

***The Association of Ukrainians in Great Britain Ltd v Daily Mail***

Clauses noted: 1

The Association of Ukrainians in Great Britain Ltd complained that an article headlined "SS GB", published in the Daily Mail on 13 January 2001, was misleading in its portrayal of the activities of the Galizien Division during the Second World War in breach of Clause 1 (Accuracy) of the Code of Practice.

The complaint was rejected.

The article was about a division of the Waffen-SS, the Galizien, which had been formed in 1943 from Ukrainian volunteers. The piece described the division as having 'fought for Hitler', and as allegedly having 'the blood of hundreds of innocent civilians on its hands'.

The Association of Ukrainians in Great Britain Ltd argued that the article was misleading in its portrayal of the Galizien Division. Whilst it was true that the division fought with the Waffen-SS, it was inaccurate to imply that the division consisted of committed Nazis fighting for Hitler. The Association said that the division joined the SS in order to fight against Soviet aggression and expansionism. Moreover, it claimed that the evidence put forward by the newspaper of atrocities being carried out by the Galizien division was one-sided. The article failed to make clear that no member of the division had ever been convicted in the post-war years of committing war crimes. It was also inaccurate to state that men of the division had not been screened properly before being allowed into Britain in 1947. Moreover, it was not true that men of the division were entitled to German war service pensions.

The Association also said that the article was too simplistic in its description of the feelings of Ukrainians towards Poland and Poles. It failed to explain why extreme antipathy existed and portrayed the Ukrainians as simply hateful. The Association believed that this failure fuelled the view of the division as evil.

The Association was concerned about a number of other inaccuracies, which involved the photographs accompanying the piece. In particular, the Association stated that the main photograph had not been taken in Manchester, and that the second did not, in fact, depict men of the Galizien division.

The newspaper said that it had taken great care to be accurate, but acknowledged that the points being dealt with had been, and would continue to be, subject to debate. With regard to the two photographs the newspaper said that it had been told by a source from the Manchester branch of the Association of Ukrainians in Great Britain Ltd that the recent image had been taken at Manchester. The wartime photograph had come from Polish state archives where it had been catalogued under the Galizien division records.

The newspaper said that the point of the article had been to highlight Polish suspicions, and 'evidence', that members of the Galizien division had been responsible for atrocities and that they had been allowed to enter Britain following inadequate post-war screening. Parts of the article were based upon a television programme on the same subject.

The newspaper said that all former members of the Waffen-SS were entitled to service pensions and that this fact had been checked with the authorities in Berlin. The Association did not challenge the newspaper's explanation of this point.

*Adjudication*

Clause 1 of the Code of Practice requires that newspapers take care not to publish inaccurate material and the Commission recognised that the complaints relating to the two pictures and the payment of service pensions to Galizien veterans were, indeed, straightforward matters of accuracy. With regard to the payment of pensions the Commission noted that the newspaper appeared to have based its claims on information provided by governmental authorities in Germany. The complainant had not challenged the newspaper's explanation of this point. With regard to the recent image it did appear to be the case that the photograph had been taken in England and depicted some Galizien veterans and, therefore, any minor inaccuracy regarding whether it had been taken in Manchester was not so significant as to raise a breach of the Code. In examining the wartime picture the Commission noted the complainant's claim that it did not depict men from the Galizien division since the figures in the photo were not wearing divisional insignia. However, it also noted the newspaper's claim that the image had come from Galizien division records in the Polish state archive. The Commission could not make a decision as to the validity of the photograph but concluded, in any case, that since it did appear to be the case that Heinrich Himmler had addressed the division during the war, any inaccuracy on this point was, again, not so significant within the context of the article as to raise a breach of the Code.

However, aside from these matters of accuracy the Commission considered that the main thrust of the complaint related to issues of interpretation. The Commission noted the complainant's contentions that the Galizien division did not 'fight for Hitler' out of any loyalty for his cause, and that the division was not responsible for atrocities against civilians. However, the Commission did not ultimately consider that the claims put forward in the article had been presented as fact. The piece very clearly stated that it was the view of the Polish government that the division was guilty of atrocities, and it also stated that it could never be known how many, 'if any', of the division's veterans had committed war crimes. The Commission did not consider that readers would necessarily have assumed that members of the Galizien division were committed Nazis.

The Commission considered that the construction of history often involves taking a partisan standpoint, and emphasised that newspapers are, of course, free to be partisan under the terms of the Code, providing that they distinguish clearly between comment, conjecture and fact. The article was very clearly presented as the view of its authors and the sources they quoted. By including the phrase 'the truth may never be known' the article accepted its own limitations as an interpretation of the available facts.

In examining two final points the Commission did not accept the complainant's contention that the article failed to distinguish between the activities of the Galizien division and the activities of other units, which later merged with the division. Nor did it consider that readers would have been misled by the article's failure to explain why antipathy existed between Ukrainians and Poles.

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