

**Questions put to ABC from Media Watch:**

**Extra gunshots added to ABC News online video**

1. When was the ABC News online story/video (with added gunshots) taken down?
2. How does the ABC explain how extra gunshots were added to the video clip?
3. Was there an online news story accompanying the video and who wrote it?
4. We've found an ABC News online story on a web archive that we believe to be the original story with the false audio, now removed. That story carries the bylines of Mark Willacy, Alex McDonald and Josh Robertson. Did any of these 3 journalists from the ABC Investigations Unit check the videos in their story, before hitting publish?
5. Who had responsibility for checking that the video clips in this story were accurate and ok to be published, given it was a highly sensitive story/subject matter alleging possible war crimes?

**Claim of extra gunshots added to the 7.30 story broadcast on 20 September 2022**

6. Heston Russell claims extra gunshots can also be heard during the chopper footage taken over the compound. The original footage shows there were 6 shots from the chopper into the compound. However, when this specific footage is aired in the 7.30 story (the footage is magnified and has voices speaking), the background audio does sound like more than 6 shots. And the ABC was contacted about this on 29 November 2022, when Mr Russell's lawyer wrote to the ABC and pointed out the "*additional rounds*" in this part of the story "*which are not audible in the post-deployment video*". Did 7.30 change the audio in this specific bit of footage, to make it sound like more than the 6 original gunshots? Was this another editing error?

**ABC provided with full length video of chopper mission, in April 2023**

The 7.30 story on 20 September 2022 claims an unnamed Australian soldier appears to fire on unarmed Afghani civilians from a helicopter. In October 2022 the ABC outlined in legal documents that Heston Russell\* "*fired multiple shots from the door of a Blackhawk helicopter towards Afghan nationals...[who] do not appear to be armed... [nor] posing any threat*".

During the Spotlight program Mr Russell explains this mission depicted in the 7.30 story, and referred to in the ABC legal documents, came about after 2 insurgents shot

at his men, which led to the pursuit of those insurgents. Mr Russell said a warning shot was fired to halt the men running in the street and he also commanded his soldier to shoot when it appeared one of the insurgents looked to be picking up a weapon in the compound.

7. We understand the ABC was provided with the full 5 minute video of this chopper mission in early 2023. Did the ABC request further context from Mr Russell in 2022 or since about this mission and why shots were fired?
8. Does the ABC believe the 7.30 story of 20 September 2022 requires further investigation, given the information broadcast on Spotlight about the context of the shooting from the helicopter?
9. Why hasn't the ABC investigated this 7.30 story more carefully sooner, given you knew Mr Russell was the commander of the platoon involved and Mr Willacy had conceded in the story that the ABC *"[didn't] have the vision that comes immediately before this"*?

\*Note, although ABC legal documents said Heston Russell was the shooter in the helicopter, it was another soldier actually firing.

### **Criticism by Bret Hamilton of Mark Willacy and the ABC**

Former US DEA leader Bret Hamilton, who appeared in the 7.30 story (21 September 22) complained to both Spotlight and the [Daily Telegraph](#) that his comments were "manipulated" and he was misrepresented by the ABC. He says he was edited in a way that made it appear he wanted an investigation into particular Australian soldiers. He says the ABC made it appear he didn't want to work with Heston Russell's platoon, which wasn't the case.

10. How does the ABC respond to Bret Hamilton's criticisms?
11. Given Mr Hamilton's strong criticisms, does the ABC believe the 7.30 story containing his comments needs to be corrected?
12. Has Bret Hamilton complained directly to the ABC about how he was depicted and how his comments were used in Mark Willacy's 21 September 2022 story?

### **As a result of issues raised by Spotlight**

13. Will the ABC be apologising to Heston Russell and if so, what will the ABC apologise for?
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September 20, 2024

**Additional question put to ABC from Media Watch:**

An additional question from us regarding a letter from Rebekah Giles to [ABC legal], dated 29<sup>th</sup> November 2022.

The letter was sent as part of the Heston Russell defamation case and raises the issue of the gunshot discrepancy in the online video.

It also raises questions about further enhancement of audio in the 7.30 broadcast (which have since been aired by Seven News in an interview between Chris Reason and Heston Russell.)

Why didn't the ABC investigate the matters raised in the November 2022 letter?

Was the letter and its concerns, flagged with the news division, the investigations team and or, Mark Willacy for a response?

If not, why not?

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September 23, 2024

**ABC Response to Media Watch Questions:**

The ABC issued this statement on Friday September 20: [Statement from ABC Managing Director David Anderson: Independent Review](#)

As it says, an independent review has been commissioned of the issues that have been raised with the online and broadcast story to fully understand what has occurred and make any necessary recommendations. It would be inappropriate to pre-empt that review. We have provided what information we can to Media Watch, based on the information available to ABC News at this time.

The decision to remove the embedded video was made on Friday September 13. The decision to take down the online and 7.30 story was made on Friday 20 September. The first time concerns about the editing of the audio were raised with ABC News was from the Spotlight program, when the ABC sought detailed questions from Channel Seven. At this time an editing error in the audio was identified. The ABC has already made clear this should not have occurred.

ABC News has no evidence that reporter Mark Willacy directed anyone to change the audio on the video and to imply otherwise is false. ABC News has no evidence that reporter Mark Willacy directed or authorised anyone to change the audio on the video. Mark Willacy categorically denies any allegation that he directed or authorised any change to the audio in his story. To suggest otherwise is false.

Concerning the November 2022 letter referred to in Mr Anderson's statement, the letter was received during a period of extensive correspondence the day prior to a significant hearing in the case and it was not ignored, but information in the letter was innocently overlooked.

Mr Russell was provided written questions ahead of broadcast. Neither he nor November Platoon were named in the story.

In regards to who authored the online story, as you point out in question 4, Mark Willacy, Alex McDonald and Josh Robertson. The ABC has removed the online article and associated video content until further notice.

Director, News Justin Stevens made these comments on camera to Senate Estimates in May 2023 and stands by them: "Mark Willacy is an exceptional investigative journalist and one of the country's most formidable public interest journalism journalists in this country. His journalism is beyond disrepute. He has done some of the most important investigations in this country. He is one of the country's best foreign correspondents and spent a hundred days straight, or thereabouts, covering the Iraq War for this country. He's a fantastic journalist, and I think it's important that, aside from the specifics of legal cases, his journalism is beyond repute."

The independent review will look at Mr Hamilton's claims. ABC News is not aware of any formal editorial complaint by Mr Hamilton, but this will be looked at in the review. The ABC has previously stated this on a Senate Estimates question on notice, tendered into Hansard, from October 2023:

*Mr Hamilton's positive experience with the Australian commandos was included in the story. He is shown at the start of the story saying: "They were the best operators we ever worked with. They were absolute, consummate professionals." Later in the story, Mr Hamilton talks about how proud he is of the work he and his team did in Afghanistan.*

*The story details a Taliban attack launched against the Australian commandos and Mr Hamilton. The story depicts Mr Hamilton being shot and him being treated by an Australian commando medic. It also details the death during this firefight of an Australian soldier and Mr Hamilton's sorrow at this death.*

*In the story Mr Hamilton stated he preferred to work with 2 Commando's 'Oscar' platoon, over another Commando platoon. In the story, Mr Hamilton says he took his concerns to the Australian command.*

*"I said, 'Look, I would prefer to stay with Oscar platoon. I think they're more in line with our MO. And I think it would just be better for everyone who stuck with one platoon, you know, for these Counter Narcotics operations.'*

*Neither Heston Russell, nor his 'November' platoon, were identified in this story. The story was not sued upon by Mr Russell ...*

**Additional information on Mark Willacy:** Mark Willacy began investigating allegations regarding Australian special forces in 2019. He has published approximately 40 stories, resulting in several official investigations. He won the Gold Walkley in 2020 for his Four Corners investigation 'Killing Field'. That story led to the first war crimes charge against an Australian SAS soldier who served in Afghanistan. His book *Rogue Forces*, on alleged SAS war crimes, won the 2022 Prime Minister's Literary Award for Non-Fiction. His reporting has also won Kennedy and Clarion awards.