

## Complaint by UK Lawyers For Israel about *Channel 4 News*

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| <b>Type of case</b>    | Fairness and Privacy  |
| <b>Outcome</b>         | Not Upheld  |
| <b>Service</b>         | Channel 4   |
| <b>Date &amp; time</b> | 14 December 2020, 19:00   |
| <b>Category</b>        | Fairness  |
| <b>Summary</b>         | Ofcom has not upheld this complaint about unjust or unfair treatment in the programme as broadcast. |

### Case summary

The programme included a report on the experience of British Palestinian people in the UK and how the community was perceived by others. Part of the report featured a discussion about the impact on Palestinians when complaints are made about charitable organisations which advocate on behalf of Palestinians. The report included two images of website pages which referred to the Charity Commission’s response to complaints to it made by UK Lawyers for Israel (“UKLFI”) and the Lawfare Project about two charities. UKLFI complained that the inclusion of these website pages in the programme resulted in unfairness to them.

Ofcom found that material facts were not presented, disregarded or omitted in the programme in a way that was unfair to UKLFI. Nor did we consider, in the particular circumstances of this case, that it was necessary for the broadcaster to have provided UKLFI with an appropriate and timely opportunity to respond in order to avoid unfairness to it.

### Programme summary

On 19 December 2020, Channel 4 broadcast an edition of its daily weekday news programme, *Channel 4 News*. The programme included a report by Mr Akram Salhab on the experience of British Palestinian people in the UK, and their views about how their community is perceived by others.

The programme’s presenter introduced the report:

*“...Britain’s colonial past has been the centre of intense debate over the past two years: the Black Lives Matter movement; the Windrush*

*scandal, exposing the terrible treatment of those who came to this country after the war; and, the contribution from troops from the Empire and the Commonwealth who gave their service and sometimes sacrificed their lives. But, are there some parts of this country's history that remain off limits? Akram Salhab is a British Palestinian activist and has made this film exploring how Palestinians feel that their experience of British colonialism is being side-lined. This is his personal account of how it feels to be British and Palestinian. These are his views, and those of other British Palestinians. And afterwards we will be talking to the renowned Israeli conductor, Daniel Barenboim, about the Israeli – Palestinian situation”.*

The report began with footage of protests in the UK during the summer of 2020. The reporter, Mr Salhab, said:

*“In 2020, the Black Lives Matter movement has brought Britain's imperialist past into sharp focus. With statues falling, and mass protests taking place. But, are there still parts of this country's colonial actions that remain taboo? As a Palestinian, I've long felt that our history has been marginalised. And more recently, maybe even silenced. Growing up between Palestine and Britain, I've seen different ways in which people's lives and histories are side-lined. In recent years this has got worse with US policies under Donald Trump, including moving the US Embassy to Jerusalem, undermining Palestinian rights. As an active campaigner engaged in discussions on colonialism, I've long felt Britain has been too silent about human rights abuses. And I wanted to know if other Palestinians living here share my experience”.*

Footage was shown of a group of young British Palestinian people talking about their experiences. One person said that she felt that being Palestinian and talking about international law or human rights issues were considered “taboo”, while another said that he felt there was a “sense of hypocrisy, because you know on the one hand my family were made refugees in 1948 as a result of the actions of the British at the time, and the British bear responsibility for that. And on the other hand, when I speak about Palestine, and say ‘I'm Palestinian’, there's a complete absence of knowledge or understanding of what that means”.

Mr Salhab continued:

*“What struck me from speaking to the group was how prominent Britain's role in Palestine's past, as well as present, remains in their minds. A part of history that, I find, is rarely known by people in this country. There's been a lot of controversy in recent months about Winston Churchill and his legacy, but for us Palestinians, there's another British Prime Minister whose role has been much more important in the fate of our country, and that's a guy whose statue is*

*just over my shoulder, David Lloyd George. Lloyd George was Prime Minister in 1917, when Foreign Minister Arthur Balfour issued a public statement [“the Balfour Declaration”] on behalf of the British Government announcing support for the establishment of a national home for the Jewish people in Palestine. For Palestinians, this was the first of a series of steps that led to the loss of our homeland in 1948. The official Israeli narrative is that upon the creation of the Israeli state, we Palestinians left our homes of our own accord”.*

The report then included interview footage of Professor Avi Shlaim, an Israeli historian and a Professor of International Relations at Oxford University, whose research, Mr Salhab said, “*had documented that this [i.e. the Balfour Declaration] was part of a wider plan*”. Professor Shlaim then summarised the situation as he perceived it by saying that

*“Britain stole Palestine from the Palestinians, and in 1948 when the first Arab-Israeli War broke out, Britain worked behind the scenes in order to abort the birth of a Palestinian state...Britain is very largely responsible for the Palestinian tragedy, and yet no British leader has ever accepted responsibility for this tragedy”.*

Mr Salhab then said:

*“Universities are now the battle ground over a controversial new definition of antisemitism, with the Government threatening to withdraw funding unless it is adopted. It prohibits calling ‘the existence of a State of Israeli a racist endeavour’, even though hundreds of thousands of Palestinians were forcibly displaced in the process and Israel doesn’t recognise our right to self-determination”.*

Professor Shlaim was then shown in interview saying that the effect of this was:

*“censorship and self-censorship, because people don’t want to be accused of antisemitism. What happened in 1948 was that Israel was responsible for expelling the Palestinians. You’re simply talking about historical facts. The tragedy is, in Britain today there is no freedom of expression. And Palestinians are not allowed to talk about their history”.*

Mr Salhab said that due to the events of 1948, most Palestinians were now refugees. He went on to say that it was not just in politics that Palestinians faced challenges, but also in the representation of Palestinian culture. Mr Salhab then interviewed Ms Joudie Kalla, author of a Palestinian cookbook, who spoke about the difficulties she experienced in getting a book of traditional Palestinian recipes published in the UK, which she mainly attributed to the word “Palestine” being in the book’s title (‘Palestine on a Plate’).

Mr Salhab then said:

*“But, it’s not just Palestinians who feel like they are being censored. It’s also those advocating on our behalf. War on Want is an anti-poverty*

*charity which campaigns on a number of issues, such as workers' rights, food security, and the arms trade.*

[A War on Want website page was shown briefly with the heading: **"Charity Commission respond to complaint by UK lawyers for Israel and US based the Lawfare Project".**]

*But, it's the work it does on Palestinian rights that led to several complaints to the Charity Commission. Repeated investigations found no issues to take forward".*

Dr Ryvka Barnard, a senior campaigner for War on Want was then shown in interview:

*"There's a really terrifying precedent created when there's silence created around a single issue. It means that there's going to be silence around other human rights issues also and that's why people who are the victims of human rights abuse need to be able to speak about it. It's creates a chilling effect and people look and say, 'Oh well, you know, will I be targeted if I speak up in support of Palestinian rights?'"*

Mr Salhab then said:

*"Other charities such as Oxfam and Medical Aid for Palestinians have also faced recent challenges from pro-Israel lawyers which were not upheld.*

[A Medical Aid for Palestinians website page was shown briefly with the heading: **"Charity Commission response to complaint by UK lawyers for Israel and the Lawfare Project".**]

*And campaigners have raised concern with training for the Government's counterterrorist Prevent programmes voicing vocal support for Palestine, and opposition to Israeli settlements in Gaza, as potential indicators of extremism. They say equating support for Palestinian rights to terrorism helps only to marginalise the Palestinian voice and shutdown discussion of Israeli government actions. Supporters of Prevent have told us the indicators would only be considered within the context of a broader set of factors. We Palestinians feel that our people and our country are all too often being misrepresented. But surely, discussing history, supporting human rights work, or even just writing a cookbook, are all perfectly normal activities in a democratic society".*

Comments were then included from the group of young British Palestinian people who were shown at the beginning of the report. One person said the Palestinian community that was *"silenced with really strong, repressive measures"*, while another said it was a *"campaign that is directly aimed at eliminating Palestinian voices from universities, not by any coincidence, but by design"*. A third said:

*“my family was expelled from Palestine. Why are we not allowed to talk about, you know, one of the most recent colonial episodes in this country’s history?”.*

The report ended and the presenter in the studio said: *“The views of some British Palestinians from Akram Salhab”*, before introducing an interview with Mr Barenboim.

The programme continued with no further reference to the UKLFI.

## **Summary of the complaint and broadcaster’s response**

### **Complaint**

UKLFI complained that it had been treated unjustly or unfairly in the programme as broadcast because:

- a) Part of the report “concerned complaints made by UKLFI to the Charity Commission regarding the charities War on Want and Medical Aid for Palestinians”. UKLFI said that it was identified by screenshots of website pages of these charities and said that it was “criticised for attempting to silence campaigning in support of Palestinian human rights”.

UKLFI said that this was misleading and that its “complaints to the Charity Commission were essentially about links of these charities to terrorist organisations and their misuse of charitable funds and status to promote political propaganda which was outside their charitable objects, misleading and in some cases antisemitic”.

- b) UKLFI said that it was not given any opportunity to respond to the false allegations.

### **Broadcaster’s response**

- a) Channel 4 said that UKLFI was not the subject or the focus of the report which it said was about: the experience of young Palestinians in the UK and others advocating for Palestinians, such as the charity War on Want; their concerns about freedom of expression; the challenges they experience when speaking out on Palestinian issues or helping or being linked to Palestinians; and the chilling effect these cause. Channel 4 said that it was therefore important to note that viewers would have seen and understood the two references to UKLFI in the report in this context.

Channel 4 said that the first reference to UKLFI was a fleeting visual image of a War on Want website page on which the heading *“Charity Commission respond to complaint by UK Lawyers for Israel and US based The Lawfare Project”* was visible. The broadcaster said that this visual reference was contextualised in the programme by accompanying commentary from the reporter and was immediately followed by an interview with a senior representative of War on Want. The broadcaster said that this clearly demonstrated that the context in which the visual reference to UKLFI was included was to illustrate the charity’s concern about the detrimental impact that complaints, even when rejected by its regulator, can have on the work of a charity. Channel 4 said it was entirely legitimate and editorially justifiable to include the reference in this way.

Channel 4 said that the second reference to UKLFI immediately followed the interview with the War on Want representative. It said that this reference was also a fleeting visual image of a website page from the charity Medical Aid for Palestinians with the heading *“Charity Commission*

*response to complaint by UK lawyers for Israel and the Lawfare Project*". It said that this reference was contextualised by the accompanying commentary from the reporter, Mr Salhab.

Channel 4 said that both references to UKLFI were factually accurate. It said that in both cases, UKLFI complained to the Charity Commission and that the complaints were not upheld, and that these were facts that were in the public domain. Channel 4 said that the references to "several complaints" and "repeated investigations" finding no issue to take forward were also factually accurate, even if they were understood by viewers to be referring only to UKLFI, which Channel 4 said it did not believe to be the case. The broadcaster said that, in any case, in addition to the two Charity Commission complaints visually referenced in the programme, UKLFI had made other complaints which also had not been upheld. By way of example, the broadcaster referred to an online article<sup>1</sup> from May 2019 which it said reported that UKLFI had made several complaints about another charity providing humanitarian aid for Palestinians which had not been upheld.

The broadcaster said that the references to the Charity Commission complaints by UKLFI were included and, given the context in which they were made, would have been understood by viewers to be included, to illustrate the effect that such complaints were having on Palestinians and those advocating on their behalf. It said that the report did not comment on, or seek to examine, the substance or merits of the complaints, or the motivation of UKLFI in making them. Channel 4 added that this was not the subject of the report, but rather the report was concerned with the impact of the fact of such complaints being made, even when rejected, on Palestinians and those who support them. It said that the references to UKLFI were accurate and were included and properly contextualised to illustrate this point. The broadcaster said that it firmly believed that including the references in this way was fair and justifiable.

Channel 4 said that it was a fundamental part of its remit to ensure that a wide range of voices are heard, particularly those which are rarely heard. It said that it was very rare indeed for UK Palestinians to speak openly on television about their hopes and fears. It said that the report explored the British-Palestinian experience against the background of: the Black Lives Matter movement; its relevance in terms of the cultural and political discussions about Britain's colonial past; and why many Palestinians felt that their voices are not being heard in these discussions. The broadcaster submitted that this was a legitimate and important public interest subject for news reporting and fell squarely within Channel 4's remit to give space to unheard voices. It said that the report's introduction and the commentary and interviews surrounding the references to UKLFI put those references into a just and fair context, including making clear that the report was exploring a particular perspective, thus allowing viewers to make their own judgements on the issues and subjects raised.

Channel 4 said, in conclusion, that it strongly believed that there was no unfairness to, or unjust treatment of, UKLFI in the programme. The broadcaster said that it covers issues relating to Israel and Palestine on a regular basis and will continue to do so. It said that, clearly, there are different views on this subject, and that Channel 4 and the programme makers aimed to represent a variety of perspectives over the series of Channel 4 News programmes. Channel 4 said that not everyone will agree with every perspective presented, but that it and the programme makers treated

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<sup>1</sup> Jewish Voice For Labour, 6 May 2019, '[\*UK Lawyers For Israel: relentless campaigning against Palestinian rights\*](#)'.  
*Issue 431 of Ofcom's Broadcast and On Demand Bulletin*  
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compliance with the Ofcom Broadcasting Code as a matter of the highest priority and, in this case, strongly believed that there had not been a breach of the Broadcasting Code. Channel 4 said that it would be an impermissible and worrying restriction on Channel 4's and the programme maker's right to freedom of expression to find otherwise in respect of what was a reasonable and considered editorial decision to use true facts, properly contextualised, to illustrate a point of important public interest.

- b) Channel 4 said that a response from UKLFI was not warranted because no allegations were made about UKLFI in the programme, nor was there any discussion or comment on the substance or merits of the complaints they made (to the Charity Commission) or their motivation for doing so. Channel 4 said that the matters raised by UKLFI in their complaint to Ofcom, and their rejected complaint to the Charity Commission, about alleged links to terror groups formed no part of the report in the programme. It said that the subject matter of the report, as set out in detail in response to a) above, was the impact of such complaints being made on Palestinians and those who advocate on their behalf, even if the complaints are rejected. Channel 4 said that this was a legitimate topic of significant public interest in relation to which those interviewed in the programme were entitled to discuss their experiences. It said that there was nothing said or stated of any substance about UKLFI that merited seeking a response from them, and it was therefore neither unjust nor unfair to UKLFI not to have approached them for comment.

### **Preliminary View**

Ofcom prepared a Preliminary View that UKLFI's complaint should be not upheld. Both parties were given the opportunity to make representations on the Preliminary View and both parties chose to do so, which, insofar as they are relevant to the complaint entertained and considered by Ofcom, summarised below.

#### **Complainant's representations**

UKLFI said that it disagreed with Ofcom's Preliminary View to not uphold the complaint. UKLFI reiterated that it had been treated unfairly in the programme as broadcast because it made allegations that: UKLFI made complaints to the Charity Commission about War on Want and Medical Aid for Palestinians because of their work on Palestinian rights; and these complaints were unjustified and made the charities and/or their personnel feel censored and frightened supporters of Palestinian rights into being silent.

UKLFI said that, although the images of the website pages were only displayed for a brief amount of time, they were very clearly visible and legible, and were shown for sufficient time for a typical viewer to read the headlines. It added that no organisations other than UKLFI and the Lawfare Project were identified by the programme as having made complaints against War on Want or Medical Aid for Palestinians. Therefore, UKLFI submitted that it would be difficult to conclude that the programme did not convey to viewers that it had made complaints to the Charity Commission about War on Want and Medical Aid for Palestinians because of their work on Palestinian rights.

UKLFI said that, while it was true that it had made complaints to the Charity Commission about the charities, it was unfair and misleading to characterise them as having been made because of work by these organisations on Palestinian rights. UKLFI reiterated the substance of its submissions to the Charity Commission, as set out in detail in head a) of the complaint above, and provided Ofcom with

copies of its complaints to the Charity Commission<sup>2</sup>, which were available on its website prior to the broadcast of the programme and therefore, it said, would easily have been found by a broadcaster that took reasonable care. UKLFI said that the complaint submissions to the Charity Commission were not accurately described in the Preliminary View and that the programme did not fairly represent the submissions made to the Charity Commission by the statement “it’s the work on Palestinian Rights that has led to several complaints to the Charity Commission”<sup>3</sup>.

UKLFI said that the allegation that these complaints made Medical Aid for Palestinians and War on Want feel censored was false. The complainant submitted that, in these circumstances, the unfairness to UKLFI of broadcasting Dr Barnard’s and the reporter’s false claims without challenge or contradiction was not avoided by noting that they were purporting to express their personal opinions.

UKLFI said that it was misleading for the programme to imply that the complaints lacked justification. UKLFI said that the fact the Charity Commission did not uphold them was a reflection of the inadequacy of the Charity Commission, not on a lack of cogency and validity of the complaints.

UKLFI said that the allegations made in the programme were “seriously prejudicial” to UKLFI. It said that UKLFI is an association of lawyers who seek to ensure that laws are properly applied in matters in relating Israel. It said that it mainly does this by drawing the applicable laws and relevant facts to the attention of persons who should comply with or enforce the laws, and requesting them to do so. UKLFI said its ability to do this persuasively and effectively is undermined by the broadcasting of a report which includes misleading allegations that it seeks to censor support of Palestinian rights by unjustified complaints.

UKLFI said that the programme alleged wrongdoing on the part of UKLFI in claiming that our complaints sought to censor supporters of Palestinian rights and had that effect. UKLFI said that the programme also alleged incompetence by implying that the submissions were unjustified. UKLFI said that the programme contained no content countering or challenging “these false, misleading and damaging allegations” and that there was “no balance at all”. It submitted that, in the circumstances, it was unfair not to afford UKLFI an opportunity to address any of the allegations.

### **Broadcaster’s representations**

Channel 4 said that it did not believe UKLFI’s representations raised anything new or material which would merit the Preliminary View being changed.

Channel 4 said that UKLFI’s representations mischaracterised the report. It said that as accepted by UKLFI, it had as a “matter of fact” made the complaints to the Charity Commission about War on Want and Medical Aid for Palestinians. However, Channel 4 said that the report did not speculate or make

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<sup>2</sup> [Complaint and request for investigation of War on Want](#); and, [Complaint and request for investigation of Medical Aid for Palestinians](#).

<sup>3</sup> Ofcom noted that the programme said “*But, it’s the work it [i.e. the charity War on Want] does on Palestinian rights that led to several complaints to the Charity Commission..*”.

any assertions about UKLFI's motivation for complaining to the Charity Commission, or the nature of those complaints, or comment in any way on the merits of UKLFI's complaints.

Channel 4 said that UKLFI's motivation in complaining to the Charity Commission, and the impact of those complaints on British Palestinians and those advocating on behalf of Palestinians, are two separate matters, and that the report did not comment at all on the former and was entitled to report on the latter (and did so in a transparent and responsible way). Channel 4 said that the reporter and the individuals interviewed in the programme were entitled to explain how these sorts of complaints made them feel, and it was legitimate to report how they said they felt. It reiterated that the report was clearly identified as being made by an "activist" and as his "*personal account of how it feels to be British and Palestinian*", and that it focussed on the experiences of British Palestinians in the UK and those advocating on behalf of Palestinians. The broadcaster said that viewers would have understood and received the report in this context and an opportunity to respond was not merited in these circumstances.

Channel 4 said that UKLFI's representations appeared to be "directed towards 're-litigating' its complaint to the Charity Commission and arguing why the Charity Commission was wrong to dismiss its complaint". It therefore asserted that these matters are outside the scope of Ofcom's remit.

## Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unjust or unfair treatment in programmes in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In reaching this decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording of the programme and transcript of it, both parties' written submissions and both parties' representations in response to the Preliminary View. After careful consideration of the representations, we considered that the points raised did not materially affect the outcome of Ofcom's Preliminary View to not uphold the complaint.

When considering complaints of unjust or unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of Ofcom's Broadcasting Code ("the Code")<sup>4</sup>. In addition to this Rule, Section Seven (Fairness) of the Code contains "practices to be followed" by broadcasters when dealing with individuals or organisations participating in, or otherwise directly affected by, programmes, or in the making of programmes. Following these practices will not necessarily avoid a breach of Rule 7.1 and failure to follow these practices will only constitute a breach where it results in unfairness to an individual or organisation in the programme.

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<sup>4</sup> See the [version of the Code in force at the date of broadcast](#).  
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- a) We first considered UKLFI's complaint that it was treated unjustly or unfairly in the programme as broadcast because complaints it had made to the Charity Commission about War on Want and Medical Aid for Palestinians were identified by screenshots from webpages and "criticised for attempting to silence campaigning in support of Palestinian human rights". The UKLFI said that this was misleading and that its "complaints to the Charity Commission were essentially about links of these charities to terrorist organisations and their misuse of charitable funds and status to promote political propaganda which was outside their charitable objects, misleading and in some cases antisemitic".

In considering this complaint, we had particular regard to Practice 7.9 of the Code which states:

"Before broadcasting a factual programme, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation...".

Ofcom's role is to consider whether the broadcaster took reasonable care not to present, disregard or omit material facts in a way that resulted in unfairness to UKLFI. Whether a broadcaster has taken reasonable care to present material facts in a way that is not unfair to an individual or organisation will depend on all the particular facts and circumstances of the case, including, for example, the way in which an individual or organisation is portrayed, the seriousness of any allegations made against them, and the context in which any such allegations are made.

We began by considering what specifically the programme presented about the UKLFI's complaints to the Charity Commission. As set out above in the "Programme summary", the programme included a report which focused on the experiences of British Palestinians in the UK and those advocating on behalf of Palestinians. As part of this, the programme referred to some of the challenges that the reporter, Mr Salhab, said they faced, and an image of a War on Want charity website page was shown briefly in which a headline read: "*Charity Commission respond to complaint by UK lawyers for Israel and US based the Lawfare Project*". The image was accompanied by commentary from Mr Salhab who then said that it was the work done by the charity "*on Palestinian rights that led to several complaints to the Charity Commission*", but that "*repeated investigations found no issues to take forward*". This was followed by an interview with Dr Barnard, a senior campaigner for War on Want, who referred to "*a really terrifying precedent created when there's silence created around a single issue. It means that there's going to be silence around other human rights issues also...*". The report then included a second image of a website page, this time from the charity Medical Aid for Palestinians, which showed the headline: "*Charity Commission response to complaint by UK lawyers for Israel and the Lawfare Project*". Mr Salhab then said in commentary that "*Other charities such as Oxfam and Medical Aid for Palestinians have also faced recent challenges from pro-Israel lawyers which were not upheld*".

We then took into account the context in which the images of the two website pages were included in the programme. In particular, we recognised that the report explored the experience of British Palestinians in the UK, including the view, as expressed by the reporter, Mr Salhab, that they felt that the Palestinian community was being "silenced", as were those advocating on their behalf. We also took into account Channel 4's submission that the images referring to the

complaints made by UKLFI were included to illustrate the effect that such complaints were having on Palestinians and those advocating on their behalf. Further, we took into account that the reporter was introduced as being an “activist” and that the report was his “*personal account of how it feels to be British and Palestinian*” by Mr Salhab (who described himself at the beginning of the report as an “*active campaigner*”) and that the content that followed comprised “*his views, and of other British Palestinians*”. We therefore took the view that it would have been sufficiently clear to viewers that the report was reflected a particular position, namely that of British Palestinians in the UK and those advocating on their behalf and of what they perceived as methods to “silence” them from expressing their experiences.

Ofcom acknowledged that UKLFI said that in the programme it had been “criticised for attempting to silence campaigning in support of Palestinian human rights” and that this was misleading as its complaints had been about issues such as the structure and running of the charities. However, we took into account that the references to UKLFI were very brief and visual only, and that the UKLFI’s complaints to the Charity Commission was not the focus of the report. In particular, we took into account that the report did not state specifically that UKLFI had attempted to silence or censor any campaigns in support of Palestinian rights, nor did it include any detail about the nature of UKLFI’s specific complaints against the charities referred to in the report. For instance, neither image of the website pages included any information about the substance of UKLFI’s complaints against War on Want or Medical Aid for Palestinians, or its motivations for making them. Rather, the images of the website pages shown simply reported that the Charity Commission had “*responded*” to complaints made by the UKLFI and the Lawfare Project against the respective charities, and the accompanying commentary by Mr Salhab had stated that these complaints (along with other complaints which were not specifically attributed to UKLFI) were not taken further or not upheld.

Ofcom acknowledged that UKLFI said in its representation on the Preliminary View that the visual references to its complaint were very clearly visible and legible, and that they were shown for sufficient time for a typical viewer to read the headlines and convey to viewers that UKLFI had made complaints to the Charity Commission about War on Want and Medical Aid for Palestinians because of their work on Palestinian rights. However, in our view, given the lack of information or commentary on UKLFI or the substance and nature of its specific complaints, it would have been sufficiently clear to viewers that the use of the images of the website pages were included to be illustrative of the impact of such complaints on Palestinians and those who advocate on their behalf, as perceived by Mr Salhab and Dr Barnard.

We acknowledged the comments made by UKLFI on the Preliminary View and in particular, its submission that the programme’s participants had not been “censored”, “silenced” or “inhibited in any way by our complaints to the Charity Commission” by a “chilling effect”. However, given the above, we considered that viewers would have understood the reporters comment’s regarding “*editorial censorship*” and the suggestion by Dr Barnard of a “*chilling effect*” of the complaints and concerns that people may feel “*targeted*”, to be the personal opinions and perspectives of these contributors about the impact such complaints can have on Palestinians or those advocating on their behalf. In reaching this view, we also acknowledged that Dr Barnard was clearly identified as being a representative for War on Want and would be speaking from a particular position. Therefore, we did not consider that viewers would have regarded these comments as any statement of fact specifically related to UKLFI or its motivations for making such complaints.

Taking all the above factors into account we considered that, on balance, the inclusion of the two website pages referring to the complaints made by UKLFI was unlikely to have materially and adversely affect viewers' opinions of UKLFI in a way that was unfair to it.

Therefore, Ofcom considered that material facts were not presented, disregarded or omitted in a way that resulted in unfairness to UKLFI in the programme as broadcast.

- b) Ofcom next considered UKLFI's complaint that it was not given an opportunity to respond to the false allegations made in the programme.

In considering this complaint, we had regard to Practice 7.11 of the Code, which states:

“If a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and opportunity to respond”.

We acknowledged the comments made by UKLFI on the Preliminary View that the programme not only made significant allegations of wrongdoing in claiming that its complaints had the intent and effect of censoring supporters of Palestinian rights, but also that the allegations were significant by reason of their likely impact on UKLFI and its work. We also took into account Channel 4's submission that a response from UKLFI was not warranted because no allegations were made about UKLFI in the programme, nor was there any discussion or comment on the substance or merits of the complaints they made to the Charity Commission or their motivation for doing so.

For the reasons set out above in relation to head a), we considered that overall the use of the images of website pages with headlines which referred to complaints by UKLFI made to the Charity Commission against War on Want and Medical Aid for Palestinians did not result in unfairness to UKLFI. The report did not state that UKLFI had attempted to silence or censor any campaigns in support of Palestinian rights, nor did it include any detail about the nature of UKLFI's specific complaints against the charities referred to in the report. Although the programme included a visual reference to the complaints that UKLFI had made against the charities, and the fact that they had not been upheld, UKLFI was not the focus of the report and it did not contain allegations of specific wrongdoing or incompetence or make any other significant allegations about UKLFI.

Therefore, Ofcom considered that, in the particular circumstances of this case, there was no requirement for the broadcaster to have provided UKLFI with an appropriate and timely opportunity to respond to the inclusion of such reference in the programme in order to avoid unfairness to it.

**Ofcom has not upheld UKLFI's complaint of unjust or unfair treatment in the programme as broadcast.**