



Neutral Citation Number: [2021] EWHC 384 (QB)

Case No: QB-2020-002233

IN THE HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION MEDIA AND COMMUNICATIONS LIST

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 24/02/2021

Before :

THE HONOURABLE MR JUSTICE SAINI

- - - - -

Between :

JOHN WARE Claimant

- and -

PADDY FRENCH Defendant

- - - - -

William Bennett QC (instructed by **Patron Law**) for the **Claimant**

Hugh Tomlinson QC and Darryl Hutcheon (instructed by **Bindmans LLP**) for the **Defendant**

Hearing dates: 18 February 2021

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Approved Judgment

.....

THE HONOURABLE MR JUSTICE SAINI

Covid-19 Protocol: This judgment was handed down by the judge remotely by circulation to the parties' representatives by email and release to Bailii. The date for hand-down will be 10am on 24

February 2021

MR JUSTICE SAINI :

This judgment is in 4 main parts as follows:

I.

Overview: paras. [1-6]

II.

Legal Principles: paras. [7-13]

III.

Meaning: paras. [14-25]

IV.

Fact/Opinion and defamatory tendency: paras. [26-30] Appendix: the Article

I. Overview

1.

This is a trial of preliminary issues in a libel claim brought by the Claimant ("Mr Ware") against the Defendant ("Mr French") in relation to an article ("the Article") written and published by Mr French in or around December 2019. The Article concerned the BBC's Panorama programme of 10 July 2019, entitled Is Labour Anti-Semitic? ("the Programme"). Mr Ware was the presenter of the Programme and responsible for its content.

2.

The Article was headed Political storm rages over BBC's "rogue" journalism. It is reproduced in an Appendix to this judgment with the addition of paragraph numbers (which I will use below). I will not summarise the Article beyond stating that the broad thrust is a complaint about the accuracy of what was said in the Programme about anti-Semitism in the Labour Party and assertions of one-sidedness on the part of Mr Ware.

3.

Mr Ware is a journalist and television producer. Mr French is a retired current affairs producer and editor of a blog Press Gang (www.press.ganguk.wordpress.com), which describes itself as being "an investigative website that exposes rogue journalists".

4.

There is no dispute that there was substantial publication of the Article in a number of ways, but the precise scale and nature of publication is for trial in due course. As I have said below, the Article also featured as part of the Pamphlet. In that form it was accompanied by another article entitled "Is the BBC Anti-Labour?". I am satisfied that nothing in this additional text/article alters the meaning of the Article and say nothing further about it in this judgment.

5.

On the material before me, there was publication of the Article in the following ways: (i) by inclusion of the Pamphlet in the free online magazine ColdType, which is published via the website coldtype.net; (ii) via the website press-gang.org (by way of a means of a hyperlink to the article on coldtype.net and by reproducing the article in full on press-gang.org itself); (iii) by sending the Pamphlet directly to a hundred or more senior managers and journalists at the BBC; (iv) by handing out copies of it to BBC staff as they entered and left Broadcasting House, the BBC's headquarters, on or about 8 December 2019; (v) by sending copies of the Pamphlet to employees of Channel 4

News, Sky News, LBC, The Guardian, The Times, the Sunday Times and the Sun on Sunday.

6.

There are three issues for determination:

i)

the meaning of the Article;

ii)

whether that meaning in whole or in part constitutes statements of fact and/or opinion; and

iii)

whether the meaning as determined by the court defames Mr Ware at common law.

II. Legal Principles

7.

Although there were natural differences of emphasis, I did not detect any dispute between the parties on the law. The principles governing the determination of meaning are well-established and were summarised in Koutsogiannis v Random House Group Ltd [2020] 4 WLR 25 at [11].

8.

Leading Counsel for Mr Ware also placed particular reliance on Charleston v News Group Newspapers Ltd [1995] 2 AC 65 at p.72 (Lord Bridge) and p.74 (Lord Nicholls) in relation to the relationship in the potential reader's mind between a prominent headline and curative words later in the body of an article.

9.

Leading Counsel for Mr French was right to submit that although political speech does not require special rules of interpretation, a political context nevertheless has an impact on the way in which the question of meaning must be approached. I accept that reasonable readers understand that political discourse is often passionate and is not as precise as, say, financial journalism. There is a particular need to avoid over-analysis when determining the meaning of political speech.

10.

As to the distinction between fact and opinion, the relevant principles were again helpfully explained in Koutsogiannis at [16] to [17]. The ultimate question is how the words would strike the ordinary reasonable reader. The subject matter and context of the words may be an important indicator of whether they are fact or opinion. The general guidance in Greenstein v Campaign against Antisemitism [2019] EWHC 281 (QB) at [30]-[37] was also relied upon by Mr French.

11.

In Triplark v Northwood Hall [2019] EWHC 3494 (QB), in discussing the statutory honest opinion defence, Warby J observed that "the more clearly a statement indicates that it is based on some extraneous material, the more likely it is to strike the reader as an expression of opinion" (at [16]).

12.

I am also conscious of the risk of "stifling the answer" to the fact/opinion question by deciding the issue of meaning first: British Chiropractic Association v Singh [2011] 1 WLR 133 at [32]. I accept that the questions are inter-related and the proper approach, particularly in this case, is to consider the issues together.

13.

As to what is defamatory at common law, there was no dispute that a statement will be defamatory if it is one that "substantially affects in an adverse manner the attitude of other people towards him, or has a tendency so to do": Lachaux v Independent Print Ltd [2019] UKSC 27 [2019] 3 WLR 18 at [9].

III. Meaning

14.

I approached this issue without first considering the pleaded meanings. I formed my own provisional impression, bearing in mind the overriding context, namely that this was a serious piece of political journalism on a matter of intense recent controversy in current affairs.

15.

Although I found the skeletons and oral submissions of real value, ultimately I was not moved from the provisional view I had formed in reading the Article itself. I will provide my meaning at the end of this section. It largely coincides with the position of the Claimant. Detailed written arguments were presented by way of analysis of the detail in the Article (and dissection by paragraph numbers) but I found that this exercise, to some extent, moved me away from the position of the ordinary reader. I have avoided such a surgical approach. I will however set out each party's case and the main points (but not all of them) that they made to me.

16.

Mr Ware's case is that the Article bears the following natural and ordinary meaning:

"...That [Mr Ware] is a rogue journalist who had engaged in dirty tricks by deliberately setting out to sabotage the Labour Party's chances of winning the General Election by producing an edition of Panorama in which he dishonestly presented a biased and false portrayal of the case against the Labour Party for anti-Semitism."

17.

I was taken sequentially through the text and stress was placed on the following main points by Leading Counsel for Mr Ware:

i)

The top of the first and every other page refers to "THE DIRTY TRICKS ELECTION".

ii)

The strapline just above the main headline reports that the Labour Party ("LP") has stated that the edition of Panorama in issue "was a deliberate attempt to sabotage its electoral prospects" (§2). By these words the article summarises its message. Paraphrasing Lord Nicholls in Charleston, Mr French has "played with fire" and not included any curative words in the text of the article which detract from or qualify the message in the strapline.

iii)

At §4 the BBC is said to have "crossed a line" with the broadcast of "Is Labour Anti-Semitic?" The producer/author is identified as Mr Ware i.e. he is said to have created the programme. The LP is reported to have said that the programme

was an "authored polemic" and "an overtly one-sided intervention in political controversy". The BBC is quoted as rejecting "any accusation of bias and dishonesty."

iv)

Having quoted the BBC's denial of bias and dishonesty, the Article sides with the BBC's accuser: "The evidence though strongly favours the Labour Party: this was a piece of rogue journalism that presented just one side of the argument, ignored basic facts and bent the truth to breaking point." The latter expression can only amount to an accusation of lying because of the implication that Mr Ware "broke" the truth.

v)

Reliance is placed on the fact that in the bottom right of the page the following caption appears next to a cartoon of Jeremy Corbyn: "JEREMY CORBYN:

Openly despised by Panorama reporter John Ware." Mr Ware's motive is thereby given; this reinforces the credibility of the accusations being made against him.

vi)

The article then proceeds to set out how Mr Ware deliberately used the programme to sabotage the LP's election prospects. Instances are given where he included inculpatory evidence and knowingly/deliberately excluded exculpatory evidence concerning the charges against the LP. See §23 where he is said to have "purged his narrative" and "presented only those party members who conformed to his analysis of the problem, John Ware goes on to present highly one-sided accounts of alleged incidents of anti-Semitism".

vii)

At §36 the Article alleges that Mr Ware's "authored polemic" was so one-sided that it broke one of Ofcom's cardinal rules on programmes carrying an appropriately wide range of significant views and ensuring facts are not misrepresented. It was said this was in effect a serious allegation of wrongdoing for which Mr Ware was to be held responsible (wrongdoing which could have serious implications for the BBC: see §§37-38).

18.

Mr French's pleaded case (as modified in a minor manner at the hearing before me) advanced the following competing meaning:

"(1)

That [Mr Ware] produced a television programme which was one-sided and strongly advocated the position that the Labour Party was anti-Semitic;

(2)

That, as a result, [Mr Ware] had engaged in rogue journalism".

19.

Leading Counsel for Mr French emphasised that the Article was directed at the "quality" of the BBC's journalism in the Programme and was a piece of serious political journalism on an issue of substantial public interest. He made the following main points in support of the case as to meaning:

i)

The BBC is criticised for allowing Mr Ware to present a one-sided programme. It is the BBC which is quoted as "standing by its journalism". Mr French then goes on to state that "this was a piece of rogue journalism".

ii)

In the next 34 paragraphs, (excluding captions and quotations which repeat statements made in the body of the Article), Mr Ware is only mentioned by name 10 times, four of which are quotations or summaries of what he says in the programme.

iii)

On the other occasions, Mr Ware is criticised for the way in which he deals with complaints statistics and for presenting one-sided accounts of alleged incidents of anti-Semitism.

iv)

In the pre-penultimate paragraph it is said that Mr Ware's "authored polemic" (in quotation marks) was so one-sided it broke one of Ofcom's cardinal rules.

v)

The allegation that Mr Ware had "engaged in dirty tricks by deliberately setting out to sabotage the Labour Party's chances of winning the General Election" is not found in the Article at all whether expressly or by implication.

vi)

As to reliance on the words "Dirty Tricks and the UK General Election" on the front page of the issue of Cold Type magazine in which the Article was published, it would be obvious to a reasonable reader that those words were not written by Mr French but had been placed on the front cover by the editors of the magazine, as a general description to cover all three articles mentioned. (Counsel did however accept that a reader would take into account the strapline in considering the Article as a whole and that there is no issue before me that Mr French is responsible in law for the entirety of the Article - both points which rather rob this submission and the next submission of any real force).

vii)

Similarly, the words "The Dirty Tricks Election" across the top of each page were said not to have been placed there by Mr French but are an editorial contribution by the magazine. The claim is not against the editors or publishers of the magazine. The Article itself makes no reference to "dirty tricks".

viii)

The Article makes no allegation of "dishonesty" against either Mr Ware or the BBC. (I was referred to the fact that the only references to "dishonesty" in the Article are in a quote from a BBC statement rejecting "any accusations of bias and dishonesty").

20.

It was submitted on behalf of Mr French that, considering the Article as a whole, the essential message which a reasonable reader would take away is that (in Mr French's opinion) the Programme - for which Mr Ware was in part responsible - was a onesided piece of journalism.

21.

In my judgment, the meaning of the Article was essentially as pleaded by the Claimant but my own meaning is slightly modified:

"...That [Mr Ware] is a rogue journalist who had engaged in dirty tricks aimed at harming the Labour Party's chances of winning the General Election by authoring and presenting an edition of Panorama in which he presented a biased and knowingly false presentation of the extent and nature of anti-Semitism within the party, deliberately ignoring contrary evidence."

22.

I consider the points made by Leading Counsel on behalf of Mr Ware (summarised above at [17]) support this meaning and fairly reflect the language used in the Article. I note, in particular, §23 of the Article, where Mr Ware is said to have "purged his narrative" and "presented only those party members who conformed to his analysis of the problem, John Ware goes on to present highly one-sided accounts of alleged incidents of anti-Semitism".

23.

I emphasise that this is the meaning I gather as a matter of overall impression. Also, as I said during oral argument, a reader would note in particular the focus in the Article on alleged misuse of statistics and testimony, and assertions of deliberate misrepresentation of such matters (“bending the truth to breaking point”). One cannot avoid the conclusion that the Article goes substantially beyond an accusation of general one-sidedness which one might encounter in political commentary of a journalist’s standpoint on an issue. The claimed knowing falsity of what Mr Ware has presented is a feature which stands out.

24.

I also approach the Article on the basis that the reader will have read the strapline and heading as part of the overall reading experience and they are to be taken into account in determining meaning. The connection with “dirty tricks” and damaging election chances is clear.

25.

I have not overlooked the fact that this was a work of political journalism on an important issue of public interest. However, Mr French went beyond merely expressing opinions and entered the territory of accusing Mr Ware of deliberate wrongdoing in selectively presenting one side of the story on the national broadcaster (a body with well-known duties of impartiality- which indeed are the subject of the references to Ofcom’s code in the Article).

IV. Fact/Opinion and defamation at common law

26.

Leading Counsel for Mr French argued that the statements in the Article are recognisable as comment, as distinct from imputations of fact. He submitted that the text sets out inferences, criticisms and observations about the Programme rather than factual contentions.

27.

I reject that submission. In my judgment, the allegations conveyed statements of fact and not opinion. Claimed misrepresentation by presenting one side of a story for a particular purpose, and deliberate suppression of an alternative narrative were, in the context of the Article, plainly imputations of fact.

28.

I also consider that in the context of the Article as a whole the accusation of “rogue journalism” was an imputation of fact. I agree with the submission on behalf of Mr Ware that readers did not conclude that he was a rogue journalist because he produced a one-sided television programme, they concluded that he was a rogue journalist because that is what the Article told them he was, as well as setting out evidence in support of that conclusion.

29.

Finally, to accuse a journalist of behaving in the manner alleged is clearly defamatory at common law. The specific allegations made in relation to a broadcast journalist such as the Claimant are serious matters going to his reputation. I note that the accusation of “rogue journalism” is in any event accepted by Mr French as being defamatory.

30.

The preliminary issues are determined accordingly.

Before :

THE HONOURABLE MR JUSTICE SAINI

Between :

JOHN WARE	Claimant
- and -	
PADDY FRENCH	Defendant

APPENDIX TO JUDGMENT: THE ARTICLE

putting the brakes on corporate america | Sam Pizzigati **nuclear lies and broken promises** |
Conn Hallinan **reclaiming your inner fascist** | CJ Hopkins



dirty triCks and the uk general eleCtion

storm over BBC's 'rogue' journalism



journalists' lies support Boris johnson

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Paddy French examines an extraordinary battle between the British Broadcasting Corporation and the Labour Party over a controversial programme about antisemitism, which Labour says was a deliberate attempt to sabotage its electoral prospects . . .

3

Political storm rages over BBC's 'rogue' journalism

IS THE BBC ANTI-LABOUR?

PANORAMA'S BIASED ANTI-SEMITISM REPORTING — A CASE TO ANSWER

AN INVESTIGATION BY PADDY FRENCH
DECEMBER 2019

Press Gang

4he BBC has always been something of a political football in the UK - the left considers it too right wing, the right believes it's full of left-wingers. But on July 10 the corporation crossed a line when its flagship current affairs series Panorama broadcast a programme entitled Is Labour Anti-Semitic? Veteran reporter John Ware - a man who openly despises Labour leader Jeremy Corbyn - was allowed to produce a programme Labour branded an "authored polemic" that was "an overtly one-sided

intervention in political controversy ..." The BBC hit back saying it stood by its journalism - "we completely reject any accusation of bias and dishonesty." The evidence, though, strongly favours the Labour Party: this was a piece of rogue journalism that presented just one side of the argument, ignored basic facts and bent the truth to breaking point.

5 Part of the BBC's defence of the programme was that "it

6

EXPOSED: Cover of the report into the Panorama programme.

explored a topic of undoubted public interest, broadcasting powerful and disturbing testimonies from party members who'd suffered anti-semitic abuse." The programme begins with an unnamed young woman who tells viewers "I've been the victim of a lot of antisemitism within the Labour Party" and "I wouldn't say to a friend go to a Labour Party meeting if you are Jewish. I couldn't do that to someone I cared about."

After she speaks,

award-winning reporter John Ware says "Labour says antiracism is at its very core. Why then is there a constant stream of complaints

by party members?"

The programme then **8**

presents the testimony of a further nine witnesses saying that antisemitism is a serious problem in the Labour Party. Since they are not identified by the programme - apparently to protect them from threats and harassment - viewers are inevitably led to believe they're just

ordinary members of the

Labour Party. In fact, of the "anonymous ten," most are high-profile Labour Jewish members - and all of them are opposed to Jeremy Corbyn's leadership.

Take Ella Rose, the

young woman who opens the it necessary to anonymise him:

Panorama programme as an after all his job, it would seem, is anguished victim of anti- to represent the Board in public. semitism. He didn't reply.

11 Eighteen months earlier



she was playing - without **B 13** being aware of it - and there's a more serious, probably high profile role than just the identity and in the sensational the affiliations of the ten. They Al Jazeera docu- all come from the right wing of the Labour's Jewish membership by about Israel's which supports Israel and opposes Corbyn. Eight of them are, or attempts to have been,

officials of the Jewish shape Brit- Labour Movement (JLM) which ish politics. insists that antisemitism is a se-

At the time she rious problem in Labour and that was Director of the leadership isn't doing enough the Jewish Labour to deal with it.

Movement, having In November 2018 it asked **14**

moved into the job from the UK's Equalities and Human her previous post as a pub- Rights Commission (EHRC) to lic affairs officer at the Israeli investigate the party's "institu-

the dirty triCks eleCtion

Embassy. She was filmed tional antisemitism." In April 2019 discussing the it passed a motion of no confidence -- / black Labour failure to deal with the issue. JLM case of the in Jeremy Corbyn over his alleged

activist Jackie chairman Mike Katz has made it

Walker who was clear the group will not be camunder investigation paingning in this month's General for antisemitism. Rose Election for any Labour election

was caught on camera candidate who supports Corbyn.

saying she could "take" There is an alternative nar- **15**

Walker using martial rative coming from pro-Corbyn arts techniques devel- Jewish organisations which oped by the Israeli says that, while there is military. The Jewish antisemitism in Labour, it's not Labour Movement a widespread problem. And it denied that it was close would have been a simple matter to the Israeli Embassy. to obtain the testimonies of ten **12** Another of the "anonymous Jewish members who have never ten" is Phil Rosenberg, Direc- experienced antisemitism in the

tor of Public Affairs at the Board party. **16** of Deputies of British Jews Moreover, anecdotal evidence which is also opposed suggests many of the complaints to Corbyn. I asked are made about Jewish members Rosenberg why by other Jewish members - and Panorama thought that a large number of them relate

to criticism of Israel's policies been expelled from the party towards the Palestinians. But for antisemitism in a three year this side of the issue is unrep-period. But Ware should have resented in the Panorama known this proves nothing - programme.and to understand why he only

And then there's the scale had to look at the BBC's record of the problem. Ware asserts when it comes to complaints. In that before Corbyn complaints its annual report for 2018-2019 about antisemitism "were the Corporation records more rare" but after he became than 218,000 "editorial and leader there was a "constant general complaints" of which stream of complaints." He 58 were found to be in breach states that many British Jews of BBC editorial guidelines - a

"once saw the Labour Party as **19** VICTIm? Ella rose was featured fraction of one percent. In the their natural political home. No in the Al Jazeera film The Lobby. antisemitism statistics for April longer". As well as the "anony-2018-January 2019, the number mous ten" who give personal of

people expelled from Labour experiences, a former Labour is close to 2 percent. Party insider says “the prob-This pattern is common in all lem was massive ...” Ware adds regulatory regimes: the number that by the spring of this year of complaints upheld is usually “there were still several hun- a small percentage of the total. dred antisemitism cases wait-And Ware could have also ing to be resolved”. He says the looked at the issue of Labour’s Labour Party “won’t give us antisemitism in another way. In precise figures ...”the ten months to January 2019,

In fact, Ware did have the party took action against access to figures which throw 249 individual members out genuine light on the scale of the of a total number of 763 com-

problem - statistics he chose to **20**BIASED? Panorama reporter complaints. In other words, in more ignore. In February, Labour John Ware was accused of pro- than a third of all cases Labour Party general secretary Jen- ducing an “authored polemic” by took some form of disciplinary

nie Formby released figures Labour. action - an extraordinary figfor a ten-month period from ure in any regulatory regime.



April 2018 to January 2019. these 249 cases amount to 0.05

The evidence, then, suggests There were 673 complaints of percent - a tiny fraction. The that the party is bending over antisemitism against party problem is, then, statistically backwards to address the conmembers, of which 394 - more small. cerns of Jewish members. than half - were found not to **21** Not only does Panorama involve a breach of party rules fail to give viewers the only **H** and were dismissed. Leaving reliable statistics on the scale aving purged his narrative aside 30 cases which were not of the problem, John Ware of any meaningful statistics completed,

there were 249 cases then goes on to talk about “Mr and presented only those party where sanctions were imposed Corbyn’s failure to drive out members who conformed to his or where members resigned antisemitism”, as if this was analysis of the problem, John before their cases were deter- an accepted fact. As proof of Ware goes on to present highly mined. Given that the Labour this, he seizes on the fact that one-sided accounts of alleged Party has 500,000 members, “only around” 15 people have incidents of antisemitism. In

17

22

18

23

one case, he examined the ex-27 John Ware states: set of Editorial Guidelines. experience of a Labour Party dis- “while interviewing Chairman Sir David Clementi was emphatic: “ ... nothing is putes official called Ben West-

erman when he went to Liver-one member he was more important than the BBC’s pool to investigate problems in confronted with the very reputation for independence, the city. There had been friction antisemitism he’d been rity ... ” Director General Tony impartiality and editorial integbetween supporters of the Riverside MP, Louise Ellman, and investigating “Hall was even more forthright: critics over the issue of Labour . “It’s just a few short years since policy on the Israel-Palestinian the terms ‘fake news’ entered question. Westerman is Jew-don’t think that’s relevant.” our lexicon. It’s now a weapon ish and among the people he 28 Neither Helen Marks nor her of choice used worldwide. In a interviewed was Helen Marks, friend were contacted by Pano-world of misinformation, our a pensioner. rama to give their side of the values have never been more

Of this interview, John Ware story. Nor did the programme important. That’s why accustates: “While interviewing reveal the fact that they are both racy, impartiality and fairness one member he was confronted Jewish. When Helen Marks are given such prominence in with the very antisemitism he’d complained to the BBC, a Cor-these Guidelines.” been investigating.” poration executive said he was After the Panorama pro-

Westerman says: “We fin-satisfied Westerman’s “account gramme, the BBC recorded ished the interview, the person is his genuine memory of what 1,593 complaints alleging “bias got up to leave the room and he heard and we confirmed against the Labour Party.” The then turned back to me and that it was as he reported it at BBC’s initial response - it stood said where are you from? And the time.” Just what is meant by by its journalism and rejected I said what do you mean, where the words “we confirmed that “any accusations of bias or am I from? And she said I asked it was as he reported it at the dishonesty” - was enough to you where are you from? And I time” is not explained. dissuade most of these from said I’m not prepared to discuss 29 Having posed the question - proceeding any further. Howthis. They said are you from is Labour antisemitic? - the BBC ever, at least 49 appealed the Israel? What can you say to was duty-bound to give both decision. These were rejected that? You’re assumed to be in sides of the argument. In fact, by the Corporation’s Executive cahoots with the Israeli govern-apart from an interview with Complaints

Unit. The Unit also ment, it's this obsession with Labour shadow communities dismissed a detailed complaint that that just spills over all the secretary Andrew Gwynne and from the Labour Party itself.

time into antisemitism."statements from the party, Pan-Until recently, that would Aside from the fact that it's orama devotes the majority of have been the end of the matter. difficult to see how asking some-the programme to voices claim-For nearly a century the BBC one if they come from Israel ing the problem was serious and has been judge and jury in its can be, of itself, antisemitic, critical of Labour's handling of own case. In April 2017, howevthis account is disputed. Helen the problem. Of 22 people inter-er, this self-regulation came to Marks says it never happened. viewed for the broadcast, 21 fell an end and the statutory broadShe says that, during the inter-into this bracket. casting regulator Ofcom took view, she was accompanied by 30over the role. Ofcom is one of a friend who asked Westerman Tthe UK's most powerful watch-

what branch of the party he was he BBC sets itself high stand-dogs and its complaints system in. A transcript of the interview ards. In June 2019, just a few is rigorous. Ofcom has already confirms this - and the fact that weeks before the Panorama received 25 appeals about the Westerman's response was "I broadcast, it published a new BBC's rejection of their com-

24

31

25

32 26

plaints. Given that the Labour 35 the panorama ing the Panorama programme,

Party - Her Majesty's Loyal programme - still available was partisan at a time when an election was likely to take place Opposition with more than 12 million votes in the 2017 elec-on iplayer - has done within a matter of months. And, tion - will also join this list, it's significant harm to given the slowness of the BBC's inevitable that Ofcom will open labour's reputation complaints system (even after four months the process is still an investigation under its own

Broadcasting Code.on antisemitism not complete) combined with the

This is what Ofcom did when . length of time Ofcom requires, there were complaints about the chances of Labour obtaining the 2017 Al Jazeera series The privacy. Again, Ofcom rejected a correction before any election Lobby about Israel's clandes-the complaints. The BBC is dis- in 2019 were always remote. tine attempts to influence dainful of Al Jazeera: in a com- And this is what has happened. political policy in the UK. The ment to one of the Panorama Panorama's programme is still sensational four-part series, complainants, it noted that the available on iPlayer and sigscreened in January 2017, channel : "... has very different nificant harm has been done caught an Israeli Embassy editorial processes to the BBC". to Labour's reputation on the employee trying to "take down" Now it's the turn of the BBC's antisemitism issue.

the then Conservative For-editorial processes to come Although any Ofcom ruling eign Office minister Sir Alan under the Ofcom microscope. will not come until next year,

Duncan, an outspoken critic of the stakes are still high. If Israel who said in 2014 of the **L36** Ofcom finds against the BBC - settlements in the West Bank: about has not revealed the it can also impose a fine of up to "Occupation, annexation, ille-contents of its complaint but £250,000 - it will be a huge blow gality, negligence, complicity - the general outlines are clear. for the Corporation's reputathis is a wicked cocktail which The party says it was perfectly tion for impartiality. The jobs of brings shame on Israel." Israeli acceptable for Panorama to ex- chairman Clementi and DirecAmbassador Mark Regev was amine the issue of antisemitism tor General Tony Hall could forced to apologise, insisting among its membership - it's a be on the line. For Ofcom to that taking down the minister clear matter of public interest. make such a sensational ruling was not official Israeli policy. However, John Ware's "au- against the UK's state broadThe Israeli Embassy employee thored polemic" was so one-sid- caster may also have serious was sacked. ed that it broke one of Ofcom's political repercussions for the

The Jewish Labour Move-cardinal rules. This is clause watchdog itself, especially if ment complained about the 5.12 of the watchdog's broad- the Conservatives, who are the programme on the grounds casting code: "In dealing with main beneficiary of Panorama's that it was not impartial. Ofcom matters of major political and rogue journalism, are returned rejected the complaint: it con-industrial controversy and ma- to power. But if Ofcom decides cluded the programme had jor matters relating to current that the BBC has not broken its "included a range of viewpoints public policy an appropriately code, then it could face a chalon this matter of political con-wide range of significant views lence in the courts ... **Ct** troversy" and had, therefore must be included and given due

"maintained due impartiality". weight in each programme ... **Paddy French** is a retired

The Movement's then Director Views and facts must not be television current affairs

Ella Rose also complained that misrepresented." producer. He is editor of the Al Jazeera, in using undercov-**37** Moreover, the party is also investigative website Press er film of her, had treated her likely to argue that the BBC, in Gang - www.pressganguk. unfairly and had invaded her first approving and then defend- wordpress.com.