



**FINANCIAL
TIMES**



ADJUDICATION

by

GREG CALLUS

EDITORIAL COMPLAINTS COMMISSIONER

Financial Times Limited

1. This is my Adjudication of a complaint by Adam Levick, Co-editor of CAMERA UK, appealed to me on 9 February 2021.
2. The original complaint was made to FT Editorial's Andrew England in respect of a 6 February 2021 article by Mehul Srivastava (reporting from Tel Aviv) which bore the title "International court sets stage for trial over 2014 Gaza war crime claims". The article remains live on FT.com at the URL: <https://www.ft.com/content/b7f8dc31-23f6-4dc5-b073-28c030dac046>.
3. The article concerns the International Criminal Court's majority ruling holding that it did have jurisdiction in respect of alleged war crimes said to have been committed in the Palestinian territories, even though Israel is not a signatory to the Rome Statute.
4. The article has 17 paragraphs, but only paragraphs 9 to 12 are relevant to this Adjudication. They said as follows:

" Hamas killed at least six Israeli civilians and 67 Israeli soldiers, and holds the bodies of two for a possible prisoner exchange with Israel.

The prosecutor's office is also investigating Hamas's role in the conflict and allegations that it targeted Israeli civilians.

Hamas has controlled the Gaza Strip since a violent coup against the Palestinian Authority in 2006, and Israel and Egypt have since placed the territory under an unrelenting blockade that has destroyed its economy and largely trapped a population of 2m people within a strip of land about 25 miles long.

The militant group, which has widespread support both in Gaza and the West Bank, regularly fires short-range missiles and highly unreliable projectiles into Israel to add pressure in contentious negotiations over how much electricity it shall receive, the distance Gazan fishermen can venture out to sea and other ways to relieve the blockade."

5. The objection taken by the complainant about the description of Hamas is only to the words “*which has widespread support both in Gaza and in the West Bank*”. He has said in his initial email to Mr England as follows:

“Is there a source your journalist used to reach this conclusion?”

According to the most recent polling by the widely respected Palestinian polling organisation 'Palestinian Center for POLICY and SURVEY RESEARCH', the popularity of Hamas has dropped, and that "If new parliamentary elections were to take place today, Fatah would win 39% of the vote and Hamas 32%".

More details:

*“If new legislative elections were held today with the participation of all factions, 70% say they would participate in such elections. Of those who would participate, **32% say they would vote for Hamas and 39% say they would vote for Fatah**, 8% would vote for all other third parties combined, and 18% are undecided. Three months ago, vote for Hamas stood at 34% and Fatah at 35%. **Vote for Hamas in the Gaza Strip stands today at 39% (compared to 39% three months ago) and for Fatah at 32% (compared to 31% three months ago). In the West Bank, vote for Hamas stands at 26% (compared to 29% three months ago) and Fatah at 45% (compared to 39% three months ago).**”*

6. His appeal email of 9 February 2021, addressed also to Mr England but to which I was copied, said:

“I appreciate, as always, your response to my complaint yesterday.

However, I'm extremely dissatisfied with your decision in light of the evidence I provided clearly contradicting the journalist's claim that Hamas "has widespread support both in Gaza and the West Bank".

I fail to understand how your assertion that "everyone knows" Hamas has widespread support can be considered anything other than mere

anecdotal, as opposed to empirical, evidence. Who's "everyone"? If you or your journalist have alternative data contradicting the data I presented, then I'm interested in seeing it.

I believe that, in lieu of such new evidence, the article appears to be in breach of the accuracy clause of the Editors' Code.

I respectfully ask that my complaint be adjudicated by FT's Complaint Commissioner."

7. Mr Levick sent me further polling from the Palestinian Centre for Policy and Survey Research which mirrored the figures he had sent previously.

8. This is therefore a complaint under Clause 1 of the IPSO Code as annexed to the FT Editorial Code. Clause 1 provides that:

"1.1 The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.

1.2 A significant inaccuracy, misleading statement or distortion must be corrected promptly and with due prominence, and - where appropriate - an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

1.3 A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.

1.4 The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

1.5 A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published."

9. I have recently reviewed all of my previous Adjudications on the proper construction of, and approach to, Clause 1 of the IPSO Code in my *Issa Adjudication* at paragraphs 34-48.
10. As with so many Clause 1 Adjudications, the question of whether or not a statement is inaccurate depends on what it means, properly construed. I infer from Mr Levick's complaint that he considers that Hamas enjoying "widespread support" is contradicted by polling (which I assume in his favour to be accurate) indicating that Hamas (32%) would come second to Fatah (39%), with Hamas winning Gaza by 39% to 32%, but Fatah winning the West Bank by 45% to 26%.
11. It appears to me that Mr Levick is conflating "widespread support" with "leads in the polls". I think, however, that these are different things. In my view, "widespread support" merely means that there is a base of 'support' (reflected in voting intention in opinion polls) which is 'widespread' (i.e. not very limited or narrow, either in its absolute size or in the types of people attracted to it).
12. If my meaning is correct, the sentence "Hamas are trailing Fatah, but they still enjoy widespread support" would be perfectly coherent. On Mr Levick's construction, that sentence would be a contradiction in terms.
13. Therefore, while it might have been inaccurate to have suggested that Hamas was leading the polls in the West Bank (or even in the Palestinian territories as a whole) I don't find it inaccurate to describe them as having "widespread support" in both Gaza and the West Bank.
14. On the recent polling provided by Mr Levick, Hamas would win Gaza with 39% and still poll 26% in the West Bank. If the latter number collapsed – say to single-digit polling – then it might no longer be accurate to say Hamas enjoyed 'widespread support' in the West Bank, but I think 26% and clear second place still represents 'widespread support'.
15. I therefore reject this appeal.

GREG CALLUS
Editorial Complaints Commissioner
Financial Times