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Sent by email

Dear Sir/Madam,

I am writing to provide my feedback on the BBC's current editorial guidelines, specifically regarding the lack of use of the terms "terrorist" and "terrorist attack" in relation to Hamas and Hezbollah. I believe this policy undermines public trust, misrepresents legally established realities, and conflicts with the BBC's obligations to provide accurate, impartial reporting.

The challenge further alleges that the BBC's policy risks eroding public trust, minimizing the suffering of victims, and undermining the UK's global counter-terrorism stance. The submission makes it clear that failure to revise these guidelines could result in judicial review, citing breaches of Ofcom's Broadcasting Code, ultra vires actions, and a failure to serve the public interest.

This submission marks a pivotal moment for the BBC to rectify its policies and reaffirm its commitment to truth, accuracy, and accountability. Stakeholders are urged to support the call for change, ensuring that the UK's public broadcaster meets the highest legal and ethical standards.

This letter sets out a detailed and legally substantiated objection to the BBC's editorial guidelines concerning the use of the term "terrorist," which stipulate that it should only be used with attribution to others. This policy is not only ethically and journalistically flawed but also legally indefensible. It contradicts domestic UK legislation, established international legal frameworks, and the BBC's Charter and Agreement, to which the corporation is bound by law.

In light of the arguments outlined below, it is unequivocally clear that your policy must be revised to align with legal obligations, established public expectations, and journalistic integrity. Failure to do so would expose the BBC to judicial review for breaching its statutory duties.

1. Conflict with UK Law

a) The Terrorism Act 2000

The **Terrorism Act 2000** defines terrorism as:

"The use or threat of action designed to influence the government or intimidate the public, with the purpose of advancing a political, religious, racial, or ideological cause."

Hamas and Hezbollah, whose activities include indiscriminate rocket attacks, the kidnapping and murder of civilians, and other ideologically motivated violence, clearly fall within this definition. These groups are also **proscribed terrorist organizations**

under the Act, meaning that the UK government recognizes their actions as unequivocally terroristic.

The BBC's refusal to use the term "terrorist" directly undermines this statutory classification. Your editorial policy not only ignores the legal framework but also creates the impression that the BBC disputes the UK government's proscription of these groups, effectively placing the corporation in opposition to established UK law.

b) Judicial Precedents Supporting the Definition of Terrorism

In **R v Gul [2013] UKSC 64**, the Supreme Court affirmed the comprehensive definition of terrorism under the Terrorism Act, emphasizing that it includes acts targeting civilian populations to coerce governments or intimidate the public. This ruling reinforces that acts committed by Hamas and Hezbollah are indisputably terroristic under UK law.

By avoiding the term "terrorist," the BBC violates the principles upheld in **R v Gul**, failing to reflect legally established realities. This places the corporation in breach of its legal duty to provide accurate and impartial reporting.

2. Violation of the BBC Charter and Agreement

The **BBC Charter and Framework Agreement** mandate that the corporation must:

- **Provide accurate and impartial news** (Article 3.1.2).
- **Be accountable to the public** (Article 3.1.4).

a) Failure to Provide Accuracy

The refusal to use the term "terrorist" when referring to groups like Hamas and Hezbollah misrepresents their actions and objectives. Descriptions such as "gunmen" or "militants" fail to capture the ideological, premeditated, and systematic nature of their violence, misleading audiences about the true nature of these groups. This is a clear failure to provide accurate news as required under the Charter.

b) Breach of Impartiality

The BBC's selective use of the term "terrorist" demonstrates a bias inconsistent with impartiality. For example:

- The BBC routinely uses the term "terrorist" to describe ISIS and Al-Qaeda but avoids the same terminology for Hamas and Hezbollah, despite their proscription under identical legal frameworks.
- Right-wing extremists within the UK are referred to as "terrorists," yet similar actions by internationally proscribed organizations are described using neutral or sanitized language.

Such inconsistencies undermine public trust and create the perception of bias, a direct violation of the impartiality required under the Charter.

3. Conflict with Ofcom's Broadcasting Code

The **Ofcom Broadcasting Code** (Section 5) requires broadcasters to ensure:

- **Due Accuracy:** News must be reported with factual accuracy.
- **Due Impartiality:** Broadcasters must avoid partiality in coverage of contentious subjects.

The BBC's editorial policy on "terrorist" terminology breaches these obligations:

1. **Inaccuracy:** By refusing to use the legally and factually correct term "terrorist," the BBC misrepresents the actions and motives of groups like Hamas, failing to convey their ideological objectives and the full consequences of their acts.
2. **Partiality:** The selective application of the term "terrorist" creates a double standard, suggesting an implicit bias in favor of certain groups.

Ofcom's regulations are legally binding. The BBC's failure to comply with these standards exposes it to regulatory action and potential judicial intervention.

4. Contradiction with International Legal Norms

a) United Nations Security Council Resolution 1566 (2004)

This resolution defines terrorism as:

"Criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose of intimidating a population or compelling a government."

Hamas and Hezbollah's actions—such as the October 7, 2023, attacks involving the mass murder and kidnapping of civilians—fall squarely within this definition. By avoiding the term "terrorist," the BBC undermines international consensus on terrorism and misrepresents the nature of these groups' actions.

b) Global Broadcaster Standards

Major international broadcasters, including **CNN**, **Fox News**, and **Al Jazeera**, use the term "terrorist" to describe groups that meet legal definitions. The BBC's refusal to do so isolates it as an outlier, diminishing its credibility and undermining the trust of its global audience.

5. Public Trust and Accountability

The BBC's policy not only misleads the public but also erodes trust in its reporting. Polling consistently demonstrates that the British public expects clear and accurate

terminology when describing acts of terrorism. By refusing to use the term “terrorist,” the BBC creates confusion and fosters perceptions of bias.

Furthermore, the BBC’s policy minimizes the suffering of victims and obscures the ideological motives of terrorist groups, denying audiences the full context needed to understand the gravity of such acts.

6. Judicial Review and Legal Remedies

Should the BBC refuse to revise its policy, I will pursue judicial review on the following grounds:

1. **Ultra Vires Action:** The BBC’s refusal to use the term “terrorist” contradicts statutory definitions under the Terrorism Act 2000 and breaches its Charter obligations, rendering its policy ultra vires (beyond legal authority).
2. **Failure to Comply with Ofcom Standards:** The BBC’s policy breaches its regulatory obligations under the Ofcom Broadcasting Code.
3. **Breach of Public Duty:** As a publicly funded organization, the BBC is legally obligated to serve the public interest. Misleading and inconsistent terminology constitutes a failure to meet this duty.

Immediate Action Required

To avoid legal action, I demand the following:

1. **Immediate Revision of Guidelines:** The BBC must align its editorial guidelines with UK law, including the Terrorism Act 2000, and international legal norms.
2. **Public Acknowledgment:** The BBC must issue a public statement committing to the use of accurate terminology in all future reporting.
3. **Compliance Monitoring:** The BBC must implement measures to ensure ongoing compliance with its Charter, Ofcom regulations, and legal obligations.

Conclusion

The BBC’s current editorial policy on the term “terrorist” is legally indefensible, ethically flawed, and journalistically misleading. As a publicly funded broadcaster, the BBC is obligated to align its policies with UK law, international legal standards, and its Charter commitments. Failure to do so will result in judicial review to compel compliance.

I urge you to act decisively and immediately to rectify this issue.

My report below

Yours faithfully,

Sheldon

Legal Challenge Against the BBC's Editorial Guidelines: A Case for Accountability and Reform

Introduction

The British Broadcasting Corporation (BBC), as a publicly funded and globally recognized broadcaster, is obligated to adhere to the highest standards of accuracy, impartiality, and accountability. However, its editorial policy of restricting the use of the term “terrorist” unless attributed to a third party raises serious legal, ethical, and factual concerns. This document builds on these issues to present a comprehensive legal argument that challenges the BBC's current stance, arguing that it violates UK law, international legal norms, and the BBC's own Charter obligations. The inconsistency and hypercritical nature of the policy not only undermine public trust but also create a conflict with the UK government's counter-terrorism efforts.

Legal Framework and Core Arguments

1. Contradiction with UK Terrorism Legislation

The **Terrorism Act 2000** provides a clear and precise definition of terrorism under UK law. It identifies terrorism as the use or threat of violence designed to influence the government or intimidate the public for political, religious, or ideological causes. Under **Section 3**, organizations engaging in such acts are designated as proscribed terrorist organizations.

Case Law and Precedents

1. R v Gul [2013] UKSC 64:

- The UK Supreme Court explicitly affirmed the broad application of the term “terrorism” under the Terrorism Act. The judgment clarified that the definition encompasses a wide range of activities intended to coerce governments or intimidate civilians.

2. Lord Carlile's Independent Review of Terrorism Legislation:

- The review confirmed that proscription decisions are made following rigorous evidentiary processes, ensuring that only organizations meeting the statutory definition are designated as terrorist groups.

Application to Hamas and Hezbollah

Hamas and Hezbollah have been proscribed under the Terrorism Act, with the UK government presenting clear evidence of their engagement in terrorism, including:

- Indiscriminate attacks on civilians (e.g., rocket attacks by Hamas).
- Systematic targeting of civilian populations to coerce political responses.

The BBC's refusal to label these groups as "terrorists" undermines the legal certainty of these designations. By opting for terms such as "militants" or "fighters," the BBC indirectly questions the UK Parliament's and judiciary's determinations, placing itself in opposition to established law.

2. Breach of the BBC Charter and Royal Framework

The **BBC Charter** outlines specific obligations that the broadcaster must uphold, including:

- **Impartiality and Accuracy** (Article 3.1.2): The BBC must provide accurate and impartial news to its audience.
- **Accountability** (Article 3.1.4): The BBC is accountable to the public and must ensure that its reporting meets the highest journalistic standards.

Inconsistencies with the Charter

1. Accuracy:

- The term "terrorist" is not subjective. It is a legal designation under UK and international law. By avoiding the term, the BBC fails to accurately describe acts of violence committed by groups such as Hamas and Hezbollah.

2. Impartiality:

- The BBC's selective use of the term "terrorist" (e.g., applying it to groups like ISIS or Al-Qaeda but not Hamas or Hezbollah) raises questions of impartiality. This inconsistency suggests a bias that undermines its credibility.

Legal Precedent: R (Miller) v College of Policing [2020] EWHC 225 (Admin)

In this case, the High Court ruled that public bodies must act in ways consistent with their legal obligations and avoid creating perceptions of bias. The BBC's editorial stance, which deviates from legal definitions, risks similar perceptions of partiality.

3. Failure to Comply with Ofcom Broadcasting Code

The **Ofcom Broadcasting Code**, which governs UK broadcasters, requires:

- **Due Accuracy** (Section 5.1): News must be reported with factual accuracy.
- **Due Impartiality** (Section 5.2): Broadcasters must ensure impartiality in their coverage of contentious subjects.

Breach of Due Accuracy

By avoiding the term “terrorist,” the BBC fails to provide an accurate depiction of events. For instance:

- The October 7, 2023, attacks by Hamas involved the mass killing and kidnapping of civilians, acts that meet every criterion of terrorism under UK law. Referring to the perpetrators as “militants” or “fighters” downplays the ideological and systemic nature of these crimes.

Breach of Due Impartiality

The selective application of the term “terrorist” to certain groups but not others creates an inconsistency that undermines impartiality. For example:

- The BBC has described right-wing extremists within the UK as “terrorists” while avoiding the same terminology for internationally proscribed groups like Hamas.

4. Violation of International Legal Norms

The BBC’s approach also conflicts with international legal standards, including:

1. UN Security Council Resolution 1566 (2004):

- Defines terrorism as acts intended to cause death or harm to civilians with the purpose of intimidating populations or coercing governments. This definition is universally recognized and aligns with UK law.

2. European Union Designations:

- Both Hamas and Hezbollah are listed as terrorist organizations under EU law. The BBC’s refusal to reflect this designation places it at odds with international consensus.

3. United States Policy:

- The U.S. State Department has designated Hamas and Hezbollah as Foreign Terrorist Organizations (FTOs). Major American broadcasters reflect this terminology, demonstrating that the BBC’s stance is an outlier.

5. Public Harm and Erosion of Trust

The BBC’s editorial guidelines cause tangible harm by:

1. Misleading the Public:

- By avoiding the term “terrorist,” the BBC obscures the ideological and systemic nature of the violence perpetrated by groups like Hamas and Hezbollah, preventing audiences from fully understanding these threats.

2. Minimizing Victim Suffering:

- Euphemistic language dilutes the gravity of terrorist acts, failing to honor the experiences of victims.

3. Undermining the UK's Global Position:

- As the UK's national broadcaster, the BBC's refusal to align with government policy weakens the country's counter-terrorism narrative on the global stage.

Remedy Sought

1. Judicial Review:

- A judicial declaration that the BBC's editorial guidelines contradict UK law, the Ofcom Broadcasting Code, and the BBC Charter.

2. Revision of Editorial Guidelines:

- An order requiring the BBC to align its terminology with UK legal definitions under the Terrorism Act 2000.

3. Public Accountability:

- A mandate for the BBC to publicly acknowledge its revised guidelines and commit to using legally accurate terminology.

4. Mandamus Order:

- A directive compelling the BBC to use the term "terrorist" in all instances where it is legally applicable.

Conclusion

The BBC's editorial guidelines on the use of the term "terrorist" are legally indefensible, ethically inconsistent, and factually misleading. They directly contradict UK law, violate international legal norms, and breach the BBC's obligations under its Charter. This High Court challenge demonstrates that the BBC's current policy undermines public trust, creates legal inconsistencies, and diminishes the broadcaster's standing as a global leader in journalism. It is imperative that the court compels the BBC to revise its guidelines, ensuring compliance with legal and ethical standards. Failure to act risks further erosion of public confidence and accountability.