

Minutes of the Complaints Committee Meeting
Tuesday 16 July 2024 at 10:30am
Gate House

- Present
- Lord Edward Faulks
 - Bulbul Basu
 - Sarah Baxter (*remotely*)
 - Manuela Grayson
 - David Hutton
 - Carwyn Jones
 - Alastair Machray
 - Asmita Naik
 - Mark Payton
 - Allan Rennie
 - Ted Young
- In attendance:
- Charlotte Dewar, Chief Executive
 - Alice Gould, Head of Complaints
 - Emily Houlston-Jones, Head of Complaints
 - Michelle Kuhler, PA & minute taker, (*remotely*)
- Also present: Members of the Executive:
- Sarah Colbey
 - Rosemary Douce
 - Ellie Richards Coldicutt
 - Tom Glover, (*remotely*)
 - Heather McCrum (*remotely*)
 - Rebecca Munro
 - Molly Richards
 - Sophie Thomsett
- Observers:
- Jonathan Grun, Editors Code of Practice
 - Chikyung Yun, South Korea Press Association

1. Apologies for Absence and Welcomes

The Chairman welcomed Sarah Baxter who was remotely attending the meeting and observers Jonathan Grun and Chikyung Yun.

Apologies were received from Andy Brennan and Manuela Grayson.

2. Declarations of Interest

No declarations were received.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 11 June 2024.

4. Matters arising

There were no matters arising.

5. Update by the Chair – oral

The Chairman updated the Committee on: recent external affairs; the general election; changes within the Department for Digital, Culture, Media & Sport; the repeal of Section 40; and the upcoming King's Speech.

He also updated the Committee on IPSO's new website, which is up and running, any comments and feedback from members would be welcome.

He also announced that Rosemary Douce had been promoted to Head of Standards, congratulations from all members were received.

6. Complaints update by the Head of Complaints – oral

Emily Houlston-Jones informed the Committee that there were no major updates, although at least two complaints were expected to be brought to the Committee at the next meeting,

under Clause 5 (Reporting of Suicide) and Clause 4 (Intrusion into Grief and Shock).

7. Complaint 22710-23 Magdy v thejc.com

The Committee discussed the complaint and ruled that the complaint should not be upheld. **A copy of the ruling appears in Appendix A.**

8. Complaints not adjudicated at a Complaints Committee meeting

The Committee confirmed its formal approval of the papers listed in **Appendix B.**

9. Any other business

The Heads of Complaints and Committee members had a discussion regarding the consideration of complaints via correspondence.

10. Date of next meeting

The date of the next meeting was subsequently confirmed as Tuesday 3 September 2024.

APPENDIX A

22710-23 Magdy v thejc.com

Summary of Complaint

1. Sarah Magdy complained to the Independent Press Standards Organisation that thejc.com breached Clause 1 (Accuracy), Clause 2 (Privacy), Clause 3 (Harassment), and Clause 12 (Discrimination) of the Editors' Code of Practice in an article headlined "Social media influencer who has worked for BBC says no women were raped by Hamas", published on 7 December 2023.

2. The article – which appeared online only – reported on a Tik Tok video published by the complainant on her social media Instagram page. Describing the contents of the video, the article reported that the complainant "punctuate[d] her video, which [wa]s in English with Arabic subtitles, with frequent giggles, sighs and winks". The article reported that the complainant was a "social media influencer who ha[d] worked for the BBC" and who had "claimed there was 'no evidence' women were raped on October 7 and suggested that more Israelis were killed by their own side than Hamas". The article also described the complainant as "an Egyptian who ha[d] made films and written articles for the BBC's Arabic service".

3. The article also reported that the complainant "spent a year studying journalism at [named University] funded by British taxpayers through a Foreign Office scholarship", that she was "[n]ow living in Rochester", and that she "was approached for comment". In addition to this, the article referred to the complainant's LinkedIn profile and stated that it "sa[id] the BBC has been her main employer since 2016, and describe[d] her as a 'multimedia journalist, filmmaker, content creator and multimedia consultant". In addition to this, the article included a quote from a "BBC spokesperson [who] "told the JC: 'Sarah was on a freelance contract. She last worked on a project for the BBC in early October, prior to October 7th, on a feature filmed in Egypt and unrelated to Israel and the Palestinians. We have no plans to work with her again".

4. The complainant said the article inaccurately reported, in breach of Clause 1, that she said, "no women were raped by Hamas". The complainant expressed concern that her statements within the video, had been misquoted; she said she had not said that "no women were raped by Hamas". The complainant said the article also breached Clause 1 as it inaccurately reported that she "was approached for comment". Prior to IPSO's investigation, the complainant initially denied receiving a direct message from the editor at the publication and said she checked all her direct messages for the month of December 2023. Upon receiving screenshots of the messages sent by the publication, the complainant accepted that the messages had been sent to her private Facebook account. She added that on this social media site, private accounts did not receive messages from accounts a person is not 'friends' with, and that as she had more than 100k followers, the messages would have gone directly to her spam inbox.

5. The complainant also said the article breached Clause 1 as it referred to her as an “influencer” and reported that she lived in Rochester. She said this was inaccurate as she was a ‘content creator’ not an influencer; and as she lived in Cairo. The complainant acknowledged that her LinkedIn page did state that she lived in Rochester; however, she said that this was an inactive page.

6. The complainant also said the article inaccurately reported that she “punctuated her video... with frequent giggles, sighs and winks”. The complainant considered this description demonised her and inaccurately described her style and tone. She also denied that she had “punctuated” the video with “frequent giggles, sighs and winks”. In addition to this, the complainant said the article omitted to mention sources referenced within the video, such as The Times of Israel and Haaretz Israeli newspaper. The complainant felt this portrayed her and her content as ‘fake news’.

7. The complainant said the article breached Clause 2 as it reported that she “spent a year studying journalism at a [named university] funded by British taxpayers through a Foreign Office scholarship”, as these details were published without her consent, and because she did not consider these details were relevant or in the public interest. In addition to this, the complainant said the article breached Clause 2 by reporting comments made by a BBC spokesperson as this caused her personal and professional embarrassment.

8. The complainant also said the article breached Clause 3 as she said it had led to online harassment and professional damage.

9. Finally, the complainant said the article breached Clause 12 as she believed her race and ethnicity as an Arab woman, and by extension her religion as a Muslim, had been referred to in a pejorative way; namely, the article’s reference to her employment at an Arabic news service and her work writing articles and making films in Arabic.

10. During IPSO’s investigation, the complainant provided a copy of the Tik Tok video she had filmed. The video included the following:

Complainant: *“What? Israel is killing its own people. Everything we knew about October 7 is a complete lie. Someone call Piers Morgan please. Quickly get off the line. The lies: in the beginning they said 40 babies were beheaded. There was no evidence of course, and the White House itself retracted Biden’s comments when he said that he saw evidences that Hamas beheaded children. They said that Hamas raped women and until now we don’t have any evidences to prove that. The death toll is not 1400 as we knew. They did a revision and now the number is down to 1,200. The other 200 were actually Hamas burnt bodies. They counted Hamas as their own casualties. And now it seems like people who were killed in the Supernova festival were killed by Israel from combat helicopters, not Hamas, and Hamas did not target them because they did not know about the festival. What? Israel is killing its own people? And this is published in Ha’aretz, Israeli newspaper.*

11. The publication did not accept that the article’s headline breached Clause 1 by reporting that the complainant had said “no women were raped by Hamas. It said that the tone of the video, taken as a whole, suggested that the complainant said Israel had killed more of its own people than Hamas did on October 7 2023.

12. In such circumstances, the publication did not consider the headline was significantly inaccurate. However, it said the headline had been reviewed by a senior editor on December 8 2023, and amended it to more precisely reflect the complainant's video. The headline amended read: "Social media influencer who has worked for BBC says 'no evidence' women were raped by Hamas". The publication added that it would be prepared to add in the following quote from the complainant's video: "They said that Hamas raped women and until now we don't have any evidence to prove that".

13. The publication did not consider the article inaccurately referred to the complainant as an "influencer". It said the complainant had a large number of social media followers, which supported this characterisation. However, it said that it would be happy to amend this to 'content creator' or 'freelance journalist'.

14. The publication also did not accept it was inaccurate to report that the complainant had been approached for comment; it had contacted the complainant via direct message on her social media account to ask for her response to its proposed article. It supported its position by providing screenshots of the message sent from the editor to an account that appeared to belong to the complainant. The message requested that the complainant respond by 3pm on 7 December 2023.

15. Turning next to the article's claim that the complainant was "[n]ow living in Rochester", the publication provided a screenshot of the complainant's LinkedIn page which stated that she lived in "Rochester, England". In any event, the publication did not consider this was significantly inaccurate. However, the publication said it would run the correction in print on its Letters page, and that this would say:

"In an online article published on December 7 2023 we reported that Sarah Magdy lived in Rochester. We are happy to make clear that Ms Magdy lives in Egypt".

It also said it would remove the reference regarding the complainant living in Rochester from the article and publish the following as a footnote to the article:

"Earlier versions of this article report[ed] that Sarah Magdy lives in Rochester. We are happy to make clear that Ms Magdy lives in Egypt".

16. The publication did not accept the article breached Clause 1 in relation to its description of the complainant's video. It said the video had been watched by its reporter and deputy editor, who both felt it was a fair description of the complainant's demeanour. It also said it considered this was a matter of interpretation rather than a point of inaccuracy. However, the publication said it would be willing to remove the reference to "giggling, sighs and winks" and replace with "dismissive, smirking and eye-rolling" instead.

17. The publication also did not accept the article breached Clause 1 by omitting to refer to further sources referenced in the complainant's video. It said the complainant's use of the Israeli media reports were misleading and distorted, and were presented in a way that went far beyond their contents. The publication added that it did not consider The Times of Israel or Ha'Aretz had published suggestions that there was, as the complainant's video suggested, "'no evidence' of rape", or that "'everything' [they kne]w about October 7 was a 'complete lie'".

18. The publication did not accept that the article had breached Clause 2 by reporting that the complainant “spent a year studying journalism at [named University] funded by British taxpayers through a Foreign Office scholarship”. It said it was in the public interest to report that the complainant, who studied at a British university and had obtained a scholarship to support her studies, had created “misleading content”. It felt this was relevant as it called into question the standards of the organisations involved.

19. The publication did not consider the article breached Clause 2 by reporting comments made by the BBC. It said that the BBC was a publicly funded body and a generally trusted source of information, and that it considered it relevant if the BBC employed a person whom the publication believed was disseminating misleading information to thousands of people on social media. The publication considered there was a public interest in reporting the BBC’s response and did not consider it was an intrusion into the complainant’s private life.

20. The publication did not accept a breach of Clause 3. It said the complainant had not been able to substantiate her claim that she had been harassed by the public as a result of its article.

21. Finally, the publication did not accept a breach of Clause 12. It considered the reference to the complainant’s race and ethnicity to be informative rather than pejorative. It also said it did not know the complainant was of Muslim faith when it published the article, and the complainant’s religion was not referenced in the article.

Relevant Clause Provisions

Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- ii) 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.
- iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
- iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Clause 2 (Privacy)*

- i) Everyone is entitled to respect for their private and family life, home, physical and mental health, and correspondence, including digital communications.
- ii) Editors will be expected to justify intrusions into any individual’s private life without consent. In considering an individual’s reasonable expectation of privacy, account will be taken of the complainant’s own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.

iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

Clause 3 (Harassment)*

- i) Journalists must not engage in intimidation, harassment or persistent pursuit.
- ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.
- iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

Clause 12 (Discrimination)

- i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, sex, gender identity, sexual orientation or to any physical or mental illness or disability.
- ii) Details of an individual's race, colour, religion, gender identity, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

Findings of the Committee

22. The complainant expressed concern that her statements within the video had been misquoted within the headline of the article. The Committee, therefore, first considered whether the headline of the article inaccurately reported that the complainant had said "no women were raped by Hamas" during her video.

23. The Committee noted that its role was not to adjudicate on whether or not Hamas had committed acts of sexual violence during the 7th of October attacks. Its role was to decide whether the publication accurately reported the contents of the complainant's video and the comments she had made during it.

24. The Committee reviewed the video, in which the complainant stated: "they said that Hamas raped women and until now we don't have any evidences to prove that". The Committee acknowledged that the complainant did not consider the headline was an accurate reflection of her comments on this topic during the video, as it reported that she had said that "no women were raped by Hamas", rather than reporting that she had said that there was no "evidence" to prove that this was the case. However, there was a clear basis for the original headline: the complainant had said "everything we knew about October 7 is a complete lie" and she listed "the lies", including that "Hamas raped women and until now we don't have evidences to dispute that". In addition, the publication had taken care to ensure the accuracy of the headline prior to publication: it had sight of the video filmed by the complainant, and it had attempted to contact the complainant to clarify the meaning of her comments.

In such circumstances, the Committee considered that care had been taken on this point not to publish inaccurate, misleading, or distorted information, and there was no breach of Clause 1 (i).

25. The Committee next considered whether the headline required correction given that after publication of the article the complainant expressed concern that her statements within the video had been misquoted within the headline of the article. Clause 1 (ii) requires that a significant inaccuracy, misleading statement or distortion must be corrected. Both parties accepted that the headline was not an exact repetition of what the complainant had said, however, the publication did not consider it was significantly inaccurate.

26. In considering whether the headline was significantly inaccurate, misleading, or distorted – and therefore in need of correction – the Committee had regard for the entirety of the complainant’s video. The complainant began the video by stating that “everything we knew about October 7 is a complete lie”, before going on to list the “lies”. In such circumstances, the Committee did not consider the headline was significantly inaccurate, given that it summarised the complainant’s position that “everything we knew about October 7 is a complete lie”, including that “they said Hamas raped women”. The Committee further noted that, in the article’s opening paragraph, the headline claim was supported and clarified, by way of a reference to the complainant’s position that “there was ‘no evidence’ women were raped on October 7”. As such, there was no breach of Clause 1.

27. While the Committee did not consider that the headline breached the terms of the Code, it welcomed the steps the publication had taken to clarify the headline’s meaning.

28. The Committee next considered whether the article inaccurately reported that the complainant had “been approached for comment” – the complainant said she had not received messages from the publication to her social media accounts. The Committee acknowledged that the complainant said she had not had sight of the messages sent by the publication. However, it noted that the messages appeared to have been sent to a social media account belonging to the complainant, and that these messages requested the complainant provide her response by 3pm on 7 December 2023. As such, the Committee did not consider it was inaccurate for the article to report that the complainant had “been approached for comment”, and there was no breach of Clause 1 on this point.

29. When considering whether the article was inaccurate to report that the complainant lived in Rochester, the Committee was mindful of the publication’s position that the information was visible on the complainant’s LinkedIn profile, and of the complainant’s position that this was an inactive page. The Committee first considered whether the publication had taken care not to publish inaccurate information in relation to this point. The publication said that it had reviewed the complainant’s LinkedIn page prior to publication of the article and that the information on the page, which stated the complainant’s location was “Rochester, England”, formed the basis for its reporting.

The Committee, therefore, found that the publication had taken care. In any event, the Committee did not consider that any inaccuracy regarding the specific location where the complainant lived was material to a report about the content of the video which she had posted, and which was the focus of the article. Therefore, there was no breach of Clause 1 on this point.

30. The Committee next considered whether the article inaccurately described the complainant's demeanour in the video. The Committee acknowledged the complainant's concerns in that she felt the description in the article "demonised her" and that it was not an accurate portrayal of her demeanour. However, the Committee did not consider that the publication's description was significantly inaccurate given the context of the article as a whole, which focused on the views she was expressing and in circumstances where the video had been filmed in an informal and relaxed style. As such, there was no breach of Clause 1 on this point.

31. The Committee next considered whether the article inaccurately omitted to mention the additional sources referred to by the complainant within her video. It noted that – provided the Code is not otherwise breached – the selection of material for publication is ultimately a matter of editorial discretion. Therefore, the fact that the publication had omitted information that the complainant considered relevant was not, in and of itself, a breach of the Code. Further to this, the Committee did not consider that omitting this information rendered the article inaccurate, misleading, or distorted, where the article focused on the complainant's thoughts on the news stories she considered were false. Therefore, there was no breach of Clause 1 on this point.

32. In relation to the alleged breach of Clause 2, arising from the article's reference to the complainant's university studies, the Committee noted that the details of the complainant's scholarship appeared on her public LinkedIn profile. As the information which the complainant considered breached Clause 2 was already available on the complainant's publicly accessible LinkedIn page at the time of the article's publication, there was no breach of Clause 2.

33. The Committee also considered whether the article had breached Clause 2 by reporting the BBC's spokesperson's comments. The Committee acknowledged the complainant's concerns that this may have caused personal and professional embarrassment, however, the comments which were published did not reveal any details about the complainant's private or family life. Rather, they simply set out the BBC's position regarding whether or not they would work with the complainant in the future, in these circumstances, there was no breach of Clause 2.

34. The Committee turned next to the complainant's complaint that she had been the subject of harassment online and that she had suffered professional damage as a result of the article. The Committee was mindful that IPSO's remit is limited to editorial content which is published by regulated publications, including on websites operated by them, and the behaviour of those working on their behalf. As the complainant's concerns related to the conduct of members of the public, rather than the publication, there was no breach of Clause 3.

35. Finally, the Committee considered whether the article included pejorative references to the complainant's race, ethnicity, and religion. The Committee noted that the article reported the complainant was "an Egyptian who ha[d] made films and written articles for the BBC's Arabic service" which it considered to be references to the complainant's race and ethnicity, though it did not consider that the article referred to the complainant's religion. However, it did not consider that these references were pejorative or prejudicial, but rather that they were biographical in nature. As such, there was no breach of Clause 12.

Conclusions

36. The complaint was not upheld.

Remedial action required

37. N/A

Date complaint received: 14/12/2023

Date complaint concluded by IPSO: 14/08/2024

APPENDIX B

Paper no.	File number	Name v publication
3156	22282-23/22283-23	Sawyer v mirror.co.uk/manchestereveningnews.co.uk
3176	00764-24	Dyer v mirror.co.uk
3188	00370-24	Hewitt v belfasttelegraph.co.uk
3187	01407-24	Reeve v Kent Messenger
3190	01280-24	Baillie v The Times