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Between the censor and the headline falls the truth

John Tebbutt
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Sensational reporting and censorship are distorting the public view of terrorism.

WHEN Australia's first significant terrorism trial began in Melbourne in February 2008, the media was first in to the dock.

At the trial's opening, before the judge called the jury out, the defence played a radio report broadcast that morning that repeated previously reported assertions (some wrong) about the accused.

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The men's lawyers asked the trial judge to consider aborting the trial. He didn't - but he slapped a suppression order on the report so it could not be re-broadcast nor could transcripts appear online. This order was added to more than 20 that had already been placed on the proceedings in the pretrial hearings.

This trial is still bedevilling the media. If you were anywhere in Australia except Victoria on Tuesday evening, you could have watched an important documentary about the trial on SBS.

The program provided a unique view of the impact it had on the lawyers and family of the accused. SBS decided for "legal reasons" it would not risk showing it in Victoria.

The Commonwealth Director of Public Prosecutions argued it could prejudice a forthcoming trial. Given that the trial concerned won't begin for months, the program may never be broadcast in Victoria.

These are just two ways the implementation of Australia's anti-terrorism laws are having a chilling effect on journalism and media. On the other side there is the problem of sensational reporting.

The ability to close the courts in important trials must send warning signals about the erosion of civil rights in Australia.

In Melbourne, one of the accused, Izzy Deen Atik gave damning evidence against the other men.

It was Atik's evidence that linked the accused to plots such as bombing the MCG. The trial judge, Justice Bongiorno, later warned the the jury to be cautions about Atik's allegations. Atik, like another of the accused in the Sydney terror trial, had a history of mental illness and his years spent in a maximum security cell before his trial may have weighed heavily on him. We will never know what part that played in his evidence.

Here again, the spotlight comes back to the media. Despite the lack of credible evidence about the alleged targets, Melbourne newspapers continued to peddle the allegations of specific high-profile targets as fact. Headlines about MCG allegations were front page at the time of Atik's evidence and later when the convictions were handed down. Even though the men were not convicted of trying to bomb the MCG. Graphics of the supposed targets ran on all main television news broadcasts.

Recent reports of the arrests of other men on terror-related charges raised ire in communities that felt affected by the arrests. Victoria Police Assistant Commissioner Stephen Fontana said some media coverage had caused angst in the Somali community.

Victoria Police's counter-terrorism co-ordination unit initiated a project to address the way government agencies talk about terror. It was picked up by the federal Attorney-General and ran nationwide with community focus groups. However, the project was roundly criticised by conservative commentators in the press.

The police are rightly worried about the role the media play in the radicalisation of communities. Often media freedom is used to justify irresponsible reporting, which only inflames community tensions and leads to greater marginalisation of communities already on the outer.

This creates a real bind for anyone who wants to address media responsibility in the context of contemporary attitudes to terrorism.

There remain, however, significant restrictions on the media from Australia's anti-terrorism legislation.

In a Senate speech that commented on last week's SBS documentary, Greens senator Scott Ludlam quoted a British judge, Lord Hoffmann, saying: "The real threat to the life of the nation ... comes not from terrorism but from laws such as these."

A number of the suppression orders that curtailed reporting of Australia's most important trials in decades came from National Security Information Act certificates, signed off by former attorney-general Philip Ruddock. The legislation greatly constrains what may be said in court and reported of the proceedings.

These laws impact on the way communities can express themselves and what we are allowed to see and hear.

So too media responsibility must be strengthened. The complaints systems are often shrouded in obscure procedures that are different for each form of media.

It will take an active engagement from citizens and civic organisations to ensure we are not overtaken by sensationalists or the censors.

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This is one time our hearts must overrule our heads of state.