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**CANADIAN BROADCAST STANDARDS COUNCIL  
NATIONAL SPECIALTY SERVICES PANEL**

CTV Newsnet re a News Item (Hostage Murder in Riyadh)

(CBSC Decision 03/04-1817)

Decided December 15, 2004

R. Cohen (Chair), H. Pawley (Vice-Chair), R. Cugini, M. Harris and M. Hogarth

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**THE FACTS**

On June 13, 2004 at 6:05 pm, the all-news specialty service CTV Newsnet broadcast a news item about the body of a Western man found in Saudi Arabia. The news anchor provided the following introduction to the story:

A police chief in Saudi Arabia is denying reports that the body of a Western man has been found in Riyadh. Earlier reports claimed it was an American man kidnapped by Al-Qaeda. Viewers should be aware that this story contains graphic video.

Images of an alleged Al-Qaeda website were shown which contained documents of an American, Paul Johnston, who had been working in Saudi Arabia for the last ten years and had disappeared. These website images were followed by an interview with the man's son in which he confirmed that the photographs on the website were indeed of his father.

The news anchor then stated that another reported Al-Qaeda website contained a video clip of what was alleged to be the murder of another American, Robert Jacob. The report next showed the image of a web page with the title, in Arabic, "The Death of the American Jew Robert Jacob". The video clip of the alleged death lasted approximately eight seconds. The footage was slightly blurred with erratic camera movement. The beginning of the clip featured no distinguishable activity on screen, only the sound of a man's voice pleading "No, please, please, please, no, no." It then contained the sound of a gunshot and, far away from the camera, the scene of a body falling to the ground and another man running towards it. The faces of the individuals were not visible, a fact pointed out by the anchor when he concluded the report with the statement "No faces were shown in the video."

A viewer, who had seen the program in the Mountain Time Zone (at 4:05 pm) sent the following complaint to the CRTC on the day of the broadcast, which was forwarded to the CBSC in due course:

CTV Newsnet broadcast, what appears to be a video clip of a man being murdered in Saudi Arabia @ approx 4:10 pm Mountain Time.

Canadians should be able to watch the news without being subject to this graphic sound and imagery that adds no value to the program, leads [sic] viewers feeling assaulted, and is totally irresponsible.

The broadcaster responded on June 30 with the following (the full text of all correspondence can be found in the Appendix to this decision):

We have reviewed our coverage of the terrorist video released on the internet, which purports to depict the murder of an American Jew, Robert Jacob in Riyadh on June 13, 2004.

Our report begins with an anchor introduction to the story. Before any video is shown, our anchor issues a warning by saying "Viewers should be aware that this story contains graphic video." Our report begins with an update on another American hostage, Paul Johnson. This part of the report lasts 27 seconds, allowing viewers concerned about the graphic video warning to leave the broadcast.

We then report on the video released by a terror cell. The terrorists claim the video depicts the murder of Robert Jacob. We show nine seconds of video which begins with blurred, jerky camera movements on screen. We hear some shouting and a loud bang. We see the legs and feet of a person moving about and then we see a small portion of a person's backside fall to the ground in a corner of the screen. This 9 seconds of video shown by CTV Newsnet was a small and far less graphic part of the video shown by some internet sites, which included a screaming man being chased, shot at ten times, and followed by a throat slashing.

The abuse and death of prisoners and hostages are a critical element in developments in the Middle East. The subject matter is war, terror and hate. The public cannot form valid opinions on this conflict without access to information. The public can now obtain information through terrorist propaganda web sites, complete with unedited and horrific video. The public can also turn to CTV News where balanced reporting will be supplemented with editorial judgment. It is that editorial judgment that screens and edits video without censoring it altogether and then cautions viewers of the content so they might turn away if that is their choice.

This method of dealing with violent images is consistent with our obligation as broadcasters pursuant to the *Voluntary Code Regarding Violence in Television Programming* as administered by the Canadian Broadcast Standards Council.

On June 30, the complainant sent an e-mail expressing his dissatisfaction with CTV Newsnet's response:

I do not disagree with the need for effective reporting of the violence and terrorism in the Middle East. However, I believe that it is irresponsible of a publicly broadcasted [*sic*] news station to air this type of material, particularly on a Sunday afternoon. I would respectfully disagree that the actually airing of the footage adds any value to your broadcast and would suggest that CTV give some consideration to this. I would also question whether or not CTV is inadvertently supporting the terrorists by airing this video, as it is clearly be [*sic*] an act that facilitates their agenda. I would further suggest that the warning provided by the news anchor was insufficient considering what was about to be aired. I have on many occasions sat through news programs that warn of disturbing content, and have not found the content to be inappropriate. However, if CTV Newsnet has the gull [*sic*] to show a video clip of a man being murdered by terrorists, the onus should be on the anchor to clearly depict what is about to be shown rather than an ambiguous warning that "Viewers should be aware that this story contains graphic video."

My final comment is on the morality of using the video of a man's murder for "shock value" when all relevant information that viewers should know could have easily been communicated without the video. I would appreciate a response to this letter from both CTV and CBSC as I still find the broadcast irresponsible and inappropriate.

The CBSC understood this expression of dissatisfaction to be the equivalent of a Ruling Request.

## **THE DECISION**

The CBSC National Specialty Services Panel examined the complaint under the following clause of the Canadian Association of Broadcasters' (CAB) *Voluntary Code Regarding Violence in Television Programming*.

*CAB Violence Code*, Article 6 (News & Public Affairs Programming):

- 6.1 Broadcasters shall use appropriate editorial judgment in the reporting of, and the pictorial representation of violence, aggression or destruction within their news and public affairs programming.
- 6.2 Caution shall be used in the selection of, and repetition of, video which depicts violence.
- 6.3 Broadcasters shall advise viewers in advance of showing scenes of extra-ordinary violence, or graphic reporting on delicate subject matter such as sexual assault or court action related to sexual crimes, particularly during afternoon or early evening newscasts and updates when children could be viewing.
- 6.4 Broadcasters shall employ discretion in the use of explicit or graphic language related to stories of destruction, accidents or sexual violence, which could disturb children and their families.

- 6.5 Broadcasters shall exercise particular judgment during live coverage of domestic terrorist events or civil disorders, to ensure news coverage does not become a factor in inciting additional violence.
- 6.6 While broadcasters shall not exaggerate or exploit situations of aggression, conflict or confrontation, equal care shall be taken not to sanitize the reality of the human condition.
- 6.7 Broadcasters shall refer to *The Code of Ethics* of the Radio-Television News Directors Association of Canada (RTNDA) for guidance regarding broadcast journalism in general.

The Panel Adjudicators viewed a tape of the news item and examined all correspondence. The National Specialty Services Panel concludes that the broadcast of the video clip in question was not in violation of any of the foregoing provisions.

### **Selection of Video Clips for Broadcast in the News**

The admonitions included in Article 6 of the *CAB Violence Code* must be read together in a coherent way. Read thus, it is provided that broadcasters must use appropriate editorial judgment in the reporting, and the pictorial representation, of violence within their news programming and shall be cautious in the selection of video clips depicting violence. They must not exaggerate or exploit violent situations and must take equal care not to sanitize the reality of the human condition. They must, in other words, draw a careful line or balance between their duty to report newsworthy events and the way in which they accomplish that responsibility.

One of the leading decisions taken by the CBSC which illustrates the delicacy of the balance is *CTV re Canada-AM (Airborne Hazing)* (CBSC Decision 94/95-0159, March 12, 1996), in which the complaint related to the use of a lengthy video segment showing the subsequently disbanded Airborne Regiment's hazing practices, which was included in the 7:00 am newscast on *Canada AM*. The newscaster, in her tone, visual cues and words, made it "apparent from the end of the first sentence that the news item would be unpleasant." Explicit warnings were also given before the video clip ran. The Panel determined that there was no breach. The Ontario Panel explained its decision in the following terms:

The Code recognizes that society has a right, if not an obligation, to have presented to it the reality of the news, however unpleasant or even intolerable that news may be from time to time.

This does not, however, open the floodgates to *every* bit of reality which could be defined as news or every bit of every story which *ought* to be brought to the attention of the Canadian public. Elements of editorial judgment must be exercised on many levels. Since, in the first place, there are innumerable stories competing for the time available in any newscast, a story ought to be reported for

reasons “beyond simply engaging the audience’s attention”, as CTV News’ Vice-President said in his letter of August 16. [...]

Almost every story which must be told will require editorial judgment as to *how* it will be told. Nor will every story requiring such judgment ultimately come to the CBSC’s attention. Such rare occurrences will generally be those which, in their edited form, still attract viewer attention by reason of their frightening, violent, graphic or other unpleasant characteristics. In each such case, the broadcaster must temper the public’s need to know with the measure of how *much* needs to be known so as not to exceed the bounds provided in the *Violence Code*.

The clauses dealing with this point collectively require editorial judgment “in the reporting of, and the pictorial representation of violence, aggression or destruction” in news stories. Broadcasters must use “caution” in the selection of the video clips depicting violence which they run. They must not “exaggerate or exploit situations of aggression, conflict or confrontation” in such reports and they must be discreet in their “use of explicit or graphic language related to stories of destruction, accidents or sexual violence.” Finally, it should be noted that, in circumstances in which the exercise of careful editorial judgment still results in the legitimate need to broadcast “scenes of extra-ordinary violence, or graphic reporting on delicate subject matter”, the broadcaster “shall advise viewers in advance” of the sequence of what is to come. While the public in general *must* be informed, individual viewers are, of course, entitled to decide what is not palatable for them and their families.

In the present matter, it was clear that the story of kidnappings and related killings merited reporting. It would indeed have been most bizarre had CTV Newsnet not covered the stories of Paul Johnston and Robert Jacob. The question for the Panel, then, is whether the judgment exercised in the news report was appropriate or exaggerated. In making this evaluation, the Panel considers it material to point out that television *is* a visual medium and that television broadcasters are entitled to seek and broadcast video footage to illustrate their stories, unless that footage is so extraordinary or graphic, on the one hand, or exaggerated or exploitative, on the other, that it is apparent that it ought not to be broadcast. There is not, of course, any mathematical formula that can be applied in such a determination. The assessments call for judgment on the part of the broadcaster and, where a member of the public is concerned and requests an adjudication of the matter, an appreciation on the part of the Panel responsible for the file.

In the appreciation of the challenged newscast, quite apart from the points made by the Vice President of CTV Newsnet regarding the nature of the available footage on the Internet, it is the view of the Panel that the footage selected was entirely reasonable. That there was fear, if not terror, in the voice of the hostage is undeniable. The video clip used, though, did not show the face of the victim, or other physical evidence of the murderous assault. The shot was fired off-screen and, other than seeing the victim fall (from behind and at some distance) there was no blood or other physical manifestation of the terrible event. In the view of the Panel, the broadcaster chose wisely, balancing its belief that visual representation of the event was appropriate with the sense that members of the

audience would not wish to be exposed to anything excessively graphic. Moreover, the anchor advised that “Viewers should be aware that this story contains graphic video.” The Panel finds that there is no breach of the foregoing Code provisions.

### **Broadcaster Responsiveness**

In all CBSC decisions, the Council’s Panels assess the broadcaster’s responsiveness to the complainant. In the present instance, the Panel finds that the response of CTV Newsnet’s Vice President was, in this regard, thoughtful and responsive. It focussed on the precise elements of the broadcast and other material relating to the story that was available on the Internet. Although it is an acceptable part of a response, it is particularly noteworthy that there was essentially no boilerplate component to the letter. The Panel considers that CTV Newsnet has fully met its responsiveness responsibilities of CBSC membership.

*This decision is a public document upon its release by the Canadian Broadcast Standards Council. It may be reported, announced or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.*

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## APPENDIX

### CBSC File 03/04-1817 CTV Newsnet re a News Item (Hostage Murder in Riyadh)

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#### The Complaint

The following complaint dated June 13, 2004 was sent directly to the CRTC and forwarded to the CBSC in due course:

CTV Newsnet broadcast what appears to be a video clip of a man being murdered in Saudi Arabia @ approx 4:10 pm. Mountain Time.

Canadians should be able to watch the news without being subject to this graphic sound and imagery that adds no value to the program, leads [sic] viewers feeling assaulted, and is totally irresponsible.

#### Broadcaster Response

The broadcaster responded on June 30 with the following:

Thank you for watching CTV Newsnet and taking the time to write to us with your views. We value viewer input and take your concerns seriously.

We have reviewed our coverage of the terrorist video released on the internet, which purports to depict the murder of an American Jew, Robert Jacob in Riyadh on June 13, 2004.

Our report begins with an anchor introduction to the story. Before any video is shown, our anchor issues a warning by saying "Viewers should be aware that this story contains graphic video." Our report begins with an update on another American hostage, Paul Johnson. This part of the report lasts 27 seconds, allowing viewers concerned about the graphic video warning to leave the broadcast.

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can also turn to CTV News where balanced reporting will be supplemented with editorial judgment. It is that editorial judgment that screens and edits video without censoring it altogether and then cautions viewers of the content so they might turn away if that is their choice.

This method of dealing with violent images is consistent with our obligation as broadcasters pursuant to the *Voluntary Code Regarding Violence in Television Programming* as administered by the Canadian Broadcast Standards Council.

## **Additional Correspondence**

On June 30, the complainant sent an email expressing his dissatisfaction with the broadcaster's response, which the CBSC considered as an equivalent to a Ruling Request Form:

To whom it concerns:

I do not disagree with the need for effective reporting of the violence and terrorism in the Middle East. However, I believe that it is irresponsible of a publicly broadcasted news station to air this type of material, particularly on a Sunday afternoon. I would respectfully disagree that the actually airing of the footage adds any value to your broadcast and would suggest that CTV give some consideration to this. I would also question whether or not CTV is inadvertently supporting the terrorists by airing this video, as it is clearly be [sic] an act that facilitates their agenda. I would further suggest that the warning provided by the news anchor was insufficient considering what was about to be aired. I have on many occasions sat through news programs that warn of disturbing content, and have not found the content to be inappropriate. However, if CTV Newsnet has the gull [sic] to show a video clip of a man being murdered by terrorists, the onus should be on the anchor to clearly depict what is about to be shown rather than an ambiguous warning that "Viewers should be aware that this story contains graphic video."

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