ABC News welcomes constructive engagement and feedback in relation to its content. While program teams strive for the highest standards, we acknowledge that journalism is an inexact craft, and ABC News teams are always looking for ways to improve what we do.

We note that in assessing 97 reports from the 7.30 and Lateline programs, Mr. Stone was appreciative of, or found no fault with 93, the vast bulk of the reporting. Given that public debate around asylum seekers is highly charged, this is an encouraging result with room for ongoing focus and improvement.

A common theme of the feedback in relation to the four stories highlighted for further investigation by Mr Stone is that, as a viewer, he did not necessarily accept some assumptions or inferences within those reports.

On the whole ABC News believes that substantial research and background investigation did justify the reporting of allegations and events in the stories. However, the weight of background evidence should have been more clearly summarised and sources more precisely identified.

## 7.30

Mr Stone had concerns about one of the 51 stories he reviewed on 7.30, *Torture claims emerge from Sri Lanka* (24/04/2013). This was the story of a Sri Lankan man, identified as Kumar, who recounted being abducted and tortured in Sri Lanka. Mr Stone found that the story in question was "powerfully presented" and that the viewer was "left in no doubt that his account, as he related it, was credible".

Mr Stone however found that 7.30 appeared to accept that Kumar's torture occurred at the hands of Sri Lankan army intelligence as opposed to other persons, and pointed out that in his own account Kumar had indicated only that his torturers had *said* they were army intelligence.

On reviewing the coverage, 7.30 has pointed to background research which helped shape the editorial decision-making surrounding this claim.

Further evidence, obtained in interview and research, helped frame Kumar's account. Not all this information was broadcast.

## Notably:

• Kumar was not relying on a second-hand account from his brother; both claim to have been present when Kumar says he heard his abductors tell his brother that they were from army intelligence.

- 7.30 asked further questions about a bribe allegedly paid by Kumar's uncle for his release and how
  the uncle came to know Kumar was in army detention. 7.30 assessed the account as credible, based
  on the uncle's stated contacts within the Sri Lankan security establishment.
- Kumar says that on another occasion, before coming to Australia, both he and his wife had been questioned by people identifying themselves as army intelligence.
- Kumar has been consistent in referring to army intelligence when recounting his ordeal to others, including medical experts.
- Kumar's account is consistent with the 2012 Human Rights Watch annual report on Sri Lanka which stated "State security forces committed arbitrary arrests and torture against ethnic minority Tamils, including repatriated Sri Lankan nationals."

In keeping with the ABC's Editorial Policies, 7.30 put Kumar's allegations to the Sri Lankan High Commissioner and included his strong denial in the program.

ABC News supports Mr Stone's principle that it is vital to distinguish allegation from established fact and we note that 7.30 did indicate these were claims, and the final section of the program sought expert opinion about whether the claims were credible. However, we agree that extra emphasis on what is alleged and what is established should have been incorporated into scripting to assist the viewer.

## Lateline

Mr Stone reviewed 46 Lateline items about asylum seekers. Of those, Mr Stone raised concerns about three stories.

One story, *Tamils speak out against ASIO security rulings* (13/08/2012), told of the indefinite detention of Sri Lankan Tamil men granted refugee status but kept in detention because of adverse ASIO security assessments.

Mr Stone noted that the treatment of the piece was "in the best tradition of hard-hitting factual reportage, bringing public attention to a potentially serious flaw in Australia's justice system", and "the plight of the three refugees is newsworthy and deserved the time spent on it".

However, Mr Stone found that the program was not seen to adequately question the men on whether their personal histories might warrant an adverse finding. He suspected the men would not divulge anything

compromising "but the reporter would at least have been seen to be fulfilling her responsibilities in the cause of objectivity".

The interviews were recorded in secret, with detention guards in immediate proximity unaware the three Tamil refugees were being interviewed. The clandestine nature of the filming limited the scale of the shoot and equipment used. This had implications for the sound quality, with questions technically unusable. The following was used in the program:

There's no evidence I'm a security risk. Without any evidence, they've locked me up by force. I am innocent.... I don't know why ASIO thinks I'm a security risk. I provided evidence that I was studying full-time, evidence that showed I was studying A-Levels. How could I get involved in a war studying A-Levels? No, no, no. It was I who was mistreated. I didn't hurt anyone....I never got involved in any fighting.

Lateline advises that the reporter did raise questions in relation to the personal history of the men but the questions were not used. ABC News agrees that this should have been made clear to the viewer and some of the questions should have been incorporated into the reporter's script.

Mr Stone also queries the use of prominent lawyer Phillip Boulten and in particular his view that Australia's relationship with Sri Lanka over Tamil asylum seekers might have a political component related to lobbying for a Security Council seat. The review is critical that questions were not asked challenging Mr Boulten's view or seeking evidence.

Lateline advises that information had been sighted by Mr Boulten, establishing in his mind that a diplomatic deal was a real probability. He informed the reporter of this evidence though the reporter did not sight it. ABC News acknowledges that an indicative statement should have been incorporated in the script to provide viewers with adequate context. Then Immigration Minister Chris Bowen was approached to participate in the program, but a spokesperson declined the invitation on the Minister's behalf.

Mr Stone raised concerns about another Lateline item on much the same subject matter, *Australia 'does not deserve a Security Council seat'* (16/10/2012), which reported a possible connection between the UN Security Council seat and the treatment of Tamil asylum seekers. Lateline makes the point that the content was framed against the looming vote on a seat for Australia on the United Nations Security Council.

Mr Stone raises the question of balance in relation to this item. Lateline advises that interviews were requested with both the Immigration Minister, Chris Bowen, and the then Attorney General, Nicola Roxon. Both declined. The Immigration Department and the Attorney General's Department did provide

statements. The Immigration Department's statement was included in the story. ABC News acknowledges

that the program's efforts to obtain a balancing interview should have been made clearer to the audience.

Mr Stone also raised concerns about a third Lateline story, Victims of smugglers (15/08/2012). This story

resulted from an opportunity to travel to a remote area of Sulawesi to see the circumstances from which a

man – then on people smuggling charges in Australia – had been recruited. The reporter was accompanied

by the man's lawyer. The reporter repeatedly asked family members if they, or the accused man, understood

the exact nature of the work he was undertaking. All said they did not know the true nature of the venture.

Mr Stone is critical that the story shadowed the lawyer and allowed her interaction with the villagers to

dominate. The story illustrated the temptation to the lawyer's client of a relatively sizable sum of money for

the proposed "boat work". However, Mr Stone felt that style of storytelling did not sufficiently challenge the

villagers' perspective.

ABC News agrees that more scrutiny should have been applied to the claims of total ignorance of the

venture by the man's family and, apparently, the accused man.

ABC News welcomes the opportunity to engage with Mr Stone's feedback. The subsequent program reviews

of highlighted coverage have been very productive. ABC News will attach an Editor's Note to the online

transcripts of the four stories Mr Stone raised concerns about. The Editor's Note will read: "This story was

one of a number of asylum seeker stories critiqued in detail in a recent editorial review. You can read more

here (link to review page)."

We believe all the stories reviewed by Mr Stone were matters of public debate and were in the public

interest. Mr Stone's comments throughout strongly tend to endorse this view, while indicating some clear

areas for improvement.

**Kate Torney** 

**Director News**