

COMPLAINT ADJUDICATION

Mr Graham Hindson
and
The SKWAWKBOX

Clause 1. Accuracy

1.1. Publishers must take all reasonable steps to ensure accuracy

1.2. Publishers must correct any significant inaccuracy with due prominence, which should normally be equal prominence, at the earliest opportunity.

1.4. Whilst free to be partisan, publishers must not misrepresent or distort the facts.

Complaint Dismissed

Before IMPRESS Regulatory Committee A

Walter Merricks (Chair), David Leigh, Maire Messenger Davies, Emma Jones and David Robinson

18 July 2018

1. Summary of Complaint

- 1.1. The Complainant is Graham Hindson, a third party seeking to ensure the accuracy of published information. He has confirmed to IMPRESS that he is not an affected party or the representative of an affected party.
- 1.2. The Publisher is The SKWAWKBOX, a news website covering current affairs that has been regulated by IMPRESS since 1 October 2017.
- 1.3. The complaint concerns the accuracy of an article that first appeared on The SKWAWKBOX on Saturday 2 June 2018 with the headline “*FCO: Johnson will not delete Babchenko murder tweet – even though he’s not dead*”.
- 1.4. The complaint is assessed against the IMPRESS Standards Code. The relevant clauses are:

Clause 1 (Accuracy)

- 1.1. Publishers must take all reasonable steps to ensure accuracy.*
- 1.2. Publishers must correct any significant inaccuracy with due prominence, which should normally be equal prominence, at the earliest opportunity.*
- 1.4. Whilst free to be partisan, publishers must not misrepresent or distort the facts.*

2. Background

- 2.1. The subject of the article was a tweet of Wednesday 30th May 2018 by Foreign Secretary, Boris Johnson, which the Publisher states caused “considerable embarrassment to the nation”. An image of the tweet accompanied the article, it read:

“Appalled to see another vocal Russian journalist, Arkady Babchenko, murdered. My thoughts are with his wife and young daughter. We must defend freedom of speech and it is vital that those responsible are now held to account.”

- 2.2. The article went on to quote an FCO spokesperson who confirmed that the tweet would not be deleted:

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“It is, of course, good news that Russian journalist Arkady Babchenko is still alive. The point remains, however, that Russian authorities have been targeting independent journalists for many years simply for opposing the Kremlin.”

3. The Complaint

3.1. The complainant emailed the Publisher to complain about the accuracy of the article on the basis that it claimed that Boris Johnson had, in a tweet, blamed Russia for the murder of Babchenko, when the tweet did not directly blame Russia. The SKWAWKBOX responded to the Complainant by rejecting the complaint and claiming it considered that the article was justified based on a quote from a Foreign Office (FCO) spokesman. The publisher said the FCO comment explained the tweet did blame Russia and that this was the reason the tweet would remain online.

3.2. The Complainant subsequently made a complaint to IMPRESS and, after seeking clarification of the basis for the complaint, IMPRESS confirmed the substance of Mr Hindson’s complaint with him, as follows:

The Complainant is a third party seeking accuracy.

The grounds of the complaint are:

- 1. At the time the tweet was made, no blame for the alleged death was apportioned to a particular country, and that the Publisher’s claim that the Foreign Secretary had blamed Russian authorities for the alleged death was incorrect.*

Relevant statements

A. The complainant, who believes the article is inaccurate, considers the following statement misrepresented or distorted the facts:

“On Wednesday, Foreign Secretary Boris Johnson caused considerable embarrassment to the nation and himself by a premature tweet blaming Russia for the murder of Russian journalist Arkady Babchenko.”

3.3. IMPRESS provided the Complainant with a full copy of The SKWAWKBOX’s response (summarised in Section 4 below) and gave him the opportunity to provide a final reply to that response.

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- 3.4. The complainant said that the article, "*VIDEO: Johnson embarrasses again – or is Russia just not very good at assassination*", published on 30 May 2018, that the Publisher used to support the article was irrelevant.
- 3.5. The Complainant reiterates, the article claimed Mr Johnson implied that "the (non) murder had been a *Russian* attack on free speech. In fact Mr Johnson only spoke of "those responsible".
- 3.6. The Complainant went on to say he did not have access to the FCO's full response and therefore did not know the context of the extract, saying, "they could indeed be making a general point on journalists being targeted in ways including, but not limited to, murder".
- 3.7. Furthermore, the Complainant argued, "Mr Johnson could not have "embarrassed the nation" on Wednesday if no one know about the "hidden meaning" in the Tweet until Friday".
- 3.8. A full copy of his comments was considered by the Regulatory Committee in determining the complaint.

4. Response of Publication

- 4.1. IMPRESS invited The SKWAWKBOX to respond to the complaint. The Publisher's response is summarised below.
- 4.2. The Publisher referred IMPRESS to its original response to the Complainant (summarised in Section 3 above).
- 4.3. The Publisher referred to an earlier article, "*VIDEO: Johnson embarrasses again – or is Russia just not very good at assassination*", published on 30 May 2018, saying it did not state Johnson had blamed Russia for Babchenko's death, although it did suggest Mr Johnson implied it.
- 4.4. The Publisher went on to explain the 2 June 2018 article was published after they received a response from the FCO Newsdesk, which was quoted in the article. The Publisher felt that the comment,

"made clear that Johnson was blaming Russia, as this was given as the justification for not deleting the tweet even days after Babchenko was found not to have been murdered, or even to have died, at all."

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- 4.5. The Publisher pointed out the post was published after the FCO's response and it was therefore, "both reasonable and perfectly accurate to say that Johnson was blaming Russia, because his own department had clarified that this was exactly what it was meant to convey."
- 4.6. The Publisher went on to say the article "merely observed" Johnson claimed Babchenko has been murdered by Russia and that this was not the main point of the article. The main point of the article was that Babchenko was not dead.
- 4.7. In response to the Complainant's comments on its response, The SKWAWKBOX provided IMPRESS with the full email received from the FCO. The Publisher said "what was quoted in the article is the entirety of their substantive response".
- 4.8. The Publisher quoted excerpts from the FCO email which the Publisher believed supported their position (emphasis added by the publisher), 'the point *remains*, however, that Russian authorities have been targeting independent journalists...' The Publisher believes the implication of Russian involvement, 'was always the point intended to be made by Johnson's tweet, according to his own department'.
- 4.9. The Publisher went on to say, 'Implications are in the eye of the beholder, but what I inferred from Johnson's tweet was proven to be correct – as the FCO subsequently confirmed that was exactly what he meant to imply, by their comment quoted above'.
- 4.10. The Publisher added, 'Johnson embarrassed the nation by rushing, in an unstatesmanlike fashion, to conclusions about the significance of a murder that turned out not to have been a death at all'.
- 4.11. The Publisher said, the meaning was not 'hidden' and 'was subsequently confirmed unambiguously by Johnson's own department'.
- 4.12. A full copy of the Publisher's response, and further comments were considered by the Regulatory Committee in determining the outcome of the complaint.

5. Compliance with the IMPRESS Regulatory Scheme

- 5.1. The SKWAWKBOX complied with the requirements of the IMPRESS Regulatory Scheme (Paragraph 3.2), by acknowledging the complaint within

seven calendar day, issuing a final decision letter within 21 calendar days, and informing the complainant of their right to refer the complaint to IMPRESS.

6. The Committee's Conclusion

6.1. The Committee considered the meaning of the article was, as the Complainant stated, that Boris Johnson had blamed Russia, by implication, for the journalist Babchenko's alleged death. This was the Publisher's interpretation of the tweet (30 May 2018) and the Committee considered that it was reasonable both at the time of the tweet and, given the FCO's comments, especially at the time of the article (2 June 2018). The guidance on Clause 1.1 sets out that publishers must, prior to publication, take such steps as are reasonable in the circumstances to verify the truth of the information presented. The guidance also sets out that when assessing whether reasonable steps have been taken, consideration should be given to: (1) the significance of any possible inaccuracies and their likely consequences; (2) the likely reliability of the source(s) being used; (3) the attempts made to corroborate a story; (4) the urgency of publishing the story and (5) whether reasonable attempts were made prior to publication to contact any people whose reputation may be at stake and to publish their comments. The Committee considered, in these circumstances, the Publisher was reporting on politics in action and therefore there may have been urgency to publish. The Committee also understood the Publisher went to the FCO for comment before publishing and included that comment in the story. The Committee therefore considered, on balance, the steps taken by the Publisher to verify the information used in the story were reasonable and this was sufficient to satisfy the requirements of Clause 1.1.

6.2. The Committee considered the hypothetical ordinary, reasonable reader would understand the article was about Boris Johnson's refusal to delete the relevant tweet after the revelation that Babchenko was not murdered. Following this, the Committee considered the statement challenged by the complainant, did not go to the heart of the story and did not amount to a significant inaccuracy. Therefore, the statement was not a significant inaccuracy that required correction under Clause 1.2.

6.3. The guidance on Clause 1.4 notes that publishers are free to present their own opinions on the issues of the day and are not required to engage in balanced or impartial reporting. However, it also makes clear that members should not use a distorted, false or misleading representation of the facts to further their own world view. It is clear from the context and language used that the Publisher is presenting a partisan view, consistent with its political stance. The Committee found a reader would have all the objective information, the tweet

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and full FCO statement, to come to their own conclusion on the issues presented in the article. The Committee found the publisher did not distort or omit the facts, therefore, there has been no breach of Clause 1.4.

6.4. It follows that the complaint is dismissed, and no further action is required.