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CASE NUMBER: 11/2016

DATE OF HEARING: 22 JULY 2016

JUDGMENT RELEASE DATE: 02 AUGUST 2016

KREEL

COMPLAINANT

vs

MIXFM

RESPONDENT

**TRIBUNAL: MR JUSTICE RATHA MOKGOATLHENG (CHAIRPERSON)
PROF HENNING VILJOEN (DEPUTY CHAIRPERSON)
DR LINDA VENTER**

COMPLAINANT: The Complainant was invited but did not attend.

FOR THE RESPONDENT: Mr Kudzayi Tiribabi, Programme Manager.

Verification of news story – failure of radio station to mention that provocative news item was not confirmed – Kreel vs MixFM, Case: 11/2016(BCCSA)

SUMMARY

MixFM sourced a provocative news item from News24, but failed to mention that News24 also indicated that the report was not confirmed. This fact was thus known to MixFM and therefore it was practicable to make the same statement in their report. Contravention of Clause 11(5) and reprimanded accordingly.

JUDGMENT

HL VENTER

[1] The Registrar of the BCCSA received a complaint by Ms Gwen Kreel against *MixFM* regarding the broadcast of an unverified news item during the 08h00 news bulletin on 27 June 2016. The news item was based on a news release by the South African branch of the Boycott, Divestment and Sanctions Movement (BDS) covering the arrest of three South African Muslims in Jerusalem. The Chairperson of the BCCSA referred the matter to a Tribunal.

[2] **The complaint reads as follows:**

“News Reporting Complaint

With reference to the above:

I would like to make a complaint regarding the irresponsible reporting of MixFM news readers (27 June breakfast session). The reporters relayed yet another insert from the BDS group who were making false claims that are not verified of Israelis arresting South African Muslims in Jerusalem. BDS International and South Africa are known to fabricate stories for sensational and obstructive effect. I have requested on 2 other occasions that all reports regarding BDS are verified by international sources and not reliant on these local liars who are trying their utmost in creating friction between Jews and Muslims.

We are living in very uncertain times, where there is ISIL/ISIS/Bokaram and other terrorist organisations creating mayhem in Europe. We do not need extremist behaviour from the likes of BDS and irresponsible reporting that will deliberately antagonise the Jewish and Muslim listeners. Propaganda of any sort is unacceptable. And just because it is voiced by a group does not mean it is a truth. But said, until people MINDLESSLY believe, the untruth then sadly becomes a truth.

I would urge MIXFM 93.8 to verify or refrain from reporting on anything from BDS. If the reports which were broadcasted were in fact untrue (and to my sources they are – I phoned friends and family in Israel to verify the story) - then MixFM should take the responsibility and retract the statement on air.

I will forward you known incidents when the BDS fabricated events to cause a ruckus, References re BDS lies:

<http://vfntv1.blogspot.co.za/2016/03/false-apartheid-movement-coming-against.html>

<http://www.ynetnews.com/articles/0,7340,L-4665412,00.html>

<http://www.ynetnews.com/articles/0,7340,L-4704703,00.html>

<http://nypost.com/2016/03/03/the-big-lies-of-the-fascistic-boycott-israel-crew/>

<http://www.haaretz.com/opinion/.premium-1.691563>

I have enclosed just a few articles (international) that expose them for the bigots and liars that they are. They should not be given any news coverage as their intel is generally propagandist and anti semitic and anti Zionist.

The news report was brief – mentioning “BDS South Africa Reports: South African Muslims abducted and interrogated by Israeli officials in Jerusalem”.

The report was done on Monday 27th on the breakfast show 8am news report.

Why was it fabricated – I checked international news – nothing was reported on this incident. I have since checked again (international headlines) and still nothing.

I therefore consider it to be another fabrication to create mayhem and to be obstructive. I phoned MixFM – and the man I spoke to could not verify the information either, other than it was a BDS South African press release.

I have no problem of REAL incidents being reported on. If the Israelis were indeed responsible for these actions that BDS claims – then MixFM has a right to report on it. But good reporting usually is verified by at least 2 to 3 independent sources. If, South Africans were arrested in Israel – especially Muslims – I am sure that our Foreign Minister would have intel or it would have made headline news. Since there has been no follow up on this story – it can only be assumed that it is a propagandist headline – trying to keep them (BDS) in the minds of Jews and Muslims alike.

My request is this: **MixFM should be notified that all reports should be verified** – especially relating to the Middle East and Israel. This is a hotspot for protagonists, and we don't want it to spill over into our country. All I am requesting is that the reporting is done in a responsible manner.

We have already had this year – the American Embassy making a public warning on possible terrorist action on our shopping malls. The BDS movement align to extremist and anti-zionist behaviour. During the “War- Protective Edge” - 2014 – there were various incidents where Jews were attacked by Muslims in Balfour Park and Rosebank Shopping Malls – there was NO media broadcasts on this. But the entire Jewish community were very well aware of these incidents and had to take precautions for their safety. BDS are irresponsible antagonists – and should receive no radio coverage whatsoever.

Once again – we are living in uncertain times and we do not need any incentive for an extremist to behave irrationally and commit a terrorist act on South African soil. BDS has that potential to create an incentive. Reporting lies equal that incentive.”

[3] **The Broadcaster responded as follows:**

“Mix 93.8 FM News

11. News

- (1) *Broadcasting service licensees must report news truthfully, accurately and fairly.*
The news report in question was not altered, please see script below. There is no evidence that it was unfair or was untruthful. The report did mention that, that statement was “Claimed on Sunday” by the BDS SA group.
- (3) *Only that which may reasonably be true, having reasonable regard to the source of the news, may be presented as fact, and such fact must be broadcast fairly with reasonable regard to context and importance.*

The News report in question was not reported as fact, instead it highlighted the fact that this was reported by the BDS SA Group. The source of the news was NEWS24 which is indeed a credible source,

- (4) *Where a report is not based on fact or is founded on opinion, supposition, rumours or allegations, it must be presented in such manner as to indicate, clearly that such is the case.*

This rule/clause has been adhered to as the report did say that “the BDS SA Group” claimed on Sunday.

- (5) *Where there is reason to doubt the correctness of the report and it is practicable to verify the correctness thereof, it must be verified. Where such verification is not practicable, that fact must be mentioned in the report.*
- (6) *We didn't deem it necessary to verify the report as it came from a credible source, secondly it wasn't reported as fact.*

News report as reported on air

Three South African citizens were arrested by Israeli forces in East Jerusalem, the human rights and Palestine solidarity organisation BDS South Africa claimed on Sunday.

BDS SA said in a statement that according to news reports, Israeli soldiers and right-wing Israeli settlers stormed the courtyards of the al-Aqsa mosque in Occupied East Jerusalem.

"It has been reported that Israeli soldiers kidnapped Saleh Bader Abu 'Assab and Mohammad Naseef, in addition to three South African citizens", it said.

BDS South Africa added that Israeli forces assaulted several Palestinian worshippers who protested against the Israeli provocations.”

EVALUATION

[4] BACKGROUND

- **Boycott, Divestment and Sanctions Movement (BDS Movement)¹**

According to Wikipedia² this movement is a global campaign attempting to increase economic and political pressure on Israel to comply with the stated goals of the movement: the end of Israel's occupation and colonisation of Palestinian land and the Golan Heights, full equality for Arab-Palestinian citizens of Israel, and respect for the right of return of Palestinian refugees.

The campaign is organised and coordinated by the Palestinian BDS National Committee. The campaign was started on 9 July 2005 by over 170 Palestinian non-governmental organisations in support of the Palestinian cause for boycott, divestment and international sanctions against Israel. Citing a body of UN resolutions and specifically echoing the anti-apartheid campaigns against white minority rule in the apartheid era in South Africa, the BDS campaign called for "various forms of boycott against Israel until it meets its obligations under international law".

Supporters of BDS compare the movement with the 20th century Anti-Apartheid Movement and view their actions similar to the boycotts of South Africa during its apartheid era, comparing the situation in Israel to apartheid. Protests and conferences in support of the campaign have been held in a number of countries around the world. Supporters of BDS include academics, trade unions, political parties and Israeli citizens.

¹ Available on the Internet at www.BDS.org. Accessed 25.7.2016.

² Available on the Internet at <https://en.wikipedia.org>. Accessed 25.7.2016.

There is considerable debate about the scope, efficacy, and morality of the BDS movement. Critics argue that the BDS movement disincentivises the Palestinian leadership from negotiating with Israel at present, is anti-semitic, and that it is a form of anti-semitic anti-Zionism that promotes the delegitimisation of Israel. BDS supporters counter accusations of anti-semitism by noting the many Jewish and Israeli supporters of the movement.

- **The International Middle East Media Center (IMEMC)** ³

It seems that BDS sourced this news item from IMEMC, which (according to their official web site) is a media center developed in collaboration between Palestinian and International journalists to provide independent media coverage of Israel-Palestine.

IMEMC was founded by the Palestinian Centre for Rapprochement between People in 2003⁴. Being a joint Palestinian-International effort, IMEMC combines Palestinian journalists' deep understanding of the context, history, and the socio-political environment with international journalists' skills in non-partisan reporting. IMEMC provides fair and comprehensive coverage of events and developments in Israel-Palestine. IMEMC provides coverage of news, political developments and daily incidents combined with feature stories, political analysis, interviews and selected opinion pieces.

[5] The paramount issue in this case is that of verifying news before it is broadcast.

Clause 11 of the BCCSA's Code of Conduct provides the following:

- (1) Broadcasting service Licensees must report news truthfully, accurately and fairly.
- (2) News must be presented in the correct context and in a fair manner, without intentional or negligent departure from the facts, whether by:
 - (a) Distortion, exaggeration or misrepresentation.
 - (b) Material omissions; or
 - (c) Summarisation
- (3) Only that which may reasonably be true, having reasonable regard to the source of the news, may be presented as fact, and such fact must be broadcast fairly with reasonable regard to context and importance.
- (4) Where a report is not based on fact or is founded on opinion, supposition, rumours or allegations, it must be presented in such manner as to indicate, clearly that such is the case.
- (5) Where there is reason to doubt the correctness of the report and it is practicable to verify the correctness thereof, it must be verified. Where such verification is not practicable, that fact must be mentioned in the report. (Emphasis by Commissioner)

[6] During the hearing, Mr. Tiribabi for *MixFM*, responded to the complaint by emphasising that their news office did not report the news item as fact, neither have they verified it since they used a credible source (*News24*). However, it is unfortunate that *MixFM* has not quoted the full report by *News24*, which clearly states that they could not confirm the arrest of the South Africans. It reads as follows:

³ Available on the Internet at www.imenc.com. Accessed 25.7.2016

⁴ Available on the Internet at www.pcr.org. Accessed 25.7.2016

**"3 South Africans held by Israeli forces in East Jerusalem - BDS SA"⁵
Jeanette Chabalala, News24 | News24 21:59 26/06/2016**

Johannesburg – Three South African citizens were arrested by Israeli forces in East Jerusalem, the human rights and Palestine solidarity organisation BDS South Africa claimed on Sunday.

BDS SA said in a statement that according to news reports, Israeli soldiers and right-wing Israeli settlers stormed the courtyards of the al-Aqsa mosque in Occupied East Jerusalem.

"It has been reported that Israeli soldiers kidnapped Saleh Bader Abu 'Assab and Mohammad Naseef, in addition to three South African citizens," it said.

BDS South Africa added that Israeli forces assaulted several Palestinian worshippers who protested against the Israeli provocations. It is reported that the Israeli forces also prevented any worshipper below the age of 30 from entering the mosque.

At least five persons were reported injured during the clashes between the worshippers and the invading Israeli soldiers, it said.

The Department of International Relations and Co-operation (DIRCO) could not confirm the arrest to News24.

"We cannot confirm the arrest at the moment, we are still waiting for an official report," said spokesperson Nelson Kgwete. (Emphasis by Commissioner)

- [7] One of the basic principles of good journalism is that news stories should be verified. Proper verification shows the journalist's respect for the audience. It allows the audience to judge the validity of the information, the process by which it was secured and the potential motives or biases of the source. A golden guideline for journalists is to provide information in such a way that the audience can assess it and then make up their own minds what to think.
- [8] Clause 11(5) states that where there is reason to doubt the correctness of a report and it is practicable to verify the correctness thereof, it must be verified. Where such verification is not practicable, this must be mentioned in the report. In their coverage of the story, *News24* indicated that they could not confirm the report. This fact was thus known to *MixFM* and therefore it was practicable to make the same statement in their report.
- [9] In the light of prevailing circumstances in the world and in this country concerning international terrorism and political unrest and uncertainty, any news in this context

⁵ Available on the Internet at www.news24.com. Accessed 25.7.2016

should be handled very carefully. Any negligence in so far as unverified news stories is concerned, should be avoided and great care should be taken to clearly mention that information could not be confirmed in cases where verification is not practicable.

The Tribunal accordingly find that the respondent contravened Clause 11(5) of the Broadcasting Code. Since this is a first contravention by *MixFM* it serves as a mitigating factor and a reprimand as sanction will suffice.

**HL VENTER
COMMISSIONER**

The Chairperson Justice Mokgoatheng and Deputy Chairperson Viljoen concurred with the judgment of the Commissioner Venter.