

Editorial Standards Findings

Appeals to the Trust and other editorial issues considered by the Editorial Standards Committee

December 2010 issued January 2011

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Remit of the Editorial Standards Committee

The Editorial Standards Committee (ESC) is responsible for assisting the Trust in securing editorial standards. It has a number of responsibilities, set out in its Terms of Reference at bbc.co.uk/bbctrust/about/meetings_and_minutes/bbc_trust_committees.html.

The Committee comprises six Trustees: Alison Hastings (Chairman), Mehmuda Mian, David Liddiment, Elan Closs Stephens, Richard Ayre and Anthony Fry. It is advised and supported by the Trust Unit.

In line with the ESC's responsibility for monitoring the effectiveness of handling editorial complaints by BBC management, the Committee considers appeals against the decisions and actions of the BBC's Editorial Complaints Unit (ECU) or of a BBC Director with responsibility for the BBC's output (if the editorial complaint falls outside the remit of the ECU).

The Committee will consider appeals concerning complaints which allege that:

- the complainant has suffered unfair treatment either in a transmitted programme or item, or in the process of making the programme or item
- the complainant's privacy has been unjustifiably infringed, either in a transmitted programme or item, or in the process of making the programme or item
- there has otherwise been a failure to observe required editorial standards

The Committee will aim to reach a final decision on an appeal within 16 weeks of accepting the request.

The findings for all appeals accepted by the Committee are reported in this bulletin, Editorial Complaints: Appeals to the Trust.

As set out in its Terms of Reference, the Committee can decline to consider an appeal which in its opinion:

- is vexatious or trivial;
- does not raise a matter of substance;
- relates to the content of a programme or item which has not yet been broadcast;
- concerns issues of bias by omission in BBC news programmes unless the Chairman believes that it is plausible that the omission of an item could have led to a breach of the guidelines on impartiality;
- has not been made within four weeks of the final correspondence with the ECU or BBC Director on the original complaint; and
- relates to matters which are the subject of or likely to be the subject of, or relevant to, legal proceedings.

The Committee will not generally reconsider any aspects of complaints that have already been adjudicated upon or considered by a Court.

Any appeals that the Committee has declined to consider under the above criteria are reported in the bulletin.

In line with its duty to consider topics of editorial concern to the Committee, whether or not such concern arises from a formal complaint, and to commission information requests from the Trust Unit or Executive to support such consideration, the Committee also from time to time requests the Executive to report to the Committee regarding breaches which have been accepted by the Executive and are therefore not subject to appeal to the Committee. The bulletin also may contain findings relating to such cases.

The bulletin also includes any remedial action/s directed by the Committee.

It is published at bbc.co.uk/bbctrust or is available from:

The Secretary, Editorial Standards Committee
BBC Trust Unit
180 Great Portland Street
London W1W 5QZ

Summary of findings

Panorama: A Walk In The Park, BBC One, 18 January 2010

The complaint was that an episode of Panorama about development in East Jerusalem was one-sided, lacked context and misled viewers. The Editorial Standards Committee of the BBC Trust considered 11 separate elements against the guidelines on accuracy and impartiality.

The Committee concluded:

- that the programme's presentation of house demolitions had not breached the guidelines on accuracy or impartiality.
- that the programme's use of demolition statistics was duly accurate and impartial.
- that, taking the full context into account, the programme's coverage of the processes for evictions and demolitions had been duly accurate and impartial.
- that the reporter's description of plans to build a tourist park had been a statement of fact and had not been in breach of the accuracy or impartiality guidelines.
- that the claim regarding "ethnic cleansing" had been made by a contributor to the programme and it had not been presented as fact, and that the programme as a whole had presented the position of the Municipality regarding the reasons for demolition. The guidelines on impartiality had not been breached.
- that it did not share the complainants' interpretation of the part of the programme dealing with building permits, and that this part of the programme had been duly accurate and impartial.
- that there was sufficient clarity about the Hanoun case for the purposes of the film and that this part of the programme had been duly accurate and impartial.
- that the historical background to disputed areas had been dealt with appropriately and this was sufficient for due impartiality given that it was a half-hour programme and the Panorama audience would have had some previous understanding of the context.
- that the language used by the programme in relation to property and holy sites would not have misled viewers and had been duly impartial.
- that the Jewish perspective on archaeology had been adequately represented and the programme had been duly impartial in this respect.
- that violence had not been treated in a one-sided way and had been duly impartial in this respect.
- that the programme overall had been duly accurate and impartial.

The complaint was not upheld.

For the finding in full see pages 5 to 35.

Iraq Inquiry Coverage, BBC News Channel, 29 January 2010

The complainant alleged that a BBC News Channel report on evidence given to the Chilcot Inquiry was inaccurate and that the inaccuracy had demonstrated bias against Tony Blair.

The complainant also said that the piece was biased in the way it had used shots of anti-Blair protesters. The Editorial Complaints Unit (Stage 2 of the BBC's complaints process) upheld the complaint of inaccuracy but did not uphold the complaint of bias. The complainant appealed to the Editorial Standards Committee of the BBC Trust regarding the alleged breach of impartiality and also complained about the response from BBC News to his complaint at Stage 1 of the complaints process, which he said was further evidence of bias.

The Committee concluded:

- that the entire report and not just the offending sentence had to be taken into account when considering impartiality.
- that the report had covered Mr Blair's own testimony, and Mr Blair's position had been made very clear.
- that there was no evidence to suggest that the result of the inaccuracy was to promote the view of the "anti-war" faction.
- that the one inaccuracy had not led to a breach of the obligation for due impartiality.
- that the increased presence of protesters outside the hearing on the day of Mr Blair's evidence was a news event and it was for the BBC to decide whether and how it covered this news event.
- that showing split-screen footage of anti-Blair protesters was not an endorsement of the anti-war view and was not a breach of the impartiality guidelines.
- that the BBC's initial response to the complaint had been below the standard expected and the BBC should have acknowledged the mistake immediately.
- that the complainant had been justified in bringing the initial response to the attention of the BBC Trust but that the subsequent apology and explanation had resolved the matter.
- that there was no evidence to indicate a lack of due impartiality in the elements of the complaint taken either individually or in totality.

The complaint was not upheld with regard to impartiality and was resolved with regard to accountability.

For the finding in full see pages 36 to 44.

Appeal Findings

Panorama: A Walk In The Park, BBC One, 18 January 2010

1. The programme

The Panorama website describes this programme as follows:

“The fight is on for the holiest city in the Holy Land. The Israelis say Jerusalem must never be divided; the Palestinians say the east of the city is theirs and must become the capital of a new state.

Jane Corbin walks through the disputed streets and parks, meeting families thrown out of their homes, witnessing bulldozers demolishing houses and goes underground to explore tunnels excavated deep below the biblical sites.”

2. The complaint

Stage 1

The complainants contacted BBC Complaints on 27 January 2010 saying the programme violated the guidelines on accuracy and impartiality:

“The one-sided nature of the reporting, which consisted almost exclusively of faulting Israel for a variety of alleged misdeeds obstructing the route to peace, failed to provide the appropriate context and misled viewers on a variety of topics.”

The complainants’ grounds for complaint were:

Home Demolitions

- Prejudicial language – the opening scenes omitted to mention that the bulldozers were demolishing an illegal building; the language describing bulldozers as “weapons” and the scene as a “battlefield” painted Israel as the aggressor. It was not “objective and even-handed”.

Demolition statistics and policy – viewers were left with the impression that it was Israeli policy to render Palestinians homeless. The reporter asserted that demolitions had been increasing in recent days because the city’s demolition budget had to be used up. This was untrue. The complainants, quoting the Mayor’s office, said the number of demolitions carried out each year was determined solely by the number of illegally constructed buildings and that in fact there had been a 25% decrease year on year. The complainants argued that by not explaining the complex and lengthy legal process under which a demolition order can be issued under Israeli law, the programme portrayed them as

“stealth operations by Israeli authorities in which Arabs are suddenly and without warning forced from their homes”.

- Missing Israeli perspective – the programme falsely presented plans to knock down 88 houses for a tourist park in Silwan as if the park’s creation was a pretext to displace Arab residents. The complainants quoted a UN document which stated that the area had been designated a “green” area where all construction is prohibited since the late 1970s; the illegal homes were all built after the sensitive area was officially protected.

Charge of Ethnic Cleansing

The programme allowed a contributor to make the controversial charge that Israel was engaged in “ethnic cleansing”:

JAWAD SIYAM: (the Israelis) are demolishing the houses because they want to. It's ethnic cleansing for Silwan, for East Jerusalem.

Its impact was reinforced by the commentary which followed immediately after the allegation:

“Palestinians are being thrown out of their homes, Israelis are moving in.”

There was no Israeli voice to counter the charge. The charge is false: statistics show that Arab population growth in Jerusalem has outpaced that of the Jewish population over the last 30 years.

Granting of Building Permits

Mr Siyam was allowed to wrongly state that Palestinians “never ever” are given permission to build. The reporter echoed the accusation, asserting they are “just not given the permission to build”. The complainants, quoting the Mayor's office, said 676 construction requests were approved in the eastern sector between 2005 and 2009.

The reporter misled viewers by saying that only 133 permits were granted to Palestinians in the whole of the previous year; ten times more were given to Israelis in West Jerusalem. Whilst the numbers were correct, it omitted relevant facts and information because the percentage approvals were similar: 55% of applications in the eastern sector were approved, compared to 63% in the west.

Takeover of Homes in Eastern Jerusalem: Sheikh Jarrah and Ras Al Amud

The segment on Sheikh Jarrah was devoted almost entirely to relaying the Arab perspective: not a single Israeli voice balanced the lengthy and emotive grievances presented by Arab voices, with no mention that the family being evicted had refused to pay rent to the legal owners. The commentary reflected the Arab perspective.

Sheikh Jarrah was introduced as “an Arab neighbourhood” “targeted by Jews”; Jews are specifically moving into a section that has been a Jewish neighbourhood since the 19th century, close to a holy site of Jewish pilgrimage which was occupied by Jordan until 1948. It is still legally owned by the Jewish Sephardic Community. By omitting the relevant context it left the impression that Jews were arbitrarily targeting neighbourhoods solely because they are inhabited by Arabs. The only wider context was a passing reference to a 37 year legal battle and “a single, vague assertion” that the settlers had owned this land before and won in the courts:

The commentary gave the impression eviction that orders could be obtained for anyone who refuses to sell or move:

“When Arabs won't move or sell, then [Jewish settler Arie King] gets eviction orders.”

Whilst Arabs can legally sell to Jewish individuals they can not be forcibly evicted, nor can tenants be forced to move unless they lose their protected status by long absences or failure to pay their rent.

The complainants supplied the Jewish history of the neighbourhood of Maaleh HaZeitim, referred to as Ras Al Amud in the programme. They said, while it was not incumbent on the programme to provide the complete background

“it is nevertheless inaccurate and unfair for (the reporter) to paint a false picture of arbitrary ‘forcible evictions’ in order to chase Arabs from homes they own.”

Israeli Archaeology and History

The programme presented a “radically abbreviated version of history” by not mentioning the Jewish history of Jerusalem, the illegal Jordanian occupation and the aggressive actions by Arabs in 1948 and 1967, all of which would have provided context for Israel's actions. Nor did it report on Palestinian efforts to undermine Israel's connection to Jewish holy sites and shrines, in particular the controversial excavations on the Temple Mount and the dumping of artefacts.

The reporter was not even-handed in her questioning; she framed the Jewish connection to the land as just another settler claim intended to harm Palestinians. She challenged an Israeli:

“But do you understand the Palestinians when they say you're erasing their history, and that you're putting Jewish history before theirs? They feel very sensitive about this.”

And

“Israeli archaeology has raised Arab suspicions of a Jewish takeover of the Muslim holy sites.”

At no point in the documentary were Palestinian assertions delegitimized in a similar fashion. No Palestinian interviewee was asked whether “they understand” Israeli concern over the Palestinian destruction and denial of Jewish history in eastern Jerusalem.

The reporter wrongly stated that the Western Wall was the holiest place in the world for Jews, when it is in fact the Temple Mount. The Mount's Jewish connection was tacitly denied when the commentary stated that Palestinians rioted after rumours that Israelis were coming to pray on “the compound surrounding the holy mosques”.

Israel and Arab Violence in Jerusalem

The manner in which the programme presented an Arab victim of an Israeli shooting was consistent with the pattern of unquestioningly accepting Palestinian claims while minimising or ignoring Israeli concerns. While the evidence is in dispute, in that the Israeli shooter claims he was acting in self defence, the entire segment dwelt on emotive interviews with the Arab victim and his son. Their accounts were accepted as fact and no-one from the Israeli side was interviewed.

The incident was presented as an example of “the suffering” that “both sides” endure but no equivalent example of Israeli suffering was provided. The complainants cited three possible examples, including the 2008 massacre of eight teenagers at a religious seminary.

The Deputy Editor of Panorama responded on 16 March 2010.

The Deputy Editor's responses to the grounds of complaint were:

Home Demolitions

Regarding the allegation that no reference was made in the opening scenes to illegal building in the area:

“It is impossible for each and every specific shot to be explained in the way you demand, nor do I believe it is necessary to do so, as long as viewers are provided with the proper overall context for such material. There is no doubt that this was the case.”

The Deputy Editor then cited four examples elsewhere in the programme which made specific reference to homes built illegally.

The reporter's remarks that demolitions had been increasing in recent days was in the context of November 2009: there was a spike in the number of demolitions in Jerusalem in that period. The reporter was clear in the commentary that the period to which her comments referred was

"when I was there just before Christmas".

The programme stood by its decision to cite the list of houses due for demolition and also its claim that there was a budget that required to be used up. The Deputy Editor said their claim had been verified by highly placed sources in the Municipality and that they were not the only media outlet to have reported that there was specific financial provision known as the "irregular budget" to fund demolitions of illegal structures.

Referring to the section on the Silwan neighbourhood, the programme had accurately reflected plans to create a network of paths and trails; the Israeli perspective had not been ignored.

Ethnic Cleansing

The context in which "ethnic cleansing" is referred to is key:

"This was clearly not an official statement made by a Palestinian politician, but clearly an emotional cry by one man in the midst of a house being demolished ... at no stage did (the reporter) give any sense that Mr Siyam was correct to hold this view."

Later in the film, the situation is contextualised in the commentary:

"Around 600 Jews now live in Silwan but there are more than 30,000 Arabs. It would take decades to shift the balance."

Building Permits

In the film the Mayor accept there are problems with granting building permits in east Jerusalem. The reporter states that many of the demolition orders in west Jerusalem are for small things, not on the scale of the demolitions of buildings in the east. Jeremy Vine's concluding statement said that Israelis had promised to allow new Palestinian homes in east Jerusalem.

Sheikh Jarrah and Ras Al Amud

The script was extremely clear in reflecting the contested legal situation in Sheikh Jarrah. The programme hears from both sides of the argument. The mayor is heard explaining the legitimacy of Jewish ownership of the land.

With reference to the complainant's objection to the reference that Sheikh Jarrah is an "Arab neighbourhood" being "targeted by Jews": a UN report from August 2009 describes it as an Arab neighbourhood. That report clearly states that settler groups have been forcibly evicting Palestinian families to make way for new settlements, placing around 475 Palestinians "at risk or forced eviction, dispossession and displacement".

Viewers were not "misled" about the settler Arie King. The programme spent considerable time with him to see and show how he worked, his intentions were clearly stated by him, in his own words; the reporter clearly explains his reasoning.

Israeli Archaeology and History

The complainants alleged that the programme gave inadequate context to the historical background and to Jewish history in East Jerusalem. This wasn't a history documentary; it was a current affairs programme. It was necessary to summarise the conflict. The reporter did so by saying:

"When the State of Israel was born in 1948 Jerusalem was divided – the west of the city became part of Israel and the east was controlled by Jordan. In 1967 Israel annexed East Jerusalem after seizing the West Bank following war with its Arab neighbours."

The programme filmed extensively with the archaeologist Doron Spielman who explained the Jewish historical links to the area; the Deputy Editor cites three substantial soundbites in which Mr Spielman explains the significance of the land to the Jewish people.

Israeli and Arab Violence

While the programme focused on only one incident, it was clearly stated that there is growing tension in the area. The reporter accurately describes the shooting as depicted on CCTV and clearly attributes both the claims of the Israeli and the Palestinian.

The complainants responded on 5 April 2010.

The programme response did not seriously address the substance of their complaint and in some places misrepresented their grievances. On occasion it set out to prove points that had not been challenged:

"the fact that there are individual accurate statements in a program [sic] does not obviate the need for the program, in its entirety, to abide by BBC's Editorial Guidelines."

The complainants noted those points from their original complaint which they felt had been overlooked or misinterpreted in Panorama's reply and added some additional observations:

Home Demolitions

The reply employs an absurd straw man argument, insisting that the city has a budget for home demolitions:

"...municipalities often have budgets designed for activities that may be required ... our complaint was that ... homes are demolished not 'because' a budget exists for capricious home demolitions, but because the homes were built illegally".

The list of 40 homes planned for demolition may well have existed, and others may have known about it but

"...The issue is that, well before the program aired, it was clear that forty houses were not, in fact, demolished ... the program's reference to the list without letting the audience know that many of those homes were not ... demolished was pointedly misleading."

The reply does not address the point that no reference is made to the rigorous guidelines and procedures to which demolitions are subject under Israeli law.

The complainants had not questioned the authenticity of the document regarding the planned tourist park. The programme suggests that the creation of the park appears to be a pretext to displace Arab residents. The lack of an Israeli perspective is not addressed in the reply.

Ethnic Cleansing

The “blatantly false” claim was never challenged and the reporter’s reference to the decades it would take to shift the balance suggests tacit support for the argument that Israel is ethnically cleansing Palestinians in Jerusalem.

Building Permits

The complaint of the figures being distorted has not been addressed. It contravened the guidelines on “not distorting known facts” and “reporting statistics in context”.

Sheikh Jarrah and Ras Al Amud

The reply missed the point: not a single Israeli voice was heard on the issue of Sheikh Jarrah. The Mayor was speaking in a different segment and does not address the Sheikh Jarrah dispute. The UN’s OCHA publication should not have been used to defend calling Sheikh Jarrah an Arab neighbourhood – UN bodies are often accused of not being even-handed.

Israeli Archaeology and History

The response ignored much of the substance of the complaint. It did not address the absence of current context on Palestinian efforts to deny and undermine Jewish links to Jerusalem. The reporter’s error describing the Western Wall as the holiest place for Jews was also not addressed.

Israel and Arab Violence

The reply does not address the substance of the complaint about the lack of an Israeli perspective against two voices from the Palestinian side.

The complainants contacted BBC Complaints on 12 May 2010 requesting a reply. BBC Complaints responded on 21 May 2010 saying the programme had nothing further to add to its previous response.

Stage 2

The complainants wrote to the Editorial Complaints Unit on 26 May 2010.

In addition to investigating the complaint, the complainants requested the ECU look into the “excessive time” it had taken to address the substance of the complaint, in particular the 7 week delay between their letter of 5 April 2010 and the BBC’s response of 21 May 2010. Their letter was acknowledged on 14 June 2010 with a summary of the guidelines the ECU would be considering; the complainants responded with several clarifications on 21 June.

BBC Complaints wrote directly to the complainants on 9 July 2010 regarding the delays at Stage 1.

BBC Complaints apologised and said the complaint was being dealt with during the General Election period which had led to an increase in correspondence for the unit to deal with.

The ECU responded to the complainants on 20 July 2010.

The ECU’s responses to the grounds of complaint were:

Home Demolitions

The programme made many separate references to the fact many Arab homes have been built illegally; the reporter and various contributors referred to the illegal nature of many Palestinian buildings and explained it was one of the reasons people were being evicted. The Mayor of Jerusalem explained why it was necessary and legal to demolish homes.

Although there was no explanation during the first sequence, viewers would not have been misled as both sides of the argument were put during the course of the programme.

The description of the bulldozers as “weapons” and the scene as a “battleground” was emotive, but is not evidence of bias against Israel. The footage showed Israeli police and Palestinians (some throwing stones) in a tense confrontation. The description drew attention to the conflict between two sides without expressing an opinion as to which may have the more legitimate claim.

The reference to an increase in demolitions in recent days was accurate; viewers would have understood from the commentary they were linked to a particular time period:

“It might have been better if she had given a broader context for the number of demolitions that had occurred and those that actually took place after she left the country, but I don’t believe this was materially misleading.”

The programme makers told the ECU that they had it from a high source in the Jerusalem municipal authority that there was an “irregular budget” to pay for the cost of demolitions. The ECU did not accept the complainants’ assertion that it gave the impression that the reason for demolishing homes was driven by procedural or financial concerns rather than any legal justification.

The opening scene did contain the Palestinian point of view on demolitions, but the Israeli view was explored at length later in the programme, along with a number of interviews.

There was relevant information about the “rigorous guidelines and procedures to which house demolitions are subject under Israeli law”; the programme provided sufficient information to ensure viewers were aware of the Israeli justification for demolitions.

That the 40 homes on the list were not all demolished does not make the original claim invalid or misleading; the ECU agreed with the programme that it was clear the reference applied to when the team were in Jerusalem and viewers would have understood this. It would have been better if the script had made clear whether the long-term trend in demolitions was up or down but it was not seriously misleading.

The programme made clear that many of the homes in Silwan were built illegally. The ECU said that, while the idea of the tourist park had been in the public domain for some time, final approval was only given in June 2010. The programme did not give the impression that the tourist park was simply a pretext to displace Arab residents.

Ethnic Cleansing

The contributor was clearly identified as a Palestinian activist. The phrase “ethnic cleansing” was his personal point of view rather than stating an accepted fact. The commentary immediately afterwards “Palestinians are being thrown out of their homes, Israelis are moving in” was in the introduction to the programme where it is generally understood to offer a brief indication of what the programme is about rather than providing the kind of balance required for the programme as a whole.

Granting of Building Permits

The contributor who said “you will never be able to get permission” was expressing a personal opinion; viewers would not have considered his comments to be fact. The reporter’s comment to the Mayor immediately afterwards (“they’re just not given permission to build”) would have been understood by viewers as a journalistic device rather than a statement of fact.

It would have been better if the statistics quoted on the awarding of permits had been in context, stating that the percentage of permit requests from east and west was “almost equivalent”. However, the ECU concluded the viewer would not have been misled:

“...far fewer applications for permits are made by Palestinians and Mr Siyam’s comments offered one explanation for why this might be the case ... viewers would have understood that past experience has led Palestinians (rightly or wrongly) to believe that it isn’t worth applying for an official permit”.

Sheikh Jarrah and Ras Al Amud

The sequence in Sheikh Jarrah focused on the Hanoun family, whereas other parts focused on the Israeli perspective, such as the sequence on the City of David. Due impartiality was achieved over the course of the programme.

The programme clearly stated each side’s claims to East Jerusalem; the level of detail given for each side’s claims was proportionate. The programme didn’t give the impression that Israel was targeting areas solely because they were occupied by Arabs.

Describing a home as “Palestinian” referred to the people living in it not the legal ownership of the property.

The programme made it clear that the courts ruled in favour of the settlers in Sheikh Jarrah; it was not necessary to include additional information about the Hanoun family and their status as tenants.

The commentary “When Arabs won’t move or sell then he (Arieh King) gets eviction orders” had to be viewed in context. It is clear from the interview with Mr King that evictions are only carried out as a last resort where it has been established that properties are legally owned by Jewish families.

Israeli Archaeology and History

It was not necessary for a programme considering a topical matter of controversy to give a detailed history of the region. Sufficient information was included to reflect the position of both sides with regard to their historical claims to East Jerusalem.

Israeli and Arab Violence in Jerusalem

The sequence that included the interview with the shooting victim Ahmed Qareen illustrated the Palestinian view that Israel is trying to drive them out in a variety of ways. It followed explanations from the Mayor and the archaeologist about why development of the City of David and other parks was necessary. The ECU felt the interview with Mr Qareen was an attempt to balance the issues, although it conceded that given the emotional nature of the interviews with the victim and his son, an Israeli response would have been helpful. The reporter’s description was based on the CCTV evidence and was accurate; she reflected the claims of both sides.

While the programme gave more time to Palestinian victims of violence it did not follow that it was not even-handed. It showed the Adler family in Silwan and the fact they needed security guards to ensure their safety. It included Mr Adler putting his point of view. There was also footage of Palestinians rioting and the police chief’s explanation of who was responsible.

Stage 3 – Appeal to the Editorial Standards Committee (ESC)

The complainants appealed to the ESC on 11 August 2010. The final version included a 1,000 word summary requested by the Trust and was submitted on 23 August.

The complainants requested the ESC address not only the individual allegations of breaches of guidelines but also “the net result of a programme whose totality reflected an overall lack of impartiality”.

They reiterated the substance of their original complaint and added their responses to the ECU’s finding:

- Specific reference elsewhere in the programme to illegal building did not provide the required “overall context” as the ECU maintained.
- Although the ECU concedes the programme provided an emotive description in describing bulldozers as weapons and the scene as a battlefield, which might be regarded as presenting Israel as an aggressor against an innocent victim, it does not see this as evidence of bias against Israel. By using language which presents Israel as an aggressor, demolitions are cast as an Israeli tactic to hurt innocent Palestinians.
- Providing out of context statistics and a false reason for demolition (the budget had to be used up) violates BBC guidelines on accuracy.
- The ECU admits the BBC would be in breach of its guidelines if the programme failed to explain the laws governing Israel’s demolitions. Yet the ECU disregards the omission of such information from the programme.
- It was irrelevant for the ECU to dismiss the omission of an Israeli perspective in Silwan on the ground that the final plans for the park were only approved recently.
- The ECU implied the viewer would regard Mr Siyam’s personal opinion regarding ethnic cleansing as demonstrably false even though the programme provided no information to counter the allegations at any stage of the documentary.
- The ECU makes assumptions about why Palestinians might not apply for permits which are arguable. The BBC cannot evade responsibility for its own editorial guidelines by assuming that viewers will “understand” the truth despite omissions and distortions.
- The ECU acknowledged there was no Israeli response on Sheikh Jarrah, but say it was provided elsewhere. The complainants argue that was not acceptable in this case:

“The guidelines state that ‘When the issues involved are highly controversial’ – such as the issue of Sheikh Jarrah – it ‘is expected we will sometimes need to ensure that all of the main views are reflected in our output’.”

- The ECU rejects as irrelevant the circumstances of the Hanoun family eviction, saying it was sufficient to note that the courts had ruled in favour of the original Jewish owners. However, it was not the family’s lack of ownership which caused the eviction but their refusal to pay rent to the owner.
- The inclusion of general statements about the respective claims of both sides to East Jerusalem did not effectively provide the counterpoint to, for example, the detailed, lengthy and emotive segments in which the Hanoun family presented their own narrative about Sheikh Jarrah. Palestinian claims were never challenged by the reporter while Jews talking about their rights were repeatedly challenged.
- The ECU did not address the general pattern of partisan language as in the description of the Temple Mount as a Muslim holy site.

- The ECU did not address the programme's presentation of Israeli archaeological excavations in a negative light whilst ignoring controversial Palestinian actions on the issue.

3. Applicable Editorial Guidelines

The BBC's editorial values

Truth and accuracy

We strive to be accurate and establish the truth of what has happened. Accuracy is more important than speed and it is often more than a question of getting the facts right. We will weigh all relevant facts and information to get at the truth. Our output will be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language...

Impartiality & diversity of opinion

We strive to be fair and open minded and reflect all significant strands of opinion by exploring the range and conflict of views. We will be objective and even handed in our approach to a subject. We will provide professional judgments where appropriate, but we will never promote a particular view on controversial matters of public policy or political or industrial controversy...

Editorial guidelines

Section 3 – Accuracy

The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language...

For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

We aim to achieve it by:

- the accurate gathering of material using first hand sources wherever possible.
- checking and cross checking the facts...
- corroborating claims and allegations made by contributors wherever possible.

Gathering material

We should try to witness events and gather information first hand. Where this is not possible, we should talk to first hand sources and, where necessary, corroborate their evidence...

Misleading audiences

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences...

Reporting statistics and risks

We should report statistics and risks in context...

Checking programmes

We must check programmes recorded some time before transmission or being repeated to make sure they have not been overtaken by events ... In some cases an on air announcement will be required, in others, the alteration or removal of some material.

Section 4 – Impartiality and diversity of opinion

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output ... and includes a commitment to reflecting a diversity of opinion.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK and throughout the world to support fair and informed debate. It specifies that we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of political or industrial controversy...

In practice, our commitment to impartiality means:

- we seek to provide a properly balanced service consisting of a wide range of subject matter and views broadcast over an appropriate time scale across all our output. We take particular care when dealing with political or industrial controversy or major matters relating to current public policy.
- we strive to reflect a wide range of opinion and explore a range and conflict of views so that no significant strand of thought is knowingly unreflected or under represented.
- we exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate as long as there are good editorial reasons for doing so.
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects...
- we must rigorously test contributors expressing contentious views during an interview...

Achieving impartiality

Impartiality must be adequate and appropriate to our output. Our approach to achieving it will therefore vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted.

Impartiality is described in the Agreement as “due impartiality”. It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

News, in whatever form, must be presented with due impartiality.

“Controversial subjects”

In the United Kingdom controversial subjects are issues of significance for the whole of the country, such as elections, or highly contentious new legislation on the eve of a crucial Commons vote, or a UK wide public sector strike.

In the nations and regions of the UK, controversial subjects are those which have considerable impact on the nation or region. They include political or industrial issues or events which are the subject of intense debate or relate to a policy under discussion or already decided by local government.

In the global context, some controversial subjects such as national elections or referendums will obviously have varying degrees of global significance but will be of great sensitivity in that country or region in which they are taking place. We should always remember that much of the BBC's output is now available in most countries across the world.

We must ensure a wide range of significant views and perspectives are given due weight in the period during which a controversial subject is active. Opinion should be clearly distinguished from fact. When the issues involved are highly controversial and/or a decisive moment in the controversy is expected we will sometimes need to ensure that all of the main views are reflected in our output. This may mean featuring them in a single programme, or even a single item...

4. The Committee's decision

The Committee considered the complaint against the relevant editorial standards, as set out in the BBC's editorial guidelines. The guidelines are a statement of the BBC's values and standards.

In reaching its decision the Committee took full account of all the available evidence, including (but not limited to) the Editorial Adviser's report and subsequent submissions from the complainants and BBC News.

This appeal raised issues requiring consideration of the editorial guidelines relating to accuracy and impartiality.

The Committee noted that the Panorama film "A Walk in the Park," broadcast on 18 January 2010, focused on the controversial issue of East Jerusalem in the context of peace talks.

In coming to its decision, the Committee divided the complaint into the following main elements:

- a) Lack of context and use of prejudicial language in relation to demolitions
- b) Inaccurate use of statistics in relation to demolitions
- c) Omission of information on eviction and demolition procedures
- d) Omission of information about the tourist park in Silwan
- e) Unchallenged use of the term "ethnic cleansing"
- f) Inaccurate use of statistics in relation to building permits
- g) Inaccuracy in the case of the Hanoun family eviction
- h) Omission of Israeli perspective and history in two neighbourhoods
- i) Partisan use of language in relation to property and holy sites
- j) Biased treatment of history and archaeology in East Jerusalem

k) Biased reporting of violence

a) Lack of context and use of prejudicial language in relation to demolitions

The Committee considered the complainants' view that "the controversial subject of Palestinian home demolitions by Israel was introduced without providing any information at all about Israel's reasons for those demolitions".

The complainants had further maintained that this absence of information extended throughout the first section of the programme and, when reference had finally been made to illegal building, it was in relation to specific homes in a different neighbourhood. Indeed, "the overall context of house demolitions was missing from the entire programme," said the complainants.

The Committee noted the occasions in the film when the absence of planning permission as a reason for demolition had been referred to. Examples included:

Jane Corbin:

Silwan is poor and overcrowded – many homes here were built without planning permission. (Bulldozers, shouting) As I arrived the police and bulldozers were moving in to demolish three Palestinian buildings.

And:

JC:

This was once a house belonging to Jawad's relatives. It was demolished by the Israelis because it was built without planning permission.

And, in the interview with the Mayor, Nir Barkat:

NB:

I am not interested in pushing people out. But when people come and build illegal bunch of houses in one of the most strategic parks in the world and, by the Municipality taking action and dealing with the situation, what I am doing is, in a way, strengthening the city for the benefit of the world.

The Committee was satisfied that viewers were provided with sufficient context and explanation of Israel's rationale for demolitions in the programme overall, and that there had been no requirement for the initial demolition scenes or the first part of the programme to include specific information about illegal building in order to achieve due accuracy and impartiality.

The complainants' view that "prejudicial language" had been used in relation to the issue of demolitions was considered. They had pointed to the terms "weapons" and "battlefield" in relation to the bulldozers shown in the film, maintaining that the use of these words demonstrated bias against Israel. They further added that similar terms had not been used in relation to Palestinians "who build illegally on politically sensitive land or those who refuse to pay rent to legal owners of their homes".

The relevant scene was considered:

Jane Corbin:

...I'm going to walk right around the eastern side of the city to see what's happening on the ground, meet people on both sides who say this place belongs to them.

Before long I'm in the middle of a battlefield (demolition noise, activity). The weapons are bulldozers and riot police. The Israeli authorities are demolishing Palestinian homes.

Panorama's response was also considered: it said it was reasonable to use the terms "weapons" and "battlefield" in an area of East Jerusalem where a demolition had just taken place:

"The programme clearly shows that there's been stone throwing between Palestinians and Israeli police, some of whom have dogs ... Bulldozers are working and the situation is very tense and confrontational as witnessed by Ms Corbin and her team four times in a period of just over 24 hours. It is legitimate to describe this as a 'battlefield' – it is a battlefield between two sides who both claim this land."

The complainants had argued that the "biased" use of language, plus the lack of context for demolitions, detailed above, resulted in the misrepresentation of events:

"Israelis were not using bulldozers as 'weapons' in a battle against Arabs, but as tools to clear away illegal structures. By not providing Israel's rationale for demolishing these homes and by using language presenting Israel as the aggressor, viewers were led to believe that demolitions were simply a tactic to hurt innocent Palestinians."

The Committee accepted that the reporter was describing in journalistic language what she had witnessed and did not consider the use of such language in this case demonstrated partiality. At the same time, it recognised the sensitivities surrounding language and said that care was always needed to avoid potentially emotive terms in relation to controversial subjects.

The Committee did not consider the guidelines on accuracy or impartiality had been breached in this part of the complaint.

This element of the complaint was not upheld.

b) Inaccurate use of statistics in relation to demolitions

The Committee reviewed the relevant part of the film:

Jane Corbin:

...The Israeli authorities are demolishing Palestinian homes. When I was there just before Christmas roads were sealed – the Israelis don't make it easy to see what's going on.

We've heard there is about to be a demolition in this part of East Jerusalem. They've been increasing in recent days and in fact we got hold of a list that shows there's another 40 to go before the end of the year. That's because the municipal government has a budget that it has to use up for demolition. So let's see what's happening.

The Committee considered the complainants' argument that the film "focused on the very limited period in which demolitions reportedly increased, ignoring the more complete and accurate picture in which Israel had reduced the number of home demolitions it carried out".

The Committee noted the following statistics from a spokesman for Jerusalem's Mayor, supplied by the complainants:

"The number of demolitions carried out by the Jerusalem Municipality every year is determined solely by the number of illegally constructed buildings erected by those residents who flouted the law. The number of structural demolitions conducted in eastern Jerusalem by the Jerusalem Municipality actually decreased in 2009 – from 86 in 2008 to 65 in 2009, a 25% decrease..."

It also noted Panorama's reply:

"Ms Corbin was there in November 2009 and there was a spike in the number of demolitions in East Jerusalem between late October and late November. International governments protested about this at the time as did the UN authorities on the ground. On 29 October 2009 there were five demolitions, another three around 11 November 2009 and five in the week of November 24 2009. This made a total of 13 demolitions in a month – a fifth of the eventual figure for the whole year. Ms Corbin witnessed four demolitions in different parts of East Jerusalem in a period of just over 24 hours. Her remarks to camera on the ground were in this context – that there had been an increase in demolitions in recent days and she made it clear in the commentary: 'when I was there just before Christmas.'"

The Committee agreed that it was reasonable to use demolition figures for the specific period that related to the reporter's visit and the filming of the report. It had been made clear that the figures related to just this period and the audience would not have been misled. The Committee concluded no further context in this instance was required for accuracy.

The complainants had also maintained that it was false and "patently ridiculous" to suggest demolitions had taken place because a budget needed to be used up, when what had been driving demolitions was illegal construction. The Mayor's spokesman had been quoted by the complainants as saying:

"...there is simply no connection whatsoever between the annual budget of the Jerusalem Municipality and the number of demolitions conducted".

Panorama responded that it stood by the reporter's claim that there was a list of 40 demolitions planned before the end of the year and that the pace of demolitions was quickening because the budget had to be used up. The claim had been "verified by highly placed sources in the Municipality itself," said Panorama, and the reporter had confirmed the sources were hers and were first-hand.

The Committee noted that the complainants continued, in further correspondence, to dispute Panorama's evidence, particularly on the question of "using up" the budget.

The Committee noted that the complainants did not dispute that there was a Municipality budget for "enforcing housing regulations in the city". The Committee accepted Ms Corbin's confirmation that more than one source inside the Municipality had told her personally that there was money set aside for demolitions and that it had to be used up. The Committee agreed this was not at odds with the statement that houses were demolished because they were illegally built and that viewers would understand the focus here to be on the rate of demolitions. The Committee accordingly considered that this part of her piece to camera was duly accurate.

The Committee concluded that this aspect of the programme was duly accurate and impartial.

Finally, as part of this element, the Committee considered the complainants' argument that viewers were misled by "an inflated prediction of future demolitions". They had quoted the Mayor's spokesman as saying:

"It would be prudent to ask Ms Corbin what happened to her alleged list of 40 planned demolitions since her filming in late 2009..."

The complainants had not given their view on the actual number of demolitions carried out between filming and the end of the year, but they had previously stated in their letter to the BBC's Editorial Complaints Unit that "40 houses were not, in fact, demolished". The Committee noted that the complainants had argued that the reference to the 40 planned demolitions should have been edited out or corrected before the programme was broadcast.

The Committee decided that it was made clear in the programme that the reporter was describing an *intention*, at the time of filming, for 40 houses to be demolished. For these reasons, the Committee considered the film was duly accurate and impartial in the way it had reported the number and pace of demolitions.

This element of the complaint was not upheld.

c) Omission of information on eviction and demolition procedures

The Committee noted the complainants' claim that demolitions were presented in the film as "stealth operations by Israeli authorities in which Arabs are suddenly and without warning forced from their homes".

The complainants said that there were, in fact, "rigorous guidelines and procedures to which house demolitions are subject under Israeli law," and they had described these in their correspondence. By not including this information on procedures the complainants argued the film did not provide sufficient context and was inaccurate.

The Committee reviewed the parts of the film that it considered did deal with the processes for evictions and demolitions. For example, the sequence about the Hanoun family included the following:

Jane Corbin:

Three Palestinian extended families, 100 people, were made homeless. They say they'd been given their properties by the Jordanians and the UN in 1948. The settlers claimed Jews had owned this land before and won in the courts.

The Committee considered Panorama's point that the sequence concerning Arie King had explained the eviction process in detail. Panorama had said they endorsed the following points made by the Editorial Complaints Unit at Stage 2 of the complaint:

"He [Mr King] explained how he uses the law to enable Jewish people to buy houses previously owned by relatives prior to 1948 and the programme made it clear that the eviction notices he serves are legal and backed by the police. Mr King also explained that he tried to take a non-confrontational approach."

Having taken these points into account, the Committee considered it had been made clear to viewers that there was a legal process, involving the courts and eviction orders, and there had been no need for further detail to be included. This aspect of the film was considered duly accurate and impartial.

The complainants had also argued that there was inaccurate reporting in relation to the activities specifically of Mr King. They emphasised in further correspondence that they would particularly wish the Committee to consider whether "Panorama should have

avoided making the false assertion that Arieh King can 'get eviction orders' when Arabs refuse to sell their property in the light of the editorial guideline on accuracy".

The Committee reviewed the relevant part of the script:

Jane Corbin:

A key figure in the settlers' drive to acquire Arab properties in East Jerusalem, Arieh digs in the archives. He finds houses owned by Jews before 1948, locates relatives, often abroad, and gets them to stake a claim.

Arieh King:

You see here right here we have a Jewish family living. All these buildings both that and that before belong to Jews.

JC:

Aren't you worried about the tension you're causing by buying up these Jewish properties in a predominantly Arab area?

AK:

Sometimes it's causing for a few days conflict but, here, on purpose, I am doing it slowly. They know we own it. My way is to convince them, don't cause us to use the police, or any other power or forces. Do it by yourself. Choose the time, choose the way and we will help you.

JC:

And you give them money as well?

AK:

If they need money, I don't have any problem to give them something so it will make them easy to go out.

JC:

Arieh's work is paid for by wealthy backers in America and Europe. When Arabs won't move or sell then he gets eviction orders. Arieh prefers to work after dark – there's less likely to be trouble. But, just in case, the Israeli army send soldiers along.

Women:

Why didn't you come alone without the army and all this disturbance ... Not like this ... bringing the army...

Voice:

It's by order of the court.

JC:

Arieh's serving six eviction orders tonight. Soon Jews will move in.

The Committee agreed that the phrase "or sell" in the phrase "When Arabs won't move or sell then he gets eviction orders" might be taken (on its own) to have the implication that Mr King could get an eviction order where a house was legally owned by a Palestinian in the first place but the owner would not sell it. The Committee, however, was satisfied that it was clear that Mr King had set out that his method of working was to obtain court orders for eviction as last resort where there was a Jewish claim to the property which

had been established. The Committee also noted that Mr King had explained that he would offer money to Palestinians in Jewish properties, that is, to induce them “to sell” a property, in order to make it easier for them to go. The Committee concluded that, taking the full context into account, the commentary was duly accurate and impartial. This element of the complaint was not upheld.

d) Omission of information about the tourist park in Silwan

The Committee reviewed the relevant part of the film:

Jane Corbin:

...At the bottom of the valley is Silwan, another area where settlers have taken over houses and are creating a large archaeological site.

Silwan is poor and overcrowded – many homes here were built without planning permission. (Bulldozers, shouting) As I arrived the police and bulldozers were moving in to demolish three Palestinian buildings.

The Israelis plan to demolish 88 houses to create a tourist park here...

The complainants had argued that:

“Despite the allusion to ‘building without permits’ here, Ms Corbin presented a false picture wherein Israel suddenly decided to ‘create’ a tourist park in Silwan and do away with Arab homes in its path.”

In fact, the complainants had said, the land had long been designated as a conservation area where residential building was prohibited.

The Committee considered various references to evidence on this point. It noted that the ECU had said that final plans had only been approved recently.

The Committee concluded that, while further background might have been helpful, the reporter’s words “The Israelis plan to demolish 88 houses to create a tourist park here...” was a statement of fact. For this reason, this aspect of the programme did not breach accuracy or impartiality guidelines.

This element of the complaint was not upheld.

e) Unchallenged use of the term “ethnic cleansing”

The Committee reviewed the context of the use of the term “ethnic cleansing”. A Palestinian resident and activist, Jawad Siyam, had used it as a demolition was in progress in the following scene:

Jawad Siyam:

Israel is demolishing the house because it wants to. It’s ethnic cleansing for Silwan, for East Jerusalem ... There is another house for the settlers there. It has a demolition order. Why didn’t they demolish it? They don’t do anything there.

The Committee also reviewed the introduction to the programme, which included a clip from this part of the film:

Jeremy Vine:

Hello, I’m Jeremy Vine and this is Panorama.

(clip from film of demolition, shouting and stone throwing)

JV:

It's a new year, a new decade but in Jerusalem an old fight is boiling up again.
(clip of Palestinian shouting "They are demolishing the houses ... it's ethnic cleansing")

JV:

Palestinians are being thrown out of their homes, Israelis are moving in – even underground.

(clip of settler saying: "My aim is to get Jews all over – all over!")

JV:

A knock on the door at midnight, an eviction order served, the threat your house could be smashed down. And for others – the school run with armed guards, the fear of violence from the neighbours. This, for many, is the reality of living in East Jerusalem.

The Israelis say Jerusalem is their capital and must never be divided. The Palestinians say the east of the city is theirs and will one day be the capital of a new state.

As Jane Corbin has discovered finding a route to peace in this city is not exactly a walk in the park.

The complainants argued that the accusation of ethnic cleansing was false, and they provided figures to demonstrate that the proportion of Jews in the city's population had been falling, while the proportion of Arabs had been rising.

They added that no one had been provided to "counter this serious and inflammatory allegation". In addition, the reporter herself had not challenged these views, thereby breaching the BBC's editorial guidelines.

The Committee considered the following reply from Panorama:

"It [Mr Siyam's phrase] is not something Ms Corbin says. The key to this sequence is in the context in which it was said. This was not an official statement made by a Palestinian politician, but clearly an emotional cry by one man in the midst of a house being demolished. The context of the phrase was very clear and at no stage did Ms Corbin give any sense that Mr Siyam was correct to hold this view."

The Committee's conclusion was that Mr Siyam had been entitled to his opinion, and his opinion had not been presented as fact in this sequence. It agreed with Panorama that the reporter had not endorsed his opinion in any way. The concept of "ethnic cleansing" and whether it applied in these circumstances was not a theme of the programme and was not mentioned anywhere else in the programme. The Committee also agreed that it was made clear that Mr Siyam was not an official representative or politician. The programme as a whole had presented the position of the Municipality regarding the reasons for demolition. For these reasons the Committee decided that the guidelines had not been breached and the film was duly impartial in this respect.

This element of the complaint was not upheld.

f) Inaccurate use of statistics in relation to building permits

The relevant part of the script was reviewed by the Committee:

Jane Corbin:

The buying up of houses, the archaeology, the tourist park – it's all putting the squeeze on the Palestinians who have nowhere to expand.

(Rubble) This was once a house belonging to Jawad's relatives. It was demolished by the Israelis because it was built without planning permission.

Jawad Siyam:

They say to you, you can apply for permission, but you know you will never, ever be able to get permission and if you want to get permission you have to go through 11 committees of the Municipality and if one of the committees says "No" to you then it's "No".

JC:

Last year only 133 permits were granted to Palestinians in the whole of East Jerusalem. Nearly 10 times more were given to Israelis in west Jerusalem.

(To Mayor) They can't expand naturally, they're just not given the permission to build. They have to, often, build illegally.

Nir Barkat:

Let's be very honest with each other, you are right, there are gaps in the planning system in Jerusalem both on the west side and on the east side. On the east side a lack of planning causes sometimes, unfortunately, people to build illegally.

The Committee noted that the complainants had argued that the figures quoted lacked the context required by the editorial guidelines on accuracy: the context in this case had been that an "almost equivalent" proportion of requests were approved in the eastern and western sectors of the city.

The Committee looked at the evidence on the figures and proportions of planning approvals, as well as the possible reasons for the disparity in numbers of planning applications from the West and the East of Jerusalem. It concluded that further context was not essential to the audience's understanding on this point, particularly given Mr Barkat's comment: "On the east side a lack of planning causes sometimes, unfortunately, people to build illegally."

The complainants' further point as part of this element concerned the reporter's words "they're just not given the permission to build". They had argued that, coming after the words "Last year only 133 permits were granted to Palestinians..." the effect had been to minimise or nullify Israel's granting of permits to Palestinians in East Jerusalem.

The Committee did not share the complainants' interpretation of this part of the film and considered that viewers would have been perfectly clear that the reporter had not meant, literally, that no permission was given to build. The figure of 133 permits had just been given, and the phrase had been part of a challenging question to the Mayor, who had responded accordingly.

For these reasons, the Committee concluded that this section of the film was duly accurate and impartial.

This element of the complaint was not upheld.

g) Inaccuracy in the case of the Hanoun family eviction

The Committee considered the complainants' argument that, in the section on the eviction of the Hanoun family, it was not the family's lack of ownership that had caused the eviction, but their refusal to pay rent "to the legal owners".

The relevant part of the film was reviewed:

Jane Corbin:

Three Palestinian extended families, 100 people, were made homeless. They say they'd been given their properties by the Jordanians and the UN in 1948.

(Child crying) The settlers claimed Jews had owned this land before and won in the courts. 26 more Arab families face eviction. Each day the Hanouns sit in protest under an olive tree outside their home.

Jana Hanoun:

I am staying here to see the settlers go in and out. I shouldn't be angry but I have to be angry because we own the house.

The complainants had also emphasised in further correspondence that they considered the segment on the Hanouns was misleading "because insufficient information was provided in general about the background to the dispute and the court case". They also noted that the owner of the property in dispute was the Jewish Sephardic Community not settlers.

Panorama had replied that the script was clear in reflecting the contested legal situation:

"We made it abundantly clear that the Sheikh Jarrah Palestinian family cases have been settled in the Israeli courts although in fact we understand there are still legal moves to appeal the cases. We made it clear the time scale of the legal process was lengthy, 37 years, and in the end the Israeli courts ruled for the settlers."

The Committee decided that there was sufficient clarity about the Hanoun case for the purposes of the film. The featured issue had been the dispute over the legal ownership of the house, the Hanouns had continued to maintain the property was rightfully theirs. It was not necessary to set out that the family refused to pay rent as tenants (because in their view they owned the house) and that the refusal to pay rent had led to the eviction. The key fact was that the ownership of the property was disputed and that the dispute lay between Jewish ownership (which had been established by the courts) and an extended Palestinian family which claimed it had been granted it in 1948.

For these reasons, the Committee did not consider viewers had been misled and this part of the film had been duly accurate.

This element of the complaint was not upheld.

h) Omission of Israeli perspective and history in two neighbourhoods

The Committee considered the complainants' argument that in the parts of the film covering the Sheikh Jarrah and Ras Al Amud neighbourhoods no reference had been made to long-standing Jewish connections in the area.

For example, the reporter had introduced Sheikh Jarrah as "an Arab neighbourhood" that had been "targeted by Jews". No reference had been made to the fact that Jews had been specifically moving into the Shimon Hatzadik neighbourhood. This, they had said, was "...a Jewish neighbourhood since the 19th century, near a holy site of Jewish pilgrimage until Jordan occupied it in 1948...". Without this context viewers had been left with the impression that Jews had been arbitrarily targeting neighbourhoods solely because they were inhabited by Arabs and because they "believe they have the right to live anywhere...".

The following sections of the film on Sheikh Jarrah were reviewed by the Committee:

Jane Corbin:

The route I'm taking runs along the eastern side of the old city walls – through the area known as the Holy Basin. First stop, an Arab neighbourhood to the north, Sheikh Jarrah, targeted by Jewish groups.

Peace deals proposed so far reckon on giving Arab areas in these eastern parts of the city to the Palestinians. Western areas which are Jewish would go to Israel. But things are changing.

(Shouting and pushing) In the last few months Palestinian houses in Sheikh Jarrah have been taken over by Israeli settlers. These settlers, religious nationalists, believe they have the right to live anywhere in the biblical land of Israel.

(The Hanoun case follows)...

JC:

Three Palestinian extended families, 100 people, were made homeless. They say they'd been given their properties by the Jordanians and the UN in 1948.

(Child crying) The settlers claimed Jews had owned this land before and won in the courts. 26 more Arab families face eviction. Each day the Hanouns sit in protest under an olive tree outside their home.

Jana Hanoun:

I am staying here to see the settlers go in and out. I shouldn't be angry but I have to be angry because we own the house.

Maher Hanoun:

All the Israeli departments help the settlers even the court and the policemen, take the land and the houses, so we are fighting not a company or a settlers' organisation, we are fighting all the government.

JC:

Altogether here in Sheikh Jarrah the UN reckon that 540 settlement units are planned. That could put 470 Palestinians at risk of forced eviction – losing homes they've lived in for generations.

The relevant section regarding Ras Al Amud was also reviewed by the Committee:

Jane Corbin:

Heading south from Sheikh Jarrah through the Holy Basin I passed several more Jewish settlements established in recent years.

I was heading for the Mount of Olives – site of the most important Jewish cemetery in the world. This is an Arab neighbourhood called Ras Al Amud where a large Jewish settlement is growing.

I'd come here to meet an Israeli lawyer who says his government is determined to prevent the Palestinians from making East Jerusalem their capital.

Danny Seidemann:

What this is about is creating facts on the ground. Implanting ideologically motivated Israeli settlers in existing Palestinian neighbourhoods. Palestinians, on the other hand, are *not* allowed to return to the homes they abandoned in 1948.

In order to understand the significance of this you have to go back to childhood and pretend you are looking at a colouring book, and connect the dots. Sheikh

Jarrah and the settlement activities there are linked to the settlement activities here on the Mount of Olives. So you have the territorial encirclement of the old city by messianically motivated settlers with a rather exclusionary vision.

(Arieh King on motorbike)

JC:

Arieh King is one of those settlers with a vision – to bring thousands of Jews to live in East Jerusalem and keep it under Israeli control. Arieh lives in the big Jewish settlement at Ras Al Amud.

Arieh King:

You see the Mount of Olives cemetery, where the crane is now, another 66 families will be able to move here, I believe in September next year. Once we get to 250 families, we will get to a majority in all this area.

JC:

And that is your aim – to become a majority?

AK:

Yes, in 10 years time, this is our aim. Learning from the history of other places, this is what will happen, or even better, we will get to 300!

JC:

A key figure in the settlers' drive to acquire Arab properties in East Jerusalem, Arieh digs in the archives. He finds houses owned by Jews before 1948, locates relatives, often abroad, and gets them to stake a claim.

AK:

You see here right here we have a Jewish family living. All these buildings both that and that before belong to Jews.

JC:

Aren't you worried about the tension you're causing by buying up these Jewish properties in a predominantly Arab area?

AK:

Sometimes it's causing for a few days conflict but, here, on purpose, I am doing it slowly. They know we own it. My way is to convince them, don't cause us to use the police, or any other power or forces. Do it by yourself. Choose the time, choose the way and we will help you.

JC:

And you give them money as well?

AK:

If they need money, I don't have any problem to give them something so it will make them easy to go out.

JC:

Arieh's work is paid for by wealthy backers in America and Europe. When Arabs won't move or sell then he gets eviction orders. Arieh prefers to work after dark –

there's less likely to be trouble. But, just in case, the Israeli army send soldiers along.

Women:

Why didn't you come alone without the army and all this disturbance ... Not like this ... bringing the army...

Voice:

It's by order of the court.

JC:

Arieh's serving six eviction orders tonight. Soon Jews will move in.

Men:

What are you trying to do? Make the women and children homeless? God forbid. Give us back our land then we'll give yours back to you!

JC:

House by house, Arieh aims to change the demographics of East Jerusalem.

AK:

I am doing whatever I can in any kind of level to protect Jerusalem from being divided. It means to strengthen the sovereignty of the Jewish government, the Israeli government, in east of Jerusalem. It's a struggle on the future of the Jewish nation in the land of the Holy Land and the heart of the struggle. My aim is to get Jews all over, all over!"

Panorama's response, that it had spent considerable time and effort explaining Jewish claims, was considered by the Committee, as was its comment: "It would neither be expected nor possible to explain individual historical claims to each area of East Jerusalem."

Examples given by Panorama had included reference to Jewish historical claims in the Hanoun case, quoted above, and the following from the Mayor of Jerusalem:

Nir Barkat:

When Jews re-bought a piece of land that belonged to Jews 100 years ago, 2,000 years ago and they bought it and own it legally, they have a right to live in East Jerusalem the way anybody else in the world has a right to live anywhere in their own city. The demand that Jews maybe not allowed to live in East Jerusalem is unlawful in any modern country.

The complainants had maintained the segment on Sheikh Jarrah – an area which was particularly disputed – should have had more context and been better balanced. It had, they had said, been:

"...devoted almost entirely to relaying the Arab perspective. Only Palestinians were shown presenting their grievances emotively and at length, while not a single Israeli voice was heard to provide the opposing perspective on this controversy."

The Committee reviewed further correspondence from the complainants which had emphasised their view on balance and impartiality:

"...assessing a film for impartiality in its entirety involves assessing a film's treatment of particular controversies that are highlighted within. When a

programme chooses to focus on a particular controversy, the relevant sides of that controversy should be adequately and independently examined, in addition to looking at overall balance and impartiality ... Even if an Israeli point of view on a different, unrelated topic was presented elsewhere in the programme, viewers were nonetheless misled on this particular controversy [Sheikh Jarrah]."

The Committee referred to the guidelines which state:

"Impartiality must be adequate and appropriate to our output. Our approach to achieving it will therefore vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted.

Impartiality is described in the Agreement as 'due impartiality'. It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view."

The Committee noted that in the case of Sheikh Jarrah the Hanoun case was an example which demonstrated that there were historic Jewish claims in this area which predated 1948. The Committee also noted that in the case of Ras Al Amud the description of the work of Mr King made it clear that there were historic Jewish claims to properties in the neighbourhood, and the reference to the cemetery at the Mount of Olives as the site of the most important Jewish cemetery in the world also established that this was once a Jewish area. The Committee considered that these references taken with the Mayor's statement (set out above) had dealt appropriately with the historical background and were sufficient to achieve due impartiality given that it was a half-hour film and the Panorama audience would have had some previous understanding of the context. It considered that the audience had not, therefore, been misled.

The Committee did not consider it was necessary in each section of a film to achieve due impartiality within the section.

For these reasons, this element of the complaint was not upheld.

i) Partisan use of language in relation to property and holy sites

The complainants had argued that the reporter was not impartial when she had described certain properties as "Arab" when they were claimed by both Jews and Arabs.

One example considered by the Committee was:

Jane Corbin:

In the last few months Palestinian houses in Sheikh Jarrah have been taken over by Israeli settlers.

The Committee reiterated the points it had made when discussing element a) of the complaint: it recognised the sensitivities that often surrounded language in relation to controversial issues. Perhaps, for example, it would have been more helpful if the properties cited in the example above had been referred to as "disputed" or "contested" the first time they had been mentioned.

Nevertheless, the Committee decided that the overall context provided by the programme meant viewers would have had a clear understanding that the properties were, indeed, disputed, and so the audience had not been misled on this issue.

The complainants had also argued that only Israelis had been challenged and not Palestinians. The Committee noted the examples given by the complainants:

"[The settler organisation Elad] is accused of undermining the Palestinians, by digging under their houses, and by emphasising that it's Jews who have lived here for thousands of years."

"But do you understand the Palestinians when they say you're erasing their history, and that you're putting Jewish history before theirs? They feel very sensitive about this."

The Committee noted that the complainants' point was that similar language had not been used the other way around, e.g. it was not suggested that "Palestinians are 'accused of undermining' the Jewish bond to eastern Jerusalem by illegally building in sensitive areas or by their opposition to any Jewish presence in what is considered Jewish heartland".

The Committee took the view that in the context of this programme it was appropriate to explain criticisms and to present them to key interviewees to respond to. The Committee was of the view that it was not necessary to put balancing challenges to Palestinians to achieve due impartiality.

The Committee also examined the complaint about language in relation to holy sites which was given as an example of a "general pattern of partisan language". The complainants had argued that, for example, the Temple Mount was referred to as "the compound surrounding the holy mosques" or "Muslim holy sites" but it had not been mentioned that the same place was "the most sacred ground in Judaism".

The Committee reviewed the relevant part of the script:

Jane Corbin:

Silwan is just a few hundred yards from the Old City where I'd started my journey.

It's here the bitterness and the suspicion between Palestinians and Israelis could well find its focus – in the most combustible square kilometre in the world.

Settlers have been moving in to houses in the Muslim quarter of the Old City – more than 40 properties so far. Israeli archaeology has raised Arab suspicions of a Jewish takeover of the Muslim holy sites.

Ofer Shomer:

This is the most sensitive place for us, it's the back of the Western Wall.

JC:

Ofer Shomer has one of the hardest police jobs in the world, making sure Jews and Muslims can pray in peace here.

(Riots archive) Last autumn Palestinians rioted after rumours spread that Jews were coming to pray on the compound surrounding the holy mosques.

The Committee considered Panorama's response which was that it had been made very clear that Jerusalem and the Temple Mount were sacred to Jews. The Adler family, who had been filmed going to pray there, articulated the holy nature of the place for Jews. The relevant extract was reviewed:

Jane Corbin:

On the Sabbath the Adlers visit the Western Wall of the Temple.

Yonatan Adler:

We have a special prayer for Jerusalem which Jews have been praying for the last 2,000 years, since the destruction of the Second Temple.

JC:

This is the holiest place in the world for Jews and it is why the Adlers say they'd resist any peace deal that required them to leave.

In response to the point from the complainants that it was the Temple Mount which should have been referred to as Judaism's most holy site, not the Western Wall, the Panorama reporter stated in further correspondence, and with reference to the script extract above:

"The sequence was filmed in the vicinity of the Western Wall but the Temple Mount is behind and above it and considered part of the complex by Jews praying there. Yonatan Adler was clearly referring to the whole area and indeed the whole of Jerusalem, as was I. I then went on to ask him if he would be willing to leave Jerusalem (not the Western Wall specifically) if there was a peace deal that required it – again, I was making it clear that the 'holiest site' for Jews is the whole of this area/Jerusalem."

The Committee accepted that the latter was a reasonable interpretation and the audience would not, therefore have been misled on this issue.

For the reasons set out above, this element of the complaint was not upheld. The Committee concluded that due impartiality and due accuracy had been achieved.

j) Biased treatment of history and archaeology in East Jerusalem

The Committee considered the complainants' points and Panorama's responses on the issues of history and archaeology. The complainants had argued that essential context had been ignored:

"Israeli actions in East Jerusalem cannot begin to be understood without knowledge of the millennia-long Jewish presence there before Jordan's illegal occupation of the territory between 1948-67, the expulsion of the Jews from their homes, the barring of their return, and the destruction and desecration of Jewish religious sites..."

Panorama had responded that the programme was not a history documentary but a current affairs programme dealing with a topical matter of international controversy. Recent conflict had been summarised in the following way:

Jane Corbin:

When the State of Israel was born in 1948 Jerusalem was divided – the west of the city became part of Israel and the east was controlled by Jordan. In 1967 Israel annexed East Jerusalem after seizing the West Bank, following war with its Arab neighbours.

References had also been made in other parts of the programme to Jewish historical claims.

The complainants said the programme had presented Israeli archaeological excavations "through a lens of Palestinian grievance". In contrast, the programme failed to cover "any mention of Israeli grievances against Palestinian politicisation of archaeology". The complainants had said there had been no reporting of the

“vast effort by Palestinian leaders, clerics and academics to deny and undermine Israel’s connection to Jewish holy sites and shrines, and to erase evidence of Jewish habitation and heritage in Jerusalem’s holy basin”.

Panorama pointed out that the programme had filmed extensively with the representative of Elad which runs the archaeological site at the City of David. This is the relevant extract:

Jane Corbin:

Beneath Silwan tunnels are spreading. This is an archaeological site run by the settler group, Elad. They’re accused of undermining the Palestinians, by digging under their houses and by emphasising that it’s *Jews* who have lived here for thousands of years.

Doron Spielman:

You close your eyes and you sit on one of these stones and you walk through this place with the Bible and you literally see people from the Bible jumping out of the pages at you.

JC:

Doron Spielman, from Elad, took me round the City of David, as this part of Silwan is now called. The site is now one of Israel’s major tourist attractions. Israeli soldiers are brought here to learn about Jewish history and what they’re fighting for.

DS:

Basically this is a goldmine. Here you have an archaeological site which is 14 acres in size which is the cornerstone of archaeology of the Bible throughout the world. This year let’s say about half a million people come.

JC:

The Israeli government’s been criticised for handing the running of a sensitive national site to a settler organisation with its own agenda and a selective view of history.

(to DS) But do you understand the Palestinians when they say you are erasing their history and putting Jewish history before theirs, they feel very sensitive about this?

DS:

If there is anything Palestinian, the Palestinians are a nation that was created 60 years ago.

JC:

Arabs then, and Muslims.

DS:

Arab history. There is no Arab history, there is no Arab history here. Anything that was found has been publicised.

JC:

Elad underwrites the City of David with half a million dollars a year. Donations come from all over the world – all part of Israel’s drive to lay claim to the whole of Jerusalem.

DS:

Israel is the sovereign entity. I am a member of this country and very proud of this country. If my actions, if the actions of our organisation, enable more Jewish people to live here, more archaeology to become known here and to celebrate Jewish history in this area – I don't believe it has to be at the expense of anybody – then I would be very proud to do so.

The Committee noted the view of the complainants that this interview was not about Israeli grievances.

The Committee reiterated the point it had made when considering element h), that it considered the programme had dealt appropriately with the historical background, given that it was a half-hour film and the Panorama audience would have had some previous understanding of the context. For this reason, it considered that the film was duly impartial in this respect.

The Committee did not agree that the issue of archaeology had been presented "through a lens of Palestinian grievance". Indeed, the Committee considered that, for a half-hour programme, a Jewish perspective on archaeology had been adequately represented in the interview with Mr Spielman, above. It was not necessary to include "Israeli grievances against Palestinian politicisation of archaeology" to achieve impartiality. The Committee considered that this aspect of the film, too, had been duly impartial.

This element of the complaint was not upheld.

k) Biased reporting of violence

The Committee considered the complainants' view that the programme had treated violence in Jerusalem in a one-sided way: the focus had been exclusively and at length on an Arab injured by an Israeli in disputed circumstances, dwelling almost entirely on the Arab victim's account of the incident.

The relevant part of the film was reviewed:

Jane Corbin:

But tension in Silwan is growing and both sides are suffering. The Palestinians say what happened to this man, Ahmed Qareen, is a warning of how bad things could get.

Last September CCTV recorded a scuffle between some Arabs and two Israelis, one of them was armed. They backed off up the street out of sight of the camera. Ahmed says he heard his kids screaming and ran outside. A bystander took this picture – Ahmed in a white T-shirt, no gun, facing the Israelis.

Ahmed Qareen:

I asked him – why are you doing this to the children? Suddenly his friend told him to shoot me – I was only half a metre away. He shot me in the right thigh. I fell to the ground. Then he stepped over me and started shooting wildly. He shot a child.

JC:

The Israeli shot Ahmed a second time as he lay on the ground. (X-rays, in hospital) His thigh bone was shattered – he nearly bled to death. Ahmed's still unable to work. The Israeli was released without charge claiming he'd been attacked and was acting in self defence.

Ahmed's sons arrive home from a counselling session – they've been scarred by witnessing their father shot in front of them.

Ali Qareen (crying):

I saw him standing over my dad and he shot him again – he shot him again. They want us out of here but I *will* stay.

The complainants had said that no equivalent examples were shown of shooting and stabbing attacks against Jews in Jerusalem, nor of larger scale attacks. Instead, the film had focused on a single example where Israelis had been portrayed as the aggressors.

The Committee noted that it had been made clear that the incident was disputed and that the Israeli had been released without charge after maintaining he had been acting in self defence.

It also noted that a number of references had been made to violence on both sides in East Jerusalem. For example, the reporter had said in her introduction to the scene that tension was growing and "both sides are suffering".

The Committee reviewed the following scene with Ofer Shomer of the Israeli police and considered it was an example that demonstrated balance in this area:

Jane Corbin:

Ofer Shomer has one of the hardest police jobs in the world, making sure Jews and Muslims can pray in peace here.

(Riots archive) Last autumn Palestinians rioted after rumours spread that Jews were coming to pray on the compound surrounding the holy mosques.

The Israelis say some Palestinians were exploiting the recent tensions caused by the evictions and demolitions in East Jerusalem. A few weeks ago we saw violence here in this area. Who was behind it?

Ofer Shomer:

Extremist Muslim movement, which convinced the people over here that there is some kind of Jewish group to come here and pray inside the mosque or something like that, something that can't happen over here. And of course, it's just cheap propaganda.

The Committee also reviewed the section of the film containing the interview with the settler family, the Adlers. It was considered that the film made clear that the family felt under threat and needed security guards:

Jane Corbin:

The security guards who shadow the Adlers and all the settlers' children as they move around Silwan are paid for by the Israeli state.

JC (to Devorah Adler):

What are relations like with your Arab neighbours here?

Devorah Adler:

We have been here almost 12 years now. It's been respectful.

JC:

But not warm, from what you're saying.

DA:

I wouldn't say that we are close neighbours but it's definitely a relationship that's respectful.

Yonatan Adler:

Unfortunately, like in other places in the world, there are racists and there are anti-Semites. And there are people who would be looking to harm us just because of who we are, just because of our religion or our ethnicity.

For the reasons detailed above, the Committee did not agree that violence had been treated in a one-sided way, and decided that the programme had been duly impartial in this respect.

This element of the complaint was not upheld.

Finally, the Committee gave consideration to the complainants' comments about other matters, in particular about the following: the links between the individual sections of the complaint; the more general comments from the complainants about the degree of challenge from the reporter they felt had been reserved for Israeli interviewees; and the concern they had that their arguments had been diffused and weakened by treating the individual sections of their complaint separately.

Looking at the programme overall, the Committee noted that the film had been a report of events at a particular moment in time in the context of a complex and controversial dispute.

It noted it would almost always be possible for those with strong feelings and a particular perspective on the dispute to take issue with the detail of any report on this subject. However, the Committee further noted that it was bound to consider the programme as the generality of Panorama viewers might have done; it was from this viewpoint that it considered the film, overall, had been duly accurate and impartial.

Finding: not upheld

Iraq Inquiry Coverage, BBC News Channel, 29 January 2010

1. The background

The complaint relates to a two-way on the BBC News Channel on the day Tony Blair gave evidence to the Chilcot Inquiry on Iraq. The reporter was discussing the context of that morning's evidence and mentioned a crucial meeting between Mr Blair and President Bush at the Crawford Ranch in Texas. This is the relevant section of that two-way:

REPORTER: ... let's just remember for people, that meeting that Tony Blair had with President Bush in the spring of 2002. Now at this inquiry, one witness, the former UK Ambassador to the States said, at that meeting Tony Blair signed a deal in blood with President Bush that the UK would go to war alongside America if that was their decision. Now Tony Blair has dismissed that today, he dismissed Christopher Meyer really, saying well look, he wasn't there at that meeting and I think you could tell from his body language really what he thought of the attempt by Sir Christopher Meyer to put that point when he was here at the inquiry.

2. The complaint

Stage 1

The complainant wrote to BBC Complaints on 29 January 2010. He quoted Sir Christopher Meyer's earlier evidence to the Chilcot Inquiry:

"I believe that ... the two men were alone in the ranch until dinner on Saturday night where all the advisers, including myself, turned up. So I'm not entirely clear to this day what degree of convergence was, if you like, signed in blood, at the Crawford ranch."

The complainant concluded:

"In other words he (Sir Christopher) had said I wasn't there so I don't know whether a deal had been done in blood. (The reporter's) remark was therefore a complete misrepresentation of a vital piece of the evidence in a way that clearly went against Tony Blair's case and the BBC's guidelines on accuracy and impartiality."

The complainant also alleged that the camera position for the two-way put the reporter directly in front of placards critical of Tony Blair's role in the war and that this further prejudiced Mr Blair's case. The complainant said a more neutral backdrop of the conference centre should have been used instead.

BBC Complaints responded on 8 April 2010 apologising for the delay. BBC News Channel Editors said that Sir Christopher Meyer knew exactly what he was saying and that the "signed in blood" comments made headlines everywhere. His evidence revealed there had been a crucial discussion at Crawford:

"...he spoke on this issue using diplomatic language but it's (the reporter's) role to make clear to the audience what he was saying here and that he leaves open the question as to precisely what each party took away from that conversation."

The News Channel said that while it would have been better had the entire quote been read out before the reporter said what Sir Christopher really meant, her interpretation was the same as everyone had placed on the "signed in blood" remarks.

Stage 2

The complainant wrote to the Editorial Complaints Unit on 19 April 2010. The reporter had presented her version as fact not as her interpretation of what had been said and as the news team had acknowledged this, his complaint in that regard should have been upheld as a breach of accuracy. He felt even if it had been made clearer what she meant:

"I do not think it would have been good enough to justify such a politically controversial interpretation simply on the basis that this is how it had been played out across the rest of the media."

The complainant stated the BBC should be drawing its own conclusions on such matters and in the absence of any evidence that Sir Christopher knew what really happened at Crawford, the reporter should not have given credence to the anti-war argument by implying that he knew that a regime change deal had been signed in blood.

He asked also that his point about the background images of the anti-Blair placards be addressed.

The Complaints Director of the ECU replied on 23 April 2010 summarising the issues he was planning to consider. The complainant replied on 28 April 2010. He asked the ECU to address his allegation that the reporter's "distorted version" of Sir Christopher's remarks and BBC News' defence that it was the same as everyone else's interpretation, suggested that the whole News Channel team had sided with the anti-war lobby.

The Head of Editorial Complaints reached a finding on 20 May 2010. The ECU had reviewed Sir Christopher's evidence in full:

"...it is reasonable to conclude that Sir Christopher understood Mr Blair had given his support for '*regime change*' in Iraq, but that's not necessarily the same as a commitment to go to war".

The ECU agreed there had been a breach of the editorial guidelines on accuracy. The viewer would have understood from the News Channel two-way that Mr Blair had given a commitment to go to war alongside America if that was their decision.

The ECU examined whether the inaccurate reporting of Sir Christopher's evidence had led to a lack of balance because it also reflected the view of the anti-war lobby. It concluded that there had not been a breach of due impartiality because the reporter had explained that Mr Blair dismissed his evidence.

The backdrop to the two-way, of protesters holding banners critical of Tony Blair and President Bush was relevant and reasonable illustrative material, contemporaneous to the event. It did not amount to bias against Mr Blair or a lack of due impartiality.

The complainant wrote to the ECU on 26 May 2010, welcoming the finding of inaccuracy in relation to the reporting of Sir Christopher's testimony. He was unhappy with the remainder of the finding and particularly that it had not addressed the response from the News Channel editors:

"...in which they seem to be excusing (the reporter's) observation on the basis that 'this is the interpretation that everyone placed on these remarks'."

The Head of Editorial Complaints replied on 17 June 2010 saying he did not believe there had been a breach of impartiality. He also explained that it is not within the remit of the ECU to examine responses from other areas of the BBC. The complainant was directed to the management of BBC News.

The complainant responded on 20 June 2010 saying he intended to take his complaint to the BBC Trust because in his view the remarks and the background of the anti-war placards taken together amounted to a breach of impartiality. He also felt that the manner of BBC News' reply was an editorial rather than a management issue.

An exchange of emails followed in which the complainant inquired when the finding would be published and what was happening about the issue of BBC News' response. The complainant was advised on 19 July 2010 that the finding was now on the BBC website. A further email on 3 August 2010 advised the complainant that the ECU considered Stage 2 to have been completed and that if he had any further concerns that BBC News' response had not been adequate, they should be addressed to the Editorial Standards Committee.

Stage 3 – Appeal to the Editorial Standards Committee (ESC)

The complainant appealed to the ESC on 2 August 2010.

"Can it be right for an impartial BBC correspondent to inaccurately report what Sir Christopher had said in exactly the same way that the story has been put out by the anti-war lobby?"

"Did reporting Blair's denial of the story really restore balance ... surely the public reaction to the 'man in the dock's' response would have been, he would say that wouldn't he (especially against the background of those Bliar [sic] placards)."

He asked the ESC to consider BBC News' defence of the reporter's approach (that it was how the rest of the media had interpreted the remarks):

"Such a response clearly shows that the BBC team were taking their cue from the rest of the (largely anti-Blair) media rather than forming their own conclusions based on their own objective research."

3. Applicable editorial guidelines

Section 3 – Accuracy

Introduction

The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation.

For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

We aim to achieve accuracy by:

- the accurate gathering of material using first hand sources wherever possible.
- checking and cross checking the facts.

- validating the authenticity of documentary evidence and digital material.
- corroborating claims and allegations made by contributors wherever possible.

Section 4 – Impartiality and Diversity of Opinion

Introduction

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output, whatever the format, from radio news bulletins via our web sites to our commercial magazines and includes a commitment to reflecting a diversity of opinion.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK and throughout the world to support fair and informed debate. It specifies that we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of political or industrial controversy. It also states that the BBC is forbidden from expressing an opinion on current affairs or matters of public policy other than broadcasting.

In practice, our commitment to impartiality means:

- we exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate as long as there are good editorial reasons for doing so.
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects.
- the approach to, and tone of, BBC stories must always reflect our editorial values. Presenters, reporters and correspondents are the public face and voice of the BBC, they can have a significant impact on the perceptions of our impartiality.
- our journalists and presenters, including those in news and current affairs, may provide professional judgments but may not express personal opinions on matters of public policy or political or industrial controversy. Our audiences should not be able to tell from BBC programmes or other BBC output the personal views of our journalists and presenters on such matters.

Achieving impartiality

Impartiality must be adequate and appropriate to our output. Our approach to achieving it will therefore vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted to our audiences.

Impartiality is described in the Agreement as “due impartiality”. It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

News, in whatever form, must be presented with due impartiality.

“Controversial subjects”

In the United Kingdom controversial subjects are issues of significance for the whole of the country, such as elections, or highly contentious new legislation on the eve of a crucial Commons vote, or a UK wide public sector strike.

In the nations and regions of the UK, controversial subjects are those which have considerable impact on the nation or region. They include political or industrial issues or events which are the subject of intense debate or relate to a policy under discussion or already decided by local government.

In the global context, some controversial subjects such as national elections or referendums will obviously have varying degrees of global significance but will be of great sensitivity in that country or region in which they are taking place. We should always remember that much of the BBC's output is now available in most countries across the world.

We must ensure a wide range of significant views and perspectives are given due weight in the period during which a controversial subject is active. Opinion should be clearly distinguished from fact. When the issues involved are highly controversial and/or a decisive moment in the controversy is expected we will sometimes need to ensure that all of the main views are reflected in our output. This may mean featuring them in a single programme, or even a single item...

Section 17 – Accountability

The BBC is accountable to its audiences. Their continuing trust in the BBC is a crucial part of our relationship with them. We will act in good faith by dealing fairly and openly with them. We are open in acknowledging mistakes when they are made and encourage a culture of willingness to learn from them.

Our commitment to our audiences is to ensure that complaints and enquiries are dealt with quickly, courteously and with respect.

4. The Committee's decision

The Committee considered the complaint against the relevant editorial standards, as set out in the BBC's editorial guidelines. The guidelines are a statement of the BBC's values and standards.

In reaching its decision the Committee took full account of all the available evidence, including (but not limited to) the Editorial Adviser's report and subsequent submissions from the complainant.

This appeal raised issues requiring consideration of the editorial guidelines relating to accuracy, impartiality and accountability to audiences.

The Committee considered the complaint under three headings:

1. That the inaccuracy so closely echoed the views of the anti-war lobby that it amounted to a breach of impartiality
 2. That the footage shown during the broadcast was of anti-war protesters only and was also a breach of the impartiality rules
 3. And that the BBC's initial response to the complaint was inappropriate in quoting in its defence how other media had reported the event.
1. The inaccuracy was also a breach of impartiality

The Committee noted that the broadcast had been ruled inaccurate by the Editorial Complaints Unit in respect of the reporting of Sir Christopher Meyer's evidence to the Chilcot Inquiry. He had been asked about a meeting between Prime Minister Tony Blair and President George Bush at the president's ranch in Crawford, Texas.

The Committee noted that the reporter on the News Channel had said:

"Well that interesting mention, as you said there, of Crawford, let's just remember for people, that meeting that Tony Blair had with President Bush in the spring of 2002. Now at this inquiry, one witness, the former UK Ambassador to the States said, at that meeting Tony Blair signed a deal in blood with President Bush that the UK would go to war alongside America if that was their decision. Now Tony Blair has dismissed that today, he dismissed Christopher Meyer really, saying well look, he wasn't there at that meeting and I think you could tell from his body language really what he thought of the attempt by Sir Christopher Meyer to put that point when he was here at the inquiry."

Whereas, the Committee noted that the actual wording of Sir Christopher Meyer's evidence had been:

"Of course, while regime change was the formal policy of the United States of America, it didn't necessarily mean an armed invasion, at that time, of Iraq and it may sound like a difference without a distinction or a distinction without a difference, but it wasn't, not at that time..."

...I believe that, after that, the two men were alone in the ranch until dinner on Saturday night where all the advisers, including myself, turned up.

So I'm not entirely clear to this day – I know what the Cabinet Office says were the results of the meeting, but, to this day, I'm not entirely clear what degree of convergence was, if you like, signed in blood, at the Crawford ranch."

The Committee considered whether this inaccuracy of itself had resulted in a breach of the impartiality guidelines. It agreed with the ECU that the reporting was inaccurate and that the mistake had resulted in a serious allegation.

The Committee noted that the complainant was appealing the decision of the Editorial Complaints Unit that, because Mr Blair's position had been given in the section under scrutiny, there had been no imbalance.

The Committee noted that the complainant had asked the Committee to consider whether it could be right for an impartial BBC correspondent to inaccurately report what Sir Christopher had said, in exactly the same way that the story had been put out by the anti-war lobby. The complainant did not believe that reporting Mr Blair's denial of the story restored balance to the piece "if it came across mainly as the 'impartial' BBC reporter citing evidence that an invasion deal had been signed in blood".

The Committee was of the view that the entire section – and not just the offending sentence – had to be taken into account when considering the impartiality guideline. The Committee noted that the broadcast had taken place from outside the inquiry at the Queen Elizabeth Conference Centre on the day that the former Prime Minister Tony Blair had been giving his evidence. The reporter, Laura Kuenssberg, had been responding to questions from the programme presenter, and had covered Mr Blair's testimony over a number of answers.

The Committee noted that in the section following on from the sentence under scrutiny, Laura Kuenssberg had said:

"...and none of the panel members actually asked Tony Blair directly 'did you promise to put British boots on the ground if America went to war?' That said, what he has said clearly, and what is fundamentally abundantly, clear is that he thought and said to President Bush, and agreed with him, that if the diplomatic route failed then military action was a possibility and that was something that the UK agreed with – not a direct promise to go into war but they agreed that military action was a possibility if the UN route failed and that was very clear from Tony Blair. Frustratingly though perhaps, and some viewers may feel this too, none of the panel members said to him 'Did you promise to put British boots on the ground if he went to war?' I think one thing that's also struck me very much this morning is the number of times that Tony Blair has talked about how 9/11 changed everything. We heard that from his close colleagues here Jonathan Powell, Alastair Campbell, Jack Straw, all mention that, it seems to me almost at every opportunity Tony Blair is pressing that case – that in his view, 9/11 changed everything and not that the threat from Saddam changed then, but that the international community's tolerance of threats was completely transformed by that action."

The Controller of the BBC News Channel believed the inaccuracy did not result in any lack of impartiality; in a response provided to the ESC as part of the investigation by an independent editorial adviser to the ESC he apologised for the inaccuracy and said:

"Throughout the Iraq Inquiry we have carried live the views of dozens of witnesses on all sides of the argument and we have interviewed people who were both pro and anti the Iraq war. There has overall – and on the day of Mr Blair's evidence – been an active and conscientious effort to provide impartial coverage in the full knowledge of the strength of the pressure groups on both sides of this debate."

The Committee believed that taken overall, the report had clearly covered Mr Blair's own testimony when he laid out his strategy towards Iraq. Mr Blair's position had been made very clear. The report had presented to the viewer the response to Sir Christopher Meyer's earlier remarks, a description of the policy Mr Blair had adopted ahead of the meeting with President Bush and the context in which the decisions were being taken.

The Committee noted that the complainant believed that the result of the inaccuracy was to promote the view of the "anti-war" faction. The Committee could find no evidence that this was the case. It accepted the BBC position that the mistake came in the middle of many hours of reporting from the inquiry and the Committee had seen no evidence to suggest that it had not otherwise been accurate and impartial throughout. It did not believe that the one inaccuracy had led to a breach of the obligation for due impartiality, nor that the general viewer would have been misled.

This part of the complaint was not upheld.

2. The video footage of the protesters

The Committee then turned to the complainant's concern that the choice of pictures used as illustration during the interview was also tantamount to an endorsement of the anti-war lobby and had led to a breach of the requirement to be duly impartial.

The Committee noted that during the interview by the presenter with the reporter, a split-screen device had been used, with Laura Kuenssberg in one section, and footage of anti-Blair demonstrators in the other.

The Committee noted that the complainant had suggested that the alternative would have been to use the Conference Centre as the background with only the occasional shot of the

protest, although he believed that their views would more properly have been left to a separate part of the coverage with balancing views from the other side, as was done later. It noted that the complainant asked the Committee, given that this simple alternative existed, how shooting the whole interview against this protest background accorded with the impartiality rules?

The Committee noted that the BBC, in its response to the Trust's investigation, stated that it believed the protests were an important element of the story:

"Using a split screen during two ways is a common practice on the Channel to enrich the story telling and give more strands on each story.

In this particular broadcast the protests outside the conference hall where Mr Tony Blair was giving evidence before the Iraq Inquiry was a newsworthy part of the overall story for two reasons:

No other witness before the inquiry attracted the same level of protest – albeit small as our pictures clearly showed. It was therefore highly relevant to the news story.

We believe it could be seen as bias IN FAVOUR of Mr Blair if we had not covered the protest given how much live coverage we gave Mr Blair's own testimony on the day."

The Committee noted that the broadcast was conducted with the noise of the demonstrators filtering through from the background and that showing the protest enabled viewers to understand what the noise was. It also noted that the BBC had said that there were many more protesters outside the hearing on this day than in previous days of testimony. The Committee agreed that was because of the presence of the former Prime Minister and that the protest was a news event. The Committee concluded that it was for the BBC to decide whether and how it covered this news event. Given that it was occurring whilst the live update was taking place it was entirely appropriate for it to be in shot as part of a split screen.

The Committee did not consider that showing footage of anti-Blair protesters as part of the split screen was an endorsement of the anti-war view. It had not breached the impartiality guidelines. This part of the complaint was not upheld.

3. The initial response from the BBC

This part of the appeal, being outside the remit of the Editorial Complaints Unit, was made directly to the Committee.

The complainant believed that the first response from the News Channel had been inappropriate in that the News Channel had seemed to be excusing the reporter's observation on the basis that "this is the interpretation that everyone placed on these remarks". He believed the response clearly showed that the BBC team were taking their cue from the rest of what he called "the (largely anti-Blair) media" rather than forming their own conclusions based on their own objective research as required under the BBC rules.

The complainant asked the Committee if it was right for the BBC team to be defending the inaccurate remark on the basis that it was the reporter's role to say what Sir Christopher really meant.

The complainant also asked if it was right for the BBC team to justify what had been said on the grounds that this is how the story had played out elsewhere in the media.

The Committee noted that the relevant guidelines state that the BBC should be open in admitting mistakes when they are made. The Committee also noted that the BBC – in its submission for the appeal – now did acknowledge shortcomings in that early response: the BBC submission agreed that the reply had not been well enough researched and apologised for that. The BBC submission had added:

“Whilst it is true that Tony Blair, Alastair Campbell and Jonathan Powell, when responding to this aspect of the inquiry, reflected the interpretation put on the evidence by Laura and others that was not a satisfactory basis on which to explain the broadcast.”

The Committee agreed that the initial response had been below the standard expected. The BBC should have acknowledged the mistake immediately.

The Committee noted that the news team involved had, as part of this appeal process, now accepted there had been an error and apologised for it.

The Committee agreed that the complainant had been justified in bringing the initial response to the attention of the BBC Trust. However, it believed that the apology and the explanation provided to the Committee meant that, in its view, the matter had been resolved.

This part of the appeal was resolved.

Overall impartiality

Finally, the Committee considered the complainant's request that the three elements of his complaint be considered in totality with respect to the impartiality guidelines. The Committee noted that it had not found the acknowledged inaccuracy in the report to have led to a breach of the impartiality guidelines because the report as a whole had not misled the audience with regard to Tony Blair's position.

The Committee noted that the purpose of a three-stage complaints process is to allow answers provided at an earlier stage to be expanded upon or improved. It did not consider the erroneous argument that BBC News had employed in its stage 1 response to be indicative of the bias alleged by the complainant.

With regard to the choice of camera shots used in the report, the Committee had already concluded that this was a news judgment and it accepted the reasons provided by BBC News for including the shots of protesters.

In conclusion, the Committee found that there was no evidence to indicate a lack of due impartiality in the elements of the complaint taken either individually or in totality.

Finding: not upheld

Rejected appeal

Appeal rejected by the ESC as being out of remit or because the complaint had not raised a matter of substance and there was no reasonable prospect of success.

Pointless, BBC Two, 30 August 2010

The complainant requested that the Committee review the decision of the Head of Editorial Standards, BBC Trust, not to proceed with his request for an appeal. The complainant had appealed against the BBC Executive's decision not to uphold his complaint concerning the accuracy of the language used to describe the nationality of Clement Attlee and Winston Churchill on the quiz programme Pointless.

The Committee's decision

The Committee noted the responses the complainant had received from the programme team, the Editorial Complaints Unit and from the Head of Editorial Standards, BBC Trust.

The Committee noted the complainant's concerns which were stated in his initial complaint to the BBC. The complainant stated:

"On Mondays first episode of the new series of POINTLESS they asked the following question 'name as many allied leaders of world war two as you can' after the contestants answered Richard Osman gave out the full list of answers and he referred to Winston Churchill and Clement Attlee as 'English Leaders' when they were clearly 'British Leaders'..."

The BBC said in its response to the complaint:

"We agree with your point that Winston Churchill and Clement Attlee were Prime Ministers of the United Kingdom and as such should be described as British Prime Ministers or British Leaders when referred to in their constitutional role. In this instance, however, when Richard referred to 'two English Names on the list', it was in a colloquial way referring to Attlee and Churchill, who were both born in England. He didn't in this instance refer to them as 'English leaders', which we accept would have been incorrect."

The complainant was dissatisfied with this reply and escalated his complaint to the Editorial Complaints Unit at stage 2 of the BBC's complaints process, saying:

"...the question was about leaders and therefore they should have been referred to as British. If Churchill and Atlee were to be named as English then Stalin should have been named as Georgian where he was born and not Russian, Franklin D Roosevelt should have been named as from New York State where he was born and Harry S Truman should have been referred to as from Missouri where he was born, but by calling Churchill and Atlee as English and Stalin as Russian and Roosevelt and Truman as American Richard Osman was racist as you cannot call three leaders by their National title and the other two leaders by where they were born..."

The Head of the Editorial Complaints Unit (ECU) said that, while it would have been better to describe Attlee and Churchill as British rather than English in this context, given the fact that this was a quiz show there was more scope for colloquial terms than, for example, in a news report or historical documentary.

The complainant appealed to the BBC Trust against the ECU's finding, saying:

“The original question on the programme pointless on this occasion was ‘Leaders who attended the Yalta conference’ so the word ‘Leader’ means the Country they were leading and not the place they were born.

Also as I stated in the earlier correspondence because he used one in a colloquial sense then he should have used all of them in the same way but because he did not then he was totally wrong so as the title states ‘Leaders’ then he should have stated that ‘Churchill and Atlee were British’.”

The Committee then noted the response of the Head of Editorial Standards, BBC Trust, to the complainant’s request for the Trust to consider his complaint on appeal.

The Head of Editorial Standards reiterated the ECU’s reply that both Attlee and Churchill were born in England. She did not consider it inaccurate to describe Attlee and Churchill as English names. However, the Head of Editorial Standards agreed with the ECU’s sentiment that in the context of the question (allied leaders of World War II) it would have been more appropriate to describe them as British. Noting that the BBC had effectively accepted that a better description of Attlee and Churchill could have been used, the Head of Editorial Standards considered that it would be disproportionate to bring this complaint on appeal to the BBC Trust as there was no case to answer on appeal.

The Committee noted that the Head of Editorial Standards had stated that she understood the complainant’s concerns about the accurate use of language when referring to the United Kingdom, and that she appreciated the time he had taken to raise his complaint with the BBC.

The Committee concluded that the replies that had been provided by the BBC Executive and the Head of Editorial Standards had acknowledged the fact that, while not strictly inaccurate, the wording used in the programme could have been more appropriately chosen.

The Committee agreed that it would be disproportionate to bring the complaint on appeal to the BBC Trust and endorsed the Head of Editorial Standards’ decision in this regard. There was no reasonable prospect of success for this appeal.

The Committee was therefore satisfied that the decision not to proceed with the appeal was correct.