on it is humanitarian in that they must allow the families to be notified first.

There is a suspicion though amongst journalists here, that that is not the case at all, that that figure is politically sensitive and they are hoping that when it is released it is not so sensitive.

Yesterday was a bad day. Today they still haven't been able to give us a total figure on the combat death toll yesterday as well as today. I mean, yesterday they were talking around about 10 when it appeared there was at least 21 and today they still haven't been able to come up with a death toll and, you know, there is no real explanation for it other than it is a politically sensitive figure.

LINDA MOTTRAM: Now the other issue that is getting a fair work out by those observing the war is this question of whether the US has actually got enough fire power and hardware on the ground, enough back up, to pursue this war, which even the Americans now are conceding, has got a fair way to go.

How is the Pentagon responding to that?

JOHN SHOVELAN: Well, it's a bit sensitive to this. There's criticism that perhaps they didn't put enough armour on the field. There's also suggestions that the terms of engagement are too limited in that soldiers have been told that they are not to fire unless they are fired at, which means - and the reason for that is to limit civilian fatalities - but a number of places, what they're finding is that when they don't return fire, when they don't fire, these people can come at them either dressed in civilian clothes and attacking them from behind.

Certainly that's the view of the Pentagon. Now, there's been criticism of this and this criticism again was dealt with at the Pentagon at the briefing a short time ago [as excerpted above].



It is evident from the dynamics of this Pentagon briefing that Major General McChrystal appeared concerned if not unnerved by Fedayeen activity and was defensive about the adequacy of US reinforcements. Victoria Clarke did appear to be managing the nature of journalists' inquiries. This is the stuff of military briefings where 'staying on message' is an important part of the information strategy and maintenance of public support for a campaign. What Mottram and Shovelan were doing was reflecting a perception, at this stage of the conflict, that not all was going to plan and that Coalition lines of supply were over extended. These propositions did not arise from any partisan position of AM presenter and reporter but are evident in the questions from journalists at the Pentagon briefing.

Complaints 12-16 not upheld.

#### Complaint 17

**25 March 2003 08:08:40**

17. LINDA MOTTRAM: "Britain's Prime Minister Tony Blair has also been addressing some of the question marks (*unspecified*) that currently hover over the Coalition's campaign in Iraq".

*Given that the Blair remarks broadcast on AM showed that he was assessing progress and outlining some of the Coalition's achievements, why was Linda Mottram so intent on injecting a negative tone into a positive item?*

The above excerpts do not fully reflect the sense of Linda Mottram's introduction that went on to say:

For the first time since the deeply divided Parliamentary vote on the Iraq war, Mr Blair has been addressing MPs at Westminster.

He is, of course, the chief ally of the US in this conflict and he is also having nothing of suggestions that the Coalition's plans have been thrown off course.

AM then broadcast a substantial excerpt from Mr Blair outlining the considerable achievements of the Coalition forces. Mr Blair's unequivocal conviction about the outcome concluded this story:

TONY BLAIR: There are of course difficulties that have arisen, tragedies and accidents and we grieve for the lives lost. That is in the nature of war and it is in the nature of today's instant, live reporting of war, that people see the pain and the blood in vivid and shocking terms.

That we will encounter more difficulties and anxious moments in the days ahead is certain, but no less certain, indeed more so, is Coalition victory.

London based ABC reporter Matt Peacock then summed up some of the questions Linda Mottram was alluding to in her introduction:

MATT PEACOCK: Less certain can Mr Blair be of securing another UN resolution for post-war Iraq, or of averting a war within a war, in northern Iraq between Turkey and the Kurds.

Rather than being negative as the complainant is suggesting, the story strongly reflects the unequivocal conviction of Mr Blair about the success to date of the campaign and its ultimate outcome. Mr Blair also reflects on the difficulties. Linda Mottram's full introduction reflects both aspects of the Prime Minister's comments and challenges.

Complaint 17 not upheld.

Complaint 18 and 19

**25 March 2003 08:15:40**

*18. Despite Peter Cave explaining on air that there was a split at an Arab League Summit (stating that Kuwait had voted against a strong majority call to halt the war, while Qatar left early and Saudi Arabia also apparently didn't support the call) Linda Mottram managed to ignore the significant dissenters and instead sought to treat a majority outcome as unanimous: "so is there now a unified position?"*

*19. She then went even further by mocking the Coalition's war commitment and suggesting that it had fundamentally backfired: "is it the case of the Coalition having gone to war, has in fact pulled all this together?"*

The transcript of the program indicates that unanimity on the part of the Arab nations was claimed by the resolution coming from the meeting of foreign ministers in Cairo:

ALI TRIKI [translated]: The Arab position is clear and it was unanimous. Unanimously they condemned the aggression, this aggression and they considered it an aggressive attack and illegitimate. It is an aggression over all of, against all of the Arab nations, according to Sharm el-Sheikh Beirut resolutions.

When Linda Mottram asked 'is it the case of the Coalition having gone to war, has in fact pulled all this together' the ABC Foreign Editor, Peter Cave, confirmed the presenter's proposition:

PETER CAVE: I think so. Certainly the Kuwaitis voted against the motion today. They were the only one of those there. There were 18 of 22 foreign ministers there and the Kuwaitis were the only ones who voted against.

The Qataris, who are hosting the American headquarters, their foreign minister left early. He said he didn't believe that such meetings were useful. He said they were organised to appease Arab public opinion, but he said he was leaving because he had a prior engagement.

And after all this division we have seen, today we did see unity and we saw that Libya's Minister there, Ali Triki, read the final resolution through a translator.

Earlier in the program Linda Mottram had in fact questioned the phenomenon of Arab unity:

Peter, is this a surprising degree of unity, given some of the divisions we have seen in Arab ranks in recent times?

In this context it is not sustainable to argue that the presenter 'managed to ignore significant dissenters'.

Complaints 18 and 19 not upheld.

#### Complaint 20

**25 March 2003 08:20:40**

20. Kofi Annan's direct statement that "I've heard a report from Red Cross that the people in Basra may be facing a humanitarian disaster" was prefaced by Linda Mottram with an unequivocal: "the UN is warning of a humanitarian crisis."

The introduction to this story is relevant to the consideration of this complaint:

LINDA MOTTRAM: But now, with more than half the Basra population without power and clean water for around four days, the United Nations is warning of a humanitarian crisis and the UN children's fund says that 100,000 children are at risk of disease if potable water is not provided urgently.

Tanya Nolan reports.

TANYA NOLAN: It's been one of the areas hardest hit in the Iraqi conflict and now tens of thousands of people in the southern city of Basra are trying desperately to find clean water, and the biggest worry is that people will start drinking from the river system which is heavily contaminated with sewage.

And it's prompted this urgent plea from UN secretary general Kofi Annan.

KOFI ANNAN: I've heard a report from Red Cross that the people in Basra may be facing a humanitarian disaster in that they have no water and they have no electricity and I think a city of that size cannot afford to go without electricity or water for long. Apart from the water aspect, you can imagine what it does to sanitation.

So I think urgent measures should be taken to restore electricity and water to that population.

The following is what the Red Cross were reporting:

Most of Basra has been without water since Friday, 21 March, because of a power cut. On Saturday the ICRC and local technicians found a temporary solution to restore water to about 30-40% of the city. The water provided is drinkable but not of very high quality. However, media reports indicate that many citizens have had to start taking water directly from rivers. The ICRC therefore remains concerned about a possible public health crisis<sup>21</sup>.

It is clear that both the Red Cross and the UN were concerned about a possible humanitarian crisis in Basra.

The concern that Linda Mottram was unequivocal in her report of UN warnings of such a humanitarian crisis is placed in context with the story that follows and the corroborated warnings coming from the agencies themselves. If the sentence is taken in isolation, and taken as the whole story, then it would be more accurate to have said 'the UN is warning of a possible humanitarian crisis'. The one sentence, however, was not the whole story presented in the program.

Complaint 20 not upheld.

#### Complaint 21

**Wednesday, 26 March, 2003 08:04:21**

21. *Mark Willacy reported that:* "So there is a history of rebellion in Basra and there was surprise among Coalition military planners that an uprising hadn't occurred until this moment, that it hadn't occurred earlier in this campaign."

<sup>21</sup>

<<http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList550/57EEAF2812E09CABC1256CF400532C2A>>

*Whilst this could have been due to a number of reasons, particularly fear of the Fedayeen, Linda Mottram immediately selected the anti American card: "presumably because of cynicism about what the Coalition might or might not do."*

The story is set up by Linda Mottram in the context of what happened in Basra in the 1991 war:

LINDA MOTTRAM: Okay, let's talk a bit about Basra itself. There was a big uprising there in 1991. It was put down after the Americans failed to sort of support the rebels.

Is Basra really very important to the Coalition this time do you think?

MARK WILLACY: I think it is Linda. Obviously, it's the second largest city in Iraq. It's home to Iraq's largest population of Shi-ite Muslims and as you said, the Shi'ites in the south were the first people to rise up against Saddam Hussein after the 1991 Gulf War, and you'll remember that that revolt was brutally crushed by the regime, apparently thousands died.

So there is a history of rebellion in Basra and there was surprise among Coalition military planners that an uprising hadn't occurred until this moment, that it hadn't occurred earlier in this campaign.

LINDA MOTTRAM: Presumably because of cynicism about what the Coalition might or might not do?

MARK WILLACY: That's right. There was obviously cynicism about that campaign objective, not only the objective of removing Saddam Hussein, but more importantly about how they were going about it.

But also we're hearing that apparently this uprising didn't occur earlier because of these one thousand irregular Iraqi troops that have been threatening the population and we've heard reports that they were using people as human shields. So that obviously discouraged people from rising up earlier than they did.

LINDA MOTTRAM: You mentioned before some of the denials from the Iraqi authorities about this. What else are they saying about the progress of the campaign so far?

MARK WILLACY: Well we've had a full-scale public relations blitz from the Iraqis today. We've heard from the Information Minister Mohammed al-Sahhaf, I referred to him earlier, but he also said that Iraqi forces have killed scores of invaders and he's predicting that there will be a decisive battle in the coming days, which he says Iraq will win.

Now we assume he's referring to the battle for Baghdad, which is poised to happen in the next 48 hours.

We've also heard a statement from President Saddam Hussein, which was read

out on Iraqi TV.

Now he's urging his loyal Fedayeen paramilitary, which is run by his son Uday, his somewhat unstable son, to hit out at the US and British enemy wherever it might find them.

Now the Fedayeen militia is regarded as among Saddam's most loyal forces. Many of them come from his hometown Tikrit and from his own tribe and in fact some of these Fedayeen have been helping to hold out the invasion force at Basra and are among that one thousand loyal force that have been keeping the civilian population in check.

The AM coverage has to be appraised in the context of the full story and the interaction between presenter asking the questions and correspondent responding. The responses of Mark Willacy and his analysis of the role of the Fedayeen provide the analysis that the complainant alleges is absent.

Complaint 21 not upheld.

#### Complaint 22

**26 March 2003 08:21:21**

*22. Having established that the weather overnight might have been slowing both sides down, Linda Mottram turned this into a particular psychological problem for the Coalition: "and what about the issue of morale and being able to have that sense of moving forward constantly?"*

The inference by the complainant appears to be that Linda Mottram is suggesting that morale is an ongoing difficulty. That is not what the presenter appears to be arguing. The question is, has the weather and the constant movement caused a morale problem? As the storm was the worst in some 18 years this does seem a reasonable question. The full text of the story is informative:

LINDA MOTTRAM: Though the Coalition's forces continue to push forward towards Baghdad, they are also continuing to encounter obstacles, and overnight the weather was an issue.

One American forecaster, who's observed the weather in the Persian Gulf for 18 years, says that the storm system that was through the area overnight was the most severe he'd seen ever over Iraq.

I spoke a short while ago to ABC Correspondent Geoff Thompson, who's with US forces in the south of Iraq.

Geoff Thompson, the weather sounds like its turned pretty bad. Can you describe what conditions are like for us?

GEOFF THOMPSON: Well Linda, yesterday in the morning, in the morning it wasn't too bad and then suddenly a dust storm picked up and got more and more intense throughout the day to a point where you could only see five feet in front of you clearly, and it was so harsh, it was stinging sand and rocks flying through the air.

It basically meant, certainly where I am, and it's a condition which I'm sure affected the fighting forces here as well, but you basically had to bat down the hatches for most of the day and that didn't let up until the night time here when a thunderstorm opened up.

So everything that was covered in dust is now saturated, but that will probably end up being good news for the Coalition forces in the morning because the dust will be forced back down and they will be able to go about their operations.

LINDA MOTTRAM: Still it is a measure, isn't it, of just how harsh the conditions are at this time of the year. Are you getting any sense of how much of an obstacle it is to the Coalition's forces?

GEOFF THOMPSON: Well I think that, you know, I saw some Apache helicopters flying through the middle of the dust storm at its height, so I think certainly the heavy machinery can cut through this stuff, but on the ground for human beings to operate in these conditions, they have to wear goggles, they have to have their face wrapped in cloth.

It's very difficult to move around. Driving would be immensely difficult and I think the only thing they can be sure of is that those conditions are also effecting their opposition in this campaign, the Iraqi forces. But perhaps they are more used to these conditions than those of the US and the UK.

LINDA MOTTRAM: And what about the issue of morale and being able to have that sense of moving forward constantly? It must be frustrating to be stuck with weather conditions that mean that you just have to sit tight?

GEOFF THOMPSON: That's right. There's no doubt that things would have slowed down yesterday. No matter what they're saying at Cent. Com. etcetera, there's no doubt that it would have frustrated things. They wouldn't have been able to have moved as quickly as they would have liked.

Where I am, essentially things came to a halt, [inaudible] were put into formation, even the camp doctor was going from tent to tent asking if people had enough water, I mean, it reached that level of stress. People could not do much and that must also be true of fighting forces as well.

In response to Linda Mottram's questions, correspondent Geoff Thompson, embedded with a US marine convoy, provided a graphic picture of both the dust and thunderstorms. Thompson's observations are that the conditions would affect both sides of the conflict although the Iraqis may be more adjusted to such conditions.

The questions asked of Thompson seem to me to have been relevant and pertinent.

Complaint 22 not upheld.

Complaints 23-26

**Thursday 27 March 2003 - 08:00:19**

23. *Next day a direct hit on a market/shops in Baghdad was introduced by Linda Mottram as: "A test for Coalition claims about the accuracy of their weapons and a bloody one, as images of carnage in suburban Baghdad fuel difficult new questions for the Coalition".*

*No evidence of any "difficult new questions for the Coalition" was provided.*

24. *When a US spokesman denied deliberately targeting a market place and suggested Iraq might have been to blame Linda Mottram editorialised: "it sounds very much like they are spinning this quite strongly out of some degree of concern"*

*This was followed by another huge leap, especially given the US was contesting liability.*

25. LINDA MOTTRAM: "do you think this might cause a rethink about the strategy in this war...?"

26. *And finally, referring to Victoria Clarke reading out a list of crimes committed against international law by Saddam Hussein, a dismissive, "it is obviously a very vigorous public relations offensive at this time".*

The Pentagon briefing on 26 March from Major General McChrystal and Victoria Clarke included the following exchange with reporters:

Q: General, you said that -- I believe you said that nothing was targeted in the Sha'ab district today. Do you have any evidence whether anything might have landed in the Sha'ab district? And CENTCOM now says that nine surface-to-surface missile sites were attacked in downtown Baghdad today and some of those sites were near residential homes. Number one, do you know for a fact that nothing landed in the Sha'ab district? And were any of those missile sites in the Sha'ab district that were attacked?

McChrystal: Sir, we know for a fact that something landed in the Sha'ab district, but we don't know for a fact whether it was U.S. or Iraqi. And we can't make any assumption on either at this point. We do know that we did not target anything in the vicinity of the Sha'ab district.

Q: How big is the Sha'ab district? Could we ask? Approximately?



Clarke: Don't know.

But your question brings up something, a point that we've made before and we'll make again, just a sign of the brutality of this regime and a sign of how little they care about civilians that they put military assets close to civilians, in and around and near civilians, deliberately putting their lives at risk.

Q: Can you give us some idea how far away was the neighbourhood where you did target those missiles?

McChrystal: No, ma'am, we can't discuss the location of other targets.

Q: Oh, you can't say whether it was near there or not near there?

Q: This says the missiles were about 300 feet from homes that you were targeting; surface-to-surface missile launchers were 300 feet from homes. Now, is this the same strike as the market?

McChrystal: Sir, they were other targets within Baghdad.

Clarke: And we did not have a strike on the market.

Q: Not near there.

Clarke: Correct<sup>22</sup>.

The critical statement comes from the Major General:

McChrystal: Sir, we know for a fact that something landed in the Sha'ab district, but we don't know for a fact whether it was U.S. or Iraqi. And we can't make any assumption on either at this point. We do know that we did not target anything in the vicinity of the Sha'ab district.

At a Centcom briefing on 26 March Brigadier General Vincent Brookes had this exchange with reporters:

Q Iraq is reporting today of a missile attack on a residential section of Baghdad that killed 14 civilians. Can you confirm that and tell us what went wrong? ...

GEN. BROOKS: Well, first, I'm not aware -- I had heard this report that you're saying; it's in the media right now. We don't have a report that corroborates that, and so I can't confirm it.

What I can tell you is, as I've shown you on a regular basis, we have a very, very deliberate process for targeting. It's unlike any other targeting process in the world. It takes into account all science. It takes into account all capability. And we do everything physically and scientifically possible to be precise in our

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<sup>22</sup>< [http://www.defenselink.mil/news/Mar2003/t03272003\\_t0326asd.html](http://www.defenselink.mil/news/Mar2003/t03272003_t0326asd.html)>

targeting and also to minimize secondary effects, whether it's on people or on structures...

Q Kevin Donnough of ITV News. General, the pictures from this morning's bombing in Baghdad have already gone around the world. You've already seen them yourself. You must be able to give us some reaction to them and some knowledge, at least preliminary, of what happened, which bombs were dropped, and why it went wrong.

GEN. BROOKS: Well, I honestly cannot. We don't know that those were ours. We can't say that we had anything to do with that at this point. Once we have more information, we will be on the record about anything that happens in that way<sup>23</sup>...

The questions asked at both the Pentagon and Centcom briefings, on the basis of the above excerpts were 'difficult questions for the Coalition'. The lack of clarity as to the role of Coalition weaponry in the attack on the Baghdad market is clear from the exchanges. Victoria Clarke is unequivocal that the attack was not part of US targeting strategy. That is what the US is "contesting liability" for. Whether it was accidental fire from the US or Iraq remained an open question for Major General McChrystal.

Following the briefings the US issued a statement. The AM program of 27 March reported:

PETER LLOYD (ABC correspondent at Centcom): It was only hours after the cameras stopped rolling the Americans conceded, in a written statement headlined, "Civilian Damage Possible," that it was their bombs.

Long after the first Gulf War it emerged that roughly one third of missiles hit their target, one third missed altogether and the rest didn't even detonate. So how many bombs are failing to hit their mark this time around?

Given this possibility of US caused civilian co-lateral damage, it seems to me entirely a legitimate question for Linda Mottram to ask of Washington ABC correspondent Leigh Sales:

...do you think this might cause a rethink about the strategy in this war...?

As it happens Leigh Sales does not believe this development would have any effect on Coalition strategy:

LEIGH SALES: This won't necessarily but the strong resistance that they're encountering and some of the militia activity might. The tactics initially were to go into Baghdad and to take Baghdad as quickly as possible and leave other forces to tidy up cities in the south of Baghdad. But it's looking now like they're actually going to delay the Baghdad battle to try to get some more control in

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<sup>23</sup> <<http://www.centcom.mil/CENTCOMNews/transcripts/20030326.htm>>

those southern regions.

So there's a bit of a tactical change but you know, whether it's a change in strategy or whether it's caught the US unprepared, you know, no, according to Victoria Clarke at the Pentagon, the battle plan hasn't changed.

On the matter of Linda Mottram's comment that 'it sounds very much like they are spinning this quite strongly out of some degree of concern', it is a matter of fact that when asked about the likelihood of a US missile being off target Pentagon spokeswoman Victoria Clarke responds:

VICTORIA CLARKE: You're question brings up something, a point that we've made before and we'll make again, in just a sign of the brutality of this regime and a sign of how little they care about civilians that they put military assets close to civilians, in and around and near civilians, deliberately putting their lives at risk<sup>24</sup>.

It is apparent that Saddam Hussein located military installations in or near civilian facilities or residences. The Pentagon executive chose to press this fact in response to ongoing questions about possible US liability for the market incident. This could be reasonably construed as an attempt to move the agenda of this briefing from critiquing US military strategy.

Linda Mottram's perceptions would be cause for scrutiny if her appraisal were an isolated observation about the effect of this incident on US communication strategy. The *Washington Post* reflected much of the reaction of international observers:

Ever since the attack on Iraq began, the Bush administration has been aggressively courting the Arab news media, dispatching senior officials to drive home the message that the war is about "liberation, not occupation." But any positive feedback from the public relations blitzkrieg, which included interviews with Secretary of State Colin L. Powell and other top newsmakers, was largely swamped this weekend by visual images of death and destruction in Baghdad<sup>25</sup>.

The notion of a US 'public relations blitzkrieg', while referring in this instance to Arab press, is more colourful than a more restrained suggestion of 'a vigorous public relations offensive' and its tool of trade: 'spinning'

*The Australian* citing a Reuters source picked up on this theme:

Faced with opposition in the Arab world and elsewhere to its war, the Pentagon has launched a graphic public relations offensive aimed at illustrating the "brutality of the Iraqi regime".

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<sup>24</sup> n 15

<sup>25</sup> Michael Dobbs and Mike Allen, *Washington Post*, 30 March 2003, A26

During a briefing shown by news organisations around the world yesterday, chief Pentagon spokeswoman Victoria Clarke played videotaped clips of a news documentary showing the effects of Iraq's use of chemical weapons against Kurdish villagers 15 years ago.

A reporter asked Ms Clarke whether she was showing the clips in an effort to counteract TV images shown around the world of civilian deaths and casualties from the war in Iraq.

She did not answer directly but said, "That was my decision to use those clips"<sup>26</sup>.

It seems reasonable for Linda Mottram to have described this form of communication and advocacy as 'spinning'.

Complaints 23-26 not upheld.

#### Complaints 27-28

**27 March 2003 08:26:23**

*27. Instead of accepting that Tony Blair was proceeding to Washington in a genuine attempt to try to carve out a clear post war plan for Iraq, Linda Mottram instead sought to ridicule this objective: "and is he really seriously expecting to be able to go to those post war issues because we are barely not even a week into the war and it's already encountering obstacles, surely that's more likely to dominate?"*

*28. Having been told by Matt Peacock that important issues were at stake she then sought to trivialise it as a perception tactic: "it's really critical for Tony Blair in terms of opinion at home to be seen to be acting on this post war stuff quite quickly".*

*At least Matt Peacock attempted to put some balance into the equation by responding: "well it is, but it is also critical in Tony Blair's view for the future of the world".*

The domestic context of Prime Minister Blair's visit to the US was significant division within his own party about the Iraq attack and ongoing concern about the role of the United Nations in a post-war settlement. Further, there appeared to be different priorities between the Coalition partners. BBC Washington reporter Katty Kay filed on 26 March 2003 the following copy:

**Washington :: Katty Kay :: 2350GMT**

<sup>26</sup> *Australian* 31 March 2003

Tony Blair has arrived for talks with George Bush. I think immediately, this is going to be a council of war.

While Tony Blair will look to address the post-Saddam Iraq, they are also going to be discussing the military campaign..

They've got a lot of ground to cover. There is the question of Baghdad and how to launch that attack, and the post-Saddam era. Tony Blair is adamant there has to be UN involvement. The US is not so sure.

The differences are becoming more and more apparent.

This is a US administration which felt it had got its fingers slightly burnt by going back to the UN for a second resolution.<sup>27</sup>

The following day the BBC's Nick Assinder elaborated on the difficulties facing the British Prime Minister:

Tony Blair and George Bush wanted two clear messages to come from their war summit.

They wanted to dismiss suggestions the military campaign has run into trouble, with the coalition forces facing far stiffer resistance than expected.

And they wanted to underline the strength of their alliance and suggest there is not even a cigarette paper's difference between them over the post-war arrangements.

It is far from certain, however, that they succeeded in their aim.

First, both were notably downbeat about the future progress of the war - insisting the campaign would last as long as was necessary to disarm the Iraqi regime and remove Saddam.

There was no hint that they believed this could all be over in a matter of weeks, let alone days.

Secondly, while insisting they were united in their desire to see a broadly based administration after the war, there was clearly no agreement over the level of the UN involvement in that.

### **Standing together**

What did shine through their joint press conference with absolute clarity though was their personal alliance.

The president praised Tony Blair for his courage, loyalty and vision.

And the prime minister hailed Mr Bush's strength and leadership.

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<sup>27</sup> <<http://news.bbc.co.uk/2/hi/2886979.stm>>

There was a real sense of two men standing together against the world.

It is not quite like that, of course. They do not stand alone, but neither do they command the level of support available in the 1991 conflict - despite the president's claims.

They also both insisted, with more than a little justification, that the military campaign had proved a major success with regrettable, but minimal loss of life.

The implicit message was that claims it was taking longer and facing stiffer resistance than expected were a result of over excitement by the media.

That ignored the fact that wounded US soldiers told a press conference in Germany that they had been told not to expect strong resistance.

### **Outlined fears**

But it is the differences over the post-war administration of Iraq has the potential to prove a real problem - particularly for the prime minister.

He has been here before - promising UN involvement against a reluctant US and then failing to get it.

If that happens again he will face severe criticisms at home. So he is carefully damping down expectations, talking about UN "endorsement" rather than control.

The danger of him is that his anti-war rebels have seen nothing so far to change their minds about this action and his claimed sidelining of the UN.

They are insisting the UN must take over the interim administration of Iraq and that it should not turn into a US-run regime.

If that does not happen it will intensify the looming attacks on the prime minister's handling of this entire crisis.

Mr Blair will have outlined his fears to the president and urged him to take them into account when considering the post-war arrangements.

But the president faces his own pressures, particularly from those of his advisers who were always suspicious of the UN and feel their scepticism about it has been borne out.

However, these are political battles yet to come.

For now, both men want to concentrate on winning the real war.<sup>28</sup>

The BBC reporting, in my view, corroborates Linda Mottram's understood rationale for questioning the short term and long term objectives of the talks

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<sup>28</sup><[http://news.bbc.co.uk/2/hi/uk\\_news/politics/2892893.stm](http://news.bbc.co.uk/2/hi/uk_news/politics/2892893.stm)>

and observing that the British Prime Minister had some pressing domestic pressures about the post-war role of the United Nations. This is not 'ridicule' on the part of the AM presenter but it is rather 'perceiving, pursuing and presenting issues'.<sup>29</sup>

Complaints 27-28 are not upheld.

#### Complaint 29

**27 March 2003 08:28:23**

29. A John Shovelan report asserting that: "at the Pentagon there's suspicions that the US military is not releasing casualty details as quickly as it could" and that "the American population has, for the first time, become acutely aware of the risks and costs of this war," was translated by Linda Mottram into this introduction: "the American population is beginning to digest the possibility that there could be a heavy loss of American life in the war with Iraq" followed by a cynical assessment: "and so the Bush White House is recalibrating its message".

The transcript of this item provides a context not acknowledged by the complainant:

LINDA MOTTRAM: The American population is beginning to digest the possibility that there could be a heavy loss of American life in the war with Iraq, and so the Bush White House is recalibrating its message.

President George W. Bush today addressed the US Central Command in Florida, telling them that this war is "far from over".

From Washington, our Correspondent John Shovelan, reports.

JOHN SHOVELAN: At the Pentagon there's suspicions the US military isn't releasing casualty details as quickly as it could.

US MILITARY OFFICER: The CenCom. brief said this morning that it is a policy not to release the numbers of dead and wounded, how many American...

JOHN SHOVELAN: But Major General Stanley McChrystal was quick to cite Iraqi casualties in a battle yesterday.

STANLEY MCCHRYSAL: Seventh Cavalry was engaged by irregular forces firing rocket-propelled grenades and anti-tank weapons. In the middle of bad conditions our forces responded by destroying more than 30 enemy vehicles and killing enemy personnel in the hundreds.

JOHN SHOVELAN: In the past few days the American population has, for the

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<sup>29</sup> ABC Editorial Policies 5.1.6

first time, become acutely aware of the risks and costs of this war. The US taxpayer is footing the entire bill, unlike the 1991 conflict which was wholly paid for by America's allies.

A new poll by the Pew Research Centre showed a remarkable shift over the weekend. Last Friday, 71 per cent thought the war was going well. By Monday, after US casualties and prisoners of war, that number was only 38 per cent.

With US troops running up against much greater resistance than thought, the administration is recalibrating its message.

GEORGE BUSH: The path we are taking is not easy and it may be long.

JOHN SHOVELAN: Just days before the war began, Vice-President, Dick Cheney, left the impression that the administration thought the Iraqi Army would melt away when confronted with the US military might. He said significant elements of the elite Republican Guard would, quote: "Want to avoid conflict with US forces and are likely to step aside," unquote.

President Bush was today delivering a distinctly different message.

GEORGE BUSH: This war is far from over. As they approach Baghdad our fighting units are facing the most desperate elements of a doomed regime. We cannot know the duration of this war but we are prepared for the battle ahead.

JOHN SHOVELAN: Pollsters in the US say support for the war remains strong but it will fall quickly if casualties mount.

John Shovelan, Washington.

The contrast between the earlier statements of the Vice President and the present statements of the President do, in my view, support a judgement that there had been a transition from an expectation that the war, at this stage, would be over quickly to a belief that some resistance could be stronger than first anticipated. In terms of US public opinion there is suggestion of a shift based on the findings of the Pew research.

The complainant states that the presenter had made 'a cynical assessment' in suggesting that the White House was 'recalibrating' its message. There is a distinction between a critical assessment and a cynical assessment. Reporters, in striving for balance and impartiality, are not to be unquestioning.<sup>30</sup> Being questioning requires at times an approach of scepticism. Statements are not always to be taken at their face value particularly in the context of a political or military conflict. But scepticism is not the same as cynicism. A cynical approach to reporting would assume that everything that is said by politicians or military spokesmen should be regarded as endemically false or misleading. My view is that the presenter and reporter in this item are being

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<sup>30</sup> ABC Editorial Policies 5.1.5



questioning and sceptical. As the story develops, I find no evidence of the negative and systemic attributes of cynicism.

Complaint 29 is not upheld.

### Complaint 30

**Friday 28 March, 2003 - 08:00:35**

30. Next morning it was back to ridiculing the US and British and the American leaders for "obviously unjustified" over optimism: "they're refusing to deviate from their firm belief in Coalition victory, brushing aside what's become the constant background noise of the war, the concern that it will drag out well beyond initial expectations."

The assumption of the complainant is that the opening comments of the program and the introduction to the story ridiculed the Coalition for ' "obviously unjustified" over optimism'. The program introduction was as follows:

LINDA MOTTRAM: But first this morning, the US and British leaders have met at Camp David, near Washington, to discuss the progress of the war and what comes afterwards.

They're refusing to deviate from their firm belief in Coalition victory, brushing aside what's become the constant background noise of the war, the concern that it'll drag out well beyond initial expectations.

But George W. Bush and Tony Blair have made little apparent progress on the key issues of reconstruction after the war, including the role of the United Nations and the restarting of the oil for food program, which fed 60 per cent of Iraqis before its halt as hostilities began.

John Howard joined part of the summit talks by telephone, after the Australian Prime Minister turned down an earlier invitation to attend, because he said his place is at home during war.

Speaking after their talks, Mr Bush and Mr Blair were unwavering in their determination.

What followed were excerpts from President Bush and Prime Minister Blair.

Taking the story introduction as a whole, the determination of both leaders about the outcome of the conflict is highlighted. The other point of the introduction, leaving aside the issue of post-war reconstruction, is a sense that the conflict may take longer than expected. That analysis was a matter for exchange between reporters and officials in Pentagon and Centcom briefings. The overall thrust of the story is that the Coalition leadership is unequivocal about the outcome of the conflict even though there are some doubts about

how long it will take. In context, the report is not ridicule but rather an analysis of the leadership's resolve.

It is not clear to me from where the complainant has excerpted the description "obviously unjustified" in relation to the unequivocal position of the leaders.

Complaint 30 is not upheld.

### Complaint 31

**28 March 2003 08:11:35**

*31. The fact that Brigadier General Vincent Brooks showed a video of children welcoming US forces in Southern Iraq and emphasising its authenticity, was turned by Linda Mottram into a potentially huge psychological setback: "Coalition commanders (are) finding that the public relations war may have slipped from their grasp."*

The complainant's assumption that 'a potentially huge psychological setback' has the same meaning as the Coalition commanders' 'public relations war may have slipped from their grasp', needs appraisal in the context of the story:

LINDA MOTTRAM: Well, the dust storms that have savaged Iraq in recent days have now subsided and good weather is expected for the next 2 to 3 days. So US commanders say that they're prepared to step up their attacks against Iraqi forces.

Those plans coincide with the establishment of the largest Coalition base in the north of Iraq, at a Kurdish controlled airbase, but it comes as Iraqi militia resistance persists, alongside the horrid weather, with Coalition commanders finding that the public relations war may have slipped from their grasp.

Our Correspondent Jonathan Harley reports from Coalition Central Command in Qatar.

COALITION COMMANDER: Additional good news, we had two humanitarian convoys that went overland yesterday...

JONATHAN HARLEY: Coalition commanders appear concerned that their message may not be getting through. After showing a short military video of smiling, well-clothed children welcoming US forces in southern Iraq, Operations Commander Brigadier General Vincent Brooks wanted there to be no doubt as to the material's authenticity.

VINCENT BROOKS: There's no coercion in any of this. This is all truth. You see people who are tasting, for the first time in their lives, what freedom is.

JONATHAN HARLEY: So too with military video material of some of the 40 Free Iraqi forces; squads of US-trained Iraqis in uniform joining some American units to reassure civilians in towns and villages.

VINCENT BROOKS: This scene is being repeated all over Iraq in every area in which we're operating, and it's, it is the truth.

JONATHAN HARLEY: But Brigadier General Brooks says that the truth about whose missile killed 15 people in Baghdad's Shaab district market, may never be known. He's strengthened the assertion that it could be a malfunctioning Iraqi missile or a deliberate Iraqi military attack on their own people.

VINCENT BROOKS: We've seen uncontrolled surface-to-air missile firing. What I mean by that is, normally they're controlled by radar, but there's a hazard to turning on a radar against one of our aircraft, a very certain hazard, and so the firing crews have decided not to turn on the radar, and fire the missiles ballistically. They're also using very old stocks, we've discovered, and those stocks are not reliable and missiles are going up and coming down.

So we think it's entirely possible that this may have been, in fact, an Iraqi missile that either went up and came down, or, given the behaviours of the regime lately, it may have been a deliberate attack inside of town. The best we can do at this point is account for everything we did, and we have accounted for our weapons systems that we fired on that night, they hit their target, we're certain of that, and the rest of the story we just don't know, we may never know.

JONATHAN HARLEY: Amid warnings the war could stretch for months and concerns for the security of supply lines, commanders insist the campaign is on track, if not on time...

In this story there is no evidence that the accounts of the Brigadier General were portrayed as 'potentially a huge psychological set-back'. What is analysed is the way in which the images of the conflict, particularly since the Baghdad market incident, are caught in a conflicting communications campaign about what is happening and what has been achieved. It is the AM presenter's conjecture that the 'public relations war' may have slipped from the Coalition commanders' grasp. On the basis that images are a critical part of the Centcom briefing and the mixed assumptions as to who was responsible for the Baghdad market incident, it was reasonable, but not conclusive, to perceive that the public relations war was becoming more challenging for the Coalition. Further, the fact that the Brigadier General chose to repeat the assertion 'this is the truth' indicates that there was some effort in putting the Coalition position.

The story leaves listeners to make up their own mind.

Complaint 31 is not upheld.

Complaint 32

**28 March 2003 08:18:52**

32. *Despite regular put downs of the approach and motives of senior administration officials Linda Mottram had no such doubts about the Iraq leader: "Saddam Hussein has been shown on television in Iraq overnight, meeting with officials of his ruling Baa'th Party and he is sounding as determined and confident of victory as is the Coalition, despite the military odds against him."*

*No "refusing to deviate" or "brushing aside" concerns here.*

The issue raised by the complainant is that of lack of balance.

The ABC *Charter of Editorial Practice*, included in the *ABC Editorial Policies*, have the following requirements of editorial staff:

4. Balance will be sought through the presentation, as far as possible, of principal relevant viewpoints on matters of importance. This requirement may not always be reached within a single program or news bulletin but will be achieved as soon as possible.
5. The commitment to balance and impartiality requires editorial staff to present a wide range of perspectives and not unduly favour one over the others. But it does not require them to be unquestioning, nor to give all sides of an issue the same amount of time. News values and news judgements are a material consideration in reaching decisions, consistent with these standards.

The question is whether in AM's coverage of the war, there is analytical scrutiny of the Iraq government and military as well as that of the Coalition governments and forces.

In the edition of AM cited, Linda Mottram and correspondent Mark Willacy had the following exchange:

LINDA MOTTRAM: Saddam Hussein has been shown on television in Iraq overnight, meeting with officials of his ruling Ba'ath Party, and he is sounding as determined and confident of victory as is the Coalition leadership, despite the military odds against him.

Iraqi officials are also accusing the US of using cluster bombs, as Baghdad also

gives new figures, unconfirmed, about casualties.

I spoke a short time ago to our Middle East Correspondent, Mark Willacy, who's monitoring events from Kuwait.

Mark Willacy, Saddam Hussein on television again with the Ba'ath Party. What is their message?

MARK WILLACY: Well Linda, yes, it's their first meeting in three days. We saw Saddam Hussein there, chairing the meeting, as well as his second son, Qusay, the heir apparent, or maybe not the heir at this stage; he was also there.

The meeting, essentially, pledged to defeat the enemy and force it to surrender, the usual rhetoric. They're saying a victory seems to be near, so they're very confident. I don't know what they've got to back that up. But they've also called for taking advantage of the dispersion of the enemy units in order to attack them, destroy them and break their ranks. I think that is a reference to fighting behind enemy lines, which we've seen the Iraqis do to some degree of success at this stage.

There is an element of sceptical appraisal of the claims of the Iraq regime. Mark Willacy saw the pledge to defeat the enemy as 'the usual rhetoric'. Of the claim that victory seems near, the correspondent observes 'I don't know what they've got to back that up'.

Linda Mottram suggested a common level of high confidence on the part of the Coalition and Iraq leadership even though the Iraqis had the 'military odds against them'. Earlier in the week the AM presenter indicated that 'the Iraqis have putting their spin on the unfolding conflict.'<sup>31</sup>

If the complainant is implying that AM is providing less scrutiny of Iraqi claims and thereby breaching the balance and impartiality requirements of the *Code*, I can find no evidence of that in this and previous stories.

Complaint 32 is not upheld.

Complaint 33 and 34

**28 March 2003 08:25:52**

33. Linda Mottram commenced this item by asserting: "the granting of lucrative war contracts to companies with links to the Bush administration is becoming a political embarrassment to the White House, and it's handing ammunition to its war opponents".

*However it soon became clear that the issue had been raised by the Iraqi ambassador to the UN (hardly an obvious source of embarrassment for the White House) who had*

<sup>31</sup> AM 24 March 2003

*made some unsubstantiated and probably wrong claims about contracts entered into six years ago.*

34. As a result, Linda Mottram was reduced to saying that: "companies linked to US vice president Dick Cheney were working in Iraq as recently as three years ago".

AM's Finance correspondent Stephen Long dismissed the claims of the Iraq Ambassador to the United Nations, that the Vice President's former company had contracts six years previously, in the report that later followed Linda Mottram's introduction:

STEPHEN LONG: The claims made by Iraq's man at the UN seemed to imply that planning for the war pre-dated the Bush presidency. A few hours ago Mohammed al-Douri told the Security Council in New York of a paper trail of contracts for rebuilding Iraq going back six years.

MOHAMMED AL-DOURI [translated]: The United States has concluded contracts to rebuild the infrastructure of Iraq in 1997. That is to say, six years ago they have commercial, industrial contracts with companies that they supervise, or some members of the American administration supervise, and in fact the Internet is before you and you can find these contracts, and some of them are rebuilding the oil infrastructure, which is the basic reason for the war, and rebuilding the infrastructure of the ports, and third, rebuilding the infrastructure of Iraqi industry.

STEPHEN LONG: Mohammed al-Douri then tried to exploit concerns that America's allies will be denied the commercial spoils of war.

MOHAMMED AL-DOURI [translated]: Therefore, I apologise to all those states which will participate with the United States in this vision and followed the aggression, such as Spain, Bulgaria, and many other small states, that they will get nothing from the cake if Iraq falls.

STEPHEN LONG: AM's web surfing failed to turn up six-year-old contracts related to this war, but there is documentary evidence that companies associated with the US Vice President Dick Cheney did business with Baghdad in recent years.

Former Halliburton subsidiaries, Dresser-Rand and Ingersoll Dresser Pump Co, sold parts for oil facilities, pipelines and water treatment plants to Iraq, from early 1997 to mid 2000.

Dick Cheney oversaw the acquisition of the companies when he was Halliburton's chief executive, but he's publicly denied having any knowledge of their dealings with Baghdad.

The US Vice President still holds potentially lucrative options over Halliburton's stock. He's reportedly pledged to give any profits from these shares to charity, but critics say this doesn't absolve Dick Cheney of conflicts of interest arising from the granting of multi-million dollar war-related contracts

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to Halliburton by the Bush administration, some without any competitive tender.

Other media analysts had previously observed the connection of the Vice President with the company as a matter of potential political embarrassment. *The Guardian* reported in July 2000:

Mr Cheney's high level and immensely profitable links with the Texas oil industry - also the source of the Bush family's wealth - will be another big issue in November [2000], not least with environmentalists. Since 1995, he has been chief executive officer and chairman of the Halliburton Corporation, the Dallas based multinational giant which is the world's largest supplier of "energy services" - provision of construction, engineering and maintenance equipment and services to the oil industry.

Mr Cheney is understood to have earned around \$2m (£1.3m) last year in salary, benefits and options at Halliburton. Last month, profiting spectacularly from the electorally sensitive worldwide increase in oil prices, Mr Cheney sold around 100,000 of his Halliburton shares - approximately half of his personal holding in the company, raising an estimated \$5.1m.

Another intensely sensitive aspect of the Halliburton connection - which could lead to conflict of interest allegations - is the company's stake in two American oil industry companies, Dresser-Rand and Ingersoll-Dresser Pump Co, which are involved in trying to reconstruct the Iraqi oil industry after the Gulf war. Halliburton also major interests in the Russian oil industry<sup>32</sup>.

*Newsday* on 26 March 2003 reported on the award of contracts:

A subsidiary of Halliburton, the vast energy corporation led by Dick Cheney before he became vice president, has been given a no-bid contract to extinguish oil-well fires and to repair the petroleum infrastructure in Iraq, officials said.

The contract with Kellogg Brown and Root, which could be worth hundreds of millions of dollars, was announced Monday by the Army Corps of Engineers.

Rep. Maxine Waters (D-Calif.) and other critics have raised questions about a potential conflict of interest given Cheney's role as chief executive of Halliburton from 1995 until 2000, when he became vice president.

Halliburton under Cheney, largely through its Kellogg Brown & Root subsidiary, had \$2.3 billion in U.S. government contracts, almost double the \$1.2 billion it earned in the five years before he arrived, according to the Center for Public Integrity.

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<sup>32</sup> Mark Kettle, *The Guardian*, 26 July 2000

Most of the contracts were with the Army for engineering work in various hot spots, including Bosnia, Albania, Kosovo and Haiti, the nonprofit, nonpartisan center said.

Halliburton and the Army Corps of Engineers said they saw no conflicts in the contract. Cheney's office and aides have said he has divested himself of all interests in the Houston-based corporation<sup>33</sup>.

Linda Mottram is not the only observer suggesting that there is potential for political embarrassment in relation to the Vice President's former company being awarded on a non-competitive basis the Iraq restoration contracts.

It was therefore not unreasonable for Linda Mottram to perceive that the granting of reconstruction contracts to companies with links to the Bush administration was becoming a political embarrassment to the White House.

Complaint 33 and 34 is not upheld.

#### Complaint 35

**29 March 2003 - 08:08:00**

35. LINDA MOTTRAM: "Well, it's still the case that Coalition forces are encountering the kind of resistance from Iraqi troops that had, it's now clear, not been anticipated by Washington or London".

*How could she possibly know?*

The story that follows the lead to this item is an account from a BBC journalist embedded with US marines near Nasiriyah. Andrew North reports that an attack by Iraqi forces on their camp outside the city caught the marines 'totally off guard'. More than 30 marines are injured, some by friendly fire. Excerpts include a marine saying this is a different kind of war and another saying that the death of a fellow marine really affects morale. The US Colonel however says the mission was to facilitate a marine division moving north and that had been successfully achieved, although there was more resistance than anticipated.

It is, however, a big leap to go from this report on the need to change battle tactics to assert that it is now clear that 'Washington and London' - the peak strategists of the Iraq offensive - had not anticipated this kind of resistance.

Lead writing does sometimes involve what amounts to the use of journalistic shorthand. Writing becomes compressed and provocative lines are used to take listeners into a story where the reporting provides more adequate

<sup>33</sup> Tom Brune, Newsday, 26 March 2003



context. However in this instance, it could only be conjecture on the part of the presenter to link a report of stiff and unexpected resistance outside Nasiriyah with a certainty that the most senior political and military strategists of the total Coalition campaign had been caught by surprise.

Presenter Linda Mottram in responding to this finding in draft form made the following points:

I wish to take issue with Murray Green's [appraisal].

By March 29, 2003, when AM ran the Andrew North account of the U-S forces' situation in Nasiriyah, there had been exchanges in U-S and British defence briefings which, I believe, justifies my claim that "Coalition forces are encountering the kind of resistance from Iraqi troops that had, its now clear, not been anticipated by Washington or London."

Most important was the comment by U-S Lt. Gen. Wallace, the Commander of U-S Army forces in the Gulf, on March 27, 2003, that: "The enemy we're fighting is a bit different than the one we war-gamed against, because of these paramilitary forces. We knew they were here, but we did not know how they would fight." General Wallace goes on to describe the Iraqi actions being encountered as "bizarre" and "very disturbing", and he says he's "appalled by the inhumanity of the Sadaamists". (ref: New York Times, 28/03/03 see <http://www.nytimes.com/2003/03/28/international/worldspecial/28GENE.html>)

For affirmation of my lead of March 29, with hindsight, an Associated Press story of June 3, reports Gen. Wallace had been appointed to a new job and said that on May 7 he had said that he made "no apologies for his comments" of March 28. He said: "The enemy we fought was much more aggressive than what we expected him to be, at least what I expected him to be." (see: <http://www.charlotte.com/mld/charlotte/news/6006262.htm>)

Back to March 28 and at the U-S Department of Defense briefing of that day with Secretary Rumsfeld and General Myers, journalists pose questions about General Wallace's assessment. Secretary Rumsfeld, bats away the questions by talking around any solid denial of the Wallace assessment. Myers then speaks of the "old adage" that "no plan, no matter how perfect, survives first contact with the enemy." He goes on to say: "I think some of that was shown in the way we orchestrated the opening moments of this conflict. I don't think anybody expected it to come out -- be laid out the way it was. And that wasn't exactly according to the plan, but it had the flexibility inherent". (see [http://www.pentagon.gov/news/Mar2003/t03282003\\_t0328sd.html](http://www.pentagon.gov/news/Mar2003/t03282003_t0328sd.html)).

Also on March 28, at Centcom in Doha, U-S Brig Gen Brooks is asked about U-S field complaints that some forces were at a zero balance on food, out of rations. Gen Brooks replies in part: "We were indeed hindered to a period -- for a period of time by weather, our ability to fly in supplies for example was reduced. And so the flow of supplies did change for a period of time. But we're still able to conduct the operations as we see them, and we're still on our plan". Gen Brooks is also asked about the Wallace assessment referred to above

and whether the U-S had underestimated the enemy. He replies with what any journalist would consider to be padding about commanders talking to each other and everyone's opinion being taken into account, while the plan's still on target. Gen Brooks then says: "There will be things that occur on the battlefield that are not precisely as you calculated them in your design." (see <http://www.centcom.mil/CENTCOMNews/Transcripts/20030330.htm>)

Informing all of this was the fact that a day earlier, March 27, reports were filtering through that Iraqi combatants were not playing by the rules of war, since they were being encountered approaching Coalition forces in civilian attire, and then staging attacks. (see [http://www.pentagon.gov/news/Mar2003/n03272003\\_200303276.html](http://www.pentagon.gov/news/Mar2003/n03272003_200303276.html))

In Britain, there had been on March 27 deep shock expressed by officials at the Iraqis parading the bodies of dead British soldiers. That day, March 27, British Prime Minister Tony Blair, at a news conference spoke of the general achievements of the forces in Iraq and then, said, in part: "Day by day, we have seen the reality of Saddam's regime. His thugs prepared to kill their own people, the parading of prisoners of war, and now the release of those pictures of executed British soldiers. If anyone needed any further evidence of the depravity of Saddam's regime, this atrocity provides it. It involved, it is an act of cruelty beyond comprehension, indeed it is beyond the comprehension of anyone with an ounce of humanity in their souls." He goes on to offer condolences, leaving me with the clear impression of a man and a Prime Minister who made the unpopular choice to go to war, very personally shocked that the Iraqis had gone as far as they had. (see <http://www.number-10.gov.uk/print/page3374.asp>)

At the same time, March 28, in London, British Armed Forces Minister Adam Ingram and Chief of the General Staff Sir Mike Jackson, hold a news conference where the following issues are canvassed: British forces being under more pressure than they'd prefer, in part for domestic reasons; Gen Jackson's view that the U-S V Corps were having to deal with very big challenges. (see [http://www.operations.mod.uk/telic/press\\_28march.htm](http://www.operations.mod.uk/telic/press_28march.htm))

There are further elements to be found in other briefings which go to these issues in similar ways at about the time AM was going to air or just after -- eg Maj Gen McChrystal at the Pentagon briefing of Mar 29 speaking about encountering something that was looking like "terrorism" ... when the aim was to fight a war.

As Murray Green says in his reply to Senator Alston, lead writing involves the use of journalistic shorthand and compression, among other things... Armed with... the accumulation of information of that day alone, as outlined above, as well as with the Andrew North report in the field, it was my professional assessment that Nasiriyah on that day showed up some important flaws which Coalition leaders were struggling to explain at the time. Thus I maintain in the most vigorous of terms that the lead I used and to which Senator Alston has objected in Complaint 35 is not only, as Murray Green has found, not a breach of impartiality, but also a reasonable assertion.

The comments by Lieutenant General Wallace, the Commander of the US Army Forces in the Gulf, are important in demonstrating that at the senior operational level there was some form of reassessment of strategy.

It was apparent that Prime Minister Blair appeared shocked by the display of dead British soldiers. US Brigadier General Brooks at the cited Centcom briefing did indicate that changes in tactics were required. However, Defence Secretary Rumsfeld at the Pentagon briefing of 28 March affirmed the workability of the current 'excellent plan'. General Myers, Chairman of the Joint Chief's of Staff, also 'stands by' the plan while acknowledging some changes after 'first contact with the enemy'.

In considering the reporters' questions and the military leaders' responses in the Pentagon, Qatar and London briefings cited by Linda Mottram and particularly the comments from General Wallace<sup>34</sup>, my reconsidered view is that it is a reasonable assertion to suggest some of the resistance from Iraqi troops may not have been anticipated by the Coalition.

If London and Washington are taken literally to mean Blair and Bush, then it is difficult to be adamant about what they were thinking. That their senior military commanders were indicating an element of surprise with the nature of the initial Iraqi response is however clearer.

In the context of lead writing then it is reasonable to reflect this reassessment by the shorthand reference London and Washington.

Complaint 35 is not upheld.

#### Complaint 36

36. LINDA MOTTRAM: "As well, sustained shelling and guerrilla attacks by Iraqi forces have caused confusion among US forces, sapping morale and continuing to slow the Coalition's advance across the Euphrates River."

*Given that sustained shelling and guerrilla attacks would be the very predictable stuff of battle, on what evidence or basis were such sweeping negative statements made?*

*Answer: A single US marine who said he hadn't been expecting the attack and "when you see your buddy get hit, it definitely tends to bring morale down right away".*

*But he immediately made it clear that any such setback was strictly temporary: "but then there is the other side of the coin, well, I'm going to give it back now. It's my turn".*

<sup>34</sup> *The Bulletin* under the headline 'A Plan Under Attack' reported on 2 April 2003 that Wallace's remarks 'brought to the boil long-simmering tensions in the Pentagon over the best way to defeat Saddam'.

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The story from the BBC's Andrew North does reveal setbacks, taking a toll on morale and is symptomatic of an Iraq attack strategy not expected. The text of North's story supports such a view:

LINDA MOTTRAM...As well, sustained shelling and guerrilla attacks by Iraqi forces have caused confusion among US forces, sapping morale and continuing to slow the Coalition's advance across the Euphrates River.

A graphic illustration of these points has come from the BBC's Andrew North, who's embedded with US Marines near Nasiriyah.

[artillery fire]

ANDREW NORTH: It's 10 to 9 local time and this position is coming under sustained fire from Iraqi forces. This Iraqi attack caught US marines camped just outside Nasiriyah totally off guard. Multiple rockets landing everywhere. It had the effect the Iraqis intended, spreading terror and confusion.

[agitated US marines]

ANDREW NORTH: I'm taking cover behind a truck. This marine force has been taken by surprise by this attack. It's not clear who's in charge either. There's a lot of chaos.

More than 30 were injured, some in friendly fire, as the marines tried to respond to the Iraqi attack. And the troops here admit these guerrilla-style attacks, by what they believe are Iraqi militia or Fedayeen, are taking a toll on morale too.

US MARINE: It's a very different kind of war and especially I never seen wounded people, especially the wounds that I've seen. And it changed me a lot out here. I had to sit down and think for a while, you know.

It kind of knocked me out for a little while, seeing, seeing all the wounded people we had come in. I wasn't expecting it at all. It was very underestimated, the attack. Like I thought they'd just, we'd fight them all at once and get it over with.

US MARINE: Definitely when you see your buddy get hit, it definitely tends to bring morale down right away. But then there's the other side of the coin, well, I'm going to give it back now. It's my turn.

[Artillery fire]

ANDREW NORTH: In the last few days, the US marines have been forced to change tactics. Instead of just defending the strategic route across the River Euphrates, they've been pounding targets across the town with heavy artillery, air strikes and helicopter gun ships...

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The voice from the marines is in fact two marines. This picture of unexpected guerrilla attacks and the slowing of progress is supported by other reporters from the BBC filing on 28 March:

**Doha, Qatar:: Michael Voss:: 2110 GMT**

Eight days of fighting and the end is not in sight. Iraqi resistance has been dogged and at times dirty, using civilians for cover and hospitals and health clinics as weapons sites.

Despite fierce fighting, coalition troops remain in control of key bridges across the Euphrates but are paying a price to keep the supply lines open.

Already some fifty British and American servicemen have died. With the sandstorms over, air superiority may help to turn the tide. Military planners must now decide whether to push ahead in the battle for Baghdad or wait for reinforcements to arrive.

**Doha, Qatar :: Paul Adams :: 1328GMT**

I think there is a serious re-examination of tactics going on here at central command.

I think the forces were just not prepared for the kind of guerrilla warfare they have encountered as the troops move north.

But what do the military strategists do now, press ahead with the troops they have to Baghdad, or wait on more troops to arrive.

The outcome of that debate is not yet known but it is a very important one.

**Central Iraq :: David Willis :: 1133GMT**

The Marines are now dug in here, they've not moved since the shelling overnight. Their supply lines seem severely stretched. Several infantry men told me they are now down to one meal a day. This is a high tech army which relies on logistics. It seems it needs to settle down for a couple of days while logistical demands are answered.

**Southern Iraq :: Jonathan Charles :: 0618GMT**

I was talking to one American Marine - Staff Sergeant Eric Young - a few minutes ago.

He was saying they find it very frustrating because every time they engage Iraqi units they often find these Iraqi units just change into civilian clothes and then melt away.

And then next thing they know the Americans are being hit from behind by civilian Iraqis - obviously these men who have changed into civilian clothes and are now guerrilla fighters.

**Qatar :: Peter Hunt :: 0030GMT**

More than a week into this war and a pattern is emerging, not of capitulation and liberated cheering Iraqis, rather of American military might being intermittently frustrated as it pushes towards the capital.

Indeed, a senior officer with the American Fifth Corps is quoted in the Washington Post as saying "We didn't know they'd fight like this."

Coalition forces will be hoping that with the sand storms gone, they'll be able to regain the initiative.

Their troops on the ground have continued to encounter stiff resistance around Najaf and Nasiriya, where the Americans want to keep a bridge open on this important supply route north and the Iraqis want to frustrate them<sup>35</sup>.

These reports indicate that such a setback eight days into the conflict was more substantial than being 'strictly temporary' as suggested by the complainant.

Complaint 36 is therefore not upheld.

#### Complaint 37

**31 March 2003 - 08:00:19**

37. ELEANOR HALL: "Tommy Franks has today angrily denied reports that ground forces have been ordered to halt their advance on Baghdad".

*The evidence?*

*Tommy Franks: "We're in fact on plan, and where we stand today is not only acceptable in my view, it is truly remarkable. ....one never knows how long a war will take. We don't know".*

The Centcom briefing on 30 March included the following exchange between reporters and General Tommy Franks:

Q General, Jim Wolf, Reuters. Did your original plan call for more troops on the ground before launching the invasion? And do you now expect that the length of the war could stretch well into the summer?

GEN. FRANKS: In response to your first question, no, I did not request additional troops before the beginning of what you refer to as the -- as the ground war.

In response to your second question, one never knows how long a war will take. We don't know. But what we do know is that this coalition sees this

<sup>35</sup>< <http://news.bbc.co.uk/2/hi/2894141.stm>>

regime gone at the end of that war -- also sees the Iraqi people having a chance at freedom, which they don't have right now.

...

Q (Inaudible.) Abdullah Saffi, Abu Dhabi TV. Sir, could you first -- I have two questions -- first can I just follow off of the question of my colleague on the -- yesterday's suicide attack in which at least four American soldiers killed. Can you just give us some -- some examples as how your tactics on the ground will change, and how these -- this change will affect your relationship with non-combatant Iraqis?

GEN. FRANKS: Sure...

I mentioned a minute ago that one would expect a review of tactics, techniques, procedures, and so forth, associated with this business of potential suicide bombers. The question, well, what effect will this have on non-combatants? It doesn't change the rules that we use at all. You remember we've talked on a number of occasions about doing our very best to protect the non-combatants, to protect the Iraqis. This won't change that.

And I wouldn't speculate -- or I wouldn't I guess comment on the specifics that may be undertaken, but I think it's common sense to say that probably greater attention will be paid to the standoff of civilian vehicles, if that makes -- if that makes sense to you. For example, it's possible to either walk up to a vehicle in order to inspect the contents, or it's possible to cause the people in the vehicle to dismount the vehicle at a greater distance and approach for discussion. And so I'm not sure what the combination of all of this will be, but I don't anticipate an effect on the non-combatants here.

...

Q What can you tell us about this latest incident, and how concerned are you about these types of activities?

GEN. FRANKS: I can't tell you anything at all, Tom, about any linkage between -- between the two. The second event, the one up in Kuwait, I found out about only a short time ago, and so I'm not sure. It's obvious that the modus of the second attack is not at all like the modus of the first, and so one wouldn't want to speculate about any sort of connection.

I'll talk for just a second about the first one. It's not at all remarkable, I think, that a dying regime would undertake such tactics as suicide bombers. Remarkable, though, is the connection all the way to the top of the Iraqi regime where, if my Arabic serves me well, that attack was just endorsed by those in power in Baghdad. It's remarkable.

I'm reminded of times past, and the presentations before the United Nations and the Security Council about the connections between terrorism and this

regime. And we see a suicide bomber attack yesterday, a pure means of terrorism, and then we see the regime claiming credit for that. Remarkable. So, in the days ahead, before -- before one may be inclined to ask the question, what does that mean? Well, what it means is that all of our troops will exercise caution, will increase the standoff to civilian vehicles and the things that I think would be common sense to anyone in order to better protect against this particular kind of threat...

Q: General Franks, Jeff Schaeffer, Associated Press Television News. There are numerous reports from the front that the advance on Baghdad -- there's a pause or a stall in the advance on Baghdad, anywhere ranging from six days to several weeks. Can you address that, please?

GEN. FRANKS: Sure. I think that the embedded reporting that is coming from inside Iraq, perhaps while we are speaking, would reflect that combat operations are continuing. They are continuing in the north, they are continuing in the west, they are continuing in the south, and they are continuing right around Baghdad.

There are two ways to look at this. One way is to discuss something that we call an operational pause, which means that military formations move and then they intend to take a breath, to take a pause, before continuing operations. There have been some pundits who have indicated that perhaps we are in an operational pause -- I think, sir, this is what you made reference to. It's simply not the case. There is a continuity of operations in this plan. That continuity has been seen. It will be seen in the days ahead, and it will be manifested on the battlefield in Iraq at points and times of our choosing. What I mean by that is sometimes air, sometimes ground, sometimes special forces, sometimes combination of two of the above, sometimes all three. That's the way we are going to fight this<sup>36</sup>.

On viewing the video feed of the briefing, it was the view of the program presenter that the General was angry in his denial that ground forces had been ordered to stop their advance to Baghdad. The issue is whether presenter Eleanor Hall's perception is one that is reasonable. The BBC reported the same briefing in the following way:

The commander of the US-led war in Iraq, General Tommy Franks, has said coalition forces have made "truly remarkable" progress in the campaign to oust Saddam Hussein.

Speaking at a press briefing in Qatar, General Franks *angrily denied* [my italics] reports that ground forces had been ordered temporarily to halt their advance on Baghdad because of formidable Iraqi resistance and overstretched supply lines.

"[Combat operations] are continuing in the north, they're continuing in the west, they're continuing right around Baghdad," he said<sup>37</sup>.

<sup>36</sup> <<http://www.centcom.mil/CENTCOMNews/Transcripts/20030334.htm>>

<sup>37</sup> <[http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle\\_east/2900907.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle_east/2900907.stm)>



While perception of a person's demeanour is often a matter of personal appraisal, the reasonableness of that appraisal is attested by the observations of other reporters filing on the same event.

Complaint 37 not upheld.

### Complaint 38

**31 March 2003 08:04:19**

38. ELEANOR HALL: "Donald Rumsfeld is also on the defensive today, not only about the progress of the war.....".

*No evidence was produced.*

The evidence is found in the rest of the story. The described defensive position was attributed to a story in the *New Yorker* magazine alleging that the Defence Secretary had overruled, on at least six occasions, his military chiefs on their requests for more troops:

ELEANOR HALL: In Washington the United States Defence Secretary, Donald Rumsfeld, is also on the defensive today, not only about the progress of the war but about reports he overruled his military commander, General Franks, on the conduct of the campaign.

The *New Yorker* magazine is reporting that Mr Rumsfeld refused General Frank's request for more assault troops and insisted the war begin earlier than the General wanted.

From Washington, our North America Correspondent John Shovelan reports.

JOHN SHOVELAN: It's not clear whether the US Secretary of Defence, Donald Rumsfeld, meant to say it or not but this morning he was talking about weeks of aerial bombardment.

DONALD RUMSFELD: Oh, I'm sure there'll be weeks of, of an air war.

JOHN SHOVELAN: The remarks coincided with those of the chairman of the Joint Chiefs of Staff, General Richard Myers, who now says US forces poised 80 kilometres from Baghdad will be patient.

RICHARD MYERS: We have the power to be patient in this and we're not going to do anything before we're ready.

JOHN SHOVELAN: The US war plan is evolving and changing and the brash US Defence Secretary has found himself a target of some of his own senior officers.

The *New Yorker* magazine is now reporting that Donald Rumsfeld wanted a cheap war.

US OFFICIAL: This is not war on the cheap. We are not about to put our sons and daughters and those of our Coalition partners into harm's way without ensuring they have everything they need to do the job.

JOHN SHOVELAN: The magazine says on at least six occasions Mr Rumsfeld overruled his commanders who wanted more troops on the battlefield.

DONALD RUMSFELD: That's false. Absolutely false.

JOHN SHOVELAN: After Turkey refused staging rights, ending the US military's hopes of a northern front, Mr Rumsfeld is said to have refused a plea from General Tommy Franks to delay the start of the war until more troops arrived in Kuwait.

The article says the army is running out of Cruise missiles and precision guided bombs and quotes a senior Pentagon source saying Mr Rumsfeld thought precision bombing would bring victory. He thought he knew better than military officials. He was the decision maker at every turn.

The shortages of weapons can be added to the food rationing for US marines. They're now down to one prepared meal a day because of the disruptions caused by Iraqi guerrilla operations.

On top of this, the *Washington Post* is citing 12 current and former US military officers saying the Pentagon's civilian leaders "micromanaged" the deployment plan out of mistrust of the military's generals and in an attempt to prove their own theory that a light, manoeuvrable force could easily defeat Saddam Hussein.

Responding to the criticism, Mr Rumsfeld said the war plan was developed by General Tommy Franks, the war's Central Commander.

DONALD RUMSFELD: Tom Franks and the chairman and I, when the President asked us to prepare a plan, looked at the plan that was on the shelf and to a person agreed it was inappropriate. It wasn't me or the chairman or Tom Franks, anyone who looked at it would have known it was not an appropriate plan.

Franks then sat down and began planning. The plan we have is his. I would be delighted to take credit for it. It's, it's a good plan. It's a creative and an innovative plan and it's going to work.

The Defence Secretary was defending his position against the allegations of the *New Yorker* magazine. The BBC reported his response similarly:

It has clearly been part of Mr Rumsfeld's agenda at the Pentagon to re-assert civilian control, after years under the Clinton administration in which the uniformed side of the Pentagon had seemed to hold sway.

Mr Rumsfeld and the Pentagon have clearly been put on the defensive. And because of all the controversy surrounding the defence secretary's dealings with the military in the run-up to this campaign, the criticism is not likely to disappear until there is significant new movement or success on the battlefield<sup>38</sup>.

Eleanor Hall's observation that the Defence Secretary was 'on the defensive today' is supported by other authoritative observers.

Complaint 38 is not upheld.

#### Complaint 39

39. Nevertheless, John Shovelan couldn't help putting the boot in: "...and the brash US Defence Secretary has found himself a target of some of his senior officers".

The complainant appears to be suggesting prejudicial reporting. The ABC *Charter of Editorial Practice* requires of editorial staff to be enterprising in perceiving and presenting issues. In perceiving the Defence Secretary as 'brash,' was this a matter of some reasonableness or was it an observation motivated by partisan malice ('putting the boot in')?

The reasonableness of the observation can be appraised by determining whether there was any consensus amongst reporters about the Defence Secretary's manner and style. Below is a selection of reports (the highlighting is mine):

THE DAILY TELEGRAPH (London)

16/10/2001

But the **brash** directness and impatience with conventional wisdom that had led to Mr Rumsfeld becoming embroiled in internal wrangling during peacetime have given him a strong hand now that his job has been transformed from Secretary of Defence into Secretary of War<sup>39</sup>

THE BOSTON GLOBE

4/6/03

<sup>38</sup>< [http://news.bbc.co.uk/go/pr/fr/-/2/hi/in\\_depth/2904781.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/in_depth/2904781.stm)>

<sup>39</sup>< <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2001/10/16/war216.xml>>

But adding space to the missile-defense recipe is part of Rumsfeld's **brash** style, one that has led some Pentagon officials to dub him "the lean, mean, in-fighting machine"<sup>40</sup>

THE GLOBE AND MAIL

5/4/03

It was a rare off moment for Mr. Rumsfeld, whose **brash**, combative style has made him a star, the most influential U.S. Defence Secretary since the Vietnam War<sup>41</sup>.

BBC News

31/03/03

Quite apart from his **abrasive** style, Mr Rumsfeld came in with an agenda to revamp the military and produce a smaller, lighter force, more reliant on high technology, intelligence, and special forces<sup>42</sup>.

There is a body of analytical opinion that would support a view that the Defence Secretary's manner and style was abrasive or brash.

Complaint 39 is not upheld.

Complaint 40

**31 March 2003 08:22:19**

*40. The previous day in London, Robin Cook had written in a London tabloid: "I've had my fill of this bloody and unnecessary war, I want our troops home, and I want them home before more of them are killed". He later changed his position to not wanting them home immediately, but only after the war had been won.*

*Whilst many media around the world characterised Cook's performance as a volte-face (eg Lateline 3/4/03: "It was a position Robin Cook then clumsily backed away from under intense political and public pressure") AM chose to make absolutely no assessment, let alone criticism, merely describing Mr Cook's change of heart as a clarification - Matt Peacock: "later Mr Cook clarified his position".*

Having consistently criticised AM for making evaluative assessments, the complainant seems to be suggesting this is obligatory when dealing with opponents of the war:

<sup>40</sup> <[www.boston.com/dailyglobe2/096/nation](http://www.boston.com/dailyglobe2/096/nation)>

<sup>41</sup> <<http://www.globeandmail.com/servlet/ArticleNews/TPStory/LAC/20030405/FCCOVE/TPFocus/>>

<sup>42</sup> <<http://news.bbc.co.uk/2/hi/2904781.stm>>

*He went on to effectively take Robin Cook's side: "Nonetheless, Mr Cook added the people who promised that the war would be quick and easy now owed the public an explanation. Why the resistance was greater than they planned for? And they owed British troops an explanation of how they were going to take Baghdad without further casualties".*

*Just in case Mr Cook's original position looked as though it needed bolstering: "Other former Ministers though, maintain the position that the troops should come home now, with former Defence Minister Doug Henderson urging a truce" and then being invited to explain why "opposition to this war has been badly misjudged".*

There is a difference between reporting what a former Foreign Minister is saying and being an advocate or adversary in relation to his position. The complainant appears to be pressing for the sort of partisanship that has been the object of previous criticism of earlier items. The report from Matt Peacock, the ABC's London correspondent included:

MATT PEACOCK: Within the Blair Government there's now apprehension the war will continue for all of April and there is serious concern that Iraqi nationalism has been underestimated with one source commenting that even if Saddam Hussein were killed or fled, the country might well continue to fight.

And it doesn't help when those who oppose the war say, I told you so. Especially when they're former Foreign Ministers like Robin Cook, who wrote in a London tabloid today, I have had my fill of this bloody and unnecessary way. I want our troops home and I want them home before more of them are killed.

Home Secretary David Blunkett reflected the Government's fury.

DAVID BLUNKETT: I think those who take the view that Robin Cook has enunciated in his article today are mistaken. I think, for instance, Robin resigned with great dignity, put his argument with great force, but it's hard to retain that dignity or force if you advocate capitulation after just 10 days.

MATT PEACOCK: Later Mr Cook clarified his position.

ROBIN COOK: I'm not in favour of bending the battlefield and that is not my position. There can question at this stage of letting Saddam off the hook. I wasn't in favour of starting this war but having started this war, it's important to win it. The worst possible outcome would be one which left Saddam there.

MATT PEACOCK: Nonetheless, Mr Cook added the people who'd promised that the war would be quick and easy now owed the public an explanation. Why the resistance was greater than they'd planned for? And they owed British troops an explanation of how they were going to take Baghdad without further casualties.

Other former ministers, though, maintain the position that the troops should

come home now with former Defence Minister, Doug Henderson urging a truce.

DOUG HENDERSON: We are in serious trouble now I think and I believe that the decision is either we call back the troops shortly or we potentially get bogged down for months, if not even longer, and that would mean huge casualties.

MATT PEACOCK: Mr Henderson says that opposition to this war has been badly misjudged.

DOUG HENDERSON: I would have thought we'd have seen more evidence of Iraqi people welcoming the intervention by Britain and America but we're not seeing that and meanwhile we're losing the support of people in other Arab countries.

There was a million people in the streets in Damascus the other day demonstrating against Britain and America's intervention and there are all sorts of potential spill-overs into Syria, into Turkey in the north and also into Iran and if we get bogged down in that, then it's a completely different war.

The complainant is alleging that AM supported Robin Cook's position and by the London correspondent reporting what was said 'went on to effectively take Robin Cook's side' and 'bolstered' the former minister's original position.

I can find no evidence of such advocacy in the above report. The ambiguous nature of Cook's position was covered in the excerpt from the Home Minister.

Complaint 40 is not upheld.

#### Complaint 41

**1 April 2003 - 08:20:32**

41. ELEANOR HALL: ".....the Bush administration....is nevertheless trying to counter reports from inside the US that its war plan is flawed".

*The evidence?*

LEIGH SALES (from Washington): "a cartoon in one of America's newspapers perfectly captures the pressure facing the Bush administration over the war's progress. Secretary of Defence Donald Rumsfeld is sitting behind the wheel of a car....full of children all chanting at him 'is it Vietnam yet, is it Vietnam yet?'"

"The Pentagon's rebutting that type of commentary and criticism that the war hasn't gone according to plan".

*This "report" hardly constitutes commentary and criticism - more like immature and irrelevant abuse.*

The evidence for 'reports inside the US' about concerns over current war plans is apparent from questions by reporters at the Pentagon briefing of 1 April:

Q: Secretary, I want to ask you once again about criticism from current and former officers about the flow of forces to the region and also whether there are sufficient forces in Iraq. Someone said that there should have been at least two heavy divisions before you started to fight, and there are others who criticize you for delaying signing deployment orders -- they point to the 3rd Armoured Cav[alry] Regiment -- and also delaying calling up Guard and Reserve forces, that that added to some of the problems we're seeing now with lack of forces on the ground. And there are those that say that you're too enamoured with air power over ground forces. I wonder if you could just comment on --

Rumsfeld: Well, why don't I --

Myers: Can I comment?

Rumsfeld: (Laughs.) Sure.

Myers: I would love to comment. My view of those reports -- and since I don't know who you're quoting, who the individuals are -- is that they're bogus. There is -- I don't know how they get started, and I don't know how they've been perpetuated, but it's not been by responsible members of the team that put this all together. They either weren't there, or they don't know, or they're working another agenda, and I don't know what that agenda might be. It is not helpful to have those kind of comments come out when we've got troops in combat, because first of all, they're false, they're absolutely wrong, they bear no resemblance to the truth, and it's just -- it's just -- harmful to our troops that are out there fighting very bravely, very courageously.

I've been in this process every step of the way as well. There is not one thing that General Franks has asked for that he hasn't gotten on the time line that we could get it to him. And it wasn't because of a late finding. It might be because we didn't have a, you know, a ship or something. But, I mean, it's not -- it's been for mechanical reasons, not because of administrative reasons, I can guarantee you that. Every member of the Joint Chiefs of Staff signed up to this plan and the way it was executed from the first day, and they'll be signed up to the last day, because we still think it's a good plan. Every member of General Franks' component commanders signed up to this plan as it was changed over time, and as it finally came down to be the one we went to war with. And they all stood up, and they gave a thumbs up to the plan.

So there may be others that have other ideas of how we should have done it. And I -- and, you know, God bless them, that's a great sport here inside the beltway. And I suppose if I -- when I retire, I'll probably have my comments, too: Gee, they ought to have more air power. (Laughter.) I wish the secretary would say we ought to be more air power-centric, perhaps. But I've never heard him say that --

Q: (Off mike.)

Myers: No. He hasn't said it. And that's not what he -- that's not -- I'm not going to speak for the secretary, but that's not the kind of comments that he's been making in this whole process. So that's -- it's been interesting, but it's not very useful to this discussion.

You know, we went in there with some very sophisticated objectives. We had diplomacy underway at the United Nations. We wanted to deploy a sufficient force, but not the kind of force that would make it look like diplomacy didn't have a chance to work. So we had to work that piece. General Franks -- and for the benefit of our troops -- wanted to protect tactical surprise. How do you protect tactical surprise when you have 250,000 troops surrounding Iraq on D-day? How do you do that? Well, you do it by the method he did it: by having the types of forces -- you do it by starting the ground war first, air war second. Do you think there was tactical surprise? I think there was. Do we have the oil fields in the south? About 60 percent of the oil wealth has been preserved for the Iraqi people. You bet. Have we had a Scud fired against Jordan or Israel yet? No. Why? Because we went in very early, even before the ground war, to secure those places. Do we have humanitarian supplies flowing into Umm Qasr now? Yes. Why? Because we put the ground forces in there early. Were we 200 miles inside Iraq in 36 hours? <sup>43</sup>.

The cartoon referred to on AM was by Daryl Cagle and published in the *Washington Post*. The genre of the political cartoon and its satirical impact is a long established and recognised ingredient of journalism. I do not agree with the complainant that the *Washington Post* reference on AM was 'more like immature and irrelevant abuse'. This perspective does suggest not a full understanding of the forms of analysis that are part of political reporting.

Complaint 41 is not upheld.

#### Complaints 42 and 43

#### **Wednesday 2 April 2003 - 08:04:53**

42. LINDA MOTTRAM: "...Saddam Hussein was delivering another defiant message, directed in part at the Coalition's force ranged against him, but also directed at rallying the Iraqi people. The speech, with a promise of Iraqi victory, had also a call for Iraqis to rise up in support of the Iraqi regime. It was read on Iraqi television, not by Saddam Hussein himself, but rather by his Information Minister Mohammed Saeed Al-Sahhaf".

*In marked contrast to the scepticism often accompanying US administration officials the picture painted here was more like that of a brave leader rallying his troops. There was no analysis in the introduction of why he had not personally delivered the speech, no suggestion that he might be dead, injured or in hiding, all of which would have seriously undermined the otherwise sympathetic assessment, which was in fact repeated in the next item.*

<sup>43</sup> <[http://www.defenselink.mil/news/Apr2003/t04012003\\_t0401sd.html](http://www.defenselink.mil/news/Apr2003/t04012003_t0401sd.html)>



08:08:53

43. LINDA MOTTRAM: "So that speech by Saddam Hussein, delivered by his Information Minister, again rallying Iraqi to Saddam Hussein's cause, including there the appeal to the lands of Islam, a tug of war between the two sides in these hostilities for the hearts and minds of the Iraqi people".

*Comical Ali certainly hadn't yet achieved cult status here.*

*Such commentary gives no hint of cynicism or desperation on the part of Saddam Hussein, instead portraying his action as a serious and genuine attempt to influence a finely balanced contest.*

The complainant is understood to be arguing that the AM coverage of this speech lacked evaluation and was sympathetic and deferential to the Iraqi position.

This critique is best evaluated in the context of the exchange between presenter Linda Mottram and correspondent Jonathan Harley:

LINDA MOTTRAM: So that speech by Saddam Hussein, delivered by his Information Minister, again rallying Iraqis to Saddam Hussein's cause, including there the appeal to the lands of Islam, a tug-of-war between the two sides in these hostilities for the hearts and minds of the Iraqi people.

Our Correspondent in Qatar again, Jonathan Harley.

JONATHAN HARLEY: It seems to be an appeal to those Islamic groups, that common bond, as it were, across the country. Though, it's a little surprising. It may be a little bit of wishful thinking on the behalf of Saddam Hussein, since no love is lost between Iraq's Shi'ites and Saddam Hussein. The Shi'ites who make up about 60 per cent of Iraq, of course, who rose up against him after the first Gulf War. But he seems to be hoping that those differences, his subjugation of them and their dislike of him, may be put to one side in the face of a common invading force.

LINDA MOTTRAM: It wasn't actually Saddam Hussein himself who delivered that message, it was his Information Minister; is anyone reading anything into that?

JONATHAN HARLEY: Well it was certainly a little surprising and disappointing, as there was a flurry of excitement leading up to the speech that perhaps Saddam Hussein would be giving the speech. But it's certainly consistent, I guess, with the message from Coalition commanders at Central Command that they don't know whether

Saddam Hussein is dead or alive though they may take some comfort that Saddam Hussein's absence may plant some more seeds of doubt in Iraqis' minds about whether he is dead or alive, because that's really what commanders and planners are hoping on. They're really relying on the support and trust of Iraqis.

LINDA MOTTRAM: Okay Jonathan Harley, our Correspondent in Qatar.

It is apparent that the issue of why Saddam Hussein did not deliver the speech and whether he was dead or alive was explored in this story. The 'finely balanced contest' was not who was going to win the conflict but rather for the 'hearts and minds of the Iraqi people'. Any sense in which the speech would have a unifying effect was appraised as 'wishful thinking'.

Complaints 42 and 43 not upheld.

#### Complaint 44

**Thursday 3 April 2003 - 08:04:16**

*44. On a day when the Coalition made dramatic gains, including the capture of Kut, the routing of the Baghdad division of the Republican Guard and the Coalition forces being inside the red zone and within 30 kilometres of Baghdad, Linda Mottram managed to characterise such achievements as little more than a welcome reprieve.*

LINDA MOTTRAM: "The latest developments in Iraq have given America's military planners some respite from the intense scrutiny of its war plan".

This item in the same program preceded the above comments of Linda Mottram:

LINDA MOTTRAM: In a swathe across the Euphrates and Tigris Valleys, Coalition forces are said to have put themselves within 30 kilometres of Baghdad. The dagger is now pointed at the regime, is one dramatic Coalition description of where the US led forces now stand.

Kut is captured, the Baghdad division of the Republican Guard is routed and Coalition forces are now inside the imaginary red zone around Baghdad, the Coalition claims, though Iraq says that it is all a lie.

There are gains too; it appears, to the north of Iraq, Coalition air strikes have been targeting Iraqi positions outside the oil-rich city of Kirkuk.

There is still the issue of the human impact of the war after a string of incidents in recent days leaving an untallied number of dead and wounded.

But for the Coalition, the critical issue today is that, with the biggest ground offensive of the war so far, it is moving forward, in what some are calling the beginning of the battle for Baghdad.

From Coalition Central Command in Qatar, our Correspondent, Jonathan Harley reports.

JONATHAN HARLEY: As the war in Iraq enters its third week Coalition forces are approaching the outskirts of their ultimate and most dangerous goal. In a sweeping arc across the southern approaches to Baghdad, the Coalition advance stretches from the Euphrates Valley to the Tigris Valley.

US marines appear to have taken the town of Al Kut guarding the eastern approach to the capital and a crucial bridge, not only claiming to have secured the last critical crossing over the Tigris River, but Brigadier General Vince Brooks says Iraq's Republican Guard Baghdad Division is no more.

VINCE BROOKS: The Baghdad Division has been destroyed.

JONATHAN HARLEY: The western wing of the US-led two corps push has also covered crucial ground, moving through the strategic Karbala gap, facing surprisingly little resistance from Iraq's Medina Division and elements of the Nebuchadnezzar Division, called in as reinforcement.

Commanders believe the most forward positions are now inside the so-called red zone, the imaginary ring around the capital which, if crossed by Coalition forces, may trigger the use of weapons of mass destruction.

Coalition forces also claim to have encircled the holy Shi'ite cities of Najaf and Karbala. The objective; not to take control of them but to ensure troops can securely travel north.

Brigadier General Vince Brooks.

VINCE BROOKS: We will approach Baghdad, the dagger is clearly pointed at the heart of the regime right now and will remain pointed at it until the regime is gone.

JONATHAN HARLEY: After a difficult first fortnight of determined southern resistance, vulnerable Coalition supply lines, and a fatal suicide car bomb attack, there's a new buoyant mood at Coalition headquarters.

Commanders are clearly encouraged by ground force advances and

appear increasingly confident in their assertions that Saddam Hussein is not in full control of his forces. And perhaps most notably lifting spirits, the dramatic night time special forces operation to rescue 19-year-old Private Jessica Lynch, held as a prisoner of war in the Saddam Hospital compound in the southern city of Nasiriyah.

Her maintenance unit was ambushed when a young driver took a wrong turn in the first few days of fighting. Night vision video footage captured the last moments of her rescue and a colour military photograph shows a smiling, relieved young woman, lying on a stretcher, partly covered in an American flag.

For General Brooks it invited a simple message in an increasingly complicated war.

VINCE BROOKS: PFC Jessica Lynch, at this point she is safe, she's been retrieved, and some brave souls put their lives on the line to make this happen, loyal to a creed that they know that they'll never leave a fallen comrade and never embarrass their country.

JONATHAN HARLEY: The so-called battle for Baghdad will bring fresh tests for Coalition forces amid expectations the enemy will try to drag them into the capital and that's exactly what Coalition commanders want to avoid.

This is Jonathan Harley in Qatar for AM.<sup>44</sup>

The complainant appears to be asserting that Linda Mottram is not acknowledging the Coalition's 'dramatic gains'. It is inadequate methodology to take a sentence from one of the presenter's leads and appraise it in isolation without reference to directly related content that appeared minutes before at the very beginning of the same program. In this above first story Linda Mottram, describes the great Coalition gains that the complainant implies are missing from the cited excerpt. This approach by the complainant is not a fair and honest appraisal.

Complaint 44 not upheld.

#### Complaint 45

**3 April 2003 08:04:16**

*45. This was immediately followed by a quite unreasonable expectation for which no justification was provided: "There is, though, still no timetable for the entry of Coalition forces into Baghdad proper"*

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<sup>44</sup> AM 3 April 2003 08:00:16

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The story where this excerpt appears explains why there is no timetable for entry into Baghdad:

LINDA MOTTRAM: The latest developments in Iraq have given America's military planners some respite from the intense scrutiny of its war plan. There is, though, still no timetable for the entry of Coalition forces into Baghdad proper and the Pentagon is cautioning that it will be a methodical drive rather than a sudden blitz.

This report is from Leigh Sales in Washington.

LEIGH SALES: From the big picture perspective the past 24 hours have marked a good news period for the Pentagon. The mood here is unmistakably more invigorated.

Spokesman, General Stanley McChrystal.

STANLEY MCCHRYSTAL: I too would like to add my congratulations to the brave service members who rescued Private Lynch last night. It was a well executed mission that returned one of our own.

Operation Iraqi Freedom moves into its 13th day. We're now engaging the Republican Guard Divisions defending the outskirts of Baghdad. We've moved to within 30 miles of Baghdad but there remains tough fighting ahead.

LEIGH SALES: General McChrystal says two Republican Guard divisions are no longer credible forces, although they still offer pockets of resistance.

STANLEY MCCHRYSTAL: We have definitions of destruction within a unit but rather than focus on percentages right now, what it normally, to sum it up what it means is when a unit can no longer act as a coherent element on the battlefield i.e. a Republican Guard division cannot manoeuvre as a division, cannot defend effectively, is not effective, effectively able to counter-attack, and that's what we're seeing with a couple of these divisions and the contact we've seen earlier today has been described as sporadic but not able to stop Coalition manoeuvre.

LEIGH SALES: The Pentagon isn't saying when the Coalition forces will venture the final 50 kilometres into Baghdad. But people shouldn't be expecting one clearly identifiable thrust.

STANLEY MCCHRYSTAL: We are expecting or at least planning for a very difficult fight ahead. We are not expecting to drive into Baghdad suddenly and seize it in a coup de main or anything like that.

LEIGH SALES: The progress in the past 24 hours has given the Pentagon a respite from questions about the effectiveness of its war plan.

The focus is currently on how events in Baghdad might unfold and whether chemical or biological weapons will make their debut on the battlefield.

STANLEY MCCHRYSTAL: They've proven it historically, we believe they have the capability now, clearly as we threaten the core of the regime which Baghdad and Tikrit represent, we believe that the likelihood of them using those weapons goes up and so the posture of our force is prepared for that.

LINDA MOTTRAM: General Stanley McChrystal at the Pentagon. Leigh Sales with that report.

The General's comments and Leigh Sale's analysis indicate that the timing of the thrust into Baghdad is not yet clear.

Complaint 45 is not upheld.

#### Complaint 46

**3 April 2003 08:08:16**

46. RAFAEL EPSTEIN: "The Pentagon says they have destroyed up to 50 per cent of two divisions of the Republican Guard. That rate of attrition was the aim in 1991, 40 days of bombing delivered attrition of only 25 per cent. In Kosovo, NATO said they destroyed around 35 per cent of Serbian heavy armour. In fact they hit just over 10 per cent."

*The unmistakably clear implication that the Pentagon should not be believed was followed by Retired Air Marshall Ray Funnell asking himself a series of hypothetical questions before completely dismissing its significance: "I really don't know how you can factor that sort of thing into your calculations".*

*For once Linda Mottram did not need to provide any interpretation: "Retired Air Marshal Ray Funnell speaking to Rafael Epstein".*

*As a result, an American self-assessment of potentially far-reaching significance and deserving of serious military analysis was instead ridiculed into nothingness.*

The complainant is alleging that the story had the 'unmistakably clear implication that the Pentagon should not be believed'. The following is the text of the report:

LINDA MOTTRAM: So what form might the battle for Baghdad take? Some American analysts believe that the 15-20,000 Coalition troops now approaching the capital can mount an assault without another pause. But the strategy still relies on not actually taking the city but

rather targeting senior Iraqi figures in the hope that the regime will collapse.

Rafael Epstein reports.

RAFAEL EPSTEIN: Retired Army Colonel Stan Florer, once chief of staff of all America's elite special forces, says the final assault on Baghdad has begun.

STAN FLORER: They have enough force to go ahead and begin this battle of Baghdad without a pause. In terms of miles I don't know exactly but in terms of where the battle is I think they're at a position operationally where they can seriously talk about how they get at the Iraqi regime in Baghdad and to say they're going to have a battle of Baghdad and you're going to go into Baghdad, we hope, I mean I think the American plan is to not do that, not to have to go street by street, but rather to get at the regime so that the regime falls apart.

RAFAEL EPSTEIN: So do you think it will be similar to Basra where they somehow circle the city even though Baghdad is huge and go in, come out, go in, come out, trying to hit specific targets?

STAN FLORER: I think that's the only thing they can do.

RAFAEL EPSTEIN: But tactics used in Basra will likely be seen on a larger scale. Targets will be hit by a combination of warplanes dropping bombs, working with perhaps a dozen helicopters. Both will support hundreds of special forces fighting alongside marines and infantrymen. It's a style of fighting never before attempted by US and British forces, and once a target is hit, they'll pull out of the city.

STAN FLORER: And if you do get bogged down, then you simply pull out and don't get in the fire fight that will cause you to have to destroy large parts of the city, because this thing can go in forever if we don't get at the decision makers. There's not enough force to occupy the entire city certainly, and I don't think they have enough force to encircle it as a siege. The whole point is we don't want to turn the population into a hostile population. I think at this point they're kind of sitting on the border line saying, hey, we're not sticking our nose out 'til we know this Baghdad regime is gone.

RAFAEL EPSTEIN: The strategy relies on the well trained and supposedly motivated Republican Guards not ambushing those forays into the city and a friendly population that will help the Coalition target the Iraqi military.

The Pentagon says they've destroyed up to 50 per cent of two divisions of the Republican Guard. That rate of attrition was the aim in 1991, 40 days of bombing delivered attrition of only 25 per cent. In Kosovo, NATO said they destroyed around 35 per cent of Serbian heavy armour. In fact, they hit just over ten per cent.

Retired Air Marshal Ray Funnell commanded the Australian Air Force during the last Gulf War.

RAY FUNNELL: It's extremely difficult to come to any conclusions. We're all operating with incomplete data. When they say 50 per cent, does that mean 50 per cent of the effectiveness of the division? And how do you calculate that? Is it 50 per cent of the armour destroyed? Fifty per cent of the personnel incapacitated? How does that play on the logistics? Does it mean that they're cut off from logistics resupply? I really don't know how you can factor that sort of thing into your calculations.

LINDA MOTTRAM: Retired Air Marshal Ray Funnell speaking to Rafael Epstein.

An important remark of the Retired Air Marshall is that any analysis is based on incomplete data and that it was 'extremely difficult' to come to any conclusions. The complainant is concerned that 'an American self-assessment of potentially far reaching significance ...was instead ridiculed into nothingness'.

That is not the implication I draw from the story. Two former senior military commanders were interviewed. The story reports their perceptions. I find no evidence of the military commentators ridiculing US strategy. The nearest thing to an adverse statement was Retired Air Marshall Funnell saying it was difficult to come to any conclusions.

Complaint 46 not upheld.

#### Complaint 47

**Friday 4 April 2003 - 08:08:55**

47. LINDA MOTTRAM: "Well, as the US-lead forces squeeze in on Baghdad, what lingers is the fear that the Coalition will now get drawn into the street by street fighting in the capital.....".

*This "fear" was presumably based on:*

JONATHAN HARLEY: "amid fears Coalition forces could get drawn into a bitter urban battle.....".

*Although such ominous concerns were twice expressed, no basis was provided on either occasion.*

The apprehension that the Coalition might be enticed into some sort of trap in Baghdad was a matter of consideration at the Centcom briefing of 3 April:



Q (Inaudible) -- Associated Press. Following up on this melting away, I mean, the fact that you have plowed through so much of the Republican Guard, have you begun encountering what we had expected would be the paramilitaries closer in to the ring of Baghdad? If not, are you concerned that this is some kind of a trap, that they're giving you an easy entry only to suck you into the capital, which is what they've said they were going to do? ...

GEN. BROOKS:... As to what is inside of Baghdad, we'll see soon enough. There are a number of things that could be considered at this point. Has this regime expended all of its capability in other areas? Did they use too much of what they had against us? Well, one would have to speculate on that. We take that into consideration.

Have they pulled back into Baghdad to await our arrival? Well, we'd certainly take that into consideration and see if that is the case and look for information that tells us one way or another.

Any one of these potential options goes into prudent military planning, and then decisions are made based on what we begin to discover. We seek information for ourselves through our own processes that tell us what is in front of us; what's next. And that's an ongoing process.

I'm not going to characterize what we see right now or what we think is going to happen. We'll make decisions based on what we think is going to occur in the future and what we see right now<sup>45</sup>.

The Defence Secretary at a Pentagon briefing on the same day outlined some uncertainties in relation to the behaviour of Iraq soldiers in Baghdad:

Rumsfeld: I guess it's a reflection of what's taking place there. There are any number of soldiers that are behaving as soldiers, and they have been either surrendering, been captured or been killed or they're still there fighting. There are others who have left and gone into a different mode where they are in civilian clothes and they are operating out of cities and they are putting themselves in close proximity to schools, hospitals, mosques and the like, and conducting themselves less as soldiers and more as war criminals. I don't want to get into any legal definitions, but there's no question but that the things -- the execution of Iraqi people, the execution of others is certainly not something that soldiers do<sup>46</sup>.

The American Broadcasting Corporation reported on 3 April of the dangers of being drawn into street fighting:

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<sup>45</sup> <<http://www.centcom.mil/CENTCOMNews/Transcripts/20030403.htm>>

<sup>46</sup> <[http://www.defenselink.mil/news/Apr2003/t04032003\\_t0403sd.html](http://www.defenselink.mil/news/Apr2003/t04032003_t0403sd.html)>

It is possible some members of Iraq's Republican Guard are trying to draw U.S. forces into battle on the streets of Baghdad, says Secretary of Defence Donald Rumsfeld. Falling for it, experts warn, would be a mistake.

The United States may have the most fearsome planes and the most precise missiles. But strategists say in a city, America's technological strength is greatly diminished. It is the one place the Iraqis can hope to have anything close to a level playing field.

"There's smoke, there's noise, there's people flashing in front of you. There's casualties — maybe a buddy," says retired Gen. William Nash, who served in Operation Desert Storm.

Historically, urban battles have been the most dangerous in any war. Casualty rates have been 30 percent in recent decades. Soldiers are easily isolated, subject to attack from any direction.

The dangers to American troops have grown more apparent in the last few days. Iraq claims it has thousands of men willing to be suicide bombers. Iraqi soldiers have often protected themselves by mixing in with civilians.

"You're going to try and avoid collateral damage, and the Iraqis are going to make collateral damage happen by keeping civilians in harm's way," says Richard Aboulafia, vice president for analysis at Teal Group, a defense consulting firm in Fairfax, Va.

### **Avoiding a Street Fight**

Baghdad is a sprawling city of 5 million people, with wide streets and low-slung buildings. In some ways, that is good for the United States: Its tanks and armoured vehicles can get through. But it also presents dangers, because there are fewer places for soldiers on foot to hide from snipers.

"No one can be certain who's in the building behind them, or in the building on the side, or up on the roof," says Anthony Cordesman, an ABCNEWS military analyst. "The risk is always there."<sup>47</sup>

It is apparent that there were fears that the imminent fighting in Baghdad would 'present dangers' for the Coalition.

Complaint 47 is not upheld.

Complaint 48

5 April 2003 08:05:00
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<sup>47</sup> <[http://abcnews.go.com/sections/scitech/WorldNewsTonight/iraq\\_urbanfight030403.html](http://abcnews.go.com/sections/scitech/WorldNewsTonight/iraq_urbanfight030403.html)>

48. In Washington Lisa Millar was very exercised about US deviousness, verging on duplicity, over the whereabouts of Saddam Hussein: "Both the White House and the Pentagon have been feeding the speculation about President Hussein's demise.

"This week they practically baited him (*no evidence provided*) to prove he was alive.

"Now faced with what appears to be evidence he is, they dismiss its importance."

The story from Lisa Millar is corroborated by the following sources. Ari Fleischer is the White House spokesman. (The underlining of the text is mine):

<http://www.whitehouse.gov/news/releases/2003/04/20030401-2.html#1b>

MR. FLEISCHER: *Switch it around, though. If you're in Iraq, if you're part of the Iraqi regime, if you're part of the leadership structure, especially, if you had something hard or concrete to report, such as that Saddam was alive, the question is why aren't they showing it? And particularly today, after they advertised, Al Jazeera did report it, that Saddam Hussein would, himself, address the Iraqi people and he failed to show up, it does raise interesting questions.*

<http://www.whitehouse.gov/news/releases/2003/04/20030401-2.html#1c>

MR. FLEISCHER: *Well, I guess the question is, do people know it? I think that once -- if that is the fact, and word gets out around Iraq, that can have implications. I think, obviously, those who have made their living at Saddam's side don't want information about his health to be revealed. They have a stake in keeping him as alive as can be. And, again, we don't know if he is or is not.*

<http://www.whitehouse.gov/news/releases/2003/04/20030401-2.html#1d>

MR. FLEISCHER: *It just comes down to, we don't know. We don't know if he is alive or if he is dead. The ways that you would know is if you would see him in a live broadcast. If he was alive, if he showed something contemporaneous, if he would speak about an event that just took place that day, or the night before, then you might have information that he is alive and said something contemporaneous. We have not seen that, but we don't know.*

<http://www.whitehouse.gov/news/releases/2003/04/20030401-2.html#1e>

Q *Also you pointed out that Saddam was a no-show today, talked about you don't know how he's feeling. Torie Clarke said that we've seen neither hide nor hair of him. Is the administration essentially daring the regime to prove Saddam is alive?*

MR. FLEISCHER: *No, Bill, I just think it's appropriate today, given the fact that -- certainly my phones lit up and there was a lot of interest around the White House and here in terms of what I received from the press corps, about what everybody saw on the bottom of their screen, "Saddam to appear live at noon." Well, he didn't.*

Q *Are you taking some measure of satisfaction that it has not been able to produce him?*

MR. FLEISCHER: *It is what it is. Either he's alive or he's dead. Either which way, his regime will be disarmed and his regime won't last.*

[http://www.defenselink.mil/news/Apr2003/t04012003\\_t0401sd.html](http://www.defenselink.mil/news/Apr2003/t04012003_t0401sd.html)

*Donald Rumsfeld*

*And where are Iraq's leaders? The night before the ground war began, coalition forces launched a strike on a meeting of Iraq's senior command and control and they have not been heard from since. The fact that Saddam Hussein did not show up for his televised speech today is interesting.*

After the tape of (supposedly) Saddam Hussein was released on 4 April the comments from the Pentagon appeared to change.

Victoria (Torie) Clarke of the Pentagon responded to a question by dismissing the significance of the tapes:

[http://www.defenselink.mil/news/Apr2003/t04042003\\_t0404asd.html](http://www.defenselink.mil/news/Apr2003/t04042003_t0404asd.html)

*Q: Torie, what does the Pentagon and U.S. intelligence make of television pictures from Baghdad -- apparently from Baghdad today of a figure purported to be that of Saddam Hussein in rubble that could have been caused since the bombing started?*

*Clarke: "Apparently" is a good word. We have no idea where the tapes have come from; don't have anything for you on the tapes themselves. I just don't think it's that significant -- what may or may not be in tapes or when they may have been made.*

The reporter's task is to perceive and present issues. I am satisfied that is what reporter Lisa Millar was doing from the above sources.

Complaint 48 is not upheld

Complaints 49 and 50

**5 April 2003 08:15:18**

*49. Following reports of another summit, this time in Northern Ireland between George Bush and Tony Blair, despite the fact that the end of the war was fast approaching, Linda Mottram as she had done some days earlier (see AM 27/3/03) once again effectively scoffed at the idea: "Matt, is it a surprise that Tony Blair is going to, wanting to embrace all of these peace agendas at this time?"*

*50. Having been told by Matt Peacock that it did make sense and that Tony Blair was passionately committed to the Northern Ireland process as well as the long awaited Middle East peace plan, Linda Mottram simply looked for the base motive: "Well, what's Mr Blair's angle in involving George Bush so prominently at this time".*

The complainant is suggesting that Linda Mottram 'effectively scoffed' at the idea that the end of the war was fast approaching and of reports of another summit. This inference is supported by noting that the presenter asked correspondent Matt Peacock whether it was a surprise that Prime Minister Blair is wishing to adopt more than one peace agenda. Looking at the question and its plain meaning I find it difficult to arrive at the same inference. The text of the story is relevant:

LINDA MOTTRAM: Another summit is to take place between US President, George W. Bush, and Britain's Prime Minister, Tony Blair, this time in Northern Ireland next week.

The meeting, at a location yet to be disclosed, will come just before the fifth anniversary of the signing of the Good Friday Agreement for peace in Northern Ireland; an agreement which has since encountered almost terminal obstacles.

Although war in Iraq is likely to dominate the talks, top of Mr Blair's agenda will be peace, not just the eventual peace for Iraq, but also a kick-start for that Northern Ireland process, and for the moribund peace process between the Israelis and Palestinians.

On the line from London now is our Correspondent, Matt Peacock.

[pause]

Matt, is it a surprise that Tony Blair is going to, wanting to embrace all of these peace agendas at this time?

MATT PEACOCK: Well, it was certainly a surprise to hear that they were having a summit again. This is about the third summit in as many weeks, and the venue in Northern Ireland caught most people by surprise.

But from Tony Blair's point of view, there's a certain amount of logic to it because even though the two men will probably be discussing for a fair bit of the time the progress of the war, his concentration very much for the past several weeks has been on post-war peace in Iraq, and still on Northern Ireland, which is his own pet project that has hit quite a few rocky times in recent weeks, and is coming up, as you say, to the fifth anniversary,

And you'd have to say that Tony Blair, whatever you might think about him, has been fairly passionately committed to this process in Northern Ireland, and equally I think he's committed to the long-awaited Middle East peace plan, which we've yet to see the roadmap to.

LINDA MOTTRAM: Well, what's Mr Blair's angle involving George Bush so prominently at this time?

MATT PEACOCK: Well, I think there's a couple of things. I mean, Tony

Blair's been criticised from here as being George Bush's poodle, but if anything I think you'd say he regards himself as a muzzie, not so much on Mr Bush, but more on the Pentagon hawks, and the minute he can drag George Bush away from America, and particularly in this case with Colin Powell, especially if there's a few rabbits he can pull out of the hat, and it does look as though there might be some kind of a breakthrough in the Northern Ireland peace process.

There may be a statement, the long-awaited statement of decommissioning by the IRA. It certainly, Sinn Fein is saying there's been significant progress in these talks, and they've been locked up for 15 hours or more in some of these negotiations in recent weeks.

And if he can pull that rabbit out of the hat, then there's a bit of a glow there, and plus with the authority of the US President, which of course you'll recall President Clinton played a major role in encouraging the republicans in particular to start talking peace, then I suspect he hopes to prise that Middle East roadmap out of the hands of George Bush, now that the new Palestinian Prime Minister has chosen his Cabinet, it still keeps getting this slippage, and Mr Blair's extremely concerned about the way that's playing in the Arab world, with this war continuing.

And, particularly, I think, with Colin Powell there it's a way of, I mean, one diplomat put it to me ages ago that the battle is not really between Tony Blair and George Bush, or between Britain and the Americans, the battle is all played out in Washington, and if anything what happens in this dynamic is that Tony Blair strengthens the hand of the walking wounded, Colin Powell, who's really not been scoring too many points.

LINDA MOTTRAM: Okay, Matt Peacock, our Correspondent on the line from London.

The complainant further suggests that in asking the question about Prime Minister Blair involving President Bush at this time, Linda Mottram is attributing some 'base motive' to the initiative. Often in the complainant's criticism of AM and its presenter, there is an investment of meaning and motive that is difficult to sustain when the context of the whole story is examined. In this instance, the questions of the presenter are expansively responded to with pertinent analysis from the correspondent that logically flows from the question. Matt Peacock agrees that it was a surprise to embrace another summit but there is logic in raising Northern Ireland. Matt Peacock outlines the value of involving President Bush.

To ascribe 'scoffing' attributes and a 'base motive' to the presenter's questions, seems to me, to be an extravagant misrepresentation and misread of the whole story.

Complaints 49 and 50 not upheld.

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Complaint 51

**Monday 7 April 2003 - 08:08:00**

51. LINDA MOTTRAM: "Well in Northern Iraq another American attack on their own has marred the Coalition's apparent progress".

*Is it seriously suggested that by this time actual and major Coalition progress had not been established? And why should progress be marred by a friendly fire incident? Indeed, given that US Central Command has described it only as "a possible friendly fire incident" why was Linda Mottram so adamant?*

This excerpt followed two stories earlier in the program that were unequivocal about Coalition progress. Basra had been secured and Baghdad International Airport was under Coalition control with the first aircraft having landed.

The attack in Northern Iraq was a significant detraction from this progress. The BBC's World Affairs Editor John Simpson provided this eyewitness report:

"Well it's a bit of a disaster... I was in a convoy of eight or 10 cars in northern Iraq coming up to a place that has just recently been captured. American special forces in a truck - two trucks I think - beside them, plus a very senior figure..."[brother of Massoud Barzani, leader of the Kurdistan Democratic Party]

Simpson to US soldier: "Shut up. I'm broadcasting! Oh yes, I'm fine - am I bleeding?"

US soldier: "Yes, you've got a cut."

Simpson: "I thought you were going to stop me. I think I've just got a bit of shrapnel in the leg, that's all. OK, I will - thanks a lot.

"That was one of the American special forces medics - I thought he was going to try to stop me reporting. I've counted 10 or 12 bodies around us. So there are Americans dead. It was an American plane that dropped the bomb right beside us - I saw it land about 10 feet, 12 feet away I think.

"This is just a scene from hell here. All the vehicles on fire. There are bodies burning around me, there are bodies lying around, there are bits of bodies on the ground. This is a really bad own goal by the Americans.

"We don't really know how many Americans are dead. There is ammunition exploding in fact from some of these cars. A very senior member of the Kurdish Republic's government who also may have been injured."

TV presenter Maxine Mawhinney: "John, just to recap for the viewers, an American plane dropped a bomb on your convoy of American special forces - many dead, many injured?"

Simpson: "I am sorry to be so excitable. I am bleeding through the ear and everything but that is absolutely the case. I saw this American convoy, and they bombed it.

They hit their own people - they may have hit this Kurdish figure - very senior, and they've killed a lot of ordinary characters, and I am just looking at the bodies now and it is not a very pretty sight."

### **Later, John Simpson filed this report on how the attack unfolded**

The officer in charge of the American special forces saw an Iraqi tank in the plain about a mile away from us, and it was I think firing in our direction - and he called in an air strike to deal with the tank.

I saw two F15 American planes circling quite low overhead and I had a bad feeling about it, because they seemed to be closer to us than they were to the tank.

As I was looking at them - this must sound extraordinary but I assure you it is true, I saw the bomb coming out of one of the planes - and I saw it as it came down beside me.

It was painted white and red. It crashed into the ground about 10 or 12 metres from where I was standing.

It took the lower legs off Kamaran, our translator, I got shrapnel in parts of my body. I would have got a chunk of shrapnel in my spine had I not been wearing a flak jacket, and it was buried deep in the Kevlar when I checked it.

Our producer had a piece of shrapnel an inch long taken out of his foot. But apart from that and ruptured eardrums which is painful but not serious, and a few punctures from shrapnel, the rest of us were all right.

But our translator was killed and he was a fine man.

I think what probably happened was that there was a burned out Iraqi tank at the crossroads and I suspect that either the pilots got the navigational details wrong, which is possible, but I think it is probably more likely one of them saw the burned out Iraqi tank, assumed that was what was to be hit - and dropped the bomb.

The planes circled round I shouted out at the American special forces "Tell them to go away - tell them it's us - don't let them drop another bomb."



It was a mistake. They were so apologetic afterwards, as you can imagine<sup>48</sup>...

On this basis it was reasonable for Linda Mottram to appear 'adamant' about the US being responsible for this incident.

Complaint 51 is not upheld.

#### Complaint 52

**7 April 2003 08:11:00**

*With a senior Pentagon official ruling out handing over control of an interim Iraqi government to the UN, this was not seen as a highly predictable outcome, let alone a benign development, but rather as a cause for significant international concern.*

52. LINDA MOTTRAM: "Well, trans-Atlantic tensions over Iraq are likely to be fuelled anew by the latest from the Pentagon on the US vision for post-war Iraq".

To describe the absence of the UN in any interim Iraqi government as a 'benign development' reflects a lack of awareness of international debate on this issue. The BBC filed the following report on 4 April:

France, Germany and Russia have said they are deeply concerned about the "urgent humanitarian situation" in Iraq.

"The first urgency is humanitarian," said French foreign minister Dominique de Villepin, after hosting a meeting of the countries' foreign ministers in Paris.

"Every perspective on the future of Iraq must take into account the state of Iraq after the war."

All three ministers insisted that the United Nations should play a central role in rebuilding the country.

However, Mr De Villepin accepted that US-led coalition forces were best placed to establish security in Iraq once the fighting was over.

Their meeting came a day after US Secretary of State Colin Powell said in Brussels that the coalition would play a "leading role" in post-war Iraq, but would work with the UN as a partner.

#### **International legitimacy**

Nato Secretary General George Robertson and Greek Foreign Minister George Papandreou, whose country holds the rotating EU presidency, both said they believed a transatlantic consensus was emerging on the future of Iraq.

<sup>48</sup> <[http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle\\_east/2921807.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle_east/2921807.stm)>

Correspondents noted, however, that the role envisaged for the UN by Mr Powell appeared to be less significant than that demanded by European governments, including the UK.

Russian Foreign Minister Igor Ivanov said on Friday that the three ministers believed that the UN was the only organisation that could play a "central role".

Mr De Villepin added that the principle of "international legitimacy" was crucial - implying that only UN involvement could confer this legitimacy.

"Nobody can hope to build peace alone," he said.

The three foreign ministers were the loudest opponents of the war in Iraq before it started.

But their governments have in recent days begun to strike some conciliatory notes.

"I think it is absolutely natural... that in the security phase, the forces present on the ground have a specific responsibility," Mr de Villepin said.

German Chancellor Gerhard Schroeder and Russian President Vladimir Putin have said they want to see a swift victory for coalition forces, while French President Jacques Chirac has stressed that the US is France's ally and friend.

#### **'Time for reconciliation'**

The French Prime Minister Jean-Pierre Raffarin nonetheless delivered a blunt rebuke to the US on Thursday, saying Washington had been wrong to launch an attack on Iraq as long as an alternative to war existed.

Mr de Villepin was expected to hold talks with Pope John Paul II and Foreign Minister Franco Frattini of the pro-war Italian Government later on Friday.

Mr Powell refused on Thursday to spell out precisely what role the UN might play in Iraq.

However, in an interview with the French newspaper Le Figaro published on Friday, Mr Powell said the UN would play an important role supervising humanitarian aid and installing the interim civilian authority.

He also sought to mend ties, saying it was time for a reconciliation between the US and European countries opposed to the war.

He denied there was a blacklist of companies that would be barred from post-war reconstruction contracts<sup>49</sup>.

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<sup>49</sup> <<http://news.bbc.co.uk/go/pr/fr/-/2/hi/europe/2915995.stm>>

There are signs of significant international concern that is further confirmed by BBC Monitoring:

Talks in Northern Ireland between Mr Blair and President Bush have focused attention on who should run Iraq after the war.

Switzerland's **Le Temps** predicts the United States will ignore French protests and British calls for caution over its plans for post-war Iraq. "It has imposed its arms, it will impose its law," the paper says.

It warns that if the Americans choose not to cooperate fully with the UN, "the US will head for another war which will emerge from the inmost depths of Arab humiliation".

Denmark's **Information** is equally concerned, fearing that post-war Iraq will become a "US protectorate".

"The occupying power won't just be responsible for Iraq's civil administration. All humanitarian aid and rebuilding of infrastructure will take place under the supervision of retired US General Jay Garner," the paper says.

Several papers express doubts that Mr Blair has any real influence over the US leader. "Tony may do the thinking, he may doggedly present his arguments but George runs the show," writes Germany's **Frankfurter Rundschau**.

Although France's **Le Monde** concedes that the US president made a "gesture" by visiting the British prime minister, it agrees that "London doesn't really seem to be able influence Washington with regard to the role which should be given to the United Nations during Iraq's reconstruction".

Hungary's **Magyar Hirlap** goes one step further, describing Mr Blair's call for UN coordination of Iraqi reconstruction as "truly naive".

"Washington has already appointed the ex-soldier-turned-businessman Jay Garner as the sheriff of Iraq," the paper says<sup>50</sup>.

It is entirely reasonable therefore for Linda Mottram to have anticipated trans-Atlantic tensions over the future of Iraq.

Complaint 52 is not upheld.

### Complaint 53

**8 April 2003 - 08:08:48**

*53. Despite the fact that the report by John Shovelan dealt with unrelated remarks by Donald Rumsfeld and Richard Myers, Linda Mottram's introduction simply stated, without any supporting material, that: "The battles in Baghdad are seeing a*

<sup>50</sup>< <http://news.bbc.co.uk/go/pr/fr/-/2/hi/europe/2927181.stm>>

growing number of civilians dead and injured according to the International Red Cross in the city. It says the city's hospitals are overstretched, with some facilities now short of vital supplies, and doctors exhausted.

"But there are certain to be more casualties yet as the Coalition presses on.....". - *clearly implying insensitivity and a lack of humanitarian concern.*

Linda Mottram attributes her report about growing numbers of dead and injured to the Red Cross. The presenter speculates that there are likely to be many more casualties.

Naomi Koppel of Associated Press reported the following on 9 April:

GENEVA - Overwhelmed hospitals in Baghdad are running out of drugs and anaesthetics and are short of water and electricity, the Red Cross said Monday.

"There is no doubt really that the resources and staff of these places are really stretched to the limit," said Florian Westphal, spokesman for the International Committee of the Red Cross, the main aid agency left in Iraq. "They have very little power, if any. This morning, for example, they said they were functioning entirely with generators."

The organization also discovered that the number of casualties in Baghdad is so high that accurate statistics were impossible to maintain.

"Even the hospitals are having trouble keeping track of how many patients they have," Westphal said, adding that some injured people may be unable to reach hospitals.

Al-Kindi, one of the five major hospitals treating war wounded in Baghdad, received more than 50 casualties in a five-hour period Monday, Red Cross staff were told.

Westphal said the injuries were suffered in bombing and ground fighting, but it was unclear how many of the wounded Iraqis are civilians.

Westphal said Red Cross staff were trying to deliver drugs to al-Kindi — the only hospital they were able to reach Monday because of the fighting in the city.

"Yesterday we managed to bring some drinking water to five different hospitals and established bladder tanks at three hospitals, but we are concerned," Westphal said. "A hospital — especially one where surgery is being done — needs a lot of water."

Outside of Baghdad, the Red Cross is receiving little information, Westphal said. In the southern city of Basra, staff stayed in their homes because it was considered too dangerous to go out.

Westphal said Red Cross staff in Baghdad were being inundated by Iraqis desperate to make phone calls to their families outside the country. The Red

Cross has one satellite phone available and lets people use it to make two-minute calls.

"Despite the dangers, people were prepared to wait for more than an hour to make a call," Westphal said.

The Red Cross gave no estimates on the number of deaths in Iraq, and did not confirm U.S. Central Command estimates that between 2,000 and 3,000 Iraqi fighters were killed in Saturday's foray into Baghdad by American forces<sup>51</sup>.  
[Ends]

I find it difficult to infer from the AM report a lack of sensitivity and humanitarian concern on the part of the Coalition. The presenter and correspondent reported developments and what is likely to follow. There is no value judgement about the extent of Coalition compassion.

Complaint 53 is not upheld.

Complaints 54 and 55

**Wednesday 9 April 2003 - 08:00:23**

54. *The death overnight of three journalists led Linda Mottram to make a furious attack on the United States: ".....the chances of independent reporting of the events on the ground have suffered a body blow overnight, and it's raised new questions about how the Coalition has attempted to shape reporting on this war".*

*What was the basis?*

*Well apparently the following remarks by Brigadier General Vince Brookes: "What we can be certain of, though, is that this Coalition does not target journalists and so anything that has happened as a result of our fire or other fires would always be considered as an accident".*

55. *This led Linda Mottram to sign off with: "Brigadier General Vince Brookes with a sense of how the US Military would prefer reporters in Iraq to work And it should be noted that they key buildings that were attacked overnight, the coordinates and locations of those buildings have been given to the Pentagon some time back".*

*Given that the remarks in question are logical and given that they contain no indication of how the US Military would prefer reporters in Iraq to work, Linda Mottram seemed clearly determined to read something sinister into the deaths of journalists, whatever the evidence. In fact, her last comment, on its face, seeks to give the impression that targeting of journalists may have been a deliberate Pentagon strategy.*

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<sup>51</sup> Copy supplied by ABC News and Current Affairs

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The attack on the Palestine Hotel caused serious alarm amongst the international press. Paul McGeough was based in Baghdad for the *Sydney Morning Herald* and the *Age*. His diary *In Baghdad A Reporter's War* has just been published. Of this incident he reports:

Suddenly a producer from PM was back on the line – 'Could we reschedule the interview because of the attack on the Palestine Hotel?' I was flummoxed-the what?...

Within hours the Pentagon would admit that it was a US missile-fired at the Palestine by one of the tanks on the Jumhuriyah Bridge...

'It was unnecessary, incompetent and tragic, and the anger here is profound. Dealing with this regime of butchers is hard enough without the added stress of having to worry about what your own side is doing,' [Ross Benson] wrote in London's *Daily Mail*.

Robert Fiske of *The Independent* described it as murder. The *National Post's* Patrick Graham felt it was unimaginable that the US would deliberately shoot at the media hotel. British TV correspondent David Chater was convinced it was deliberate... Swiss TV reporter Ulrich Tilgner was pretty blunt too: 'In three weeks I have not heard a single shot fired from the hotel and I have not seen a single armed person enter.'<sup>52</sup>

The BBC reporter Andrew Gilligan working from the Palestine Hotel included this in his reflections filed on 6 April:

We were on air on the World Service. There was a huge bang, and you could hear bits of the hotel raining down on the little plywood shack we've built on the roof just below. I must admit I didn't have time to feel scared as it was all over so quickly, but it has changed the way we report. In cautious BBC fashion we haven't gone out today. We've relied on locals going out and around, spotting for us.

Not many of the western journalists in the Palestine Hotel have gone out today. It seems perhaps perverse to stay in the building that's been attacked, but there's the theory that lightning doesn't strike twice<sup>53</sup>.

While Gilligan was not convinced on the day of the attack that the assault came from US shell fire,<sup>54</sup> the way in which his reporting activity was constrained is clear.

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<sup>52</sup> (2003) 211-214

<sup>53</sup> <[http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle\\_east/2921807.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle_east/2921807.stm)>

<sup>54</sup> *The Guardian* reported on 25 June 2003 following a media forum on the war:

Gilligan, who on the day of the attack cast doubts on whether the blast that killed the cameramen had come from a American tank, maintained his view that damage to the balcony of the Reuters' base at the hotel was more consistent with the marks that would have been made by a rocket-propelled grenade.

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Linda Mottram's comments do not amount to 'a furious attack on the United States'. The lead of the story suggests that the opportunity for independent reporting of the war had been inhibited by this incident and new questions about the Coalition's relationship with journalists arise. From the above excerpts it is clear that there were some pressing questions being asked and that the ability of at least some journalists to move around Baghdad was further constrained.

Complaints 54 and 55 not upheld.

#### Complaint 56

**9 April 2003 08:11:23**

56. Jonathan Harley reported that at least 14 civilians had been killed in the attack on a restaurant where a large number of Iraqi leaders were believed to be meeting. He later said: "The International Committee of the Red Cross says Baghdad's hospitals are overwhelmed. Of the 27 operating theatres in the city's main hospital complex, only 6 are working. Medical supplies, especially anaesthetics are dangerously low.

This prompted Linda Mottram to volunteer: "Jonathan Harley reported from Qatar and there are some estimates of casualties in this war that run into the thousands....".

Once again there was no direct material from the ICRC and no attempt to source Linda Mottram's "estimates".

The complainant is not being straightforward.

The full text makes it clear that Linda Mottram qualified her estimates of casualties:

LINDA MOTTRAM: Jonathan Harley reporting from Qatar and there are some estimates of casualties in this war that run into the thousands, but there is no specific confirmation of numbers from US briefings or from other sources.

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He added that Saddam Hussein's Fedayeen militia were in the square behind the hotel on that day carrying RPGs and behaving in an "unruly" fashion.

However, Gilligan conceded that American tanks did fire at the hotel, and said that as the military has admitted responsibility, a US tank probably was to blame.

<<http://media.guardian.co.uk/broadcast/story/0,7493,984808,00.html>>

Complaint 56 is not upheld.

Complaint 57

**9 April 2003 08:14:23**

*57. In relation to the deaths of two journalists, the Pentagon was saying that their troops had no choice but to defend themselves while some journalists were disputing this claim. Linda Mottram quickly came down on the anti American side: "The deaths undermine the Pentagon's claim that it is waging a compassionate war".*

*This can only be taken to mean that we should not believe such claims and should instead presumably believe that the United States is deliberately targeting journalists.*

The relevant part of this story includes the following excerpt:

LINDA MOTTRAM: Well, Pentagon officials say that their troops fired a tank shell on a Baghdad hotel where hundreds of journalists were staying because they had no choice but to defend themselves.

Two journalists were, as we've said, killed and three injured as a result of the strike.

With journalists at the hotel disputing the US military's claim, though, that they had come under substantial fire from the hotel, the deaths undermine the Pentagon's claim that its waging a compassionate war.

From Washington, John Shovelan reports...

JOHN SHOVELAN: But Pentagon briefer, Victoria Clarke, had no real answer to why a tank shell was fired into the Palestine Hotel.

VICTORIA CLARKE: War zone is a dangerous place, Baghdad in particular.

JOHN SHOVELAN: It was well-known the hotel housed journalists from around the world, including Americans.

Rules of engagement prohibit US forces from firing on hospitals, schools and other obviously civilian facilities. Even if there was small arms fire coming from the hotel and that seems moot, why use a tank round in response?

It doesn't fit with the often-professed policy of minimising civilian casualties.

VICTORIA CLARKE: War, as you all know, by its very nature is tragic and sad and a compassionate country has an obligation to wage it as humanely as possible and that is exactly what we are doing.

JOHN SHOVELAN: Major General Stanley McChrystal says the US troops had no choice.



STANLEY MCCHRYSTAL: They have the inherent right of self-defence. When they are fired at they have not only the right to respond, they have the obligation to respond to protect the soldiers with them.

JOHN SHOVELAN: It's the kind of issue which will disappear. The Pentagon, with all of its refined propaganda tools, relies on some basic obfuscation and delay when the news frames it in a bad light. Take for example the investigation into the second market bombing in Baghdad over a week ago, there's still no news on the Pentagon investigation into that. Interest and controversial questions about the US military's conduct fades with the passage of time.

Linda Mottram is appraising the attack on the hotel and assuming that the US were responsible for the shots that were fired. Hundreds of journalists were known to be in the hotel. The presenter in weighing the Pentagon response concluded that the comments were a challenge to the notion of the Coalition conducting a compassionate war. Such a construction while not irrefutable was, in my view, a reasonable option to take. It does not mean though that there was any basis for a claim that the Coalition was deliberately targeting journalists.

ABC editorial staff are required, in observing balance and impartiality, not to be unquestioning. Further they are to be enterprising in perceiving, pursuing and presenting issues in order to serve the public's right to know<sup>55</sup>. The analysis provided by the presenter and the correspondent meet this requirement. There were unanswered questions about the shell that hit the Palestine Hotel.

Complaint 57 not upheld.

#### Complaints 58-61

**9 April 2003 08:14:23**

58. *This outburst was immediately overtaken by dripping sarcasm from John Shovelan: "Oh the civility of this US military. The daily Pentagon briefing begins with an illustration of its mercy and kindness."*

59. *Stanley McChrystal's showing of a video of a strike on the home of Chemical Ali led John Shovelan to deride it as an illustration of "its clean killing skills".*

60. *And when McChrystal talked about a pilot guiding ammunition into the river to avoid killing innocent civilians, this caused John Shovelan to once again deride the very proposition of taking all reasonable steps to minimise damage: "And when the*

<sup>55</sup> ABC Editorial Policies 5.1.5 and 5.1.6

US military goes out of its way to avoid "collateral damage", a wartime euphemism for killing civilians, it's sure to get top bill at the brief".

*Apart from the obvious vitriol, "collateral damage" is not simply another term for killing civilians, but rather a clinical term to distinguish unintended deaths from deliberate strikes. It is certainly not a licence to kill civilians, as John Shovelan implies.*

61. And finally, for no apparent reason, John Shovelan again showed his contempt for the US military's handling of issues: "The Pentagon, with all of its refined propaganda tools, relies on some basic obfuscation and delay when the news frames it in a bad light."

The complainant makes a serious allegation that John Shovelan's report was 'dripping with sarcasm' and contained 'obvious vitriol'.

ABC Washington correspondent John Shovelan reflects on the Pentagon briefing of 8 April and makes this observation: "Oh the civility of this US military. The daily Pentagon briefing begins with an illustration of its mercy and kindness."

The briefing begins with Major General Stanley McChrystal, Vice Director of Operations and Victoria (Torie) Clarke, Assistant Secretary of Defence-Public Affairs making introductory remarks, showing video footage and then responding to reporters' questions<sup>56</sup>.

Condolences are offered to family and friends of those who have died recently. Their names and ages and locations are read out.

Victoria Clarke makes a particular point that the US goes to great lengths to avoid unnecessary loss of life. Most of the bombs are precision guided and targets are chosen carefully to avoid civilians. The US also goes to 'extraordinary lengths' to help not only Coalition troops but also Iraqi soldiers and civilians who are wounded.

As the US cares for the Iraqi people more is learnt about their lives. Children are assisted and prisoners of war receive medical care. Supporting vision is then shown.

It is in this briefing that John Shovelan says shows the civility of the US military and the daily briefing begins with an illustration of its 'mercy and kindness'. Shovelan is being not only sceptical but also cynical. After reviewing Pentagon briefings during the conflict, there is a recipe format as to how they are begun. It is appropriate for a reporter to bring that to a listener's

<sup>56</sup>< <http://www.defenselink.mil/cgi-bin/dlprint.cgi>  
<http://www.defenselink.mil/transcripts/2003/tr20030408-0082.html>>

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attention. That they are a military briefing with a strong sense of advocacy, information management and positioning is patently evident. Questions are often responded to with generalised statements of faith about cause and capacity.

For a reporter it is appropriate to be questioning about the public placement of smiling faces and acts of kindness. How typical and widespread is this assistance? But to move in transition from being sceptical to being cynical and to being sarcastic is a significant change in the disposition of a reporter. It is appropriate to be vigorously questioning and when a pattern of questioned events continues, to exhibit cynicism. This is what you would expect from a military briefing? But to be sarcastic, with its attributes of ridicule, is a rare and difficult mode for a reporter to reflect and write in.

That the Pentagon briefings and the briefings of the Iraqi Information Minister had both attributes of being at times contrived is not difficult to argue. But the tone and language of this introductory comment from John Shovelan, in my view, exceeds what is a reasonable critique of the Pentagon briefing he was describing.

Reporter John Shovelan in responding to this finding in draft form indicated:

Unfortunately while context has been left out of many of the complaints, I may have been guilty of leaving the context out here.

But I disagree with Mr Green's findings that the item was to quote the Minister 'dripping in sarcasm'.

In the US there was a debate about whether the US military was taking a far too civil or humanitarian approach to the war. It was a debate held largely in the electronic media with many analysts and former generals arguing the Pentagon should forget about limiting collateral damage and basically get the job done and the Pentagon planners had hamstrung their troops by placing too many a restrictions on winning the war.

This was an uncompromising critical piece about information management or more accurately propaganda dissemination at the Pentagon. It was the only piece to my knowledge, certainly on AM which pointed out the Pentagon's approach, beginning daily briefings with "good human interest stories" (which by the way were summarily dismissed in the U-S media), it's deliberate policy of showing it's smart weapons technology in the best light and failing to provide any information when it's bombs went astray.

Facts were few and far between.

I think the piece still stands up. Three months on the Pentagon hasn't released it's findings into bombs which went astray in Baghdad markets or the Palestine Hotel incident in which two independent journalists were killed by a tank shell.

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It is a critical piece, perhaps even bitingly critical...the item was a current affairs piece not a news piece. But I don't shrink from the fact it was a highly critical piece. But just because it is, doesn't mean it is 'dripping in sarcasm'.

The context of the report is understood. The introduction to the item remains, in my view, mocking in its manner and judgement.

Complaint 58 is upheld. The introduction to this item ('Oh the civility of this US military. The daily Pentagon briefing begins with an illustration of its mercy and kindness') is sarcastic in tone and, in my view, excessive. There is no justification, however, to extrapolate this item in order to demonstrate a pattern of endemic anti-Americanism. The purpose of the reporter's critique was to describe the nature of this Pentagon briefing.

#### Complaint 59

The precision guidance of US bombs and Victoria Clarke's pride in the ability of this weaponry to avoid schools and hospitals all illustrated by Pentagon videos make the observation by John Shovelan that they were illustrations of clean killing skills an arguable and chilling assessment.

Complaint 59 not upheld.

#### Complaint 60

The tendency towards euphemistic use of language to describe civilian death is evident in the lexicon of war. There are technical definitions of collateral damage<sup>57</sup> that are critical to military strategy. Avoiding such collateral damage includes meaning avoiding civilian death. This observation by the reporter, in my view, does not necessarily amount to 'vitriol'.

Complaint 60 not upheld.

#### Complaint 61

On the matter of 'obfuscation' this exchange on 8 April between Victoria Clarke and a reporter is particularly relevant:

Q: Torie, I feel compelled to ask -- the general referred to the brave men and women who have died on the battlefield, and you've referred to the military people who have been killed as "heroes." And you did express regrets for

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<sup>57</sup> United States Air Force Intelligence Targeting Guide 1 February 1998  
<<http://www.fas.org/irp/doddir/usaf/afpam14-210/part20.htm>>

journalists being killed. Overnight a Reuters journalist and a Spanish journalist were killed in the Palestine Hotel, I believe by a tank round, and I believe an Al-Jazeera journalist -- there are reports that an Al-Jazeera journalist was killed elsewhere.

There are reports that a tank took small arms and perhaps RPG fire from the direction of the hotel, although journalists say that they saw no sign of it. Do you think that's reason enough for a tank to fire a round at the hotel, where you know there are unarmed journalists?

MCCHRYSTAL: Sir, I think I'd start by expressing specific condolences at the loss of every one -- and that's what we meant to do -- but journalists in particular, because particularly with this war, journalists have been closer to coalition soldiers than probably ever before, with the embedded program, and those who are not.

But then I'd go on and put ground combat into perspective for everyone. The forces that were moving up and into Baghdad didn't just end up in Baghdad, they fought their way there. They fought their way across Iraq through a number of Republican Guard divisions, and they did it with extraordinary skill, but they also did it with extraordinary restraint, and the embedded journalists with us have seen that the entire way.

When they get into combat in the cities, which from the beginning we have specifically said would be dangerous and difficult, you put yourself in their position, they have the inherent right of self-defense. When they are fired at, they have not only the right to respond, they have the obligation to respond to protect the soldiers with them and to accomplish the mission at large. So when they receive fire, and regardless of how specific they can be of where it came from -- and normally they're pretty good at it -- they have that right and they have that responsibility.

Q: Torie --

CLARKE: I -- I would just add -- and as the general said, we've had example after example after example reported by the media of the coalition forces going to extraordinary lengths to avoid civilian casualties. That is the practice. That is the policy.

I'd also say, as we have said for a long time, even before we knew whether or not there would be military action in Iraq, a war zone is a dangerous place. Baghdad in particular, we believe, would be a dangerous place. We continue to warn people -- we continue to warn news organizations about the dangers. There are -- we've had conversations over the last couple of days -- news organizations eager to get their people unilaterally into Baghdad. And we were saying it is not a safe place, you should not be there.

Q: Do you know if military in the area of the hotel were told that it was a hotel where journalists were staying?

CLARKE: Which military?

Q: Whoever fired the tank round, for example.

CLARKE: Well, I'd just say you go over the last several days, as we've been working our way into Baghdad, we have gone to extraordinary lengths to avoid civilian casualties.

Bill?

Victoria Clarke was not willing to engage on the issue of the shelling of the Palestine Hotel. Every time a specific question was asked, the Pentagon public affairs executive responded with generalised observation and comment.

A concern about lack of clarity about US involvement was widely reported. *The Guardian* on 10 April reported on strong concerns from news editors:

Representatives of editors in 115 countries have written to Donald Rumsfeld to condemn the "inexcusable" and "reckless" American attack on a hotel in Baghdad, which left two journalists dead and several injured.

Johann Fritz, the director of the Vienna-based International Press Institute and vice chairman Richard Tait, a former ITN editor-in-chief, told the US defence secretary that the IPI believed the US could have been in breach of the Geneva conventions when one of its tanks opened fire on the Palestine Hotel.

Reuters cameraman Taras Protsyuk and Jose Couso, a cameraman with Spanish television network Telecinco, were killed in the blast, which left three other journalists injured.

"Although the US military have expressed regret at the loss of life, and reiterated the fact that it is not their policy to target journalists, IPI has been left with the overwhelming impression that the attack was carried out recklessly and without regard to the potential for civilian casualties," the letter stated.

"Throughout the war it has been common knowledge to both sides in this conflict that international journalists were using the Palestine Hotel as their base - and the failure of the US military to act upon this information is inexcusable, even in what has been termed the 'fog of war'."

"In consequence, the United States may be in breach of international law, particularly the Geneva conventions."

The US military initially claimed that the fatal tank shell was fired in response to enemy sniper fire from the hotel, but eyewitnesses have said there was no evidence of snipers.

"Under the Geneva conventions and the precedents of customary international law, journalists enjoy protection from the dangers arising from military operations and the US military forces are bound not to conduct indiscriminate attacks."

"In shelling a civilian hotel known to be occupied by international journalists, it is the strong belief of IPI that the US military may have conducted just such an indiscriminate attack; a possibility supported by the use of a means of combat - namely tank shells, to combat sniper fire - that cannot be solely directed at a specific military target and is of a nature to strike military objectives and civilians without distinction.

"Therefore, on the basis of international law, irrespective of whether there was sniper fire or not, IPI finds that the actions of the US military to be indiscriminate and taken with complete disregard for the lives of the journalists living and working in the Palestine Hotel."

The IPI also called on Mr Rumsfeld to conduct "a timely and transparent" inquiry into the attack on the Palestine Hotel, and to take every measure possible to guarantee the safety and protection of journalists and to prevent attacks on media organisations.

An al-Jazeera cameraman, Tareq Ayyoub, was also killed when two US bombs dropped on the Baghdad offices of the Arabic satellite television channel, and the offices of a second Arabic TV station, Abu Dhabi TV, also came under fire from coalition troops this week<sup>58</sup>.

John Shovelan's analysis reflects this anxiety about the lack of detail about any possible US involvement.

Complaint 61 not upheld.

#### Complaint 62

**9 April 2003 08:21:23**

*Once again, an AM report had difficulty in taking Coalition action at face value.*

62. Michael Dodd: "And based on the rhetoric used by the President, Mr Blair seems to be having one of his many favours to George Bush returned....".

I have pointed out earlier that editorial staff in pursuing impartiality and balance are required to be questioning. Nothing should be taken at face value.

The text of Michael Dodd's report gives a context to his observations:

Tony Blair has, along with US Secretary of State, Colin Powell, been pushing for a larger United Nations' role in post-war Iraq than President Bush and his right wing unilateralist advisers would have wished.

And based on the rhetoric used by the President, Mr Blair seems to be having

<sup>58</sup>< <http://media.guardian.co.uk/presspublishing/story/0,7495,933241,00.html>>

one of his many favours to George Bush returned, with the President promising that the UN will play a vital role in the reconstruction of Iraq and foreshadowing an interim Iraqi authority made up of Iraqis until a permanent government can be chosen by the Iraqi people.

There were tensions in the Coalition and Prime Minister Blair was concerned about post-war Iraq arrangements.

Complaint 62 not upheld.

### Complaints 63-65

**10 April 2003 08:04:26**

63. *When Geoff Thompson reported that "Marines believe they were being fired upon" when "the fire that seemed to be returning was actually tracer fire from marine weapons in the opposite direction", Linda Mottram immediately poured cold water upon the marines' beliefs: "So confusion really, because they claimed they were being fired on, but in fact they weren't".*

*When Geoff Thompson provided a plausible explanation for the confusion, Linda Mottram then effectively accused the soldiers of dishonesty.*

64. LINDA MOTTRAM: "So are you suggesting that these soldiers are trying to cover up for a tragic mistake".

65. *When Geoff Thompson again denied such a proposition, Linda Mottram found it necessary to find yet another critical explanation: "So you're talking about highly trained American marines who are in a state of nervousness and excitement, who seem unable to determine what exactly is coming at them and who are even more jumpy by civilian headlights from cars in a suburb, hardly an unsurprising encounter?".*

The whole text of this story needs to be examined as well as the presenter's questions. The complainant is alleging that the presenter is attributing dishonest motives to the US soldiers and significantly misjudging the difficulty of their circumstances.

GEOFF THOMPSON: Linda, we've just landed at a combat regiment headquarters and it was a rather interesting journey here.

We were travelling in the back of a truck with a bunch of rather nervous marines, who were appointed to security for that convoy.



On the way here, they were getting very nervous about civilian vehicles approaching them too quickly. One sped up quite quickly towards them. They fired a warning shot, the vehicle kept moving forward. They then opened fire, a lot of fire on that vehicle and I've just learnt, certainly killing the person in that vehicle.

Another vehicle came from another direction, other vehicles were shot up across the street. Fire was directed at buildings across the street. The marines believe that they were being fired upon and in total three civilians have been killed and I understand one marine was injured in the foot.

And it's thought now, talking to the commander here, that the fire that seemed to be returning was actually tracer fire from marine weapons in the opposite direction. So a circumstance of civilian, basically marines firing on civilians and firing on other marines.

LINDA MOTTRAM: So confusion really, because they claimed they were being fired on but in fact they weren't.

GEOFF THOMPSON: Well, they still maintain they were being fired on. I've interviewed all of the marines who were involved in the incident tonight. They're all saying that they saw green and white tracer fire and why they say that is green and white tracer fire is what comes from AK-47s which is what they say is used here, so that's likely to be enemy fire.

I never saw green and white tracer fire. Michael Cox, our ABC cameraman here, never saw green and white tracer fire.

Now just talking to the CO, of the place where these guys come from, he watched it from a distance. He said the only traces he saw were the same colour as the ones coming the other way.

LINDA MOTTRAM: So are you suggesting that these soldiers are trying to cover up for a tragic mistake?

GEOFF THOMPSON: No, I think what's happened is that they got very excited and I think that they were very anxious, they were very... basically they were trying to keep civilian vehicles away.

They did warn the vehicle, they said 'back, back, back'. But you must remember, it is dark. The vehicles have got headlights coming up the back of the vehicle. They went 'back, back, back', fired a warning shot. The vehicle sort of veered, seemingly in surprise and they opened up on that vehicle.

In terms of what they saw and what they believe, I think they were very excited by the experience. The green and white tracer fire, I didn't see it. They think they saw it, they're sure they saw fire coming in the other direction.

I don't think they're covering it up. In fact, I think they believe that's what happened.

I don't believe that is what happened and either does the commander of their unit.

LINDA MOTTRAM: So, you're talking about highly trained American marines who are in a state of nervousness and excitement, who seem unable to determine what exactly is coming at them and who are even more jumpy by civilian headlights from cars in a suburb, hardly an unsurprising encounter?

GEOFF THOMPSON: That's right. They have their, I mean I think their operational procedures are to keep civilian vehicles away. These vehicles were moving quickly towards the truck, they were warning them in the dark, with headlights on them.

It's impossible to... there's an assumption here that civilians will know what that means, they will know what it means when a marine waves them down in the other direction.

Clearly, this incident, this clearly tragic incident has proven that's not the case.

LINDA MOTTRAM: Geoff Thompson, our correspondent in Baghdad, travelling with US troops in a still very unstable security situation there. Some very graphic images there from Geoff.

There are three questions that the presenter asks of the embedded correspondent:

1. LINDA MOTTRAM: *So confusion really, because they claimed they were being fired on but in fact they weren't.*

Geoff Thompson makes it clear that the soldiers believed they were fired upon.

2. LINDA MOTTRAM: *So are you suggesting that these soldiers are trying to cover up for a tragic mistake?*

Geoff Thompson rejects that conclusion saying the soldiers believed they were fired on. Neither the commander nor correspondent saw any fire but there is no question the soldiers believed they were under fire. The soldiers were not covering up anything.

3. LINDA MOTTRAM: *So, you're talking about highly trained American marines who are in a state of nervousness and excitement, who seem unable to determine what exactly is coming at them and who are even more jumpy by civilian headlights from cars in a suburb, hardly an unsurprising encounter?*

Geoff Thompson concurs but outlines the difficulties of working in an environment where nothing can be assumed. It would be fair to assume that if a soldier waves a civilian vehicle down that vehicle should stop. But that appeared not to be understood by the civilians in this case.

I agree that the presenter's questions are provocative and do not suggest the best of motives by the soldiers. However, the embedded correspondent clarifies and rebuts these assumptions. In the end the sense is of a confused and bewildering environment.

The complaint about the questions is not meaningfully appraised without considering the answers.

Complaints 63-65 are therefore not upheld.

#### Complaint 66

**10 April 2003 08:17:26**

66. LINDA MOTTRAM: "Despite the rapid progress of the US mission on the ground, there is still one question haunting the Bush Administration, where's Saddam Hussein?"

*No evidence is provided to justify the use of such a strong and pejorative term as haunting? While the reporter Leigh Sales indicates there are differing views about the whereabouts of Saddam Hussein, she provides no evidence that suggests that the Bush Administration is haunted by this question.*

The use of the word 'haunt' has a hyperbolic touch to it but the fact of the matter is the dictator's whereabouts were not clear.

I do not consider 'haunt' to be a 'strong and pejorative' evaluation of the issues remaining for the Bush Administration.

Complaint 66 not upheld.

#### Complaint 67

**11 April 2003 - 08:00:10**

67. LINDA MOTTRAM: "For commanders of the Coalition, the task of advancing the invasion of Iraq is becoming increasingly complicated on a number of fronts.

*Quite apart from the negative connotations of the term "advancing the invasion", to claim that the "the task of advancing the invasion of Iraq is becoming increasingly*

*complicated" at a time when the war was effectively over had the effect of turning what was near victory into a very problematic outcome.*

*Linda Mottram's claim about the advance becoming increasingly complicated was directly contradicted by Jonathan Harley who commenced his report by stating that: "the speed with which Saddam Hussein's grip on Baghdad has slipped has pleased even the most pessimistic Coalition commanders, but some things are moving too quickly."*

*In fact, Linda Mottram, later in the same program contradicted her own claim that the advance had becoming increasingly complicated and instead sought to create "more fear and loathing" without a skerrick of evidence to justify doing so: "Now that the US has conquered the Iraqi regime, who and where next?"*

The complainant appears to have quoted selectively and a full transcript of the lead shows exactly why Linda Mottram indicated the task of advancing the invasion was becoming increasingly complicated, as does the report by Jonathan Harley:

LINDA MOTTRAM: For commanders of the Coalition, the task of advancing the invasion of Iraq is becoming increasingly complicated on a number of fronts.

There's the job of policing towns and cities, with looting of mostly regime-related buildings, but also some hospitals, continuing to mark the passing of Saddam Hussein's authority in Iraq.

At the same time, as thousands of US troops reinforce operations in Baghdad, to the north, units with the 173rd Airborne Brigade are en route to keep an eye on Kurdish forces, which jumped the gun and advanced on the key oil town of Kirkuk.

Elsewhere, at a checkpoint outside Baghdad, a US soldier has been killed and several injured in a suicide attack, the second of the war, and there is evidence this morning of other tensions within the Iraqi community which could dog the war and the attempt to secure Iraq, with news from the southern city of Najaf of the killing of a very important Shia Muslim cleric, who had been a valuable ally for Coalition forces.

From Coalition Central Command in Qatar, our correspondent Jonathan Harley reports.

It is apparent why there are complications in the advance of the invasion.

I am unable to infer any negative connotations in the description 'advancing the invasion'.

Complaint 67 is not upheld.

Complaint 68

**14 April 2003 08:00:00**

68. LINDA MOTTRAM: "But there is still no sign of a coherent plan for dealing with transitional issues like security and internecine conflict in the Iraqi community."

*Once again no evidence is provided to justify such a negative comment.*

The line that the complainant refers to was at the head of the program and referred to an item coming up which did provide evidence of the lack of a coherent plan to deal with transitional issues:

LINDA MOTTRAM: The US is preparing to host a series of meetings this week in southern Iraq on the political transition from Saddam Hussein, but the process is being dogged by divided opinion in Washington.

Ahmad Chalabi, the exile who formed the opposition Iraqi National Congress is favoured by some in Washington to lead Iraq, but not by all.

And that's led to a struggle in Washington that's now being reflected on the ground in Iraq because those in the Bush Administration who support Dr Chalabi have begun financing his own militia, the Free Iraq Force, arming about 1,000 Iraqis with Kalashnikov rifles and rocket-propelled grenades, to take on pockets of resistance that the Americans don't want to have to deal with.

Correspondent, Peter George, is in the southern city of Nasiriyah where the Free Iraq Force is based.

I asked him how it was being funded.

PETER GEORGE: Well, the money is being stumped up initially by the Pentagon as part of the war effort for a month or two. That's where the money's coming from initially. So it is all part of the war effort.

But nobody knows exactly what's going to happen to, who's going to pay these people, who's going to finance them afterwards. In theory, the transitional authorities led by Jay Garner will take them on and continue to pay them. But first of all, they've been told that their wages will be cut drastically once this change takes place. And secondly, no one's actually agreed to stump up the money in the first place.

So what you, what you've got is this strange situation where they are a force at the moment, a militia force under the guidance, under the direction of US military forces on the ground, but with, and being given training and so on. And then in two months time no one knows whether they'll be let off the leash

or who's going to look after them and in fact, who's going to be in control of them, particularly since every single one of them that you talk to says that he owes allegiance to Dr Ahmad Chalabi himself.

LINDA MOTTRAM: Okay, let's pick up on Chalabi, just to, we of course know a bit about his background but if you can just fill us in. He is in fact a convicted embezzler in Jordan, isn't he?

PETER GEORGE: He's convicted embezzler in Jordan with a number of other big question marks hanging over his head both in Switzerland and in Lebanon. He's an extremely wealthy businessman. He has a long history of working for and in fact, helping to set up the Iraqi National Congress, which has been the main force of exiled opposition to Saddam Hussein since 1991. A strange man, he attracts great loyalty from many, including the Pentagon, and yet, great approbation from people like the CIA and the State Department who don't trust him at all.

LINDA MOTTRAM: And he doesn't particularly draw a great deal of support among Iraqis in Iraq, does he?

PETER GEORGE: This is the great difficulty of course. He may be supported by a number of different Americans but the man has not actually been in Iraq himself since 1956, and this is the same problem with all the opposition forces who the Americans have tried to back at one stage or another, and that is, that being exiles they have absolutely no credibility whatsoever within the country.

Now the Americans are going to have to start trying to sort that out, and in fact, tomorrow there's going to be a big meeting here at Nasiriyah. The first of a series of meetings in which the Americans are actually trying to sort who's going to get a chance at helping to run the transitional government.

Chalabi after 10 and more years of hard work has not even been invited to attend the meetings. So it's perhaps yet another example of American uncertainty about which way they're going to go with the future of Iraq.

LINDA MOTTRAM: Peter George on the line from Nasiriyah a little earlier this morning.

This story provides the evidence the complainant was looking for.

Complaint 68 is not upheld.

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*The Minister's Conclusions: the eight themes*

The Minister, after detailing the 68 complaints, outlined 8 themes that he believed characterised the AM coverage:

Claiming that the war was not going as planned for the Coalition, that the US military strategy was flawed and the Iraqis were successfully combating the Coalition;

The AM coverage of the Iraq conflict was consistent in reporting: the superiority and strength of Coalition forces; the debate over whether Coalition supply lines were over-stretched; speculation as to whether Coalition forces anticipated the terrorist tactics of the Iraqi defence; and the certainty of Coalition victory.

On 21 March correspondent Jonathan Harley reported:

As many as about 10,000 British marines and para-troopers, as well as tank brigades advancing from the south towards Basra, are moving on the town [Umm Qasr]... Basically what British military sources are saying here is that everything is going very much to plan, which is certainly giving them a very serious boost to morale...

LINDA MOTTRAM: what sort of opposition have they been encountering along the way? Not much by the sound of it.

JONATHAN HARLEY: It doesn't seem so. The reports are that Iraqi soldiers have been surrendering, that in Umm Qasr they've surrendered, they didn't give any resistance at all, and presumably if people are talking about Basra falling some time in the foreseeable future, then you'd have to assume there hasn't been too much resistance there either."

On March 22 correspondent John Shovelan reported:

LINDA MOTTRAM: Well the key issue, of course, is once they get to Baghdad, because it seems that they're not encountering a great deal of resistance on the run north from the Kuwaiti border. Are the Americans indicating whether they expect any more resistance as they move further north?

JOHN SHOVELAN: No, they haven't. So far they've characterised the resistance they've run into as sporadic. Even though we're not seeing the whole picture here, there are coalition troops basically encircling Baghdad on the north, the south and the west, and we're not seeing the complete picture, but they are obviously running into resistance, but not as much as they had thought.

On March 24 correspondent Jonathan Harley reported:

LINDA MOTTRAM: Is any of this changing the coalition's strategy, particularly since coalition forces are said to be just 150 kilometres from Baghdad?

JONATHAN HARLEY: There's a sense that despite what has been described as a "tough day" by commanders, there's no doubt that they have taken this day as, as rather soberly. Despite that there's a sense that things are more or less going to plan and these armoured columns continue to head towards Baghdad, maybe little more than 100 kilometres or so, those most forward positions from the outskirts of the capital.

The question is what sort of reinforcements can come up behind those forward positions and how distracting will these outbreaks, these pockets of resistance be in the tail of that advance.

On 26 March correspondent John Shovelan reported:

LINDA MOTTRAM: US military planners are continuing to drive their forces forward to a critical battle against the Medina Division of Saddam Hussein's Republican Guard and US officials believe that its outcome could determine whether this war is to be weeks or months in duration.

From Washington, our Correspondent John Shovelan reports.

JOHN SHOVELAN: As many as 40,000 troops from both sides will gather south-west of Baghdad. It's shaping as perhaps the greatest land battle any western nation has been involved in since Vietnam and an epic tank encounter.

That's if the Republican Guard units which are dug in can survive the Coalition bombardment, which the Chairman of the Joint Chiefs of Staff, General Richard Myers, says have already begun...

On 31 March correspondent Jonathan Harley filed from Qatar:

ELEANOR HALL: But first to Coalition Command headquarters where the Commander of the US-led war on Iraq, General Tommy Franks has today angrily denied reports that ground forces have been ordered to halt their advance on Baghdad.

With the Iraqi capital now being bombed not just at night but around the clock, General Franks has declared the Coalition attack on Iraq is not only on track but is progressing remarkably well. This is despite stretched supply lines south of Baghdad and the new threat from the Iraqi Vice President to use suicide bombings, like the one which killed four US soldiers near Najaf on the weekend, as routine military procedure.

Speaking at a briefing in Qatar this morning, General Franks said Coalition combat operations are continuing in the north and west of Iraq and right around Baghdad, with US troops now digging in on the southern approach to the city.

And further south near Basra, British forces say they have captured five Iraqi officers and a general and have killed a Republican Guard colonel. Iraq forces are also claiming victories overnight saying they've shot down two helicopters killing two pilots, a claim the Pentagon is denying.



Our coverage begins in Qatar where Jonathan Harley reports from Coalition Central Command.

JONATHAN HARLEY: General Tommy Franks believes the achievements of his 11 day-old war are being ignored.

TOMMY FRANKS: We're in fact on plan and where we stand today is not only acceptable in my view, it is truly remarkable.

JONATHAN HARLEY: But the head of the US Central Command would not be drawn on whether this conflict could stretch long into the Iraqi summer...

TOMMY FRANKS: One never knows how long a war will take. We don't know...

On the basis of these excerpts it is difficult to concur with a view that AM failed to report Coalition progress and indicated that the Iraqis were superior.

On the matter of the war not going as planned, the only Australian reporter to report from Baghdad for the entirety of the conflict, Paul McGeough, observed on Day 12 (31 March):

The Iraqi resort to suicide bombing is hardly surprising, but the dumbfounded response from US commanders is another sign of their lack of preparedness for war in this region. The swagger is gone from the 'Shock and Awe' campaign; instead of being welcomed by flag-waving and cheering Iraqis, President George W. Bush is confronted with the ugliness of asymmetrical war-brazen Iraqi units and individuals who can nip through gaps in the most technologically superior force ever sent into battle.

It does not mean that US led forces will lose the war. But it does mean that the ground rules have changed dramatically, handicapping Washington and, to use Saddam's words, increasing the blood-price that the US will pay for victory. The Iraqi resistance is as much a measure of Saddam's fear-driven control of his military and civilian populations as it is of the doubt that many Iraqis harbour about American intentions<sup>59</sup>.

While the outcome of the conflict was not in doubt, the Coalition strategy appeared to be subject to some reassessment.

Claiming that the Coalition's military action and the US were despised by the Iraqi people and the wider Arab world;

AM did report on the response of the Arab League, the general lack of resistance to Coalition advances and, while there was relief that Saddam had gone, there was not a widespread public outpouring of celebration about the Coalition presence.

<sup>59</sup> Paul McGeough *In Baghdad A Reporter's War* (2003), 115

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On 25 March Foreign Editor, Peter Cave, reported:

LINDA MOTTRAM: A meeting of the Arab League foreign ministers in Cairo has voted overwhelmingly to call for a halt to the war in Iraq, papering over recent splits in the ranks of Arab leaders.

Our Foreign Affairs Editor, Peter Cave, is in the region and he's been monitoring the summit. He joins me on the line now.

Peter, is this a surprising degree of unity, given some of the divisions we have seen in Arab ranks in recent times?

PETER CAVE: It certainly is. Until now, every time that the Arab League has tried to discuss the question of Iraq it has degenerated into name-calling, calling each other monkeys, dogs, donkeys, that sort of thing.

Basically there's been a split between those countries that are hosting forces, US forces, Australian forces and forces from Britain. Countries like Kuwait, Saudi Arabia and Qatar, and those who are vehemently opposed to any action, countries like Libya, Syria and Lebanon and of course Iraq itself.

LINDA MOTTRAM: So is there now a unified position? Is it the case of the coalition, having gone to war, has in fact pulled all of this together?

PETER CAVE: I think so. Certainly the Kuwaitis voted against the motion today. They were the only one of those there. There were 18 of 22 foreign ministers there and the Kuwaitis were the only ones who voted against.

The Qataris, who are hosting the American headquarters, their foreign minister left early. He said he didn't believe that such meetings were useful. He said they were organised to appease Arab public opinion, but he said he was leaving because he had a prior engagement.

And after all this division we have seen, today we did see unity and we saw that Libya's Minister there, Ali Triki, read the final resolution through a translator.

ALI TRIKI [translated]: The Arab position is clear and it was unanimous. Unanimously they condemned the aggression, this aggression and they considered it an aggressive attack and illegitimate. It is an aggression over all of, against all of the Arab nations, according to Sharm el-Sheikh Beirut resolutions.

So it is an aggression on the Arab nation...

On 29 March correspondent Mark Willacy reported:

MARK WILLACY: You've obviously been here [southern Iraq] for a little while. How have the people reacted to your presence, and I suppose also the aid being here?

BRITISH SOLDIER: Our presence initially was very, very good and now we're

bringing aid through, it's improved dramatically. So I'm getting good vibes from the people. The people seem to want us here. You're going to get the odd militant who don't. But at the moment, I'm happy enough.

MARK WILLACY: So too are many of these Iraqis. Southern Iraq is home to most of the country's Shi'ite Muslims, traditional opponents of Saddam Hussein and his mainly Sunni regime.

When we were here a month ago, no-one dared speak out against Saddam. Today the picture is very different...

AM on 7 April reported on the occupation of Basra:

BEN BROWN: As the British rumble through Basra today, many Iraqis came out on to the streets to greet them and to curse Saddam Hussein. Saddam's cousin, the notorious Chemical Ali, who had been put in charge of defending Basra, is believed to have been killed in an allied air strike here.

There are many Iraqi casualties, some of them being treated by the British and hundreds of dead. As for the British themselves, they've suffered only light casualties, this soldier was only slightly hurt and was driven to hospital with us in the armoured Warrior we were travelling in.

Tonight, many Iraqis in Basra are celebrating but many are also looting, helping themselves from buildings where British troops have driven out the Iraqi militia.

LINDA MOTTRAM: The BBC's Ben Brown reporting from Basra in southern Iraq.

And then the fall of Baghdad as reported on 10 April:

LINDA MOTTRAM: Still, there is no discounting the importance of the jubilation on the streets of Baghdad overnight and what tipped the city from fear-tinged caution to elation was the American military's move out of their positions on the edge of central Baghdad, across the Tigris River onto Sadoun Street and into the core of the ancient Iraqi capital.

It was, in the eyes of the locals, the signal that Saddam Hussein's rule was really over. The signal to finally express what only a few in fear-filled Iraq would ever dare express in whispers, that the leader and his tyranny were hated.

And in what's already become a defining image, there was the mainly Shi'ite crowd which took chains and sledgehammers to smash one of the many enormous statues of Saddam Hussein, with the help of US marines.

The BBC's Rageh Omar was there and this is how he described the

scene.

RAGEH OMAR: It's making a grinding sound as the armoured personnel carrier gingerly reverses the timing and tension on the ropes and the chains around the neck of the statue of Saddam Hussein...

The sense that the people of Baghdad, however, may have been restrained in their public display of welcome to the marines is supported by this first hand report from Paul McGeough on Day 21 (9 April):

...a Pentagon spin-doctor might have been disappointed with the turn-out in the streets of Baghdad when the marines came to town. At first glance the numbers looked good; but if you put the looters to one side, things became a little dicey. And if you took the foreign press and the marines out of the crowd in Firdos Square as the marines stage-managed the demolition of the towering bronze of Saddam Hussein, then the numbers were disappointing for an army that came there as liberators. For such a momentous occasion in Iraqi history, perhaps only 500 Iraqis watched...<sup>60</sup>

Apart from the report on the rhetoric of the Arab League, I could find no instance in AM reporting that could support a view that the sense the program gave was that the Iraqi people generally 'despised' the Coalition presence. Tragic scenes of civilian casualties in Iraqi hospitals did lead to anger and hostility towards the Coalition.

Over-emphasising every Coalition difficulty (civilian casualties, friendly fire incidents, logistical difficulties);

This view is a matter of value judgement. The way in which much reporting came from embedded correspondents with the Coalition forces, and that access to Iraqi forces was severely limited, meant the manner in which the war was reported focussed on the manoeuvres of the US, British and Australian forces.

The weather including the sandstorms, the deaths from friendly fire, the civilian casualties from the market attack, the attack on the Palestine Hotel and the suicide bombers were among significant aspects of the war.

Implying that there was a looming humanitarian disaster caused by the Coalition;

AM reported on concerns about the possible humanitarian consequences of the war.

This issue was raised in Complaint 1 where AM was accused of 'beating up' this issue.

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<sup>60</sup> McGeough, 222

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My finding in relation to this complaint was that this was not an AM editorial position but a reflection of concern from the UN, CARE and the Red Cross.

Complaint 20 also raised the issue of whether AM had exaggerated the story. With Basra's water supply having failed, the risk of taking water from sewerage-polluted rivers was very serious.

On 1 April AM reported on the UN launch of an aid appeal:

ELEANOR HALL: The United Nations World Food Agency has today launched an urgent multi-billion dollar appeal for its aid mission in Iraq, saying that it could evolve into the largest humanitarian operation in history.

Director James Morris says he is optimistic a human catastrophe can be avoided, provided there is cooperation from all involved, but he has warned that the longer the conflict continues, the more difficult the task will be, as our London Correspondent Matt Peacock reports.

MATT PEACOCK: The UN Agency director today launched an appeal for over \$2 billion to deal with what he said could end up the world's largest ever humanitarian program.

JAMES MORRIS: There are so many unknowns in this, given how long this may go on, how many people may be at risk, what resources may come from oil for food and the fact that it takes a long time to make a commitment to buy something, get it on the sea, get it delivered and actually feed someone, that is the reason why we are making the appeal for the resources we are looking for right now.

MATT PEACOCK: The aid package will total over \$3.5 billion over six months to feed every man, woman and child in Iraq.

JAMES MORRIS: We think that there could be a three month period of time when we will be required to be sure that there is a pipeline that provides food to feed every single citizen of Iraq, including some supplemental rations for 7-800,000 people who are very vulnerable, especially women and children.

MATT PEACOCK: It's the biggest challenge the Agency has ever faced, since Mr. Morris. Aid workers will not work in conflict zones, he said. But with cooperation from all sides, he remains optimistic and he paid tribute to Australia's initial commitment.

JAMES MORRIS: I think we're dealing with a very difficult set of circumstances. We're dealing with a population that has been heavily dependent on the central government for food distribution. Sixty per cent of the Iraqi people have received all of their food from the public distribution system and one hundred per cent of the people of Iraq have received part of their food from the public distribution system.

If this goes on for a long period of time, the dynamics change, but I'm optimistic that with the food that's been pre-positioned, with the food that is on

the sea, that we are in the process of buying elsewhere, that we have a plan that can avert massive starvation and massive human catastrophe.

AUSTRALIAN REPORTER: What is a long time?

JAMES MORRIS: I'm optimistic that the plan we have in place, the resources that will come... Your own country has been incredibly generous with an initial commitment of 100,000 metric tonnes of food. We're going to need about 1.6 million metric tonnes of food for a six month period.

While reporting earlier concerns about the possibilities of a humanitarian crisis, this report reflects an optimistic response to the challenge.

A constant questioning of American motives and "propaganda" while information from the Iraqi regime was taken at face value or not seriously questioned;

As required by the *Charter of Editorial Practice*, editorial staff are required to be enterprising in perceiving, pursuing and presenting issues in order to serve the public's 'right to know'. In striving for balance and impartiality, editorial staff are not to be unquestioning.

This above view is claiming that AM fulfilled this role in relation to the US role in the war but failed to scrutinise information from the Iraqi regime taking it on 'face value'. In this appraisal I have found that AM treated the statements of the Iraqi regime with scepticism. The following are examples:

On 22 March AM reported:

LINDA MOTTRAM: And just finally, are you seeing anything on Iraqi television, or hearing anything from the Iraqis in terms of the regime's reaction?

ANDREW KILRAIN: Pretty much nothing. It's just the usual propaganda that's being played on the TV. It's Saddam meeting people, shaking hands, kissing children. Anybody who's been to this part of the world will understand the pictures that have been every hour regurgitated, played over and over and over again.

LINDA MOTTRAM: Andrew Kilrain is a *BBC* cameraman who is currently in Baghdad.

On 24 March Linda Mottram introduced a story in the following way:

LINDA MOTTRAM: The Iraqis have been putting their spin on the unfolding conflict. Earlier this morning, the country's Defence Minister, Sultan Hashim Ahmad fronted the media in Baghdad.

On 25 March Linda Mottram was reporting on Iraqi misplaced confidence:

LINDA MOTTRAM: This confidence though, is it misplaced because, I mean, for all of the realisation of recent days that war is complicated and that the Coalition is going to come across difficulties along the way, they still have made very fast progress towards Baghdad and they have really only been having to deal with small pockets of resistance as the Coalition calls it.

Is it really likely that the Iraqis will be able to do any more than that slight resistance, even in Baghdad?

Mark Willacy reported on 26 March:

MARK WILLACY: Well we've had a full-scale public relations blitz from the Iraqis today. We've heard from the Information Minister Mohammed al-Sahhaf, I referred to him earlier, but he also said that Iraqi forces have killed scores of invaders and he's predicting that there will be a decisive battle in the coming days, which he says Iraq will win.

The next day Linda Mottram bundled the PR efforts of the Iraqis and the Coalition together:

LINDA MOTTRAM: Well, as the US pursues its PR offensive so do the Iraqis, Iraq's Ambassador to the United Nations, Mohammed Al-Douri, has been addressing the Security Council this morning.

On 6 April Linda Mottram reported on the invasion of Baghdad:

Explosions and small arms fire echoed across the city and a thick pall of smoke mixed with fog blanketed Baghdad as the world watched, in real-time, television pictures of the American forces rolling into three of the Iraqi President's palaces, only to find that nobody was home.

Backed crucially by air support, the US push used more than a hundred armoured vehicles, to the tune of at times absurd denials by Iraqi officials.

Meanwhile, to the south, British forces were declaring victory in the key city of Basra.

In my view, AM applied a questioning and sceptical approach to the Iraqi regime's statements and actions and did not take them 'on face value'.

Readily asserting that the Coalition was contravening the Geneva Convention but providing little or no critical analysis of Iraqi war crimes (execution of POWs, policy of suicide bombing, execution of Iraqi deserters, burning oil wells);
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In examining AM's coverage over 30 days of the Iraq conflict I can find no report where the program is 'readily asserting' the Coalition was

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contravening the Geneva Convention. AM carried the following report on 16 April:

LINDA MOTTRAM: As one of the fighting nations in Iraq, Australia is just as responsible for any humanitarian crisis there as the US or Britain, according to the human rights organisation Amnesty International, whose Secretary General, Irene Khan, also says that the Coalition in Iraq is in breach of the Geneva Conventions.

In Britain, the top military brass today denied, though, that there was a humanitarian crisis in Iraq.

From London, our Correspondent Matt Peacock reports.

MATT PEACOCK: Amnesty's Secretary General, Irene Kahn, says there's no excuse for the current humanitarian crisis.

IRENE KAHN: I'm just appalled. I'm just appalled at the scenes of looting, of the destruction that's taking place there, of the vigilantes that are out in the streets, because this was all predictable. Everyone knew, and in fact we have been pressing upon the Coalition that something like this would happen. When a country that has been under such a repressive regime, and the regime then is removed, things would fall apart.

MATT PEACOCK: And what was their response?

IRENE KAHN: There was very little. There was very little concern on the law and order on the security side of things, on ensuring protection of the people. There was, as we've all seen, a lot of interest in how to protect the oilwells, but not hospitals or water systems or people.

MATT PEACOCK: It's a clear responsibility under the Geneva Convention for any occupying force to ensure that what is now happening doesn't, she says.

IRENE KAHN: Australia has forces on the ground, Britain has a large contingent there, the Americans are there in force, but their preparation in terms of the humanitarian assistance has been way behind that of military objectives as occupying powers. They have a responsibility to ensure the people are protected, that they have access to food, medicine, water and their basic needs.

MATT PEACOCK: And despite denials by both the British and US military that any humanitarian crisis exists, a member of the Blair Cabinet today acknowledged the Coalition had not discharged its obligations.

Clare Short, Secretary of State for International Development describes the current situation as urgent and very worrying.

CLARE SHORT: Under the Geneva Convention and the Hague



regulations, the Coalition have a duty to provide for immediate humanitarian needs of the people, to keep order and to keep civil administration running and of course none, well order isn't there, and civil administration isn't running.

MATT PEACOCK: And, Ms Short admits the Coalition was not adequately prepared and should have done better.

CLARE SHORT: It was projected by the military that the military campaign would be quite short. But the facing up to the likelihood of very rapid regime collapse, and then complete collapse of all public services and the kind of disorder that we've had clearly wasn't prepared for, and is a very serious problem, and is getting urgent attention now, but we should have done better, and the only way to put that right is to do better now.

MATT PEACOCK: Says Irene Kahn, it's no excuse for Australia to argue that its small military presence excuses it from its international obligation.

IRENE KAHN: Well, Australia may have played a minor role, but by being implicated in the conflict, by putting its soldiers on the ground, the Australians are as responsible as the British and the Americans in now ensuring that the people are protected, and that the occupying powers live up to their obligations.

MATT PEACOCK: Amnesty adds it would be illegal for Australia to allow any prisoners that its troops may have taken to be removed from the country to somewhere like Guantanamo Bay.

From London, this is Matt Peacock for AM.

The accusation of any breach of the Geneva Convention came from Amnesty International and a British Cabinet Minister. The British military leadership denied, however, the existence of a humanitarian crisis.

AM reported on 24 March President Bush warning the Iraqis on the issue of captured marines:

President Bush didn't say much about the incident, the POWs today, but he demanded that they be treated according to the Geneva Convention.

GEORGE BUSH: I expect them to be treated, the POWs, I expect to be treated humanely, just like we're treating the prisoners that we have captured humanely. If not, the people who mistreat the prisoners will be treated as war criminals.

The complainant further alleges that AM provided 'little or no' critical analysis of Iraqi war crimes.

On 25 March AM reported on Major General Stanley McChrystal's Pentagon briefing:

STANLEY MCCHRYSAL: General Franks also mentioned the Saddam-Fedayeen paramilitary troops.

We've known that this group was being dispersed throughout regular army forces in an attempt to control allegiance to the Iraqi regime.

We believe, from prisoner of war debriefings, that the Fedayeen may be preventing a number of regular soldiers from surrendering, giving the soldiers either the choice of fighting or being shot in the back if they attempt to surrender.

The Fedayeen were also analysed on 29 March:

JONATHAN HARLEY: Meanwhile the battle for Basra remains delicately balanced, with British forces on the outskirts of the key southern city claiming Fedayeen Saddam militia have fired on up to 2,000 civilians trying to leave a city with limited water and power. UK forces spokesman, Group Captain Al Lockwood.

AL LOCKWOOD: It was witnessed by elements of the Black Watch, one of our infantry regiments who placed themselves between the fleeing civilians and the paramilitaries and commenced firing, opposing the paramilitaries.

The looming threat of suicide bombers was explored by AM reporter Mark Willacy on 31 March:

ELEANOR HALL: Well the Iraqi Vice President's threat yesterday to use suicide bombing as a military tactic has Australian warships in the Persian gulf on the watch for "suicide speedboats".

The Navy has already captured several Iraqi tugs and ships laying mines in the Gulf, along with their Republican Guard crews.

Now, the commanders of Australian warships fear Saddam Hussein's loyalists could use the same tactic as the attackers who rammed an explosives-laden speedboat into the USS Cole in Yemen three years ago.

Our Middle East Correspondent Mark Willacy is on board HMAS Kanimbla in the Persian Gulf.

[chopper]

MARK WILLACY: From the air, the waters off Iraq look like a giant parking lot for Coalition warships. Cruising slowly up and down the

coast are US, British, Australian, and even Polish navy vessels.

DAVID McCOURT: I've been in the Navy over 25 years and I've never seen such a collection of ships in a small patch of water and from, you know, from the perspective of a professional naval officer it's just amazing.

MARK WILLACY: David McCourt is the captain of HMAS Kanimbla, the command ship of Australia's naval force here in the Gulf. It's been an eventful tour of duty for the Kanimbla, sweeping for mines and capturing Iraqis involved in laying them.

DAVID McCOURT: There are two facets to the mining and the clearance. There are some mines that were left over from the first Gulf War and there are mines that have been laid as part of this, you know, part of the Iraqis' attempt, I guess, to prevent us getting into Umm Qasr. And certainly there have been mines discovered laid in the last couple of days.

MARK WILLACY: So far Australian navy divers have found about 100 Iraqi mines, some on board tugs, the rest already in the water. But Commander David McCourt believes a more serious threat to the Coalition force is a speedboat laden with explosives and driven by a suicide bomber.

DAVID McCOURT: Oh, we take that threat extremely seriously. I think in some respects that would be, you know, one of the most prevalent threats that we could encounter up here and one of the most serious.

We're well aware of the threat. We have procedures that we've developed and that we've practised to deal with that threat and should that threat arise, well, then we would have to, we would respond accordingly.

MARK WILLACY: And how would that unfold? Would it just be a couple of guys in a speedboat? Would that be enough to alert you to, to get to your action stations?

DAVID McCOURT: It could well be. I mean essentially any craft that's approaching the ship on what we would consider to be an attack profile would elicit some sort of response from us, and we have graduated responses that will lead us to a conclusion about whether that vessel is actually hostile or not and if it proves to be hostile, then we'll defend ourselves accordingly.

MARK WILLACY: And how would you do that? What sort of weaponry have you got to actually repel something like that?

DAVID McCOURT: Well, we've got [laughs], we've got quite a range of weaponry really. I guess ranging it at the lower level from a Minimi machine gun up to a 50-calibre machine gun up to an RBS-70 missile

at the higher end of the scale.

MARK WILLACY: The tactic of using a suicide boat isn't new. In fact one packed with explosives was rammed into the USS Cole in Yemen a few years ago, killing 17 sailors, and just last week, the Iranian Revolutionary Navy intercepted two Iraqi boats driven by suspected suicide bombers.

This is Mark Willacy on board HMAS Kanimbla in the Persian Gulf for AM.

On 3 April Jonathan Harley reviewed the past two weeks:

JONATHAN HARLEY: After a difficult first fortnight of determined southern resistance, vulnerable Coalition supply lines, and a fatal suicide car bomb attack, there's a new buoyant mood at Coalition headquarters.

On 5 April the same reporter observed:

JONATHAN HARLEY: On the ground, investigations are underway into the discovery of thousands of boxes containing vials of unidentified liquid and powder at the Latifiyah Industrial Site, south of Baghdad. And amid ongoing fears Iraq may use chemical or biological weapons, a senior Central Command official has issued a chilling warning, telling the ABC that in the event of any such attack, all bets are off, and that Coalition forces would take action to prevent Iraq doing it again.

While Coalition commanders are thrilled with their progress this week, they remain sober about the task ahead, and the threat of unconventional attack. The latest Coalition reports of a suicide car bombing northwest of Baghdad, killing three Special Forces soldiers, the driver and a pregnant woman. It's a stark reminder that the Coalition's enemy is fighting on many fronts.

On 3 April presenter Linda Mottram observed:

LINDA MOTTRAM: For the first time since the Vietnam conflict the United States Coast Guard has been enlisted to serve in a war zone. Four US Coast Guard cutters are patrolling Iraq's waterways for mines, stowaway troops and suspected suicide bombers in boats.

On 1 April reporter Matt Brown had the following exchange with the Australian Minister for Defence:

MATT BROWN: Just looking at the use of suicide bombers in Iraq now and reports that people from across the Arabic, indeed the Islamic world, are moving into Iraq to do this. Are we witnessing the dawn of a new Intifada?

ROBERT HILL: Well I hope not. What, there have been two incidents so far in Iraq. Basically we're there to disarm Saddam Hussein of weapons of mass destruction and in doing so, incidentally liberate the Iraqi people from the tyranny that they have experienced for the last thirty years.

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The previous day on 31 March the program carried an excerpt from an interview with the Iraqi Deputy Vice President aired on US ABC:

ELEANOR HALL: Well complicating the Iraqi Vice President's weekend comments, Iraq's Deputy Prime Minister, Tariq Aziz, has denied that the Iraqi military forces are now using suicide bombers as a tactic in the battlefield.

Mr Aziz has been telling the American ABC Network that the bombers will not be Iraqis but volunteers from across the Muslim world.

TARIQ AZIZ: People which has being threatened by an invasion has the right to fight by all means to defend itself.

REPORTER: You know they're going to say that you're recruiting terrorists?

TARIQ AZIZ: No. You know [laughs] the question of terrorists, when you fight an invader by whatever means available to you, you are not a terrorist. You are a hero.

REPORTER: But you're bring these people from outside...

TARIQ AZIZ: From outside or from inside, these people are heroes. They are freedom fighters against invaders, against colonialists, against imperialists. They are freedom fighters and heroes.

REPORTER: Where...

TARIQ AZIZ: And we are proud of them.

ELEANOR HALL: Iraq's Deputy Prime Minister Tariq Aziz on the American ABC Network.

I find it difficult to agree with the appraisal that AM provided 'little or no critical analysis of Iraqi war crimes'.

An obvious lack of emphasis on the tyranny of the Iraqi regime and its record of genocide, rape and torture as well as its systemic deprivation of the peoples' economic and social rights; and
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In AM's coverage of the Iraq war there were few examples of providing context of past Iraqi crimes against humanity. After the period of the actual conflict AM carried this report on 23 April:

LINDA MOTTRAM: His regime swept aside, the dark secrets of Saddam Hussein's security apparatus beginning to be unearthed.

There are many sites yet to be explored, where the remains of the regime's dead are said to be hidden.

At just one such place, on the outskirts of western Baghdad, locals have now revealed a secret cemetery where political prisoners were shot or hanged and dumped in shallow graves, marked only by a number.

Our Middle East Correspondent, Mark Willacy, visited the cemetery for AM.

[Sound of digging]

MARK WILLACY: In a corner of the cemetery, near a eucalyptus sapling, Mohammad Moshan Hammad re-buries a corpse in a shallow grave.

[Sound of Mohammad Moshan Hammad speaking]

"Dogs dug up this corpse and ate part of it," Mohammad tells me.

"You want to see?" he asks, already holding up a skull and what look like two leg bones, indignity even in death.

21-year-old Mohammad has been the gravedigger here for the past five years, working secretly behind a seven-foot brick wall in a cemetery the size of two football fields.

[Sound of Mohammad Moshan Hammad speaking]

"I've buried a thousand prisoners in my time," the young gravedigger says.

MARK WILLACY: And how old were these men?

"They were all 15 to 40 years old," Mohammad tells me, "and they were all political prisoners, shot or hanged and then brought here to be buried behind the wall."

"All of these were political opposition," he says pointing to half a dozen small mounds of dirt. "They were killed on the one day."

[Sound of people sobbing]

Well I'm standing next to 13 freshly dug graves, and I suppose whoever was meant for them either escaped the noose or firing squad, or their bodies were just simply disposed of elsewhere.

[Sound of people sobbing]

While we are at the cemetery, several men and women arrive, among them Rach Aloub.

[Sound of Rach Aloub speaking]

"I'm looking for my two brothers," she says. "They were praying in front of their house 10-years ago when the security forces came and took them away," she tells me.

Rach Aloub is unlikely to ever find the graves of her brothers, because here the dead have no names.

Only a small piece of rusting tin with a number on it marks the graves. No-one really knows if the numbers match an identity.

I could find only one inscription. It read: "Nothing will hurt us unless our God commands it".

Back when this man died, Saddam Hussein played the role of God.

This report outlined some of the atrocities that marked the Saddam Hussein regime. However during the coverage of the conflict there were no extensive reports of war crimes or reporting of such discoveries as the mass graves outside Kirkuk.

During the coverage of the daily developments of the conflict there was not any emphasis on the past tyranny of the regime. AM appeared focussed on reporting developments on the day of broadcast.

Minimal coverage of Australia's troops in the conflict on their strategic achievements.
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Information about the activity and achievements of Australian forces appears to have been consistently reported on in the program. On 24 March AM spoke with Defence Minister Robert Hill about a successful overnight mission by Australian SAS forces, FA-18s and the HMAS Anzac.

On 26 March AM spoke with General Peter Cosgrove who updated on Australian involvement. On 27 March the Defence Minister provided further updates. On 29 March AM reported on the 14 Australian FA-18 hornet bombers targeting the Republican Guard. AM's Mark Willacy was reporting from on board the HMAS Kanimbla on 31 March. In an interview in the same edition, Australian Commander of Gulf Forces, Brigadier Maurie McNarn, indicated that the resistance of the Iraqis had not been underestimated. The next day on 1 April the Defence Minister discussed troop movements. In the same AM program Australian Navy divers were reported to be clearing

shipping channels of mines. Mark Willacy reported from the HMAS Kanimbla. On 2 April Foreign Minister Alexander Downer is interviewed about a meeting with President Bush. On the same program Greens' Leader Dr Bob Brown is interviewed about his anti-war activities. A further five stories about Australian involvement followed before the end of the conflict.

I cannot support the view that Australia's involvement in the conflict was given minimal coverage. All Ministers and military leaders spoke most positively about the contribution of Australian forces.



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*The methodology of the complainant*

In his 28 May 2003 letter to the Managing Director, the Minister makes the following comments:

The Australian public would consider that it is a legitimate role of a current affairs presenter in introducing an item to put it in context and/or foreshadow or summarise what follows...Any introductory comments should therefore always be justified by what follows.

The complainant has often failed to meet these expectations of observing context by the way in which elements of the AM presenter's comments have been extracted without consideration for what follows either in the remainder of a lead or in the remainder of a story.

By selectively applying the *ABC Charter of Editorial Practice* the complainant has limited both the professional duties of a journalist and the relevance of the regulatory code. By omitting part of section 5.1.5 and section 5.1.6 entirely, the complainant has misapplied the *Charter of Editorial Practice*. The remainder of 5.1.5. expects editorial staff to be questioning. Section 5.1.6 requires editorial staff to be enterprising in perceiving, pursuing and presenting issues in order to serve the public's right to know.

Being questioning means being sceptical. Perceiving and pursuing issues may involve provocative questioning.

By not applying these editorial expectations, the complainant could be understood to be advocating a form of reporting that is more passive if not deferential.

There is a difference in genre between news and current affairs reporting. Both separate ABC teams work to the *Charter of Editorial Practice*. The news reporter provides an electronic journal of record. The current affairs reporter is focussed on context, issues that emerge and possible outcomes. My sense at times was that the complainant wanted the genre of news applied to a current affairs program.

The complainant appeared committed to the view that AM was anti-American in its coverage of the Iraq conflict. Sometimes the assumptions of the critique appeared to be that the coverage would be remedied if it were supportive of a Coalition position in the war. The AM coverage could neither be an advocate nor adversary for the American, Australian, British or Iraqi position in the war.

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*Conclusion to CRE finding*

Two of the Minister's 68 complaints were supported. However, neither of these instances amounted to evidence of systemic anti-American or anti-Coalition partisan reporting. The supported complaints were cases of speculative reporting that did not have strong evidentiary support in the story that followed and a tendency towards sarcasm:

Complaint 6: (President Bush and television watching)

Complaint 58: (Oh the civility of this US military).

This means that there were 66 complaints that were not upheld. The few supported complaints reflect my appraisal of the AM coverage of the Iraq war. Over thirty days in several editions a day, AM asked some hard questions of both sides and reported reliably and competently. Election and war coverage are among the most testing and vulnerable times for a broadcaster's reputation in fairness, impartiality and accuracy. In this test, overall AM provided a rigorous and reliable analysis of this conflict in Iraq.

*Further Review*

If the complainant is dissatisfied with any aspect of this appraisal then application may be made to the Independent Complaints Review Panel and/or the Australian Broadcasting Authority for further review.

MURRAY GREEN

Complaints Review Executive

17 July 2003