

# PFU case107/11 – Unofficial English Translation

COMPLAINANT: The Norwegian Helsinki Committee  
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EDITORIAL TEAM: NRK (Brennpunkt)  
PUBLICATION DATE: 26.04.2011  
SUBJECT AREA: Foreign  
GENRE: Documentary film  
SEARCH KEY WORDS: Checking information, fairness and thoughtfulness  
REGISTERED: 12.05.2011  
DEALT WITH THE SECRETARIAT: 13.05.2011: beginning of response round  
DEALT WITH BY PFU: 20.10.2011  
(THE NORWEGIAN PRESS COMPLAINTS COMMITTEE):  
COMPLETED: 20.10.2011  
TIME TAKEN FOR CASE: 158 days  
TO BE DEALT WITH:  
COMPLAINT GROUP: Organisation  
PFU CONCLUSION: Breach of good press practice (majority)  
REFERENCE: [3.2](#)  
COMMENTS: The film was made on commission by NRK by Fenris Film, with support from Sweden, Denmark and the EU. It has an English title: "A Town Betrayed".

## SUMMARY:

On 26 April 2011 NRK Brennpunkt broadcast the documentary film "Byen som kunne ofres". The film was introduced/announced as follows:

Håkon Haugsbø (off screen):

"The massacre in Srebrenica was the worst in Europe since the Second World War."

Dark man in a suit:

"Clinton has put forward a proposal. If the Serbs go into Srebrenica and slaughter 5,000 Muslims, NATO will attack Serbian targets in the whole of Bosnia."

Haugsbø:

"Now the survivors tell a dramatic story about how this mass murder could take place."

Super: Brennpunkt

"Welcome to Brennpunkt. This evening we are focusing on a war that has had to give way in many people's memories to all the wars that have followed. We are talking about the civil war in Bosnia from 1992 to 95, at its bloodiest at the dissolution of what was then known as Yugoslavia. In this war, both the UN and NATO intervened militarily in order to protect the civilian population. Even so, this did not prevent some 8,000 Muslim men from being killed in

the massacre in the small town of Srebrenica. This evening, the survivors confront their own leaders who did nothing to prevent the worst massacre in Europe since the Second World War.”

Super:

“In the end, we will remember  
not the words of our enemies  
But the silence of our friends.”  
Dr. Martin Luther King.

The programme ends with the Bosnian journalist Mirsad Fazlic putting the blame directly on the former president of Bosnia, Alija Izetbegovic. “Alija buried us all.”

A full transcript is attached.

### **THE COMPLAINT:**

The complainant is the Norwegian Helsinki Committee through the secretary general and the deputy secretary general. The content of the complaint is for the most part identical with a parallel complaint to Kringkastingsrådet (the Broadcasting Authority Board).

The complaint is summarised by the complainant with reference to points in the Vær Varsom manifesto (Code of Ethics of the Norwegian Press):

“3.2: Sources are chosen to build up a specific story, while recognised experts with other viewpoints are not consulted. Incorrect information is not corrected. Authoritative sources in the form of valid rulings from international courts are only used to a very limited extent and no explanation is given when allegations in the documentary conflict with conclusions in these judgements.

3.3: The filmmakers have not managed to make the premises clear to their Bosnian cooperating partner, the journalist Mirsad Fazlic, who plays an important role in the film. (Reference is made here to an interview with Fazlic in *Aftenposten* on the Internet on 01.05.2011.)

4.1, 4.2 and 4.10: The film does not put sufficient emphasis on “fairness and thoughtfulness in the content and presentation”.

4.14: The programme does not state whether President Clinton has been confronted with having said that “If 5,000 are slaughtered, NATO will attack Serbian targets in the whole of Bosnia.”

The secretariat’s opinion was that in order to be able to deal with points 3.3 and 4.14 in the complaint, written approval from the directly-affected parties, namely the journalist Mirsad Fazlic and former president Bill Clinton, must be presented. Attempts were made to obtain permission but these were unsuccessful and hence these points were dismissed.

The complaint is introduced by the complainant’s claim that “the programme contributes to the

falsification of history and (that it) does not live up to a journalistic standard that must be expected of the public broadcaster NRK when dealing with a very serious theme: the genocide in Srebrenica in July 1995. It represents a breach of a number of regulations in the Vær Varsom manifesto. The programme has also been criticised earlier from a number of quarters, both in Bosnia and in Norway.”

The Norwegian Helsinki Committee further alleges:

“The documentary is the result of a commendable journalistic project: Contributing to greater knowledge about differences and various strategies in the Bosnian leadership during the war in Bosnia-Herzegovina in 1992-95. However it is not correct, as NRK maintains, that this is new information – it has long been accessible – but the documentary has succeeded in getting important Bosnian witnesses to come forward.

The main difference was between those who wanted to defend a multi-ethnic Bosnia-Herzegovina, for which there was a majority vote in the referendum on independence from Yugoslavia in March 1992, and those who were willing to accept a tri-partite division of Bosnia-Herzegovina, with compact, mono-ethnic small states: one Serbian, one Croatian and one Bosniak.

According to the film, Bosnia-Herzegovina’s president during the war, Alija Izetbegovic, was an advocate of the latter view and was willing to sacrifice the Bosniak enclaves in areas that were otherwise controlled by Bosnian-Serb forces – Gorazde, Srebrenica and Zepa – in return for areas around Sarajevo.

The main problem with the programme is that interesting quotes from Bosniak players are set in a context that turns fundamental points about the war in Bosnia-Herzegovina in 1992-95 on their head.

- In the documentary, the implicit question about whether a *genocide* actually took place in Srebrenica is raised, as the International Court of Justice (ICJ) and the International Criminal Tribunal for the former Yugoslavia (ICTY) have concluded:
  - It emerges that the assaults that were carried out by Bosnian-Serb forces after they had taken control in Srebrenica in July 1995 were massacres and war crimes. The specific point about the crime of genocide, the intention to destroy a group totally or partially, is completely absent in the film. The courts mentioned above have maintained that there was a plan to cleanse large parts of Bosnia-Herzegovina of non-Serbs, including Srebrenica, even before the war began in March-April 1992. According to the rulings the genocide in Srebrenica was carried out as part of the overall plan for ethnically pure Serbian territories.
  - Even where the person interviewed, Sefer Halilovic, uses the word genocide; this is translated as “massacre” in the Norwegian subtitles.
  - The documentary shows that there was extensive desire for revenge amongst Bosnian-Serb forces after the Bosniak forces from Srebrenica had attacked and committed assaults on people living in villages in the area around Srebrenica.

This is used to explain the assaults in Srebrenica. It is implied that this did not happen because of a plan to destroy a group, but because the Bosnian-Serb forces were undisciplined, intent on revenge, etc.

- It is well documented that the genocide occurred through a series of massacres and mass executions in the area around Srebrenica in the period 11-16 July 1995. Nonetheless, an American commentator, John R. Schindler, is not challenged in the programme when he maintains that only around 2,000 of those killed were executed (52.08). According to Schindler a further 5,000 died. “For the Serbs this was more like a standard military operation.”
  - Schindler's comments are accompanied in the film by images of armed men marching through the forest and the impression is given that these were soldiers who were fleeing and who were killed (cf. 4.10 of the Vær Varsom manifesto, which advises caution when using images “in any context other than the original”).
- The film is framed by two far-reaching claims that are not documented or proven, which shift responsibility for the genocide from those who actually committed it (Bosnian-Serb forces) to the president in Bosnia-Herzegovina and the US president, Bill Clinton.
  - The film opens with a former policeman and officer from Srebrenica maintaining that Izetbegovic told him that President Clinton had said that if 5,000 (implicit: 5,000 Bosniaks in Srebrenica) were massacred, NATO would attack Serbian targets across the whole of Bosnia.
  - The film ends with the journalist Mirsad Fazlic saying that “Isetbegovic is responsible for what happened in Srebrenica”.

A number of other points linked to Srebrenica are played down or not mentioned at all, such as the fact that Srebrenica was set up as a safe haven by the UN Security Council and therefore it was up to the international community to defend the town and prevent attacks on those living there.”

The parallel complaint to Kringkastingrådet is an appendix to the complaint to PFU. Here the Helsinki Committee supports the complaint in more detail. It is claimed that the documentary is clearly correct that there was an armed conflict where all parties committed war crimes, but that it makes a “fatal error when it avoids setting the conflict in context with “the joint criminal enterprise”. (This is terminology that is used in the rulings from the court in The Hague (ICTY). It describes a Serbian plan to remove all non-Serbs from areas of land in Bosnia that are designated as Republika Srpska.)

The complainant maintains that NRK has used a version of the events in Srebrenica and about the Bosnia war “which is almost identical to the propaganda of those responsible for the genocide in Srebrenica and with the view which their defenders defend by denying or relativising the genocide. ... From April 1992, Bosnia-Herzegovina was the victim of ‘a joint criminal enterprise’: ethnic cleansing.”

The Norwegian Helsinki Committee refers in its complaint to four types of problems that contribute to the programme not being good, reliable journalistic practice: factual errors, selective use of sources, tendentious presentation and the use of peripheral experts.

### **THE RESPONSE:**

NRK rejects the complaint. In a comprehensive response, partly in English, it is claimed that the complaint appears to be a feature article and expression of opinion and that it is important to distinguish between what the programme actually deals with and, as has been said, what the Norwegian Helsinki Committee thinks should have been in the programme and how this is interpreted.

NRK states that there appears to be no reason to change the content, apart from standard updating, such as Ratko Mladic being arrested and the numbers killed and identified being corrected.

With regard to the aim and intention of the programme, NRK states in its response:

“The whole documentary is an investigation into Alija Isetbegovic and the Bosniak leadership’s role in allowing the town (Srebrenica; ed.) to fall. We set out with no desire or interest in vindicating the actions of the Serbs in July 1995. And the evidence we presented against Isetbegovic is not an implicit acquittal of Mladic and Bosnian Serb forces except in the minds of the Complaint authors. (...) It was never our objective to engage in a debate about genocide at Srebrenica. ... the programme is about Bosniak allegations that Srebrenica was betrayed by Isetbegovic at the BiH (Bosnia and Herzegovina) government. That betrayal led directly to the downfall of the town.”

NRK concludes its comprehensive response thus:

“We accept none of the criticisms levelled against our programme by the Norwegian Helsinki Committee. The ill-founded complaint seems to stem from a discomfort at the idea that opinions rooted in the Bosniak community fail to fall in line with one political perspective of the events for July 1995. We do not understand why the NHC (The Helsinki Committee: ed) has taken it upon itself to challenge the right of Bosniaks involved in those events to express their freedom of expression about causes of a great tragedy.”

The Norwegian Helsinki Committee emphasises in its response that the organisation does not only respect freedom of speech but actively works to promote it. “However, we cannot see that this should prevent a complaint being made to Pressens Faglige Utvalg (PFU) and the broadcasting authority, or criticising the documentary publicly. On the contrary, it is a decisive part of the justification for and content of freedom of speech that remarks and journalistic products can be challenged in a professional way.”

The complainant repeats that the main objection to the film is the difference in the representation of the rulings of the ICTY. "Our complaint welcomes journalistic projects that shed light on new aspects of the conflicts in Bosnia. It is positive that the team behind the documentary has brought in new players to put forward their testimony and viewpoints. However, it is highly critical of the fact that the documentary puts forward controversial viewpoints without in any way relating them to the ICTY narrative about Srebrenica. Important cases have yet to come to court (the Mladic and Karadzic cases), but it is not anticipated that these will alter the narrative. As the complaint states, it is not possible to get the story told by 'Byen som kunne ofres' to synchronise with the ICTY narrative, and this is not dealt with at all in the documentary. It is clear to the Norwegian Helsinki Committee that either the verdicts are wrong or the documentary is wrong."

The complainant also maintains that NRK's response puts across points and impressions other than those in the film. The complainant asks, among other things whether it is true, as NRK claims, that the film shows the Bosniaks' complaint about their own leadership when it comes to the defence of Srebrenica.

Concerning (the lack of) the use of the concept of genocide, the response states: "Our complaint does not throw suspicion on 'people who think differently'. It attempts to demonstrate (1) that the film tells a different story to the ICTY story, (2) without this being discussed in the film, (3) the film and the presentation of this refer to the fact that the events were described as genocide but in a non-committal way; (4) the film gives a general impression and contains a number of elements that are incompatible with a conclusion that genocide was committed in Srebrenica."

NRK notes in its response that the complainant has adopted a more professional response than in the original complaint. "The propagandistic form in the original complaint has been abandoned which allows for a more open debate about one of the worst massacres of our time - the genocide in Srebrenica in July 1995."

**PRESSENS FAGLIGE UTVALG (THE NORWEGIAN PRESS COMPLAINTS COMMISSION)  
STATEMENT:**

The complainant, the Norwegian Helsinki Committee, is of the view that NRK has breached the norms for good press practice in and with the broadcast of the documentary film “Byen som kunne ofres” (“A Town Betrayed”) in April 2011. The film deals with the background and starting point for the massacres in the Bosnian town of Srebrenica in July 1995, characterised as the worst genocide in Europe since the Second World War. The complainant describes the film as falsifying history and alleges that it tells a different and unacceptable story to that which has been ascertained inter alia through a number of rulings in the war crimes tribunal in The Hague.

NRK rejects the complaint and calls it a feature article and expression of opinion. Reference is made to the fact that it is the task of journalists to produce new information and that the war crimes tribunals cannot be exempt from possible indirect criticism. As far as NRK can see, the complainant has not put forward any information in his complaint and response that gives any grounds whatsoever for changing the content of the film.

Pressens Faglige Utvalg (The Norwegian Press Complaint Commission) will remind people in general of point 1.2 of the Vær Varsom manifesto of the right of the press to promote critical comments on current affairs, and where it also states that the media have a special responsibility to allow different views to be expressed. The Commission also refers to point 1.4, on the right of the press to inform and uncover matters that should be subject to criticism. Asking questions to establish the truth is a highly relevant task for an independent press. Furthermore the complainant entirely agrees with this.

The Commission agrees that the complaint poses relevant questions about how one-sided and “alternative” a documentary can be. In the Commission's view, it is not possible to set general norms for this, but nonetheless the Commission is of the view that the film about which the complaint has been made as *a project* cannot be regarded as being in conflict with good press practice.

It is understandable that the film, seen in the light of its serious theme, which affects many people in our own country as well, has evoked very strong reactions in countries where it has been shown. From a journalistic ethics perspective, NRK is also required to have this in mind in connection with publicity. This will apply to allegations, use of images, use of language and other tools that together create a 58 minute-long message about events that will affect a great number of people for the rest of their lives. However the reactions alone cannot be given decisive weight in assessing journalistic ethics.

It is claimed without any doubt that Serbian military and paramilitary forces were behind what has been called genocide in and around Srebrenica in the course of a few days in July 1995. The Commission feels that the complainant is wrong when he accuses NRK of having created an impression that genocide was not involved, but the Commission nonetheless wishes to state that NRK could well have made it clear that the courts in The Hague had sentenced a number of

Serbian war criminals for this, linked to the Srebrenica massacre. NRK's possible lack of use of the concept of genocide can hardly in itself be in conflict with good press practice.

NRK deserves praise for having shown that during the war in Bosnia, war crimes, plundering and criminal acts were carried out by both sides in the conflict. War, as Tolstoy put it, is not beauty, order and form but blood, suffering and death. In this conflict, territories have clearly been traded and NRK cannot be reproached for having directed a critical searchlight on the split in the Bosnian-Muslim leadership. Rather, the opposite is the case.

The Commission understands that in a documentary about a complex story that needs to be told in a visually interesting manner, it is difficult to tell the whole story. It is noted that the basis for the claim about the failure of the Bosnian leadership vis-à-vis the inhabitants and refugees in Srebrenica has partly been clarified in the comprehensive round of responses. However, as the Commission has emphasised in a number of statements, the requirement for reliability is fundamental in all forms of journalism. This must also apply to a documentary that has the express intention of telling an alternative story, not least when it deals with one of the most gruesome chapters in the history of Europe after the Second World War.

In the opinion of the Commission, the film conceals, overlooks or omits some basic facts that belong to every story about the war in Bosnia. In particular the Commission finds it unacceptable from the perspective of journalistic ethics that the programme does not mention the verdicts from the courts in The Hague, ICJ and ICTY. Having gone through substantial amounts of evidence, the legal processes have concluded that there was a plan to cleanse the country of non-Serbs, a plan that, according to the courts, culminated in the massacres in Srebrenica, perhaps one of the best-documented genocides in history, with more than 8,000 being killed. Several controversial sources are used in the programme without these being weighed up against the conclusions from the legal processes that these sources are arguing against in practice.

The Commission refers here to point 3.2 in the Vær Varsom manifesto, where it states amongst other things: "Be critical in the choice of sources, and make sure that the information provided is correct. It is good press practice to aim for diversity and relevance in the choice of sources."

The majority of the Commission is of the view that NRK has violated good press practice on this point.

Lillehammer, 20 October 2011

Hilde Haugsgjerd,  
John Olav Egeland, Øyvind Brigg, Alf Bjarne Johnsen,  
Henrik Syse, Camilla Serck-Hanssen, Georg Apenes

A minority of the Commission is of the view that decisive weight should be placed on the need



for broad boundaries in critical documentary journalism. This also includes reports that are subjective, controversial or which form part of an ongoing political or historical debate. NRK's Brennpunkt-report has weaknesses, including the limited breadth of sources used, but these are not of a nature that represents a breach of the norms for good press practice.

Lillehammer, 20 October, 2011

John Olav Egeland, Georg Apenes

**FOR PRESENTATION DURING RELEVANT BROADCASTING TIMES:**

“Pressens Faglige Utvalg (PFU), which is the complaints body for Norwegian media, is of the view that NRK was in breach of good press practice on one point when Brennpunkt broadcast the documentary ‘Byen som kunne ofres’ (“A Town Betrayed”) in April this year. The film deals with the background to and start of the genocide in and around the Bosnian town of Srebrenica in July 1995. The complainant, the Norwegian Helsinki Committee, maintains that NRK has falsified history. The Commission praises NRK for having demonstrated that war crimes were committed on both sides in the conflict and rejects several of the claims in the complaint. However a majority of the Committee is of the view that the film conceals, overlooks or omits some basic facts that belong to every story about the war in Bosnia. A minority of the committee feels that the cited weaknesses in the film do not represent a breach of good press practice.”