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## CONSEIL CANADIEN DES NORMES DE LA RADIODIFFUSION

### COMITÉ NATIONAL DE LA TÉLÉVISION GÉNÉRALE

#### CTV concernant la couverture de l'accident mortel en luge aux Jeux Olympiques d'hiver de 2010

(Décision du CCNR 09/10-0895+)

Rendue le 12 novembre 2010

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#### LES FAITS

Le 12 février 2010, juste avant le début des Jeux Olympiques d'hiver de 2010 à Vancouver, Nodar Kumaritashvili, un lugeur géorgien, a subi un accident tragique lors d'une séance d'entraînement au Centre des sports de glisse à Whistler. Il a été éjecté hors de sa luge et de la piste à la sortie d'un virage serré (le virage 16, appelé « Thunderbird »), et a heurté un poteau soutenant la toiture. L'accident a été capturé par les caméras de CTV (un des membres du Consortium olympique canadien et le principal radiodiffuseur de langue anglaise aux Jeux) et a été diffusé à divers moments ce jour-là, lorsque la nouvelle se faisait savoir pour la première fois et aussi plus tard une fois qu'il a été confirmé que cet accident avait entraîné la mort de M. Kumaritashvili.

La séquence vidéo durait environ 40 secondes. On y voyait M. Kumaritashvili qui descendait la piste de luge à très grande vitesse (143 km/h dit-on). De nombreuses caméras étaient situées le long de la piste afin que les téléspectateurs puissent voir la descente de M. Kumaritashvili et celle des autres lugeurs à divers endroits le long de la piste et selon divers angles de prise de vues. Quand le lugeur a été projeté de son traîneau, les téléspectateurs ont entendu un son métallique, lequel s'est probablement produit lorsque son casque a percuté le poteau. D'autres poteaux devant la caméra cachaient partiellement le corps inanimé de M. Kumaritashvili, mais l'auditoire de CTV a

vu plusieurs personnes, qui étaient surtout des travailleurs médicaux de secours affectés aux lieux, se précipiter vers le lugeur.

Comme nous l'indiquons plus haut, CTV a télédiffusé ce clip plusieurs fois le 12 février (la transcription intégrale ainsi que des descriptions davantage détaillées des séquences pertinentes se trouvent à l'Annexe A, disponible en anglais seulement). La première présentation s'est faite à 11 h 23 heure du Pacifique, puisque les journalistes venaient d'apprendre la nouvelle. Le réseau CTV faisait la couverture de la fin du Relais de la flamme olympique quand il l'a interrompue pour passer à une entrevue avec la correspondante en chef de CTV à Whistler, Sarah Galashan, laquelle a expliqué que l'accident venait tout juste de se produire et que l'athlète avait été transporté à l'hôpital. Juste avant de montrer la vidéo, M<sup>me</sup> Galashan a dit :

[Traduction]

Et, au Centre des sports de glisse, nous venons d'apprendre qu'il s'est produit, euh, un incident, euh, fort triste et perturbant. Euh, pendant une séance d'entraînement, euh, un athlète géorgien a, euh, subi une collision en luge. Nous allons vous montrer un vidéoclip, mais d'abord, euh, euh, nous devons avertir nos téléspectateurs, nous ne savons pas dans quelle condition cet athlète se trouve et cette vidéo est très difficile à regarder.

Après avoir montré la séquence vidéo, elle a fait la description de la piste et a répondu à des questions sur la situation qui lui ont été posées par les deux chefs d'antenne de CTV de la Colombie-Britannique, bien qu'on ne sache pas grand-chose à propos de l'incident à ce moment-là.

La séquence vidéo de l'accident, accompagnée d'une mise en garde donnée par le chef d'antenne Mike Killeen, a été montrée de nouveau environ une demi-heure plus tard,

[Traduction]

Et nous tenons à vous avertir, euh, que nous avons effectivement une séquence vidéo de cet accident. Euh, ce qu'on y voit est très explicite et nous tenons vraiment à vous avertir que, euh, ce que vous allez voir n'est pas agréable. Mais, euh, c'est un accident qui a eu lieu au Centre des sports de glisse. Voici ce qui s'est passé.

À cette occasion-là, la séquence était suivie de mises à jour faites par Farhan Lalji, un journaliste de CTV qui a annoncé que M. Kumaritashvili souffrait de blessures constituant un danger de mort. M. Lalji s'est également entretenu avec l'ancien athlète de luge canadien et analyste affecté aux émissions sur les Olympiques, Chris Wightman, au sujet de la piste et des mesures qu'on pourrait prendre pour empêcher d'autres accidents.

À 14 h 58, les journalistes avaient appris la malheureuse nouvelle que M. Kumaritashvili était mort de ses blessures. Comme l'a rapporté le chef d'antenne de CTV de la Colombie-Britannique, Bill Good,

[Traduction]

Le Comité International Olympique a confirmé qu'un athlète olympique est mort à la suite d'une collision qui a eu lieu au Centre des sports de glisse de Whistler. Notre correspondante en chef à Whistler, Sarah Galashan, suit l'histoire et nous vous avertissons que les images de l'accident sont perturbantes.

Dans l'introduction qu'elle a faite à sa version actualisée de la situation, M<sup>me</sup> Galashan a donné la mise en garde suivante avant de montrer la séquence vidéo de nouveau :

[Traduction]

Bill, ici au Village olympique, la fête est lancée, mais au Centre des sports de glisse c'est une autre histoire. La piste a été conçue pour être difficile. Elle pose de grands défis techniques, et avec un dénivelé comme celui que nous voyons là, les lugeurs atteignent des temps record. Nous voyons également des collisions, mais jamais comme celle d'aujourd'hui. Nous vous prévenons, encore une fois, qu'il est difficile de regarder la vidéo que vous allez voir. Et le résultat est tout à fait dévastateur.

Il y avait également, dans cette mise à jour, des clips de la conférence de presse qui avait eu lieu plus tôt et à laquelle le PDG du Comité d'organisation des Jeux olympiques de Vancouver a exprimé combien cette mort l'avait ébranlé et attristé. M<sup>me</sup> Galashan a également fait une brève description de la piste de luge et a annoncé que les séances d'entraînement avaient été reportées pendant que les enquêteurs examinaient la piste. Quelques spectateurs des Jeux et participants à ceux-ci ont donné de courtes entrevues dans lesquelles ils ont exprimé leurs points de vue au sujet de cette tragédie.

*CTV National News* a fait de nouveau la couverture de l'incident ce soir-là à 23 h 24 après la diffusion des cérémonies d'ouverture des Jeux Olympiques. Ce téléjournal était présenté par le chef d'antenne Tom Clark, et il a de nouveau prévenu les téléspectateurs que la séquence vidéo était perturbante :

[Traduction]

Bonsoir de Vancouver. En cette soirée de célébrations olympiques, en ce moment si attendu de l'ouverture de la XXI<sup>e</sup> Olympiade des Jeux d'hiver, le monde entier vit un moment de tristesse et de choc. Vers midi aujourd'hui, les rêves et la vie d'un jeune olympien géorgien se sont éteints pendant une séance finale d'entraînement sur la piste de luge. On a marqué ce soir devant le monde entier, dans le cadre des spectaculaires cérémonies d'ouverture, le courage de cet athlète et la tragédie de sa mort. Notre couverture englobe une séquence vidéo perturbante qui est néanmoins nécessaire pour relater cette histoire. Voici d'abord Todd Battis de CTV qui est à Whistler ce soir.

Dans son reportage, M. Battis a donné des renseignements sur la nature de l'accident et il a présenté des séquences de la conférence de presse du Comité International Olympique et des scènes montrant d'autres accidents, ceux-ci non mortels, qui s'étaient également produits sur la piste avant la descente de M. Kumaritashvili. Le téléjournal s'est terminé avec une photo de M. Kumaritashvili et les mots suivants à l'écran : [traduction] « À la mémoire de Nodar Kumaritashvili, 1988-2010 ». M. Clark a ajouté le

commentaire suivant : [traduction] « Et au moment de vous quitter ce soir, nous vous demandons de prendre un moment pour penser à Nodar Kumaritashvili, l'olympien âgé de 21 ans du pays de la Géorgie qui est mort si tragiquement pendant la séance de pratique aujourd'hui. »

Le CCNR a été saisi de 145 plaintes au sujet de la diffusion de cet accident en luge à l'antenne de diverses stations, à diverses dates et heures. Des 145 plaintes, 80 contenaient suffisamment d'information (nom du radiodiffuseur, date et heure) pour que le CCNR puisse trancher les plaintes. Sur ces 80 plaintes spécifiques, uniquement trois personnes ont présenté une Demande de décision individuelle demandant au CCNR d'enquêter davantage sur les diffusions. Bien que la vidéo de l'accident puisse avoir été diffusée à d'autres occasions, les diffusions indiquées plus haut sont celles précisées par les trois plaignants qui ont chacun présenté une Demande de décision. Le CCNR ne peut se prononcer spécifiquement que sur ces diffusions en particulier.

Les plaignants se préoccupaient du fait que la vidéo de l'accident telle que diffusée, y compris du moment où le lugeur percute le poteau, était extrêmement perturbante pour les téléspectateurs et manquait de respect envers le lugeur décédé et sa famille, ses amis et ses confrères et consœurs athlètes en deuil (le texte intégral des trois plaintes et de toute autre correspondance afférente se trouve à l'Annexe B, disponible en anglais seulement). Selon la position prise par CTV, l'histoire était dans l'intérêt public et les [traduction] « éléments visuels faisaient partie intégrante du reportage et du moyen d'informer les Canadiens de cette malheureuse tragédie. [...] Après mûre réflexion, nous avons décidé de montrer les images de la descente du lugeur géorgien en rapport avec les reportages de nouvelles sur cette tragédie. » Le télédiffuseur a reconnu que les événements présentés aux nouvelles sont souvent tragiques et choquants et que dans ce cas en particulier les [traductions] « images montrées n'étaient ni gratuites ni exploitantes » et il a déclaré que CTV avait « [fait de son] mieux pour bien souligner aux téléspectateurs qu'il se pouvait qu'ils trouvent le vidéoclip perturbant. »

## LA DÉCISION

Le Comité national de la télévision générale a étudié la plainte à la lumière de l'article 6.0 du *Code concernant la violence* de l'Association canadienne des radiodiffuseurs (ACR) et de l'article 4 du *Code de déontologie (journalistique)* de l'Association canadienne des directeurs de l'information radio-télévision (ACDIRT – l'Association canadienne des journalistes électroniques) qui se lisent comme suit :

## *Code de l'ACR concernant la violence, Article 6.0 – Nouvelles et émissions d'affaires publiques*

6.1 Les télédiffuseurs doivent faire preuve de discernement dans les reportages de scènes de violence, d'agression ou de destruction qu'ils présentent aux nouvelles et dans leurs émissions d'affaires publiques.

6.2 Il faut faire preuve de circonspection dans le choix et la présentation répétée d'images présentant des scènes de violence.

6.3 Les télédiffuseurs doivent informer à l'avance les téléspectateurs de la présentation de scènes de violence qui sortent de l'ordinaire ou de reportages qui font état de sujets délicats comme l'agression sexuelle, ou les poursuites judiciaires liées à des crimes sexuels, et ce plus particulièrement pendant les bulletins de nouvelles ou les dépêches de l'après-midi ou du début de soirée, que les enfants pourraient regarder.

6.4 Les télédiffuseurs doivent faire preuve de discernement dans l'utilisation des termes explicites ou crus liés aux reportages qui contiennent des actes de destruction, des accidents ou des actes de violence sexuelle pouvant perturber les enfants et leur famille.

6.5 Les télédiffuseurs doivent prendre des précautions particulières en ce qui concerne les reportages en direct sur le terrorisme au Canada ou sur d'autres troubles civils pour s'assurer que les reportages en question ne deviennent pas un facteur supplémentaire d'incitation à la violence.

6.6 Bien que les télédiffuseurs doivent prendre soin de ne pas exagérer ni d'exploiter les aspects de l'agression, du conflit ou de la confrontation présentés dans le reportage, ils doivent aussi veiller à ne pas édulcorer les réalités de la condition humaine.

6.7 Les télédiffuseurs doivent se reporter au Code de déontologie de l'Association canadienne des directeurs de l'information en radio-télévision pour plus de directives sur les reportages en général.

## *Code de déontologie (journalistique) de l'ACDIRT, Article 4 – Vie privée*

Les journalistes de la radio et de la télévision respecteront la dignité, la vie privée et le bien-être des personnes avec qui ils traitent; ils mettront tout en œuvre pour s'assurer de manière raisonnable que la collecte d'information et sa diffusion ne constituent en aucune façon une violation de la vie privée à moins que ce ne soit nécessaire dans l'intérêt public. [...]

Les membres du Comité décideur ont lu toute la correspondance afférente et ont visionné les diffusions en cause. Le Comité conclut que CTV n'a enfreint aucun des deux articles.

### **Un point préliminaire : était-il même nécessaire de présenter le vidéoclip?**

Le Comité tient d'abord à faire remarquer qu'il n'est pas d'accord avec un des plaignants pour dire que le reportage n'aurait pas dû s'accompagner du vidéoclip. Ce

plaignant a posé la question rhétorique suivante : [traduction] « pourquoi le réseau CTVglobemedia doit-il se fier à l'image pour "raconter l'histoire", alors que le journalisme peut fonctionner avec tant des images que des paroles »? De l'avis du Comité, la télévision est un organe médiatique qui présente effectivement des histoires avec des images et qui a le droit de le faire. Ce faisant, elle doit se conformer aux normes précitées (lesquelles sont abordées et expliquées plus loin), mais si elle le fait, l'utilisation d'images plutôt qu'uniquement des paroles pour présenter une nouvelle ne posera aucun problème.

### **Les obligations se rapportant à cette nouvelle de dernière heure**

Le *Code de l'ACR concernant la violence* énonce soigneusement les questions, quoique cela ne facilite pas forcément la tâche. Les normes stipulent d'une part que les radiodiffuseurs doivent faire preuve de « discernement » dans les reportages de scènes de violence, d'agression ou de destruction qu'ils présentent aux nouvelles. Plus loin dans l'article 6, il est indiqué dans un des autres paragraphes que les accidents et les actes de violence sexuelle figurent sur la liste des incidents que les radiodiffuseurs doivent traiter avec soin. Le Comité n'a aucune difficulté à assimiler le discernement aux accidents du triste genre qui s'est produit aux Jeux Olympiques en question. Les normes exigent également que les radiodiffuseurs fassent preuve de circonspection dans le choix *et la présentation répétée* de vidéoclips montrant de tels événements perturbants.

D'autre part, les normes reconnaissent qu'il faut « aussi veiller à ne pas édulcorer les réalités de la condition humaine. » Après tout, la communication des nouvelles a pour l'un de ses buts d'aviser le public des événements revêtant de l'importance, et il est évident qu'il y aura des bonnes nouvelles et des nouvelles tragiques. Certaines, et cela va de soi, n'appartiendront à ni l'une ni l'autre de ces catégories. C'est le droit, si ce n'est le devoir, des radiodiffuseurs pour lesquels le journalisme est une priorité de signaler tous les sujets du genre aux téléspectateurs (ou auditeurs). Ils sont, bien entendu, libres de *choisir* les reportages qu'ils présenteront, ce qu'ils feront en fonction de leur appréciation de l'importance relative de la nouvelle, mais il y a évidemment des nouvelles qui se lancent à la vue du public et qui insistent qu'on en tienne compte.

La mort du lugeur géorgien en était une. La nouvelle aurait été considérée importante peu importe où se déroulaient les Olympiques. Dans les circonstances des Jeux Olympiques canadiens, elle était, à tout le moins, plus importante. Par conséquent, c'est la *nature* de la couverture faite par CTV qui constitue la question pour ce Comité.

Sur ce plan, le Comité admet sans hésitation qu'il était horrible de voir, dans le vidéoclip, Nodar Kumaritashvili qui dégringole la piste et revole par-dessus le mur. Cela dit, il est également conscient du fait qu'il n'y avait aucun plan serré montrant la

condition de l'athlète géorgien après l'impact. Autrement dit, il n'y avait aucune tentative de sensationnalisme ou d'exagérer cet accident terrible. Le Comité considère que les prises de vue ont été faites de façon juste et à une distance suffisante, et qu'elles ne traduisaient aucune intention d'exagérer les circonstances affreuses de la collision avec le poteau. En outre, chaque reportage de nouvelles, même avant qu'on sache l'ultime résultat des blessures subies par M. Kumaritashvili, se précédait d'une introduction exprimée en langage mesuré avertissant les téléspectateurs au sujet du reportage vidéo qui suivrait, par exemple [traductions] « cette vidéo est très difficile à regarder », « ce qu'on y voit est très explicite et nous tenons vraiment à vous avertir que, euh, ce que vous allez voir n'est pas agréable », « nous vous avertissons que les images de l'accident sont perturbantes », « Nous vous prévenons, encore une fois, qu'il est difficile de regarder la vidéo que vous allez voir. Et le résultat est tout à fait dévastateur », et « Notre couverture englobe une séquence vidéo perturbante qui est néanmoins nécessaire pour relater cette histoire. »

Dans des décisions que le CCNR a rendues dans le passé concernant des cas où des avertissements ont été signalés aux téléspectateurs, les comités ont jugé qu'aucune infraction du paragraphe 6.3 n'avait été commise [consulter, p. ex. *CTV concernant Canada AM (Bizutage du Régiment Airborne)* (Décision du CCNR 94/95-0159, rendue le 12 mars 1996) et *CTV Newsnet concernant un reportage (Meurtre d'un otage à Ryad)* (Décision du CCNR 03/04-1817, rendue le 15 décembre 2004).] Dans un autre cas, soit *CTV concernant un reportage (fusillade par la police)* (Décision du CCNR 94/95-0213, rendue le 26 mars 1996), l'avertissement a été donné neuf secondes après le début du reportage comme tel et juste sept secondes avant que la police tire sur un conducteur, dans un reportage qui n'a duré que 22 secondes. Le Comité régional de l'Ontario a conclu qu'il y avait eu une violation.

[Le Comité] se préoccupe du peu de temps alloué entre l'avertissement et la séquence vidéo visée par cet avertissement. Non seulement la mise en garde n'a-t-elle pas été placée au *début* du reportage, elle n'a paru que presque au milieu de la séquence et seulement sept secondes avant le coup de feu comme tel. Le téléspectateur avait à peine le temps de réagir à cette mise en garde avant que le coup soit tiré.

Dans l'affaire qui nous occupe, le Comité constate que chaque présentation du vidéoclip perturbant se précédait d'un avertissement explicite dénotant l'approche personnelle de la personne qui le communiquait. Cet avertissement fournissait suffisamment d'information aux téléspectateurs pour qu'ils puissent éviter de regarder le reportage s'ils le voulaient.

En ce qui concerne la présentation répétée du reportage, le Comité ne voit rien d'excessif. On ne l'a pas présenté et ensuite présenté d'abord à la vitesse normale et ensuite au ralenti, comme ce fut le cas dans certaines émissions qui ont donc contrevenu au paragraphe 6.2 dans le passé. [Consulter, p. ex., *CITY-TV concernant un épisode de Hard Copy* (Décision du CCNR 96/97-0055, rendue le 8 mai 1997), dans

laquelle le vidéoclip offensant a été joué à neuf reprises dans un reportage de trois minutes; *CICT-TV concernant un reportage sur le Tour de France* (Décision du CCNR 00/01-0982, rendue le 14 janvier 2002), dans laquelle le Comité des Prairies a noté qu'il avait été excessif de jouer un vidéoclip une troisième fois dans un reportage de nouvelles, mais que le clip comme tel ne posait pas suffisamment de problèmes pour constituer une violation; *CICT-TV concernant un bulletin d'actualités pendant Touched by an Angel* (Décision du CCNR 00/01-0985, rendue le 14 janvier 2002), dans laquelle le même Comité a rendu une décision différente concernant la présentation répétée du même clip dans un contexte de programmation différent; *Talentvision concernant un reportage (Meurtres en Chine continentale)* (Décision du CCNR 01/02-0416+, rendue le 3 mai 2002), dans laquelle on a montré, à quatre reprises dans un reportage, des clips d'un appartement baigné de sang; et *Global Television concernant une séquence diffusée dans le cadre d'un épisode de Entertainment Tonight* (Décision du CCNR 05/06-1525, rendue le 8 janvier 2007), dans laquelle le clip offensant a été montré à maintes reprises.]

En conclusion, le Comité national de la télévision générale ne trouve aucune infraction des dispositions précitées de l'article 6 du *Code de l'ACR concernant la violence*.

### **Un mot supplémentaire sur l'utilisation des mises en garde**

Lors de leurs délibérations, les membres du Comité décideur ont suggéré qu'il serait peut-être utile que les radiodiffuseurs songent à utiliser des mises en garde en format vidéo dans de tels cas à l'avenir, comme un texte qui défile au bas de l'écran ou d'autres moyens visuels. Les membres du Comité ont fait remarquer qu'il y a parfois des circonstances dans lesquelles le son télévisé est éteint ou inaudible. Dans ces cas-là, un avertissement en format vidéo pourrait aider à informer les téléspectateurs qu'une séquence vidéo qui risque de poser un problème suivra bientôt. Quoique le Comité ne soit pas au courant que des radiodiffuseurs aient jumelé une mise en garde journalistique en format vidéo avec sa version sonore obligatoire autre qu'à de rares occasions, il estime possiblement utile de le suggérer. Le Comité s'empresse d'ajouter qu'il n'y a aucune obligation codifiée à cet égard. Le Comité ne recommande pas non plus qu'une telle obligation soit adoptée. Il soulève simplement la question, étant donné que les radiodiffuseurs cherchent *souvent* des moyens supplémentaires de rendre service à leurs auditoires.

### **A-t-on porté atteinte à la dignité du défunt?**

Le CCNR n'a étudié la question du respect pour la dignité d'une personne mourante qu'à deux occasions. Dans l'une d'elles, notamment *CTV concernant un reportage du*



*prononcé de sentence de Charles Ng* (Décision du CCNR 98/99-1120, rendue le 22 mars 2000), le Comité régional de l'Ontario a examiné une plainte concernant un reportage sur le prononcé de sentence de l'auteur notoire d'une série de meurtres, Charles Ng, qui avait été déclaré coupable quatre mois auparavant du meurtre de onze personnes entre 1984 et 1985. Le reportage, diffusé par CTV dans le cadre de son téléjournal national de 23 h, comportait, entre autres, un vidéoclip d'une durée d'environ sept secondes montrant soit M. Ng, soit son complice, qui se mettait à couper la blouse d'une des femmes victimes qui était attachée à une chaise à ce moment-là, sans pouvoir bouger. Le Comité a trouvé que même si l'inclusion du vidéoclip ne constituait pas une atteinte à la vie privée, celui-ci constituait « un affront appréciable à la dignité de la jeune femme qui serait agressée, torturée et tuée dans les prochains instants », enfreignant ainsi l'article 4 du *Code de l'ACDIRT*. Dans l'autre, notamment *CHAN-TV (BCTV) concernant un bulletin de nouvelles (Meurtre sur le métro de Toronto)* (Décision du CCNR 97/98-0383, rendue le 20 mai 1998), le Comité régional de la C.-B. a traité d'un reportage d'un meurtre perpétré dans le métro de Toronto, lequel a été diffusé dans le cadre des informations de 18 h de CHAN-TV. Le reportage avait inclus [traduction] « ...un gros plan du visage ensanglanté de la femme, mourante mais encore partiellement consciente. » Le Comité a trouvé que l'inclusion d'un gros plan de la figure ensanglantée et lacérée de la victime qui en était aux derniers moments de sa vie, manquait de respect pour la dignité de la victime tel que requis par le *Code de l'ACDIRT*. Il a conclu :

que l'inclusion d'un gros plan, dans le reportage, du visage lacéré et ensanglanté de la victime, qui en était aux derniers moments de sa vie, manquait de respect pour la dignité de la victime. Selon le Conseil, il faut distinguer entre la représentation de parties moins identifiables du corps d'une personne, tels les bras, les jambes, le torse, etc., et la représentation du visage de la victime. Ce n'est pas tant une question d'identification de l'individu (surtout lorsque la victime a été nommée) mais d'identification de la souffrance, de l'agonie, de la détresse, voire même de la distorsion de l'individu : en bref, il s'agit d'un affront à la dignité, si ce n'est au droit à la vie privée, de la victime, de sa famille et de ses amis.

Dans la présente affaire, le Comité considère que le vidéoclip (à partir du moment où le lugeur a été projeté de la piste) ne contenait aucun des éléments personnels sur lesquels s'articulaient les deux décisions précitées. Même si tout le monde *savait* de qui il s'agissait, c'était une prise de vue à distance qui n'a aucunement révélé le visage du défunt. Le clip a été présenté de façon davantage détachée et impersonnelle de sorte que les préoccupations soulevées dans les deux décisions précédentes n'existaient pas. Le Comité juge qu'il n'y a eu aucun affront à l'athlète décédé. Il reconnaît qu'il y avait effectivement une différence entre la décision de diffuser le vidéoclip de l'accident avant la nouvelle que Nodar Kumaritashvili était mort par rapport à celle prise après cette nouvelle, mais il revenait au télédiffuseur de prendre cette décision. Le Comité trouve qu'il n'y a aucune infraction de l'article 4 du *Code de l'ACDIRT* en raison de ce choix.

## Réceptivité du télédiffuseur

Dans toutes les décisions rendues par le CCNR, ses comités évaluent la mesure dans laquelle le radiodiffuseur s'est montré réceptif envers les plaignants. Dans la présente affaire, le Comité trouve que les réponses faites par le vice-président des affaires réglementaires du télédiffuseur se concentraient directement sur la question qui préoccupait les plaignants. En effet, il a examiné les diffusions et la manière dont le réseau CTV a pesé les enjeux qu'il considérait avant de télédiffuser le vidéoclip. Cependant, les plaignants ne voyaient pas les choses de la même manière que le télédiffuseur. C'est leur droit, et c'est aussi la raison pour laquelle, en bout de ligne, un comité du CCNR est saisi de chaque dossier nécessitant l'instruction d'une plainte. En dernière analyse, c'est néanmoins le caractère réfléchi de la réponse qui détermine si le radiodiffuseur s'est chargé de sa responsabilité de se montrer réceptif, tel qu'il est tenu de le faire en tant que membre du CCNR, et le Comité considère que le réseau CTV s'est entièrement chargé de cette obligation en tant que membre dans ce cas-ci.

*La présente décision devient un document public dès sa publication par le Conseil canadien des normes de la radiotélévision. La station à l'égard de laquelle la plainte a été formulée est libre de la rapporter, de l'annoncer ou de la lire sur les ondes. Cependant, là où la décision est favorable à la station, comme c'est le cas dans la présente affaire, celle-ci n'est pas obligée d'annoncer le résultat.*

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## APPENDIX A

### **CBSC Decision 09/10-0895+ CTV re coverage of the fatal luge accident at the 2010 Winter Olympic Games**

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Each of the three complainants saw the luge accident footage at different times and on different CTV stations, all on February 12, 2010. Descriptions and transcriptions of each of those broadcasts are below.

#### 11:23 am, CIVT-TV (CTV British Columbia)

CTV British Columbia news anchors Mike Killeen and Coleen Christie were sitting at a desk outside to cover the Torch Relay. There was a crowd of spectators behind them. The caption at the bottom of the screen read "Breaking News: Luge Accident in Whistler" and a box in the upper-left corner indicated that this coverage was "Live".

Killeen: And welcome back to the Olympic city of Vancouver and our special Torch Relay coverage. I'm Mike Killeen along with Coleen Christie.

Christie: We are going now live to Whistler and our reporter Sarah Galashan with some breaking news. Sarah?

Galashan: Well, Coleen, uh, even as the Village here, uh, is preparing for, uh, a party, we know all of the athletes who are in town are starting their training and they're well into it. And up at the sliding centre, we've just heard of, uh, a very sad and disturbing, uh, incident. Um, during the training, uh, a Georgian athlete has, uh, experienced a crash in the sport of luge. We are going to show you some video here, but first, uh, uh, we have to warn our viewers, we do not know the condition of this athlete and this video is very tough to watch.

The video aired from 11:23:55 to 11:24:35. It showed Georgian luger Nodar Kumaritashvili going down the track at a very fast speed. Presumably multiple cameras were placed along the track since the viewer saw his run from different points and different angles. After one particular turn, the luger flew off the sled and hit a post at the side of the track. The viewer heard a clang noise, which was likely the athlete's helmet hitting the post. The luger's limp body was partially obscured by other posts in front of the camera, but the viewer saw a number of people, including people with medic jackets, running towards the man.

Galashan's voice-over during broadcast of footage: So, this athlete, as we say, again, very tough to watch. This corner that this happened on is corner sixteen. Uh, the corner is called Thunderbird. All of the corners, uh, have a certain level of danger. And, and having been up there over the last two years, I, I've certainly watched and, and been a little terrified watching some of the bobsleighs crash. But I have never, uh, seen an incident involving a luge athlete. Again, we do not know the condition of this athlete. I, I just need to stress that. And certainly, uh, medics are attending to him right now. Um, this track is the fastest and most dangerous in the world. Uh, that's been well-documented over the last two years. Having talked to the Canadian luge team just days ago, they had said they felt that the ice was pretty stable and they were pretty good with

the corners. Um, the Canadians know this track very well. They've had the most time training on it. And, and we've never heard of, uh, an incident of this, uh, magnitude. Once again, this a Georgian athlete, uh, a Georgian luge athlete. We don't know the condition and we'll be waiting for an update on that. Coleen and Mike?

Killeen: Is this, Sarah, this happened during a training run. Have they suspended training on the sliding centre?

Galashan: I, I don't know that, uh, right now. But, uh, in the past whenever we've seen a crash involving any of the athletes, either bobsleighs, skeleton or luge up at the track, everything does stop. They have to get the athlete off of the ice and something like this, you would think that they are, are obviously looking at that turn and trying to assess what happened right now before letting others go down.

Christie: Any comment from, uh, the Georgian team?

Galashan: No, we have not heard from them. This has really just happened. And, and, I, you know, knowing that the Canadian luge team like I do, I'm sure that team is very tight as well. And they're probably all, uh, right now, just worried and trying to find out, uh, how their teammate is doing. We, we haven't heard anything from them at this point.

Christie: Sarah, just give us an idea of this sport. Um, I noticed the time: a hundred and forty-three kilometres an hour around that. Do they have any protection other than a helmet?

Galashan: Uh, no. Uh, not that, uh, not that I've really ever, ever seen. I mean, they're of course wearing their aerodynamic suits and the sled is as aerodynamic so that they can go as fast as possible. Uh, the, the Thunderbird turn, this, this corner sixteen that we're talking about, this is where they reach their top speed. Um, this is where we have, as I say, seen bobsleighs crash. And, and that's always usually, um, "spectacular" is the wrong word, but it's usually the most violent-looking crash. But there are many other corners up on that track where athletes have had trouble over the last two years. There are, there are corners where, they call the fifty-fifty. And it was dubbed the fifty-fifty because athletes stood, uh, a fifty per cent chance of actually getting through that corner. Uh, all the way up on, uh, turn seven, uh, that's, uh, where Pierre Lueders, uh, Canada's possibly best-known bobsleigh athlete, uh, he was the first to go down the track and that's where he flipped. And they, they call that turn Lueders' Loop. So athletes coming off of their sleds of any kind is, is, has happened in the past, but, um, and, likely to happen again, but nothing so violent as this that we've seen so far.

Killeen: All right, Sarah. Well, thanks very much. CTV's, uh, Whistler Bureau Chief Sarah Galashan reporting to us live from Whistler. Of course, uh, she'll be trying to track down the very latest information on this, uh, very disturbing accident on the sliding centre and we'll bring that information to you as soon as possible. We'll be right back after this break.

11:58 am, CIVT-TV (CTV British Columbia)

A super on screen read "Breaking News". Anchors Killeen and Christie were again shown at their outdoor desk.

Christie: Good afternoon. I'm Coleen Christie along with Mike Killeen and we have some more news on that breaking story on that serious accident on the luge training in Whistler where a Georgian athlete has been seriously injured.

Killeen: And we do want to warn you, uh, that we do have video of this accident. Uh, it is very graphic and we really do want to warn you that, uh, what's about to come is not pleasant. But, uh, it was an accident at the Sliding Centre. Take a look at what happened.

The exact same video of the accident was then shown from 11:58:41 to 11:59:18. Following the broadcast of the video, Christie threw to another CTV reporter who was at Whistler.

Christie: We are joined by Whistler Sliding Centre reporter Farhan Lalji and Chris Wightman who is a luge analyst for the Olympic consortium.

Lalji: Coleen, the pictures speak for themselves. Just a tragic situation. All we can tell you officially at this point is that Kumaritashvili is suffering from life-threatening injuries. You saw him come around, uh, the turn, uh, in turn sixteen. He was traveling at a speed estimated at 144.3 kilometres an hour. It's the fastest part of the course. He then hit a pole and was flown off the track. After that, track workers administered CPR and about twenty minutes later he was taken away in ambulance. Again, he's got life-threatening injuries. That's all we can report at this point. And, as I bring in Chris: Chris, have you ever seen an accident like that before?

Wightman: No, I've never seen anyone fly off the track. We've seen sleds flying out of the track every once in a while, but, uh, nothing like that. And just talking to my, my colleagues, uh, former sliders and coaches, uh, we're collec-, jogging our collective memories and, and can't think of it ever, ever happening before. So, it's, uh, it doesn't, it certainly doesn't, it's not happened, uh, often.

Lalji: There's been so much talk about the speed of this track and whether this is safe. After an incident like that – and there were other crashes last night – how are the drivers feeling right now about their own safety going into these Games?

Wightman: Well, I think, I mean this track is, it's a fast track, it's a technical track and, and the people with the experience and the skills to drive that are, are fine. Uh, the, the sliders who are inexperienced – and unfortunately this Georgian slider is a, a fairly young and inexperienced slider – things are coming at them so fast and, and the reaction that's needed and the skills needed to get through and out of those kinds of problems are, are, are really, uh, something that takes a while to develop. So, the, the in-, the experienced sliders I, I think will be fine. They'll be obviously rattled a little bit, but I think the, the sliders that have gone through and, and have had those kinds of situations and those kinds of problems themselves, those, those are the ones that it's going to be weighing a lot on more on them mentally.

Lalji: They're in a captains' meeting right now about, talking about what to do next. And really, what can be done between now and when competition is supposed to begin tomorrow about improving the safety on the track?

Wightman: Well, that, the, the part of the track where that happened, it's, what's happening is they're going up very, very high on the curve and they're coming down. They're hitting the inside part of the curve and popping out. We saw American Megan Sweeney do a very, very similar, uh, crash like that last evening in training runs. She, she was going le-, less fast and so she didn't get the same height as he did. And she got, and there's, there's a build-up of, the wall's been built up there for exactly that reason. What they can do, they can add another couple feet. Uh, you know, I'd suggest maybe even three or four to, uh, to, uh, really retain them. If they do hit that, they'll hit the, the extra boards up high. And they've done that at other tracks. That's not an unusual thing to do as the speeds get higher. And if there's, uh, you know, certain problems that are happening, they can build the walls up with, with the plexiglass or hockey, uh, hockey board type material. And, uh, it, and that makes it a lot more safe.

Lalji: Thanks, Chris. And, as we mentioned, they're in a captains' meeting right now. The second training run was not complete. Training for the day has been suspended. It's hard to imagine that they would postpone competition tomorrow, but anything is possible at this stage. Coleen?

Christie: All right. Farhan Lalji and Chris Wightman in, near the Sliding Centre to give us more on that tragic accident.

Killeen: Yes, uh, a dangerous sport. Uh, these things can happen. Obviously they're going to be keeping a close eye on, uh, Kumaritashvili's, uh, condition. Obviously very seriously injured in that accident at the Sliding Centre in Whistler. And we will keep you updated on this situation, uh, throughout the day. Obviously we, uh, Farhan is up there and our, uh, news crews as well will be, uh, bringing us the latest information from Whistler.

Christie: And we continue our live coverage of the Olympic Torch Relay. Stay with us.

2:58 pm, CTV News Winter Games Edition, CIVT-TV (CTV British Columbia)

The broadcast of *CTV News Winter Games Edition* began at 2:58 pm Pacific Time with CIVT-TV anchors Bill Good & Pamela Martin at an outdoor desk on Robson Street, Vancouver.

Martin: Good afternoon. You're watching *CTV News Winter Games* edition. And we begin with a tragic story in Whistler.

Good: The International Olympic Committee has confirmed that an Olympic athlete has been killed after a crash at the Whistler Sliding Centre. Our Whistler Bureau Chief Sarah Galashan is following this story and we should warn you, the images of the crash are disturbing. Sarah?

The caption at the bottom of the screen read "Fatal Luge Accident".

Galashan: Bill, down here in the Village, the celebration has started. But up at the Sliding Centre it's a very different story. The track was built to be difficult. It is technically challenging and with a vertical drop like the one we see there, we're getting record times recorded. We are also seeing crashes. But never anything like we've seen today. Once again, a warning that the video we're about to show you is difficult to watch. And the outcome is just devastating.

There was footage of Kumaritashvili putting the visor down on his helmet and beginning his run. The caption at the bottom of the screen changed to "Olympic Tragedy". The clip showed the first part of his run, as Galashan provided the following voice-over narration.

Galashan: It's the world's fastest and most dangerous track. And now Whistler's Olympic Sliding Centre can also be described as deadly.

The video footage then switched to the press conference held by Olympic officials.

Jacques Rogge, IOC President: This is a very sad day. The IOC's in deep mourning. Here you have a young athlete who lost his life in pursuing his passion. He had a dream to participate in the Olympic Games. He trained hard and he had this fatal accident. I have no words.

A photo of Kumaritashvili appeared on screen, followed by footage of an ambulance driving down the street with its siren going.

Galashan: That was Nodar Kumaritashvili, taken from the track by ambulance.

John Furlong, VANOC CEO [at press conference]: We are heart-broken beyond words to be sitting here. I am so sorry to be in this position, to be reporting this, uh, to you. It's not something that I had prepared for, ever thought I would need to be prepared for. Um, my team, uh, has been devastated by this. Uh, our thoughts and our prayers, uh, are now of course, uh, with Nodar's family, uh, his friends, the athletes from Georgia and we turn now to do everything we can, uh, to assist them, to support them, to help them in the most Canadian, uh, way that we can.

The footage of Kumaritashvili's fatal run resumed from 15:00:14 to 15:00:22, including the part where he crashed.

Galashan: A luge athlete from Georgia, ranked 44<sup>th</sup> on the World Cup circuit who lost control on a training run coming out of corner sixteen.

A map of the luge track then appeared on screen.

Galashan: Nicknamed the Thunderbird, it's a 270 degree turn where speeds hit a hundred and forty kilometres per hour.

Interview with a spectator: It was in a really freakish spot. Yeah, just, it, it's at the end of a corner and, and at the finish, going up the finish straight.

There was then a scene of three luge participants standing around.

Galashan: Something his teammates and all other athletes about to compete must now come to terms with.

Interview with Kelly Vanderbeek, Alpine Skiing Analyst: It's, it's tough. I mean, it just elevates the fear factor. And so that fear factor that's always there is just amped up that extra notch.

Galashan: Tough too for spectators to see, some of whom had looked forward to Saturday's luge competition.

Interview with Darlene Gage, Olympic Volunteer: I'm just wondering how safe the track is for the rest of the athletes. I wouldn't want it, to have it repeated.

Interview with David Bromley, Olympic spectator: It's terrible, absolutely terrible. Anyway, it's kind of a bad way to start the, uh, the ceremonies for tonight.

Good: Well, Sarah, what happens now with the training and competition?

Galashan: Well, right now training has been postponed and an investigation is underway. What's important to note about that, that crash that we showed you is just how high the athlete was coming out of corner sixteen. The higher they are, the farther down they have to come. And at speeds like that all athletes know that it's possible that the sled will flip. And as devastating as this death is, it is not the first time that this has happened leading up to the Games. In particular, in 1964 a British luge athlete was killed when his sled, when he lost control. Um, that was incidentally the first, in '64, the first time luge was included as an Olympic competition. Before that, luge was considered too dangerous a sport. Bill?

Good: Thank you, Sarah. CTV Whistler Bureau Chief Sarah Galashan in Whistler this afternoon.

Martin: Since the first trip down the Whistler track, athletes have been saying it is the fastest in the world. But does that mean it's also the most dangerous? CTV's John Woodward has that part of the story.

Woodward's report talked about the design and speed of the track and noted other, non-fatal accidents that had occurred on it. The segment showed the beginning of Kumaritashvili's run, but not the part where he crashed. It also showed footage of other athletes' runs where they lost control of their sleds to varying degrees, but no scenes of severe injury.

Good: We will continue to follow this story throughout the afternoon and evening. And tonight at eleven o'clock after the Opening Ceremony for the very latest on *CTV News*. You're watching *CTV News Winter Games Edition*.

#### 11:24 pm, CTV National News, CFQC-TV (CTV Saskatoon)

Tom Clark was filling in for usual anchorman Lloyd Robertson. Clark introduced the top story about the luge accident.

Clark: Good evening from Vancouver. On this night of Olympic celebration at this highly anticipated moment of the start of the 21<sup>st</sup> Winter Games, the world has paused in shock and sadness. At midday today, in a final training run on the luge track, the dreams and the life of a young Olympian from Georgia came to an end. Tonight, amid the spectacular Opening Ceremonies, the bravery of the athlete and the tragedy of his death were marked for the entire world to see. Our coverage contains video that is disturbing, but necessary to tell this story. We start with CTV's Todd Battis in Whistler tonight. Todd?



Battis: Tom, before the Games officially began a cloud was cast over this place. Now the Olympic community is mourning the death of an athlete.

The video footage of Kumaritashvili's luge run and accident was then shown from 23:25:51 to 23:26:29. The footage was the same as that described above, with some additional seconds at the end showing medical personnel crowded around the area where Kumaritashvili landed by the post, an ambulance backing up and then speeding down a road with its sirens on.

Battis [voice-over during footage]: Nodar Kumaritashvili launched into his last training run intent on clocking the fastest time in this, his first Olympics. The slider from Georgia sped around the course. Out of the sixteenth and final turn at 144 kilometres an hour, he loses control, his sled hitting the railing above the track. The 21-year old is thrown, his body sideways as it hits a pole. Immediately medical personnel are there performing CPR. An ambulance takes the athlete from the circuit. Soon after, Nodar Kumaritashvili is pronounced dead. A shaken president of the IOC offered this.

The visuals then showed IOC president Jacques Rogge and VANOC CEO John Furlong at the press conference from earlier in the day.

Rogge: This is a very sad day. Uh, the IOC is in deep mourning. Here you have a young athlete who lost his life in pursuing his passion. He had a dream to participate in the Olympic Games. He trained hard and he had this fatal accident. I have no words to say what we feel.

Furlong: It's not something that I had prepared for, ever thought I would need to be prepared for. Um, my team, uh, has been devastated by this.

There were then scenes of Olympic athletes and coaches milling about.

Battis: So too the entire Olympic community, including this woman who had just befriended Nodar.

Interview with Tatia Gvelesiani, Friend: He was very happy. He was enthusiastic. He was proud to be a Georgian.

There was an aerial view of part of the luge track.

Battis: Never has a luge athlete been killed in competition. CTV analyst and former slider Chris Wightman saw it happen.

Interview with Wightman, CTV Luge Analyst: I've never seen anything like this before. Sleds, you know, sleds sometimes come out of the track, but people, uh, don't.

There was then footage of another luger's run during which he fell off his sled and slid down the track without it, but presumably did not suffer any serious injury.

Battis: In the past few days, however, there have been other incidents. The track has been criticized for being too fast, too challenging.

Interview with Albert Demchenko, Russian Slider: I say every time for this track it's very fast and, uh, little bit, little bit danger [sic]. It's, uh, I say every time.

An aerial view of the Whistler Sliding Centre.

Battis: The Sliding Centre, now closed as an investigation takes place. The status of Saturday's races in doubt. But Team Georgia will stay on.

There was a scene of a woman placing flowers and a photo of Kumaritashvili at a makeshift memorial, followed by footage of Georgian Minister of Culture, Nikoloz Vacheishvili, at the press conference.

Vacheishvili: They will compete and dedicate their performance to their fallen comrade.

Battis: So now the BC Coroner's office and the RCMP conv-, uh, conducting that investigation. The International Olympic Committee and lugin's, uh, governing body both holding a news conference tomorrow morning, a joint news conference. We should get some details from them at that time. Tom?

Clark: Okay, thanks, Todd. CTV's Todd Battis at Whistler tonight.

At the end of the shortened newscast (at 23:36:10), a photograph of Kumaritashvili wearing his helmet was displayed on screen with the words "In Memory of Nodar Kumaritashvili, 1988-2010" and the Georgian flag. Clark said:

Well, from Vancouver, on this momentous day, that has been our look at this Friday, February 12<sup>th</sup>. I'm Tom Clark and for Lloyd Robertson and everyone at the CTV National newsroom, thanks very much for being with us. And as we leave you tonight, please take a moment to think about Nodar Kumaritashvili, the 21-year-old Olympian from the country of Georgia who died so tragically in practice today.

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## APPENDIX B

### CBSC Decision 09/10-0895+ CTV re coverage of the fatal luge accident at the 2010 Winter Olympic Games

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#### Complaints

##### File 09/10-0895

The following complaint was submitted via the CBSC's webform on February 12, 2010:

station: CTV Canada  
program: Vancouver Olympic Coverage  
date: February 12th, 2010  
time: 11:20 am and again at 12:00 pm

concern: To preface my complaint, the footage that CTV aired is probably one of the most disturbing, tragic moments I have ever witnessed on TV or otherwise. I completely believe in freedom of the press and disagree with censorship, but my concern transcends these beliefs.

A member of the Georgian Luge team has just died from a fatal luge accident while practicing in Whistler. CTV aired the footage of this accident directly after it happened around 11:20 am and my partner and I sat stunned at the horrifying moment. We both presumed that this person had died immediately from the crash simply because of how it looked on television (it looks extremely fatal). I don't think CTV should have aired the footage based on the explicit nature of it. It is tragic footage that only seeks to render horror and sadness in the viewer. To my surprise, they replayed the footage at 12:00 pm while providing an update about the fatal crash.

To reiterate, CTV is basically showing the moment of death of an Olympian every time it re-airs this broadcast.

I think CTV should issue an apology for this lapse in judgement. It has seriously disturbed me and, from doing a simple Google search, it has obviously disturbed others who saw it on TV or can access the broadcast online.

##### File 09/10-0962

The following complaint was submitted via the CBSC's webform on February 13:

station: CTV  
program: News immediately following the opening ceremonies  
date: Feb 12th

time: 11:30 pm

concern: It is absolutely inappropriate to show the death of an Olympic athlete on national TV. Whoever decided that should be fired and CTV should be fined. It did not add anything to the news story but in fact tarnished the nice respect for the Georgian athlete the opening ceremonies had. CTV should be ashamed of themselves. It was absolutely disgusting.

The complainant also sent a letter to the CRTC on February 13, which was forwarded to the CBSC in due course:

Good Evening,

I would like to make a formal complaint about CTV news and their broadcast immediately following the Olympic opening ceremonies. It was a very poor programming choice to broadcast the horrific accident and death of an Olympic athlete on national television for everyone to see. Everyone that was watching with us gasped, as we never thought it would be shown. It was truly a horrible decision on CTV's part and ruined the whole respect and recognition that they had during the ceremonies themselves.

File 09/10-1139

The following complaint was submitted via the CBSC's webform on February 21:

station: CTV

program: CTV News, sports section of the show

date: 11<sup>th</sup> [sic, 12<sup>th</sup>] February 2010

time: 2:00 pm and again around 7:00 pm

concern: During the news broadcast, the footage of the Georgian athlete who died at the Whistler Sliding Centre was shown in full, including the athlete's death. Not only was this shown in the daytime but it was shown again in the evening. The broadcaster, whose name escapes me, stated on both occasions it was necessary to show the footage in order to convey the severity of the situation, but frankly this was purely gratuitous.

It was absolutely NOT necessary to show this young man's death on TV, twice; it was purely for shock value and absolutely disrespectful to the family of the deceased athlete. I happened to be in a restaurant showing the Olympic coverage at the 2:00 pm news broadcast, and everybody in the restaurant gasped aloud in shock at what they had seen.

CTV may have paid a lot of money for the Olympic broadcast rights, but that doesn't mean they can cross all boundaries of decency and respect in order to capitalise on their investment.

I would like this matter to be investigated, and I would be very surprised if I were the only person to have complained about this incident.

## Broadcaster Response

CTV responded to the first two complainants with the following letter dated April 14 (the CBSC gave the network an extension on the 21-day time frame for responding to complaints due to the large number):

Dear [Complainant],

The Canadian Broadcast Standards Council has forwarded your correspondence concerning the broadcast on CTV of images of the tragic death of Georgian luger Nodar Kumaritashvili during a practice run just before the opening of the 2010 Olympic Games in Vancouver.

We appreciate your concern over the use of this footage and we certainly understand that the visual images used in our reporting were upsetting as was the event itself. However, we at CTV believe these visuals were integral to the story and to informing Canadians about this unfortunate tragedy at this year's Olympic Games.

Too often, events covered by news organizations are tragic and shocking. Our news policy is to treat graphic or disturbing images with care and restraint. After much consideration, we decided to make available the images of the Georgian luger run in connection with news reports about this tragedy.

We at CTV are members of both the Canadian Broadcast Standards Council (CBSC) and the Radio Television News Directors Association of Canada and we adhere to the industry codes administered by the CBSC. Clause 5 of the Canadian Association of Broadcasters' (CAB) *Code of Ethics* specifically recognizes that "the fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions."

Moreover, although broadcasters are not expected to "exaggerate or exploit situations of aggression, conflict or confrontation", it is specifically recognized in the *Voluntary Code regarding Violence in Television Programming* (the "Violence Code") that "equal care shall be taken not to sanitize the reality of the human condition".

We believe appropriate editorial judgment was exercised at CTV in the reporting of and the pictorial representation of this tragic death at the 2010 Vancouver Olympic Games in accordance with our obligations under Clause 6 of the *Violence Code*. The images shown were not gratuitous or exploitive. In addition, we did our best to strongly warn audiences that they may find the video disturbing. Our reports on the tragic event were preceded by an appropriate caution as required by Section 6.3 of the *Violence Code*.

Sports today such as alpine skiing and the sliding sports contain a tremendous amount of risk, constantly putting athletes at the edge of disaster. Kumaritashvili's accident and the circumstances that led to his death are central to understanding what happened and very much a matter in the public interest.

We are sorry you were offended by these images, but we believe they were vital to the proper reporting of the story and in accordance with our obligations under the various Codes administered by the CBSC. CTV is a member in good standing of the CBSC and complies with its guidelines.

Thank you for taking the time to write with your concerns.

The third complainant received a shorter version of the letter, also dated April 14:

Dear [complainant],

Thank you for your letter, which we received through the Canadian Broadcast Standards Council on March 11, 2010.

I understand and appreciate your concerns regarding the luge footage that aired during our broadcast of the Vancouver 2010 Olympic Winter Games on February 12.

Too often, events covered by news organizations and television networks are tragic and shocking. Our policy is to treat graphic or disturbing images with care and restraint. After much consideration, we decided to make available the images of the Georgian luger Nodar Kumaritashvili's run. Understanding that the video was graphic, our anchors warned viewers in advance that they may find the footage disturbing.

Sports such as alpine skiing and the sliding sports contain a tremendous amount of risk, constantly putting athletes on the edge of disaster. Kumaritashvili's accident, and the circumstances that led to his death, are central to understanding what happened. Therefore, we believe that showing video of the crash was vital to the proper reporting of the story.

CTV is committed to maintaining the highest standards in our programming content. We did not intend to upset viewers by airing the luge footage and regret that you were distressed.

I hope this letter clarifies the situation and conveys how seriously we take our broadcast responsibilities. CTV is a member in good standing of the Canadian Broadcast Standards Council and follows the Canadian Association of Broadcasters' codes and guidelines, which they administer.

## **Additional Correspondence**

### File 09/10-0895

The complainant sent the following letter on April 22:

Hope this email finds you well. Please see my attached response to CTVglobemedia's reply to my complaint.

At this time, I'm requesting that this complaint be elevated to a CBSC Committee as I feel strongly that CTVglobemedia has failed to address my complaint in a responsible and professional manner. Instead, they manage to deflect responsibility by blaming a democratic media-based system. However, I believe they made an editorial decision that is far more complex than how they articulate it in their reply.

Many thanks for your assistance.

His attached letter dated April 15 read as follows:

Please accept this as a response to the letter I received from CTVglobemedia on April 14th, 2010 that explained their decision to broadcast images of the tragic death of Georgian luger Nodar Kumaritashvili during a practice run just before the opening of the 2010 Olympic Games in Vancouver.

I believe that CTVglobemedia underestimates the complexity behind showing the death of Mr. Kumaritashvili, which is clearly evident in their employment of a general defence of the broadcast in their letter instead of specifically addressing the issue of the traumatizing effects of watching a fatal accident on television. The footage was shown prematurely because the outcome of Mr. Kumaritashvili's accident was unknown. Consequently, it would have been more appropriate and responsible to mention the accident orally instead of showing the broadcast. And, when Mr. Kumaritashvili's death was confirmed, CTVglobemedia decided to show the footage again. Why was this necessary? People die in gruesome and various ways every day. Is this also "news?" Was the footage necessary to explain how the unfortunate accident occurred? Or was it necessary because of its association with one of the most watched events in television history that CTVglobemedia wanted to bank on? Finally, why was it necessary to show the images of Mr. Kumaritashvili's death in both instances? Is this not exploitative?

There are many questions that develop out of such a complex issue; however, the central question to consider is: why does CTVglobemedia think it is necessary to show explicit images of the very moment of a person's death? Was this footage vital to the story? Is CTVglobemedia unable to articulate such a tragic and explicit event in anything other than images? I think the answer to this question is that CTVglobemedia broadcasted these images for ratings because our society is drawn to this type of imagery. This type of rare imagery is not news; it is exploitative, raw and traumatic. [The Vice President of Regulatory Affairs] cites Clause 5 of the Canadian Association of Broadcasters (CAB) *Code of Ethics* and Clause 6 of the *Violence Code* in an effort to implicitly argue that images such as these should be free of censorship on the part of the broadcaster in a democratic society – to effectively allow the public to "form their own conclusions" and to avoid the "sanitization" of the public. This argument is problematic considering that some members of the viewing public at this time of day – especially children – may not have the capacity to form conclusions from these traumatic images. Further, CTVglobemedia fails to take responsibility for the dissemination of this footage by making an attempt to link it to a theory focused on the "good of the public." However, I think these images, albeit in a horrible way, assisted CTVglobemedia in its ratings campaign during the Olympics, and this is the main reason why it continues to defend such an irresponsible decision in the wake of the many people it traumatized.

CTVglobemedia's response to my complaint is general and vague. The clauses [the Vice President of Regulatory Affairs] cites are not specifically related to the footage of a person's death yet he attempts to make sense of them through this. It is also expected that CTVglobemedia will defend their journalistic integrity given the fact that they have to support a delicate public relations campaign because of their competition with other national networks. [the Vice President of Regulatory Affairs] states that "Our news policy is to treat graphic or disturbing images with care and restraint. After much consideration, we decided to make available the images of the Georgian luger run in connection with news reports about this tragedy." There was no care or restraint with this footage as it was broadcasted repeatedly prefaced with a very short warning – hardly enough time for parents or adults, even, to turn away or turn off the television. Further, he states that "the images shown were not gratuitous or exploitive." This is an arguable statement considering that this footage exploits the death of the Luger in a way that renders him vulnerable, exposed and dying in front of a mass audience. In my opinion, the footage CTVglobemedia broadcasted was completely exploitive. Finally [the Vice President of Regulatory Affairs] states that "Kumaritashvili's accident and the circumstances that led

to his death are central to understanding what happened and very much a matter in the public interest." The central question here is why does CTVglobemedia need to rely on the image to "tell the story" when journalism can work with both images and words. Understandably, it's a television broadcast, but if there is traumatic footage in doubt, can CTVglobemedia not find other ways to disseminate its "news?"

I was not only offended by the footage of the Luger's death, but traumatized. As I stated in my original complaint, a brief Google search also yielded others who were traumatized by the footage. CTVglobemedia needs to take responsibility in its presentation of explicit events and it cannot simply rely on theories and ideologies of censorship and democracy. This footage complicates these theories and ideologies as it demands for a different editorial approach that would consider a mass audience open to influence.

I do sincerely hope that the CBSC's Committee will consider this complaint seriously and keep in mind that CTVglobemedia attempts to simplify the broadcast of this footage to protect their self-interest.

File 09/10-0962

This complainant submitted his Ruling Request via webform on April 14:

Hello,

I have received the response from CTV and don't think that it was satisfactory. In the response CTV claims that "these visuals were integral to the story". I disagree, as no one watching the news needed to see the poor man's death replayed over and over. He died during training, we understand that, and showing a few clips of his race before the accident would have been fine.

Their reference to "Clause 5" I think is also a bit far fetched. When I read that paragraph it sounded like it was meant for coverage of political rallies, wars, etc. I don't think an Olympic accident is democratic news. I think our country and its people will be fine if we did not see that video. (Whereas if our government was killing people at a protest, etc, Clause 5 would be appropriate and we would want to see for ourselves what "our" country leaders were doing).

I also strongly disagree with their defense using Clause 6. I think they did exploit those images. It was immediately following the opening ceremonies, one of the top-watched programs, and they wanted to keep viewers interested with "blood and gore". They also claim to strongly warn the audience. I don't think they fulfilled their duty in this regard either. I was in a room filled with educated adults, and none of us expected that we would be watching his death, even after their "warning". We all gasped when we saw it, and not one person in the room could believe it. Also note that I don't think it is appropriate to show that video even if a stronger warning was made, although at least if they made a proper warning I would have changed channels or something.

In CTV's paragraph discussing the risk associated with "Alpine skiing and sliding sports" they mention that "the circumstances that led to his death are central to understanding what happened and very much a matter of public interest". I completely agree. I am interested in the fact that this was the fastest Olympic luge track, and that he might not have been trained enough, or that the conditions weren't good, etc. However, these are fact-based reporting that can easily be reported without the video. I fail to understand how this in any way relates as a defence for showing the video clip.



I disagree completely with CTV and think that this video was not within the guidelines set out by CBSC, and furthermore not appropriate in any way whether or not they will get in trouble. It is because of CTV's attitude towards this video and event that creates the need for oversight. Obviously the staff at CTV can't make these important decisions themselves, so it is up to the CBSC to do it for them.

Thank you for your time in this matter.

File 09/10-1139

This complainant submitted a Ruling Request via webform on April 16:

I received a reply to my complaint on the 14th [of] April 2010 and I feel frankly the letter does nothing to address the concerns I raised in my complaint; rather, it reiterates the words used by the newscaster during the broadcast (that it was necessary to show the death), words which I've heard before and disagreed with. Is that really a way to explain the situation or the decisions made by CTV?

The fact remains it was not necessary to show the death of the athlete, and there are no circumstances I can think of where it would ever be acceptable to show such footage. The argument put forth by CTV that it was vital to the story does not hold water. If I am told a person died in an accident, I understand the person talked about ceased to be living. It's that simple. I do not need to see his death, twice, to believe that he is in fact dead. If it was felt, as it is stated in the letter, it was necessary to show dead bodies to really get the story across, why do CTV and others not show the dead bodies of the many hundreds of other people who die throughout the year and whose stories make it onto the news? It is not shown because it is disrespectful and in very poor taste, and the same is true of the decision to show the death of Nodar Kumaritashvili, twice.

Somebody within the CTV organization signed off on the decision to broadcast the accident and death of this young man, and that person needs to explain themselves [*sic*] to the public and the CBSC. Until such time as that happens, I will remain dissatisfied with the response I have received from CTV to date and I will seek to escalate the matter with the CBSC.