

April to June 2004
Issued July 2004



Programme Complaints: Appeals to the Governors



The Board of Governors is responsible for overseeing the running of the BBC, to ensure that the BBC serves the public interest. We do this in a range of ways, such as setting key objectives and approving strategy and policy. Most importantly for this bulletin, we are responsible for monitoring the effectiveness of complaints handling by the BBC, including hearing appeals from complainants who are not happy with the responses they have received from management to serious programme complaints.

The Governors' Programme Complaints Committee is a subcommittee of five members drawn from the full Board of Governors. For a full account of our remit, please see the back page of this bulletin.

Foreword by the Chairman of the Governors' Programme Complaints Committee

The Governors' Programme Complaints Committee (GPCC) is responsible for ensuring that complaints are properly handled by the BBC. The GPCC has set out best-practice standards against which it judges BBC complaints handling; it undertakes an annual review of complaints handling; and – every month – it considers appeals from people who have made a serious complaint to BBC management, and are not happy with the response they have received.

This bulletin provides a summary of the appeals considered between April and June 2004. The GPCC came to findings on eight appeals in this period: seven related to matters of fairness and accuracy, and one concerned matters of taste and decency. After careful consideration, the GPCC concluded that BBC management had responded appropriately to the complaints, and none was upheld.

In April, the GPCC also carried out its third annual review of complaints handling. The focus was on BBC Information, which handles over 2 million letters, calls and emails each year, 8% of which are complaints. The GPCC also reviewed the work of the Programme Complaints Unit, which investigates complaints that suggest there has been a serious breach of the BBC's editorial standards. The work of both units was assessed against the best-practice principles established by the GPCC in July 2002: that the complaints processes should be easy to access and easy to understand; that they should be prompt, fair and effective; and that management should learn from complaints to improve its services. The outcome of this review will be reported in the BBC Annual Report and Accounts.

Looking forward, the GPCC will also play a central role in ensuring that the BBC delivers against the promises it has made in its contribution to the debate on Charter renewal in *Building public value*. The BBC will shortly introduce a new system for dealing with complaints from licence payers, to ensure objectivity, fairness and transparency. The changes will also include a new Head of Complaints (Governance) reporting directly to the Board of Governors.



Sir Robert Smith

Chairman of the Governors' Programme Complaints Committee

Summary of appeals

Matters of fairness and accuracy

The World at One

BBC Radio 4, 25 November 2003

This complaint to the Head of Programme Complaints concerned two items on *The World at One* which, it was claimed, showed pro-Government and pro-EU bias.

The first item concerned the possible UK veto of the new European constitution, and the second concerned the agreement by EU finance ministers that Germany and France could ignore deficit limits. The complainant maintained that, although a number of views were heard on both items, these were from spokesmen for the UK government, or the EU or from Labour officials with a pro-EU position. He held there had been no balance provided between those wanting or not wanting further integration.

Possible UK veto of the European constitution

The complainant maintained, in particular, that at no time did the item include questioning of the UK government spokesman on why a veto was now being considered for what was originally presented as a tidying-up exercise.

The Head of Programme Complaints did not uphold this element of the complaint. He began his response by explaining that this item was one in a sequence which aimed to look at the Government's position rather than the entire spectrum of views on the EU, and that this was "clearly signposted" as such by the presenter, Nick Clarke. The item had asked whether the Government's position on the constitution was shifting in the run-up to the EU summit, and to this end views were sought from the Euro-sceptic wing of the Labour Party as well as from a representative who was more "enthusiastic". The BBC's Political Editor, Andrew Marr, also gave an assessment of the situation. Nick Clarke asked him directly whether the Government was changing its tactics, to which he replied:

"No, this is a classic case of pre-negotiations hype, frankly: use your newspapers nationally to ramp up the sense of drama ... there was plenty of this stuff before the Maastricht Treaty too. I've been phoning around Whitehall this morning and if you look at the absolute detail of tax policy, social security, foreign affairs and all the rest of it, time and time again you hear – actually, we're winning the argument. We're not talking about pulling the plug: it's perfectly possible that the constitution will fail, but it won't fail because of Britain, it will fail because of Poland, or because they can't ratify in some other country afterwards ... this is sabre-rattling."

The Head of Programme Complaints concluded that this put the Government's view into perspective and dispensed with the need for possible further questioning of the Government spokesman about why a veto was now being considered.

EU finance ministers

This item concerned the agreement by EU finance ministers that Germany and France could ignore deficit limits.

The Head of Programme Complaints did not uphold this element of the complaint. He noted that the item was introduced by the BBC correspondent Tim Franks reporting from outside the ministers' meeting that there was "a sharp emotional divide in Brussels today between those who are relieved and those who are

furious". He concluded that this was a balanced introduction to the notion that there were dissimilar views, and observed that the report also included contributions from Gordon Brown, the European Economic Affairs Commissioner, the Dutch Finance Ministry and the tax and finance group in the Bundestag.

The complainant appealed to the Governors' Programme Complaints Committee.

The Committee's decision

The Committee considered that the framing of this edition of *The World at One* had been appropriate. It noted the requirement for balance of coverage across time, rather than in relation to individual editions of programmes.

In the first instance, the Committee was satisfied that the programme had made it clear that it intended to look at the Government's position in relation to the New European Union Constitution. It was appropriate, in this context, to hear from both the pro and sceptic wings of the Labour Party, rather than sampling the full range of views as was warranted in other contexts. The item had, nevertheless, referred to the reactions to the leak of both the Liberal Democrats and the Tories. This had been put into context by the comments from Andrew Marr.

In the second instance, the aim had been to hear from a range of groups about their reactions to the Growth and Stability Pact. This had included the opposing camps, like the Dutch who were angered by the rules being flouted, and the Germans who were pleased with the outcome. The Committee was satisfied that this approach had been appropriate.

The appeal was not upheld.

Julian Worricker

BBC Radio Five Live, 23 January 2004

This complaint to the Director of News concerned comments by the BBC's Security Correspondent, Frank Gardner, during the *Julian Worricker* programme on BBC Radio Five Live. These comments concerned the correspondent's interpretation of the Palestinian position and of UN resolutions.

The complaint related to the following two comments by Frank Gardner:

"Theirs [the Palestinians'] is essentially a territorial fight to liberate their land from illegal occupation ... people should understand that Israel is illegally occupying Arab land. It's against UN resolutions, and the transportation of a civilian population into occupied territory and then colonising it is illegal under the Geneva Convention."

Later:

"The European Union has tried to be quite robust. It also tries to be as even-handed as it can. I don't think America is even-handed in this ... Israel is supported entirely or heavily, financially, in terms of a military aid package which runs to billions of dollars a year."

The complainant maintained that these comments were unfair, inaccurate, subjective, imbalanced and misleading. In particular he complained that:

- The comment concerning an "illegal occupation" was explicitly biased in favour of the Palestinians. The complainant maintained that the legality of Israel's presence in the West Bank and Gaza had never been determined by an international court.
- The portrayal of Palestinian terrorism as a "territorial fight" to "liberate" the West Bank and Gaza was

factually inaccurate and biased against Israel. The complainant maintained there was substantial evidence to show that Palestinian armed groups were fighting to eliminate the State of Israel and not to “liberate” the West Bank and Gaza.

- It was factually inaccurate to state that the Palestinians were fighting for “their” land as there had never been a Palestinian state and the territorial borders of such a state had yet to be determined by negotiated settlement.
- It was explicitly biased for Frank Gardner to say that Israel’s presence in the territories was “against UN resolutions”. The complainant pointed to the fact that UN Security Council Resolutions (UNSCRs) 242 and 338 required Israel to withdraw only from “territories” to “secure and recognised boundaries”, and only providing the Arabs ended their conflict with Israel and recognised her right to exist (which most Arab states had declined to do).
- Frank Gardner had wrongly asserted that “the transportation of a civilian population [ie Israeli settlers] into occupied territory and then colonising it is illegal under the Geneva Convention”. The complainant maintained that (1) the West Bank and Gaza did not constitute “another country occupied by Israel” under international law and hence the Israeli population could legally move there; (2) Israeli settlers were volunteers and nowhere did the Geneva Convention forbid the voluntary resettlement of a civilian population to territories under an occupier’s control; (3) Jewish communities had existed in these areas for many centuries.
- It was inaccurate and biased to assert, as Frank Gardner did, that the EU was “even-handed” in its approach to the Middle East, while America was not. The complainant said that supporters of Israel would argue that the EU was a distinctly anti-Israeli organisation, while America has, for example, given comparable amounts of military aid to Jordan, Egypt and Israel and had expressed opposition to the “natural expansion of Israeli communities in the Disputed Territories” and to Israel’s anti-terrorism fence.

In his response, the Director of News pointed out that Frank Gardner had reported from the Middle East for many years, and described his position on these matters as neutral. To that end, he had made it explicitly clear during the programme, and on more than one occasion, that he condemned suicide bombings unreservedly, a viewpoint which inevitably drew accusations from some of the more extreme sections of the Muslim world that he was anti-Arab.

The letter then summarised the explanation given by Frank Gardner for the view that the Palestinians were engaged in a “territorial fight” over land which was “illegally occupied”, on the basis of UNSCRs 465 (1980), 242 (1967) and 338 (1973), and also referring to the statement of the Conference of High Contracting Parties to the Fourth Geneva Convention (July 1999) concerning the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem.

On the issue of the movement of the civilian population, Frank Gardner apologised for an unintentional slip of the tongue. He was, in fact, referring to the last clause of Article 49 rather than the one suggested by the complainant, and intended to say “transfer” rather than “transportation”. This referred to the relevant clause of the Fourth Geneva Convention which states that “the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies”.

In relation to the role of the EU and the United States, it was noted that there was criticism in some quarters that the EU was anti-Israel though, equally, this criticism came mainly from supporters of Israel. The response maintained that Frank Gardner was aiming to give a professional, impartial judgement.

The complainant wrote to the Director-General raising a number of objections to the reply from the Director of News. Simon Milner, the Secretary, answered on behalf of the Director-General, referring the complaint to the Governors’ Programme Complaints Committee.

The Committee’s decision

The Committee gave initial consideration to this appeal at its meeting in April 2004, and further consideration at its meeting in May.

Having listened to the item, and reviewed the correspondence and editorial advice relating to this appeal, the Committee also discussed the issues raised by appeal with Frank Gardner (Security Correspondent) and Mark Damazer (Deputy Director, BBC News).

The Committee was satisfied overall that Frank Gardner's contribution to the phone-in had been appropriately handled. In particular the Committee noted that:

- Frank Gardner was a highly experienced correspondent who had been invited to contribute his expert opinion to the phone-in debate following comments by Liberal Democrat MP Jenny Tonge to the effect that she understood the actions of Palestinian suicide bombers, and that if she had to live in that situation she "might just consider becoming one myself".
- Frank Gardner had already apologised for his inadvertent reference to the "transportation" rather than "transfer" of the civilian population. The Committee was satisfied that no further comment was required on this matter.
- In relation to the reference to Israel "illegally occupying" the territories, the Committee recognised that this issue was complex, particularly as the terms of UN resolutions were frequently vague and ambiguous. It observed that many in the international community regarded the Israeli occupation as illegal, including the call by the UN Secretary-General Kofi Annan for Israel to end its "illegal occupation" (Reuters report from UN headquarters, New York, 12 March 2002). The Committee noted further that actions relating to the settlement of the Occupied Territories were illegal under the Fourth Geneva Convention, and that the comments by Frank Gardner were closely related to observations about the settlements. The Committee was satisfied that, in this context, the comments did not represent a breach of BBC guidelines on accuracy.
- Although the complainant objected to Frank Gardner's references to "Palestinian land" and "Arab land", these terms appropriately reflected the language of UN resolutions. Both UNSCR 446 (1979) and UNSCR 465 (1980) referred to "Palestinian and other Arab territories occupied since 1967".
- There was a body of opinion which claimed the Palestinian aim was the eradication of Israel, but that Frank Gardner had qualified his observation about the territorial aims by saying it was "essentially" a territorial fight.
- Frank Gardner had adequately qualified his comments in relation to the EU by saying that it had "tried" to be even-handed in its approach.

The appeal was not upheld.

You and Yours

BBC Radio 4, 7 May 2003

In his complaint, the complainant maintained that a report by *You and Yours* into the practice of "allegating" had been misleading to the point of distortion.

You and Yours had reported on local authorities' newly acquired powers to close footpaths and alleyways in designated high crime areas. The closures, described as "allegating", applied mainly in residential areas, on the grounds that such footpaths and alleyways attracted antisocial behaviour.

The complainant described the report in the following way:

- Droylsden in Greater Manchester was used to demonstrate the success achieved by "allegating", particularly where there were older, inner-city terraced properties.
- The programme then highlighted a campaign led by two residents of Oxton in Wirral to prevent the clearance of an obstruction on a footpath adjoining their homes. The report had implied, by association, that this was a similar situation to that in Droylsden, and that the clearance would thereby expose them to unacceptable levels of criminal and antisocial behaviour.
- The complainant held that this comparison was highly misleading. He maintained that while Droylsden was similar to, for example, Moss Side, Oxton was a prosperous and vibrant "urban village".

The complainant cited further distortions:

- The portrayal by the two residents of the Oxton Society as the villain of the piece, in its determination to reopen the footpath at any cost.
- The claim of the two residents that the blockage had been in existence for 25 years while, the complainant asserted, it in fact consisted of household and garden refuse.
- The extent of the “crime wave” which, he maintained, appeared to be one burglary suffered by one of the participants who had moved to the area 18 months ago.

The complainant maintained that “readily verifiable facts are somewhat different”:

- A Council committee approved legal proceedings to record the footpath as a public right of way on 10 September 1999.
- The Council received legal opinion that the footpath was a public right of way.
- The footpath remains readily accessible at one end and is, for the greater part, neat and tidy. “It is only the disfiguring heap of fly-tipped rubbish which prevents, at the other end, legitimate freedom of access.”

The complainant received a reply from Ian Bent, Editor, BBC Radio & Music, Factual & Learning. Ian Bent explained that the report focused on new powers being given to local councils to allow them to close down urban footpaths and alleyways if they believed that doing so would help fight crime. He proposed that the complainant’s concerns had been based on a number of misapprehensions about what was said. In particular, there was no mention of either Droylsden in Manchester or the Oxton Society.

The report had, however, featured Rusholme in Manchester where a historically significant path was under threat of closure. This had been contrasted with Oxton where two residents claimed that the partial opening up of a previously impassable path had contributed to a crime and to their fear of crime. The purpose in contrasting these two paths was that, between them, they encapsulated and gave focus to the two sides of the argument.

Following further correspondence with the complainant, Ian Bent forwarded his complaint to the Head of Programme Complaints for independent investigation. The Head of Programme Complaints did not uphold the complaint on the following grounds:

- If the report had focused on the debate about a particular pathway in Oxton, then the complainant’s concern about the absence of local voices in favour of reopening it would have been justified. The aim of the report was, however, to look at the issues about rights of way and crime. The report was, in this context, appropriately framed. In particular, the Oxton residents were clearly identified as people whose houses backed on to the right of way, and there was no suggestion that they represented the community as a whole.
- He did not share the complainant’s perception that the report had compared Oxton with Rusholme in terms of crime levels and other matters. He held that the two areas had in fact been contrasted: Rusholme, on the one hand, associated with badly-lit alleyways full of dog muck and Oxton, on the other, with trees, bushes, wildlife and a conservation area.
- He had been unable to find out why the report said the obstruction had been there for “25 years”, and accepted he was not in a position to dispute the complainant’s assertion that the figure was incorrect. He understood, however, that the obstruction had been there for “some considerable time” and did not consider that the reference to 25 years had misled listeners in any material way.

The complainant appealed to the Governors’ Programme Complaints Committee.

The Committee’s decision

The Committee listened to the report and reviewed the correspondence relating to this appeal. It agreed that the complainant had been under some misapprehensions about the report. It noted that this short report had focused on the contentious issue of councils being able to close footpaths in designated high crime areas, and had included the following elements:

- A contribution from Norman Road in Rusholme where campaigners wanted the local authority to clear a footpath. The campaigners argued that allowing access to walkers would reduce crime, as they would act as “eyes and ears” for the area.
- A contribution from Oxtan where two local residents were opposed to the reopening of an overgrown alleyway because – they claimed – it would present a security risk.
- An interview with a Manchester City councillor, who said that 25 areas of the city had qualified for the high crime area status, and that they had already gated 200 alleyways and passages in Manchester. He said this policy had been successful and that burglary had been reduced.

The Committee was satisfied that the report had, in this way, reflected the various aspects of the debate. It concluded that the item had been well balanced and had dealt well with the issue overall. The Committee noted that the assertion that Oxtan pathway had been obstructed for “25 years” could not be substantiated, but understood that it had been obstructed for some considerable time. The Committee did not consider, therefore, that this raised a substantive instance of inaccuracy.

The appeal was not upheld.

Dan Cruickshank on the Road to Armageddon

BBC Two, Saturday 7 June 2003

The complaint to the Head of Programme Complaints maintained that the above programme was “riddled with the distortions and omissions typical of the BBC’s notorious anti-Israel bias”. The complainant held that the programme was an attempt to blame Israel for the destruction of historic and religious sites.

In particular, the complainant maintained that the documentary:

- Inflated the number of Arab victims of the Hebron 1994 massacre (given as 70), while omitting to mention the 59 Jews murdered in the 1929 Hebron massacre.
- Blamed “Jewish extremists” for attempts to blow up the Dome of the Rock, while omitting to mention the “Christian fanatics” who tried to do just the same.
- Focused on the violence that followed the building of a tunnel under the Arab quarter in Jerusalem.
- Omitted reference to the desecration of the seventh-century Shalom al Israel synagogue near Jericho.
- Explained the vandalising by Palestinian Arabs of Joseph’s Tomb as “revenge” for the ruined buildings in Nablus, although it was ransacked (and its rabbi Hillel Lieberman murdered) well before the Israel Defense Forces (IDF) operation against Nablus terrorists.
- Made no reference to the period of Jordanian occupation of Jerusalem (1948–1967) when both Jews and Christians were banned from praying at the Temple Mount and thousands of Jewish cultural and religious artefacts were destroyed.
- Did not question the Islamic authority in charge of the Temple Mount about the systematic demolition of the Jewish heritage in Jerusalem’s Old City, which continues to this day.

Having investigated the complaint, the Head of Programme Complaints found that the figure of 70 dead in the 1994 Hebron massacre was wrong. This aspect of the complaint was upheld. The Head of Programme Complaints did not uphold the complaint in relation to the remaining elements, on the grounds that:

- The purpose of the sequence concerning the 1994 Hebron massacre was to explain the current security measures, as a result of tension in the area following the events in 1994. In this context, the 1929 massacre was not relevant to the point he was making.
- In commenting on attempts to blow up the “Dome on the Rock”, the use of the term “Jewish extremist” was valid, while he found no evidence of any organised “Christian fanatics” having ever actually tried to damage the mosque.
- The sequence concerning the tunnel under the Temple Mount was simply a factual account of what occurred.
- The programme team had visited the Shalom al Israel synagogue near Jericho. The original mosaic was, however, undamaged (although the house built over it had been badly vandalised in 2000). The site was

therefore not included in the programme, which concerned “architectural treasures” rather than the desecration of religious sites.

- In relation to Joseph’s Tomb, there had been a number of attacks since the murderous and devastating attack in 2000. Dan Cruickshank was referring to an attack which occurred in the two weeks prior to 23 February 2003. On this basis it was “not unreasonable” to assume that revenge was one of the motives for the more recent attacks on the tomb.
- Concerning the Temple Mount, there was no evidence that there had been any physical destruction of the ancient building. The presenter, Dan Cruickshank, did record an interview with the head of the Islamic Authority on the Temple Mount, the Waqf, but found it was unhelpful to the programme, so the production team decided not to include it.

The complainant appealed to the Governors’ Programme Complaints Committee.

The Committee’s decision

The Committee noted that it had taken a previous complaint in relation to this programme, and referred to that finding where appropriate in its consideration of this appeal. The Committee also met with members of the programme production team – Basil Comely (Editor, Specialist Factual), Heidi Perry (Producer) and David Vincent (Assistant Producer) – to discuss the issues raised by the appeal.

As stated in its previous finding, the Committee was satisfied overall that the documentary had been appropriately framed. It was also satisfied by assurances from Basil Comely that all commentary and observations by the presenter had been subject to careful discussion, both before and after filming, and that the production team were acutely aware of the sensitivities in approaching this subject area in this region of the world.

The Committee did not uphold the complaint about bias, and came to the following conclusions on the various elements of the complainant’s appeal.

- Complaint: That the programme omitted reference to the killing of Jewish people in Hebron, prior to the killing of Palestinians in 1994.

The Committee noted that – in introducing the section on the Tomb of the Patriarchs – Professor Cruickshank had described the security situation and said *inter alia* that the Tomb had been heavily guarded since the massacre of Palestinians in 1994. The Committee understood that the decision to station troops permanently at Hebron was taken after the events of 1994, and that Professor Cruickshank’s comment had been a statement of fact. The Committee did not consider therefore that the complaint provided substantive evidence of bias.

- Complaint: That the programme should have referred to “Christian fanatics” who also attempted to blow the Dome of the Rock during the 1980s and 1990s.

The Committee understood that the individuals concerned had been investigated by the Israeli army and deported without charge. It did not appear that they had been part of a wider organisation, nor that they had actually attempted to blow up the Temple on the Mount itself. The Committee did not consider therefore that the complaint provided substantive evidence of bias.

- Complaint: That the programme ignored Palestinian vandalism in 2000 to the Shalom al Israel synagogue in Jericho, which had been built post-1967 over a sixth-century mosaic.

The Committee understood that the programme had visited this site. It had not been featured because the damage to the synagogue was to an undistinguished late 20th century building, whereas the programme was about damage to “architectural treasures”. The Committee was satisfied that the programme team had provided an appropriate rationale for its decision in relation to this site.

- Complaint: That the programme had made a “spurious link” between the vandalism by Palestinian Arabs of Joseph’s Tomb and the IDF actions in Nablus. The complainant maintained that the ransacking of the Tomb took place well before the IDF operation in April 2002.

The Committee noted that Professor Cruickshank (filming in May 2003) had clearly referred to vandalism which occurred “just three months ago” and which marked “a new turn in this violence”. From press reports, the Committee understood that the attack in February 2003 had targeted the tombstone of St Joseph itself, rather than the complex. It was reported in the Israeli press in the following terms: “While Arab Muslims have for more than two years desecrated the complex surrounding Joseph’s Tomb, the actual burial site – the authenticity of which archaeologists say is backed by compelling evidence – had until some time during the past two weeks been left untouched.” The Committee considered that the attack in February 2003 was clearly marked out as a seminal event in the ongoing vandalism, and had taken place after the IDF actions in Nablus. The Committee took the view that Professor Cruickshank’s comments had been appropriately framed.

- Complaint: That the programme should have questioned the Islamic authorities in charge of the Temple Mount about the risk to its archaeological treasures caused by the unsupervised construction of a mosque and the “systematic demolition” of the Jewish heritage in Jerusalem’s Old City.

The programme team explained that there was a range of claims and counterclaims made by both Israeli and Palestinian archaeologists in relation to this site. In the event, however, the team had been refused access by the Israeli authorities who had jurisdiction over the site. As Professor Cruickshank was unable to personally verify the various claims, the programme took the decision not to explore them further. The Committee was satisfied, on this basis, that the section concerning the Temple Mount had been appropriately framed.

- Complaint: That, having featured a Palestinian archaeologist who accused the IDF of the deliberate destruction of the Nablus historic town centre, the programme should have provided the reason and circumstances of the Israeli action in Nablus.

The Committee had previously concluded that the programme should have obtained an Israeli response in relation to events in Nablus. In relation to the complaint, the Committee noted further that Professor Cruickshank had said, in opening this section, that Nablus was “a stronghold of Palestinian resistance, and when I was there, support for Saddam Hussein was strong”. It did not consider further comment was required in relation to this element of the complaint.

The appeal was not upheld.

Today

BBC Radio 4, Friday 9 January 2004

Broadcasting House

BBC Radio 4, Sunday 18 January 2004

The complaint to the Head of Programme Complaints concerned two reports of the deaths of twin babies after the mother and father were apparently delayed at an Israeli checkpoint.

The complaint related to two items, described in the following terms:

- In the *Today* programme, the reporter quoted an article in Ha’aretz by Gideon Levy, a controversial Israeli journalist who has been much criticised for producing reports that only give the Palestinian side of events.
- *Broadcasting House* interviewed the father of the babies. He related events which conflicted with the original Ha’aretz story and another that had been published on the internet by the International Solidarity Movement.

The complainant observed that the BBC had not broadcast a response by the Israeli army, while the cause of the babies’ deaths (he deduced from the two reports) was a problem over the ambulance. He concluded:

“After their tragic death, the parents decided to blame the Israelis, rather than their own decision not to wait for the ambulance at home or the failure of the ambulance to arrive.” The complainant maintained that the BBC had therefore contributed to an unjustified and fraudulent attack on the Israeli army and that *Broadcasting House* had again set out to slander the State of Israel. He concluded: “Every other week this programme attacks the integrity of the people of Israel and belittles their fight against terrorism.”

In responding, the Head of Programme Complaints noted that he had not considered the complaint relating to *Today* as, in his opinion, it did not provide *prima facie* evidence of a possible breach of standards. He did not uphold the complaint relating to *Broadcasting House* on the grounds that:

- The item concerned started with a news report which explained the caution of Israeli soldiers at West Bank checkpoints. It said: “A female suicide bomber killed four Israelis at a checkpoint this week after she convinced them she was ill. It’s likely to make soldiers even more wary than before.”
- In this context, it was valid for the programme to then hear the first-hand account from Mr Mustafa of his treatment at the checkpoint, and the death of both his children. Mr Mustafa went on to indicate that a senior Israeli military officer had suggested that the Israeli army also had concerns over the way he and his wife had been treated.
- The complainant’s assertions about the events leading to the death of the twins was speculation, unsupported by any evidence. It would not have been appropriate for the BBC to broadcast such speculation.

The Committee’s decision

The Committee noted that the complaint about *Today* related to a final comment in a review of the papers from Jerusalem. The Committee considered it was appropriate for such a review to quote from a newspaper in this way.

Concerning the complaint about the *Broadcasting House* item, the Committee understood that the reporter and producer in the BBC’s Jerusalem Bureau had applied for an interview with the IDF four days before transmission and had persisted with at least six follow-up calls. The IDF had, in the event, refused to provide an interview.

The Committee regarded the complainant’s assertions about the “truth” behind the event as speculation. The Committee did not consider, therefore, that the complaint identified substantive evidence of bias.

The appeal was not upheld.

The Day that Shook the World – The Birth of Israel

BBC Two, Wednesday 14 January 2004

The complainant maintained that, rather than being a factual portrayal of events, the archival material in this documentary was “interlaced with a propaganda story”.

In particular, he complained that:

- The reconstruction of two Palestinians fighting the Jewish army in Jaffa had “pushed” Arab propaganda which portrayed a “tiny Palestinian people” fighting the “power” of the Israeli army.
- The programme referred to the Arabs as Palestinians, whereas the Palestinian identity did not commence until after the Six-Day War in 1967.
- The statement that the American government feared being rejected by Jewish voters was totally unacceptable.
- The programme stated inaccurately that three-quarters of a million Palestinians had lost their homes.
- The programme stated that American approval had allowed Jews to purchase weapons, which was a fabrication.

The Head of Programme Complaints did not uphold the complaint on grounds including:

- The term Palestinian was used by the government of Israel when discussing its own history and, on this basis, it was reasonable that it was used by the programme.
- The complainant had confused two issues when claiming that “the American Jewish population as [a] group have never influenced American policy”. The programme briefly mentioned US domestic political considerations when discussing Truman’s attitude to recognising the infant state. It said: “New York alone has 100,000 Jewish voters” and continued “Truman’s foreign policy may have a huge impact on the survival of his administration.” The complainant maintained there was a very substantial difference between saying that a significant bloc of voters could influence the outcome of elections and suggesting that a group of Jews, or Jews as a whole, exercised an inappropriate influence on American policy.
- The figure of 750,000 Palestinians who fled their homes is very widely accepted.

The complainant appealed to the Governors’ Programme Complaints Committee.

The Committee’s decision

In its discussion of this appeal, the Committee noted that the programme had been written, researched and filmed with the co-operation of the staff at Independence Hall in Tel Aviv. It understood that Independence Hall (regarded as the birthplace of the State of Israel) was now the site of an internationally respected museum. Co-operation with the staff had included showing them the final script for comment. The Committee considered that this clear demonstration of concern for accuracy was reflected in the framing of the programme overall.

The Committee did not uphold the appeal, and came to the following conclusions in relation to the various elements of the complaint:

- That the reconstruction of fighting in Jaffa had been appropriate. The Committee noted in particular that the reconstruction of events was, in principle, a legitimate device for portraying historical events; that this was the only instance in which Palestinians were featured in reconstructions, and that otherwise they had concerned events from the Jewish perspective; and that the reconstruction had been based on personal accounts of events.
- The programme had clearly reflected the concern of Jewish people about Jewish fighters. It had made a range of other references to the plight of Jewish fighters including, for example, to Golda Meir’s deep concern about her sons fighting at the front.
- In relation to Ben Gurion’s speech, Ben Gurion was shown making his declaration of independence speech and the commentators said: “The climax of the declaration is Israel’s commitment to peace with its Arab neighbours.”
- The complainant’s assertion that the correct term for Palestinians was “Palestinian Arabs” prior to the Six-Day War did not raise substantive issues in relation to accuracy or bias. The Committee noted that, as the same complainant had previously stated, many people held that the Palestinian “identity” had developed in the 1920s; that “Palestine” was a Roman term, used by Emperor Hadrian almost 2,000 years ago; and that it was used, for example, by Israeli newspapers in discussion of events in 1948. The Committee also understood that while the programme acknowledged that the Palestinian identity was not formally recognised until 1967, it had used the straightforward term “Palestinian” for the sake of clarity. The Committee was satisfied that, in this context, the use of the term Palestinian was appropriate.
- The Committee did not consider it was “unacceptable” for the programme to state that the American government feared being rejected by Jewish voters. The Committee reviewed a wide range of evidence relating to the perceived impact of the Jewish vote in American politics. This included, for example, excerpts from the memoirs of former US Secretary of Defence Clark Clifford, and quotes from articles

published by the Jerusalem Centre for Public Affairs. The Committee concluded that the commentary had been appropriately framed.

- On the number of Palestinians who had lost their homes, the Committee drew on sources such as the Country Study on Israel published by the Library of Congress and the British Mandate Authority population figures. It was satisfied that the figure of 750,000 was widely accepted.
- The programme had clearly stated that its focus was Israel and the establishment of the State of Israel. This provided an appropriate rationale for the decision not to refer to the Jewish people who chose or were forced to leave other countries in the Middle East.
- The programme had made two references to American approval allowing the Jews to purchase weapons. On the question of whether Truman would support the declaration of independence, the commentator said: "Without legal recognition they will be unable to buy new weapons and ammunition – left on their own how long can they survive?" At a later point, the commentator said: "With recognition the Israelis can buy the weapons they need – and the war of independence will ultimately be won." The Committee considered that these statements were appropriate, referring in particular to research on the Jewish Agency for Israel website which stated: "Once recognised the State of Israel could set its own foreign policy and import weapons to defend its independence as a sovereign state."

The appeal was not upheld.

The Fall of Milosevic

BBC Two, 5, 12 and 19 January 2003

The complainant maintained that this series failed to take into account historical, geopolitical and general facts about the civil war in former Yugoslavia. He maintained that the purpose of the programme was to put the blame for the civil war in former Yugoslavia on to Milosevic and the Serbian people, and to exonerate those who had intervened in that war, causing huge destruction and committing crimes against innocent people. The complainant held that the programme was not objective, and that the BBC had become a propaganda tool for the current Labour Government.

In summary, the complainant raised the following points:

- The programmes gave the impression that the Serbs were the sole cause of the civil war, and attributed nationalism exclusively to Milosevic and the Serbs. He maintained that this was untrue, particularly as nationalism had been evident during and since Tito's time.
- There was no mention of the genocide which the Croats committed on the Serbs in the Second World War.
- The Kosovo Albanians had asked for independence before Milosevic's time. The complainant cited requests for a "Kosovo Republic" prior to 1970.
- The crime committed by Serbs in former Yugoslavia had been exaggerated and the programme's claims of planned "ethnic cleansing" by the Serbs were ludicrous in view of the fact that during the conflict various nationalities – out of which 56,000 were Albanians – lived amicably in Belgrade.
- The programmes did not give a full picture of the role which US intelligence had played in the break-up of Yugoslavia. The complainant maintained, for example, that the Americans had trained and equipped the Kosovo Liberation Army (KLA) well before Nato started to bomb Yugoslavia on 24 March 1999.
- There was no reference to breaches by the Albanian diaspora of the UN Security Council Resolution which embargoed the supply of weapons to all sides of the conflict in Kosovo. The complainant claimed that weapons were supplied by Albanians in Germany, the US and Switzerland with the full knowledge of German and American intelligence.

- The programme gave more than five minutes' coverage of the killing of the journalist Zarko Curuvija in Belgrade, but less than five minutes' coverage to Nato killing by cluster bombs. It implied that Nis was the only town bombed by cluster bombs whereas, in fact, many other towns and villages were also bombed. In total 2,193 people were killed, of whom 81 were Serbian and 22 were Albanian children.

The Head of Programme Complaints did not uphold this complaint. In his finding letter, he began by explaining that the purpose of the series had been to investigate how Slobodan Milosevic, former President of Serbia and Yugoslavia, had come to be the first head of state to be tried by an international court on charges of war crimes and genocide.

Within this context, the programmes had focused on a specific time frame and sequence of events. These started with the signing of the Bosnia peace treaty in Paris at the end of 1995 and ended with Milosevic's eventual extradition to the Hague. It had also used testimony from a wide range of people who, without exception, had played an active part in this piece of history. As a result, the Head of Programme Complaints concluded that the background mentioned in the complaint (such as events from World War Two and the wider ethnic and geopolitical landscape of the former Yugoslavia) could justifiably be left out of the series.

The Head of Programme Complaints found no evidence of the series having a predetermined editorial line. Neither did he agree that the programme laid the blame for the war in Kosovo on former President Milosevic. He observed that it gave prominence both to the actions of the KLA and the disagreement among Nato members over issues such as commercial sanctions, and therefore strongly suggested the possibility that these and other factors also contributed.

The Head of Programme Complaints also responded to the complainant's detailed concerns, including the following points:

- He found no evidence of a generally biased agenda either by the critical views on Milosevic being given undue weight, or by the Serb voice being inadequately represented.
- The programme referred to a range of causes of the conflict, rather than implying that the Serbs were the sole cause, as the complainant maintained.
- The programme did, in fact, deal with the lack of border security and the supply of weapons to the KLA from Albania and elsewhere.
- Programme two included coverage of Nato bombing of non-military targets, and examined the ethics of the use of cluster bombs.

The complainant contested the finding of the Head of Programme Complaints (including raising his complaint with Tam Dalyell MP). After further correspondence, Tam Dalyell MP raised the matter with Mark Byford (Acting Director-General), and the complaint was referred to the Governors' Programme Complaints Committee.

The Committee's decision

In reviewing this appeal, the Committee considered first the complaint that the series had failed to reflect the history of the conflict in the Balkans over the past 60 years. The Committee was satisfied, however, that the purpose of the series had been made very clear. It considered that the signposting and framing of the programmes had been explicit in setting out their remit to provide a "personalised account" of the events leading to the trial of Slobodan Milosevic, former President of Yugoslavia. It agreed therefore with the finding of the Head of Programme Complaints that the decision to focus exclusively on the four-year time frame (1995–1999) was justified.

The Committee noted the complaint that the programme had grossly exaggerated the ethnic cleansing of Kosovo Albanians. It observed that the programme team's response was that the series had not given an overall figure for the death count for either side, and that figures relating to individual incidents were based on reports from monitoring agencies. The Committee was satisfied that this response was appropriate.

The Committee considered the complaints that the series omitted to reflect the full role of the intelligence services and the extent to which Americans had trained and equipped the KLA long before the Nato bombing started, or to mention the extent to which the Albanians were being supplied with arms by Kosovo sympathisers in the West and the US, despite UN sanctions.

The Committee noted that the series had included material about the arms smuggling. It observed more generally that some material would inevitably be omitted, or minimised, when telling such a complex story. The Committee did not consider that the instances raised by the complainant represented a serious editorial imbalance in the programme.

The Committee considered the complaint that the programme gave more than five minutes to the killing of one journalist but much less to the Nato killing by cluster bombs of innocent civilians, and failed to mention the number of towns which had been bombed in this way, and that the programme had failed to report that Nato had bombed many other targets of no significant military significance.

The Committee took the view that the series had included quite good coverage of the way Nato had escalated its bombing. It considered that considerable effort had been made to describe what was happening to the victims as well as the protagonists; in particular that the sequence reflecting on the impact of the Nato cluster bomb dropped on Nis had been extremely graphic.

Finally the Committee considered the complaint that the purpose of the series was to minimise the responsibilities of those who intervened in this civil war, and to put the blame on the Serbs and on Slobodan Milosevic for this “tragic conflict”. The Committee was satisfied that the series had been an appropriately balanced and well-made eyewitness account of the events concerned, and that this did not accord with the complainant’s characterisation of the series.

The appeal was not upheld.

Matters of taste and decency

Jon Gaunt

BBC London, 27 March 2003

The complainant wrote originally to the Managing Editor of BBC London and then to the Head of Programme Complaints. The complaint alleged that the presenter, Jon Gaunt, had said (in relation to the war in Iraq) that “a soldier should desert”. The complainant maintained that the comment amounted to an enticement to commit the crime of desertion in a time of war.

The complaint concerned the following extract of the programme in which Jon Gaunt read out an email:

“I’ve been getting emails for the past few days from Brian in Dagenham and I haven’t read them out because I haven’t really seen the point he’s making. I’m going to read this one out and I’d like to take your views on it.

‘Hi Jon, Day 8. As a warmonger how do you feel about 1,000 injured and now over 1,000 dead? Have you seen the pictures of children with their stomachs half blown away. Make sure you hug and kiss your girls. How would you suggest we hug and kiss our 18-year-old son as he’s in Iraq fighting your war.

What sacrifice have you made...isn’t it about time you talked up a war in North Korea. You don’t seem to have any answers to my emails. Could it be that you have no answers? You can always reply by email if you don’t want to answer on air. Stay safe Jon. Brian in Dagenham.’

Well, Brian, with the greatest respect, your son obviously volunteered for the army and he’s over there and I wish and pray for him to come back safely. I don’t really understand your point. Why are you having a go at me. Why don’t you tell your son to desert or leave? Is that too harsh? I don’t really understand his point...”

The Head of Programme Complaints did not uphold the complaint on the grounds that the presenter, in his view, had not suggested that “a soldier should desert”, but had said that if “Brian” was unhappy about his son serving as a soldier in Iraq that was something he needed to speak to his son about. The Head of Programme Complaints concluded that the presenter was pointing out in a forceful way that he didn’t feel responsible for the demands imposed by the son’s career.

The complainant appealed to the Governors’ Programme Complaints Committee stating that Jon Gaunt did “undeniably express his own opinion over the BBC airwaves ... that a third party should coerce ‘an active in combat soldier’ into committing a penal offence”.

The Committee’s decision

Having listened to the tape and reviewed the correspondence, the Committee observed that the comment concerned was a throw-away remark and in keeping with the robust style of presenters such as Jon Gaunt. It considered that it had been injudicious for the presenter to use the phrase “desert”, and that he could have chosen his words more carefully. The Committee was satisfied, however, that the presenter was not intentionally inciting servicemen or women to desert, but was trying to suggest that this was a matter for discussion between the emailer and his son.

The appeal was not upheld.

Remit of the Governors' Programme Complaints Committee

The Governors' Programme Complaints Committee (GPCC) consists of five Governors of the BBC, to whom the full Board of Governors has delegated responsibility for ensuring that complaints made by viewers and listeners are "given due consideration by and are properly handled" by the Corporation, as required under the Charter. The activities and conclusions of the GPCC are reported to the full Board of Governors. The Committee members are Sir Robert Smith (Chairman), Angela Sarkis, Professor Fabian Monds, Dame Pauline Neville-Jones and Ranjit Sondhi.

In fulfilling this remit, the GPCC undertakes regular reviews of the BBC's processes and performance in relation to complaints handling. In particular, the GPCC is responsible for the independent oversight of the BBC's strategic approach to complaints handling, and for monitoring the effectiveness of its processes, to ensure both serve the public interest and reflect best practice.

In line with the GPCC's responsibility for monitoring the effectiveness of complaints handling by BBC management, it is also the specific function of the GPCC to consider appeals against decisions and actions of the Programme Complaints Unit (PCU) or of the Directors of BBC Divisions in dealing with serious editorial complaints, where complaints allege:

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

In order to give full consideration to an appeal, the GPCC may make any further enquiries of the complainant or those responsible for making the programme which it considers necessary to determine the appeal fairly. The GPCC aims to reach a final decision on an appeal within 12 weeks of receiving the request.

The findings for all appeals are reported each quarter in this bulletin, *Programme Complaints: Appeals to the Governors*. The bulletin is also available on the BBC website at bbc.co.uk/info.

For a copy of the full remit of the GPCC or for further copies of this quarterly bulletin of appeals to the GPCC, please write to:

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