

Dear Daniel Pearl,

Thank you for your March 16, 2010 reply to our Jan. 27 complaint about Panorama's "A Walk in the Park." Unfortunately, however, your response did not seriously address the substance of our complaint, and in some instances even misrepresented our grievances.

Instead of directly responding to the specific issues we raised, your reply generally justified Jane Corbin's distorted overall portrayal by noting that certain individual assertions in the documentary were accurate, although we had raised no objections to those particular assertions.

Moreover, the fact that there are individual accurate statements in a program does not obviate the need for the program, in its entirety, to abide by BBC's Editorial Guidelines calling for accuracy, impartiality and fairness (including, inter alia, the guideline stating that "the approach to, and tone of, BBC stories must always reflect our editorial values").

Panorama's response expended much effort to prove points that were not challenged by us. These "straw man" assertions are not at all relevant to the actual contents of our complaint. Thus, we are requesting again, as per the BBC complaints process, further response that directly addresses our concerns.

BACKGROUND

Contrary to your suggestion under this heading, our complaint was not related to Panorama's choice of topic, but with its treatment. Your explanation of "why Panorama decided to focus a program on the issue of east Jerusalem" is thus not germane to our complaint.

HOME DEMOLITIONS/PREJUDICIAL LANGUAGE

Under this heading, you assert that you do not believe it is necessary for Panorama to have informed readers that the home being demolished was illegally built. Such information, you say, is not necessary "as long as viewers are provided with the proper overall context for such material." And you claim that "there is no doubt that this is the case."

We do not agree at all. Our criticism was precisely that viewers were not "provided with the proper overall context for the material," particularly in the segments introducing the topic. The issue of home demolitions — a major portion of the documentary — was introduced as a "weapon" arbitrarily wielded by Israelis against Palestinians.

The BBC Editorial Guidelines call for "all relevant facts and information" to be weighed in the pursuit of truth. Certainly, the reason for the Israeli demolition, namely, that the structure was built illegally, was "relevant" to the entire discussion introducing the topic. At any rate, this segment at the start of the documentary, in which the concept of home demolition is introduced, does not provide proper context.

The fact that other segments, many scenes later, dealing with different homes in a different neighborhood, briefly noted that those particular houses were built “without planning permission,” or that the mayor made reference to “illegal houses” in an entirely different area does not provide the “overall context” about demolitions in Sheikh Jarrah or demolitions in general. The documentary’s failure to mention illegal building until halfway through the program, and long after Ms. Corbin inaccurately claimed that the homes are demolished only for the purpose of “using up” a budget for demolitions, underscores Panorama’s failure to properly contextualize what was framed early in the documentary as a senseless and capricious act of violence.

Your response to this section concludes by citing Ms. Corbin’s “comparative figures for planning permits granted on both sides of the city.” That Panorama’s complaint response cites this portion of the program to defend the documentary’s fairness is not only irrelevant but disturbing as well, since our complaint explicitly noted that Ms. Corbin’s reference to these “comparative figures” was itself extremely misleading. While you cite Ms. Corbin’s “comparative figures” to demonstrate her fairness, you never address, or even acknowledge, our complaint about these comparative figures. (See below.)

FALSE ASSERTIONS AND MISLEADING OMISSIONS

Under this heading you assert: “You claim that Jane was wrong to say that demolitions have been increasing”

This is a complete misrepresentation of our complaint. We did not fault Ms. Corbin’s observation that “demolitions have been increasing in recent days.” Therefore, your reference to October and November demolition statistics are completely irrelevant to our complaint.

Rather, the point we made in this section was that Ms. Corbin was incorrect in her assertion that houses are demolished “because” the Jerusalem municipality has a budget “it has to use up for demolitions.” Remarkably, as alluded to above, the documentary at this point still does not even mention illegal building, leaving viewers with the false impression that it is an official Israeli policy — complete with mandatory budget — to render Arabs homeless.

We reiterate what we noted in our complaint: “The assertion about demolitions being carried out in order to ‘use up’ a budget” is false.” It confuses cause and effect and violates the BBC’s Editorial Guidelines.

Instead of addressing the substance of our complaint, Panorama’s reply employs an absurd straw man argument, insisting that they have it from the best sources that the Jerusalem municipality does indeed have a budget for home demolitions. Of course, we never contested the fact that the municipality has a budget for enforcing housing regulations in the city. Municipalities often have budgets designated for activities that may be required during the course of a year. Rather, our complaint was that, contrary to the documentary’s assertion, homes are demolished not “because” a budget exists for capricious home demolitions, but because the homes were built illegally. The Jerusalem mayor’s office’s response to the Panorama episode notes: “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.”

Corbin’s false assertion that Arab homes are demolished “because” Israelis have a budget they have to use up is not only absurd (if a municipality has a budget for snow removal and it is a dry season, to they create artificial snow in order to “use up” the budget?”) but completely misleads viewers who have not been given any other reason for why these buildings were targeted for demolition. And again, Panorama’s “proof” that Jerusalem is financially prepared to fund demolitions is thus entirely irrelevant to our complaint.

We also reiterate that Ms. Corbin’s reference to “a list that shows there’s another forty [demolitions] to go before the end of the year” violates BBC’s guidelines. The Jerusalem mayor’s office indicated that forty homes were not demolished between her filming and the end of the year, and labeled Ms. Corbin’s insinuation that they were as “yet another one of her distasteful distortions.”

Ms. Corbin may have indeed acquired such a list, and it may be true, as your response points out, that other organizations are aware of the list. Neither point, however, is relevant to our complaint. The issue is that, well before the program aired, it was clear that forty houses were not, in fact, demolished, something you yourself acknowledged in your reply to our complaint. (“Some of the houses on the list have now been demolished - some have not,” you admit.) The program’s reference to the list without letting the audience know that many of those homes were not, in fact, demolished was pointedly misleading.

Finally, your reply fails to even address the significant error of omission we point out in our complaint under the above heading. As we note in our complaint:

“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

Our complaint about the documentary ignoring the Israeli perspective in discussing the Silwan neighborhood, was again shunted aside with a straw man argument that addressed an imaginary complaint we never made. You bizarrely claimed that "in particular" we "took issue" with Panorama's "description of the 'parks and trails". But, in fact, not only did our complaint not take issue with this, it never even mentioned Panorama's discussion of "parks and trails".

You reply stated: “It is absolutely clear from this that we are making precise reference to an official document which sets out a plan to extend Israeli influence to the area by creating paths and trails. We stand by the authenticity of this document....” The remainder of the paragraph dwelt on the document’s authenticity.

The authenticity of the document, which we never discussed in our complaint, is irrelevant to our complaints, in which we noted:

“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.”

Our complaint went on to quote quote a Ha’aretz article by Nadav Shragai that addresses the issue in further detail.

Your response does not at all address this issue.

ETHNIC CLEANSING

Your reply to this portion of our complaint was limited to the assertion that Jawad Siyam, who

alleges Israeli “ethnic cleansing,” was not an “official statement” but rather an “emotional cry.” You go on to claim that Ms. Corbin never gives any sense that Mr. Siyam was correct to hold this view, and that her assertion later in the film that “it would take decades to shift the balance” of 600 Jews to 30,000 Arabs in Silwan contextualizes Mr. Siyam’s claim.

However, neither this statement by Ms. Corbin nor any other BBC assertions in the documentary contradict or contextualize the blatantly false ethnic cleansing allegation. As we note in our complaint, if anything, the opposite is true. Rather than contextualize, her reference to “decades” seems to tacitly support the argument that Israel is ethnically cleansing, albeit slowly, Palestinians in Jerusalem. Thus, the program violates BBC’s Editorial Guidelines.

As our complaint explained:

“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’. ...

“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. ...

“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.”

BUILDING PERMITS

Your response under this heading fails to seriously address the specifics of our complaint. You refer to “problems with granting building permits” and “demolition orders” in both sides of the city, but those are not the issue.

As we explained in our complaint, the issue is that “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’”.

We elaborated,

“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.’”

The crux of the issue, which your reply does not address, was:

“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.”

Our complaint provided figures that demonstrated “an almost equivalent proportion of requests were approved in the eastern and western sectors of the city.”

SHEIKH JARRAH AND RAS AL AMUD

Your response under this heading again missed the point of our complaint. You assert that “We hear from both sides of the argument” about disputed property in Sheikh Jarrah; but as our complaint noted, despite any passing reference to Israeli claims, the segment 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.’”

We noted also that the BBC voice over itself reflects the Arab perspective and thus inherently discounts the Israeli perspective. This includes Ms. Corbin’s reference to “Arab houses” in Sheikh Jarrah, when in reality the ownership of the houses have been disputed and has been ruled to be Jewish owned; and her more specific reference to a home which is not owned by the Hanoun family and from which they were legally evicted as being “their (the Hanoun’s) home.”

These assertions, in the BBC’s voice, clearly violate the impartiality guideline.

You claim that “we hear both sides of the argument,” citing statements by the mayor of Jerusalem. But the mayor, speaking in a different segment, does not address the Sheikh Jarrah dispute. Rather, he speaks generally about east Jerusalem. His comments, then, neither inform viewers about the dispute over the home in which the Hanoun’s lived, nor about the Shimon Hatzadik neighborhood in Sheikh Jarrah. And they do not change the fact that the Israeli view of

Shimon Hatzadik/Sheikh Jarrah is “under represented” while the BBC embraced the Palestinian view with its own language. Moreover, while Arab voices are heard faulting the Israeli courts for supporting Israeli settlers against Arabs, nowhere is any Israeli voice heard to explain the adjudication process or the reasoning behind the Israeli court rulings.

To defend the BBC’s description of Sheikh Jarrah as an Arab neighborhood, with no reference to Shimon Hatzadik, and old Jewish neighborhood that many today consider a Jewish neighborhood, you cite a document by the United Nations’ Office for the Coordination of Humanitarian Affairs.

OCHA’s word choice, though, cannot be seen as a reasonable justification for violations of the BBC Editorial Guidelines. OCHA may or may not have its own guidelines governing their output, but these would not be the same as BBC’s guidelines. Consequently, OCHA’s publication of information about a topic does not obviate the need for the BBC to adhere to its guidelines when it addresses that same topic. It is worth noting that affiliation with the United Nations obviously does not ensure issues will be treated with the level of fairness expected from professional journalists. UN bodies have been criticized for lack of evenhandedness — not only by NGOs such as UN Watch and Eye on the UN, but also by past UN Secretaries-General.

Again, your reference to Arieh King is inconsequential to the specifics of our complaint, which did not claim that “Mr. King’s approach” or his “intentions” were misrepresented. Your recounting of his approach and intentions, then, is not relevant. We referred specifically to the BBC’s misleading and inaccurate claim that Mr. King can simply obtain eviction orders for any Arab who refuses to sell or move. In fact, if an Arab resident legally owns his or her home but does not wish to sell or move, or if the resident is a “protected tenant” it is impossible for King or anyone else to evict him or her.

We reiterate our assertion that the documentary’s treatment of the controversy over Sheikh Jarrah and Ras al Amud failed to “avoid bias or an imbalance of views,” left the Israeli view “unreflected or under represented,” and misrepresented key aspects of the controversy, for the reasons discussed in our complaint.

ISRAELI ARCHEOLOGY AND HISTORY

Your response under this heading ignores much of the substance of our complaint.

Not only does the documentary fails to provide historical context relevant to the topics being discussed, it also ignores current context, such as Palestinian efforts to deny and undermine Jewish links to the city. Instead, it dwells on what it casts as Jewish efforts to undermine Palestinian claims.

While Israeli actions are presented through a lens of Arab grievance, Israeli concerns about controversial Arab actions are not likewise presented. In fact, many Arab actions threatening Jerusalem’s Jewish heritage are ignored altogether.

You also fail to address our complaint about Ms. Corbin's error in describing the Western Wall, rather than the Temple Mount, as the holiest place for Jews. This was compounded by the tacit denial of Jewish connection to the Temple Mount inherent in Ms. Corbin's assertion reference to Jewish prayer or this "compound surrounding the holy mosques," without noting that its holiness is hardly limited to the Islamic mosques, and actually eclipsed by Jewish reverence for the sacred ground. As we noted in our complaint, the BBC has previously investigated this issue and agreed that the Temple Mount is indeed the holiest place for Jews.

ISRAEL AND ARAB VIOLENCE

Finally, in your response to our complaint that Panorama's treatment of violence in Jerusalem violated BBC's impartiality guideline, you stated only that "It is clear from the transcript ... that Jane Corbin clearly describes the scene as depicted on the CCTV."

This reply does not seriously address the contents of our complaint, which noted:

"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 Mercaz 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."

In summary, Panorama response to our complaint does not adequately address our complaint about serious violations of BBC's Editorial Guidelines.

We request further response, and look forward to hearing from you shortly.

Sincerely,

Gilead Ini and Ricki Hollander

Senior Research Analysts

CAMERA (Committee for Accuracy in Middle East Reporting in America)