

BBC Complaints
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Dear Editors:

We wish to lodge a formal complaint about a *Panorama* programme entitled “A Walk in the Park” (BBC One, January 19, 2010, 20:30 GMT), which violated BBC’s editorial guidelines on accuracy and impartiality throughout.

The segment featured reporter/narrator Jane Corbin on a walking tour of strategic points in eastern Jerusalem purportedly demonstrating why the route to peace is so difficult. However, the one-sided nature of the reporting, which consisted almost exclusively of faulting Israel for a variety of alleged misdeeds obstructing the route to peace, failed to provide the appropriate context and misled viewers on a variety of topics.

Below are specific examples from the 30-minute programme that evidence the departure from BBC’s editorial guidelines..

1) Home Demolitions

Corbin repeatedly misled viewers on this topic by omitting relevant information and presenting a false picture of what was happening on the ground.

BBC’s editorial handbook calls for reporters and producers to “check and verify information, facts and documents”, to be “objective and even handed” in approach and to “avoid bias or an imbalance of views on controversial subjects”. Most importantly, it calls for “all the relevant facts and information” to be “weighed to get at the truth”. By failing to do so, Corbin violated both accuracy and impartiality guidelines.

*** Prejudicial Language:**

In the first scenes of the documentary, footage was shown of bulldozers dismantling a house in Sheikh Jarrah and Arab women crying while Corbin – *without making any reference to illegal building* – explained that Israeli bulldozers were “the weapons” used on “the battleground”. Not only is the

language painting Israel as an aggressor against an innocent victim not “objective and even-handed”, but it is false. Israelis were not using bulldozers as “weapons” in a battle against Arabs, but as tools to clear away illegal structures.

*** False assertions and misleading omissions:**

Corbin then informed viewers that “demolitions have been increasing in recent days” and confided that she had gotten hold of “a list that shows there's another forty to go before the end of the year”. She stated that the reason for this is that the Jerusalem municipality “has a budget it has to use up for demolitions.”

Still, at this point, Corbin made no mention of why these homes were being demolished, leaving viewers with the false impression that it is an official Israeli policy — complete with mandatory budget — to render Arabs homeless. (In fact, she only mentioned illegal building for the first time several scenes later, halfway through the programme, when she revisited the topic of house demolitions in Silwan.)

Not only did these omissions result in a misrepresentation of what was being shown, but the assertion about demolitions being carried out in order to “use up” a budget expressly for that purpose was outrightly false.

Corbin evidently did not corroborate her facts with the municipality. We contacted Stephan Miller, Foreign Media Spokesperson for Jerusalem Mayor Nir Barkat, who responded with the following statement:

The number of demolitions carried out by the Jerusalem Municipality every year is determined solely by the number of illegally constructed buildings erected by those residents who flouted the law. The number of structural demolitions conducted in eastern Jerusalem by the Jerusalem Municipality actually decreased in 2009 – from 86 in 2008 to 65 in 2009, a 25% decrease. Further, there is simply no connection whatsoever between the annual budget of the Jerusalem Municipality and the number of demolitions conducted.

Miller also denied Corbin's assertion that forty more homes were demolished from the time she filmed until the end of 2009:

It would be prudent to ask Ms. Corbin what happened to her alleged list of 40 planned demolitions since her filming in late 2009. You'll easily find yet another one of her distasteful distortions.

Similarly violating accuracy guidelines was Corbin’s portrayal of house demolitions as stealth operations by Israeli authorities in which Arabs are suddenly and without warning forced from their homes. To that end, Corbin omitted relevant information about the rigorous guidelines and procedures to which house demolitions are subject under Israeli law.

According to Israel's Planning and Building Law, a demolition order can be issued only after a municipal engineer or architect signs an affidavit stating that:

- a. the structure was built without a permit or does not conform to building standards
- b. the building is not yet finished or was completed within the last 60 days
- c. the building is not yet inhabited or has been lived in for 30 days or less

The Jerusalem mayor's office informed CAMERA:

The first notification of an impending demolition is a sticker on the door that alerts the owners to contact the courts in 30 days. Then, if contact is made, the process can take many years before a demolition is decided and implemented. If no legal appeal is made, the courts decide after the original 30 days how long before the demolition must be completed.

Corbin included none of the above, easily-obtained information.

***Missing Israeli perspective**

Israel's perspective was again ignored in Corbin's discussion of the Silwan neighbourhood, the first point at which she made any reference to illegal building by Arabs. But despite the allusion to "illegal building" here, Corbin nonetheless presented a false picture wherein Israel suddenly decided to "create" a tourist park in Silwan and do away with Arab homes in its path. "The Israelis plan to demolish 88 houses to create a tourist park here", she said.

In Corbin's telling, and in the context of the program's accusations against Israel, the creation of the park appears to be a pretext to displace Arab residents. But in fact, the Arab houses to be demolished were illegally built on land outside of Silwan *after* it had already been designated as a green area.

An April 2009 document by the UN Office for the Coordination of Humanitarian Affairs (which itself strongly tilts toward the Palestinian narrative) makes clear that Israel did not suddenly decide to "create" a tourist park — and a pretext to displace Arabs — in Silwan, as the *Panorama* segment suggested. "Since the late 1970's", the document explains, "the Jerusalem municipality has designated all of the Al Bustan area of Silwan as an 'open' or 'green' area, where all construction is prohibited." The illegal homes slated to be demolished were all built *after* the sensitive area was officially protected.

The key information omitted by the BBC can be found in further detail in a *Ha'aretz* report by Nadav Shragai:

Progress has brought troubles along with it to the King's Valley. For hundreds of years floodwaters drained into the garden of the kings of Judea, east of the Shiloah Pool in

Jerusalem. In winter it was a swamp, but in summer it became a blooming garden. ...

About 20 years ago, the Jerusalem municipality shored up the water runoff there, and in the open green area (al Bustan, in Arabic), which the Turks and the British took care to preserve for hundreds of years as a public area intended for preservation and development of parks and tourism, an illegal Palestinian outpost arose.

Within 18 years 88 buildings went up there, under the noses of mayors Teddy Kollek and now outgoing Prime Minister Ehud Olmert. Under former mayor Uri Lupolianski, the construction was halted, after the municipality confiscated tractors and heavy machinery from the lawbreakers.

Last summer the director general of the Antiquities Authority, Shuka Dorfman, noted in a kind of "post mortem" that the construction in the King's Garden caused significant and irreversible damage to antiquities. ...

Dorfman stressed that together with Tel David, the garden constitutes the only complete archaeological garden of first-rate importance.

2) Charge of Ethnic Cleansing

By presenting the uncountered, controversial charge that Israel is engaged in “ethnic cleansing” – broadcast both in the introduction to and body of the documentary – and by withholding facts that dispute the charge, Corbin again violated the BBC’s impartiality and accuracy guidelines which calls on reporters to “corroborate claims and allegations made by contributors” and to “rigorously test contributors expressing contentious views during an interview whilst giving them a fair chance to set out their full response to our questions”.

***False, uncountered allegation**

Jawad Siyam asserted that the Israelis “are demolishing the houses because they want to. It's ethnic cleansing for Silwan, for east Jerusalem.”

The *Panorama* documentary provided no one to counter this serious and inflammatory allegation and even tacitly supported it through its selective use of footage and voice-overs. For example, a BBC voice-over immediately after Siyam’s allegation in the introduction asserted that “Palestinians are being thrown out of their homes, Israelis are moving in.”

Far from being ethnically cleansed of Arabs, Jerusalem has since 1967 seen a large increase in its Arab population, which has actually outpaced the growth of the Jewish population. As a result, notes a study by the Jerusalem Institute for Israel Studies:

The proportion of Jews in the city’s population dropped from 74% in 1967 to 72% in

1980, and to 65% in 2007. There was a concomitant rise in the proportion of Arabs in the city's population, from 26% in 1967 to 28% in 1980, and to 35% in 2007.

The violation of impartiality is further underscored by the fact that Corbin challenged only statements made by interviewees supporting the Israeli position, but never challenged those supporting the Palestinian position.

3) Granting of Building Permits

Corbin's reference to the number of building permits granted in eastern vs. western Jerusalem demonstrated yet another dramatic violation of BBC's accuracy and impartiality guidelines calling for "reporting statistics and risks in context" and "not distorting known facts".

***False, uncountered allegation underscored with false or misleading assertions**

After allowing Palestinian activist Jawad Siyam to wrongly state, without challenge, that Palestinians "never ever" are given permission to build, Corbin herself echoed the accusation, asserting that they are "just not given the permission to build". According to the Jerusalem Mayor's office, however, 676 construction requests were approved in the eastern sector from 2005 through 2009.

Corbin further misled viewers by stating, in the context of her false claim that Arabs are "just not given the permission to build", that "last year, only 133 permits were granted to Palestinians in the whole of east Jerusalem — nearly ten times more were given to Israelis in west Jerusalem."

While the numbers are not false, the assertion clearly leaves out relevant facts and information, and thus does not get at the truth. The figures reflect not discrimination, but the discrepancy in numbers of applications on each side. There were 244 permit requests from the eastern sector, and 1,950 requests from the western sector. The municipality approved 55 percent, or 133, in the eastern sector, and 63 percent, or 1,236, in the western sector. In other words, an almost equivalent proportion of requests were approved in the eastern and western sectors of the city.

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

The BBC's guidelines call for "examining the evidence and weighing all the material facts, as well as being objective and even-handed" in its approach to controversial subjects (impartiality), and states that "all the relevant facts and information should be weighed to get at the truth" (accuracy). Corbin violated both these guidelines by omitting relevant facts regarding the ownership of the properties she discussed, as well as the rigorous judicial procedures that take place before evicting anyone. In addition, she further violated impartiality guidelines by casting properties, the ownership of which has been disputed in court, as "Palestinian houses" and "Arab properties".

***Missing Israeli Perspective on Controversial Subject**

The segment on Sheikh Jarrah was devoted almost entirely to relaying the Arab perspective. Only Arabs were shown presenting their grievances emotively and at length, while not a single Israeli voice was heard to provide the other perspective on the controversy in Sheikh Jarrah. This dramatic discrepancy violates the BBC's guideline on impartiality, which promises that "no significant strand of thought is knowingly unreflected or under represented", and states, "we must ensure we avoid bias or an imbalance of views on controversial subjects."

Neither did Corbin herself balance the Arab voices heard. On the contrary, her own statements reflected the Arab perspective, in violation of the BBC's guideline on impartiality.

She introduced Sheikh Jarrah as "an Arab neighbourhood" that is "targeted by Jews," and provided no reference to the fact that Jews are specifically moving into the **Shimon Hatzadik neighbourhood**, a section of Sheikh Jarrah that was a Jewish neighbourhood since the 19th century, near a holy site of Jewish pilgrimage until Jordan occupied it in 1948, which the Jewish Sephardic Community still legally owns. With her omission of this relevant context, Corbin left viewers with the wrong impression that Israeli Jews are arbitrarily targeting neighbourhoods solely because they are inhabited by Arabs and because they "believe they have the right to live anywhere..."

Corbin's only reference to the wider context was a passing reference to a "37-year legal battle" and a single, vague assertion that "the settlers claimed Jews had owned this land before and won in the courts".

This brief reference was discounted throughout the rest of the segment on Sheikh Jarrah, as members of the Hanoun family – whose eviction she focuses on – professed to "own the house" and complained they have (or had) no recourse because Israeli courts just abet the settlers. No voice was heard representing Israel's side in the case. Nor were any details given about the court's position, the arguments or facts that underlie its ruling.

For example, there was no mention of the fact that the Hanouns lost their status as protected tenants who cannot be legally evicted because they refused to pay rent to the legal owners. This omission especially, which violates BBC's impartiality guideline, also violates the BBC's accuracy guideline, which states that accuracy is "often more than a question of getting the facts right. All the relevant facts and information should weighed to get at the truth."

*** Misleading omissions**

Corbin misled viewers with the inaccurate statement, "When Arabs won't move or sell, then [Jewish settler Arie King,] gets eviction orders." This assertion violates BBC's accuracy guideline.

King cannot simply obtain eviction orders for anyone who refuses to sell or move. If an Arab resident legally owns his home which he does not wish to sell, it is impossible for King or

anyone else to evict him. Arab residents can legally sell properties to Jewish individuals, but they cannot be “forcibly evicted” if they choose not to do so. Moreover, an Arab “protected tenant” who does not own his house cannot be evicted unless he or she loses his “protected” status because of rent delinquency or an extended absence from the property. Ownership, as well as tenant status, must be legally established, as evidenced by the long drawn out court cases in Ras Al Amud. Arab families have the right to argue their case and appeal to the courts and have done so. Corbin, however, made no mention of the court cases in Ras Al Amud and provided no information about the status of the Arabs who were evicted: Were they illegal squatters, did they lose their “protected tenant” status, had they already sold their property, etc.?

Nor did she discuss the Jewish history of the neighbourhood, or call it by its name, Maaleh HaZeitim. The neighbourhood is built on land that was purchased in 1990 by Jewish philanthropist Irving Moskowitz from the Chabad and Volhyn Kollels (rabbinical seminaries). The seminaries, in turn, obtained the plot from two Jewish benefactors, Moshe Wittenberg and Nissan Bak, who purchased it from the Turkish authorities and held it in trust for the seminaries because of an Ottoman law prohibiting corporations from holding land in this area. For decades, the land was leased to an Arab wheat farmer. In the 1920's, when the British authorities changed land ownership laws to allow corporations to hold land, the plot was transferred to the seminaries.

From 1948-1967, the land was held by the Jordanian Custodian of Enemy Property, but in 1951, Ahmed Hassin al-Goll, an Arab resident of Ras Al Amud, fraudulently registered the property in his own name, dividing it up and leasing it or “selling” it to others. When the Jordanian Custodian discovered the fraud, it took steps to abrogate the registration in Goll's name, but the Jordanian court rejected the Custodian's attempts to rectify the situation.

After Israel regained the area in 1967, the Chabad and Volhyn seminaries appealed to the authorities to reinstate their claims to the property. After 20 years of legal proceedings, the Jerusalem District Court and Supreme Court determined that the seminaries' original registry of the plot was still valid. Even after Moskowitz purchased the plot and drew up plans for construction, it took time to obtain the appropriate building permits from the Israeli government which was concerned about Arab opposition to Jews moving into the neighbourhood. That the court took so long to rule on the legal ownership and grant permits for the construction evidences the complex process which Israelis must adhere to before moving to the area.

If the BBC is prevented, due to time constraints, from providing all of the above details, it is nevertheless inaccurate and unfair for Corbin to paint a false picture of arbitrary “forcible evictions” in order to chase Arabs from homes they own.

5) Israeli Archeology and History

By omitting key information about Jerusalem's Jewish history and Israel's perspective, and by using prejudicial language underscoring the Arab perspective, Corbin violated BBC guidelines

calling for “weighing all the material facts, as well as being objective and even handed in our approach to a subject” (impartiality) as well as weighing “all the relevant facts and information...to get at the truth” (accuracy).

*** Missing Israeli Perspective**

Corbin presented a radically abbreviated version of history in which there was no mention of Jewish history in Jerusalem, no mention of an illegal Jordanian occupation, no mention of aggressive actions by Arabs to which Israel responded in 1948 and 1967 – all of which would provide context for Israel’s actions.

Nor did she report on the vast Palestinian effort – from leaders, clerics and academics – to deny and undermine Israel’s connection to Jewish holy sites and shrines, or by the Muslim Waqf’s efforts to erase evidence of Jewish habitation and heritage in Jerusalem’s holy basin through its controversial excavations on the Temple Mount and dumping of artifacts. Instead, she presented Israeli archeology through a lens of Arab grievance.

***Language**

Corbin framed the Jewish connection to the land as just another settler claim meant to harm Palestinians. For example, she stated:

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

At another point, Corbin challenged an Israeli:

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

And yet elsewhere in the documentary, she stated:

Israeli archeology has raised Arab suspicions of a Jewish takeover of the Muslim holy sites.

At no point in the documentary did the journalist similarly delegitimize Palestinian assertions by prefacing them in this way. Corbin did not, for example, suggest that Palestinians are “accused of undermining” the Jewish bond to eastern Jerusalem by illegally building in sensitive areas or by their opposition to any Jewish presence in what is considered the Jewish heartland. Nor did she question Palestinians about whether “they understand” Israeli concern over the Palestinian destruction and denial of Jewish history in eastern Jerusalem.

*** False Characterization**

Corbin described the Western Wall as the “holiest place in the world for Jews”, even though the

BBC had recently investigated and acknowledged that the Temple Mount, and not the Western Wall, is the holiest Jewish site. Moreover, she also tacitly denied any Jewish connection to the Temple Mount when she asserted that Palestinians rioted after rumors that Israelis were coming to pray on “the compound surrounding the holy mosques”. Viewers were never told that this “compound” is the most sacred ground in Judaism.

6) Israeli and Arab Violence in Jerusalem

*** One-sided presentation**

Corbin’s one-sided treatment of Jerusalem violence is consistent with the documentary’s pattern of unquestioningly accepting Palestinian claims while minimizing or ignoring Israeli concerns. The reporter focused at length on an Arab victim of a shooting by an Israeli. Despite the incident having occurred under disputed circumstances – the Israeli shooter claims he acted in self-defence while the Arab victim describes a scene of cold-blooded targeting of Arabs – the segment dwelt almost entirely on emotive interviews with the Arab victim, Ahmed Qaareen, and with his son, Ali. Corbin unquestioningly accepted both accounts of the incident as fact and did not interview anyone to provide the Israeli shooter’s account of what had happened – not the shooter himself, not the friend who was with him at the time, nor any police representative.

Moreover, while Corbin presented the exposition of Mr. Qaareen’s suffering as an example of “the suffering” that “both sides” endure, she provided no equivalent example of Israeli suffering: She made no mention any of the shooting and stabbing attacks by Arabs against Jews in Jerusalem. Nor did she reference the larger, more spectacular attacks perpetrated by eastern Jerusalem Arabs, for example, the March 6, 2008 massacre of schoolboys at the Mercav HaRav Yeshiva by an Arab resident of Jerusalem’s Jabel Mukaber neighbourhood. The gunman broke into the school and opened fire indiscriminately, killing eight teenagers and wounding 10 others. She likewise ignored two bulldozer attacks in which three people were killed and dozens wounded. Those incidents of violence targeting Jerusalem’s Jewish population, unlike the single incident Corbin covered, were undisputedly meant to harm rather than to defend.

Both the documentary’s treatment of the disputed incident, which focused on the Arab perspective, and its decision to highlight this incident of a Jewish shooter while failing to mention any Arab attacks on Jewish civilians in Jerusalem, violate the BBC’s impartiality guideline which requires the BBC to “avoid bias or an imbalance of views on controversial subjects” and to be “objective and even handed in our approach to a subject”.

We demonstrated above how BBC’s editorial guidelines were violated on the particular topics addressed by the reporter. In its totality, the documentary reflects an appalling lack of impartiality that stands in clear violation of BBC’s editorial guidelines and ethical code.

We look forward to hearing from you about how these violations will be redressed.

Thank you for your time and consideration.

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