

PUBLIC RECORD**Dates:** 06/01/2026 - 09/01/2026

Doctor: Dr Ghassan ABU-SITTA

GMC reference number: 4066600

Primary medical qualification: MB ChB 1993 University of Glasgow

Type of case	Outcome on facts	Outcome on impairment
New - Misconduct	Facts relevant to impairment not found proved	Consideration of impairment not reached

Summary of outcome
Case concluded

Tribunal:

Legally Qualified Chair	Mr Ian Comfort
Lay Tribunal Member:	Mrs Barbara Larkin
Registrant Tribunal Member:	Dr Jonathan Leach

Tribunal Clerk:	Mr Sewa Singh
-----------------	---------------

Attendance and Representation:

Doctor:	Present, represented
Doctor's Representative:	Mr Zac Sammour, Counsel, instructed by Bindmands LLP
GMC Representative:	Ms Rosalind Emsley-Smith, Counsel

Attendance of Press / Public

In accordance with Rule 41 of the General Medical Council (Fitness to Practise) Rules 2004 the hearing was held in public.

Overarching Objective

Throughout the decision making process the tribunal has borne in mind the statutory overarching objective as set out in s1 Medical Act 1983 (the 1983 Act) to protect, promote and maintain the health, safety and well-being of the public, to promote and maintain public confidence in the medical profession, and to promote and maintain proper professional standards and conduct for members of that profession.

Determination on Facts - 09/01/2026

1. This determination was handed down in public.

Background

2. Dr Abu-Sitta qualified in 1993 from the University of Glasgow.
3. The allegations that have led to Dr Abu-Sitta's hearing are that in March 2018 he wrote an article for a newspaper 'Al-Akhbar' which included comments (as set out in Schedule 1) objectively supporting violence, terrorism and were antisemitic, and intended to be supportive of violence. It is also alleged that prior to December 2023, Dr Abu-Sitta posted on Twitter comments (as set out in Schedule 2) which were supportive of an organisation proscribed under the Terrorism Act 2000 and/or which is supportive of terrorism. Further, it is alleged that Dr Abu-Sitta posted comments again on Twitter, (as set out in Schedule 3), which were objectively supporting and intended to be supportive of violence and terrorism. Finally, it is alleged that Dr Abu-Sitta posted comments on Twitter (as set out in Schedule 4) objectively supporting violence, terrorism and were antisemitic, and intended to be supportive of violence.
4. The matters came to the attention of the GMC following a complaint received by the GMC from UK Lawyers for Israel ('UKLFI') on 13 December 2023.

The Outcome of Applications made during the Facts Stage

5. The Tribunal refused an application, made by Mr Zac Sammour, Counsel, on behalf of Dr Abu-Sitta, pursuant to Rules 4(5) and 17(1) of the GMC (Fitness to Practise Rules) 2004 as amended ('the Rules'), for the Tribunal not to consider paragraphs 1 and 2 of the Allegation on the basis it had no jurisdiction to do so given that the matters set out at paragraphs 1 and 2 occurred more than five years ago and the GMC had not applied the Rules correctly. The Tribunal's full decision is set out in Annex A.
6. The Tribunal granted an application, made by Ms Rosalind Emsley-Smith, Counsel for the GMC, pursuant to Rule 17(6) of the Rules, to amend the Allegation by the deletion of paragraphs 7 and 8, and as a consequence Schedule 4. As the application was unopposed, the Tribunal did not consider it necessary to produce a separate written determination.

7. The Tribunal also granted a further application by Ms Emsley-Smith, pursuant to Rule 17(6), to amend the wording of paragraphs 3 and 5 and the stems of paragraphs 4 and 6 as follows:

‘3. Prior to 13 December 2023 you ~~reposted~~ on Twitter (now known as X) the comments as set out in Schedule 2.

4. Your ~~comments~~ **repost**, as set out in Schedule 2, ~~were~~ **was**:

5. Prior to 13 December 2023 you ~~reposted~~ on Twitter (now known as X) the comments as set out in Schedule 3.

6. Your ~~comments~~ **repost**, as set out in Schedule 3 ~~were~~ **was**.’

8. As the application was unopposed, the Tribunal did not consider it necessary to produce a separate written determination.

9. The Tribunal also granted an application made by Ms Emsley-Smith, pursuant to Rule 34(1) of the Rules, to admit into evidence a document – a certificate from the UK Government website – which showed that Hamas was a proscribed organisation. As the application was unopposed, the Tribunal did not consider it necessary to produce a separate written determination.

The Allegation and the Doctor’s Response

10. The Allegation made against Dr Abu-Sitta is as follows:

That being registered under the Medical Act 1983 (as amended):

1. You wrote an article for the newspaper Al Akhbar (‘the Article’) published on 8 March 2018. **Admitted and found proved**

2. Your comments within the Article, as set out in Schedule 1, were:

a. objectively:

- i. supportive of violence; **To be determined**
- ii. supportive of terrorism; **To be determined**
- iii. antisemitic; **To be determined**

b. intended to be supportive of violence. **To be determined**

3. Prior to 13 December 2023 you ~~reposted~~ on Twitter (now known as X) the comments as set out in Schedule 2. **Amended under Rule 17(6)**

To be determined

4. Your ~~comments repost~~, as set out in Schedule 2, ~~were was~~:
Amended under Rule 17(6)

- a. objectively:
 - i. supportive of an organisation proscribed under the Terrorism Act 2000; and/or **To be determined**
 - ii. supportive of terrorism; **To be determined**
- b. intended to be supportive of an organisation proscribed under schedule 2 of the Terrorism Act 2000. **To be determined**

5. Prior to 13 December 2023 you reposted on Twitter (now known as X) the comments as set out in Schedule 3. **Amended under Rule 17(6)**
To be determined

6. Your ~~comments repost~~, as set out in Schedule 3 ~~were was~~:
Amended under Rule 17(6)

- a. objectively:
 - i. supportive of violence; **To be determined**
 - ii. supportive of terrorism; **To be determined**
- b. intended to be:
 - i. supportive of violence; **To be determined**
 - ii. supportive of terrorism. **To be determined**

~~7. Prior to 29 January 2024 you posted on Twitter (now known as X) the comments as set out in Schedule 4. Withdrawn under Rule 17(6)~~

~~8. Your comments, as set out in Schedule 4, were:~~

- ~~a. objectively:~~
 - ~~i. supportive of violence; Withdrawn under Rule 17(6)~~
 - ~~ii. supportive of terrorism; Withdrawn under Rule 17(6)~~
 - ~~iii. antisemitic; Withdrawn under Rule 17(6)~~
- ~~b. intended to be supportive of violence. Withdrawn under Rule 17(6)~~

And that by reason of the matters set out above your fitness to practise is impaired because of your misconduct.

The Admitted Facts

11. At the outset of these proceedings, through his Counsel, Dr Abu-Sitta admitted paragraph 1 of the Allegation, as set out above, in accordance with Rule 17(2)(d) of 'the Rules'. In accordance with Rule 17(2)(e) of the Rules, the Tribunal announced this paragraph of the Allegation as admitted and found proved.

The Facts to be Determined

12. The Tribunal has to determine whether the GMC has discharged its burden of proof in relation to the alleged facts which remain disputed.

Evidence

13. The Tribunal received oral evidence via videolink from Dr A, a registered Paediatrician, on behalf of Dr Abu-Sitta, together with his witness statement dated 17 November 2025.

14. Dr Abu-Sitta provided a witness statement, dated 18 November 2025, and gave oral evidence at the hearing.

Documentary Evidence

15. The Tribunal had regard to the documentary evidence provided by the parties. This evidence included, but was not limited to, the following:

- Initial letter of complaint from UKLFI dated 13 December 2023, and follow up letters from UKLFI dated 29 January 2024, 11 May 2024 and 24 June 2024;
- Initial and supplemental witness statements of Ms B, a linguist and translator, dated 25 July 2025 and 2 December 2025, respectively;
- Dr Abu-Sitta's witness statement dated 18 November 2025, together with associated exhibits which included testimonials from his current and former clinical and non-clinical colleagues, attesting to his clinical work and character, articles of Dr Abu-Sitta performing surgical procedures on patients, and articles in relation to Dr Abu-Sitta's work in Gaza;
- A ruling by the Niendorf Administrative Court on 14 May 2024 concerning travel alert concerning Dr Abu-Sitta;
- Skeleton arguments provided by the GMC and the Defence in relation to the Rules 4(5) and 17(1) application;
- A bundle of authorities provided by the Defence relative to the matters before the Tribunal.

The Tribunal's Approach

16. The Tribunal accepted the Legally Qualified Chair's advice, as appended to this determination.
17. In reaching its decision on facts, the Tribunal bore in mind that the burden of proof rests on the GMC and it is for the GMC to prove the Allegation, Dr Abu-Sitta does not need to prove anything. The standard of proof is that applicable to civil proceedings, namely the balance of probabilities, i.e., whether it is more likely than not that the events occurred as alleged as stated in the case of *Byrne v General Medical Council [2021] EWHC 2237 (Admin)* which confirmed the principle that there is only one standard of proof in civil and regulatory cases and that is proof that the fact in issue more probably occurred than not.
18. Neither the seriousness of the allegation nor the seriousness of the consequences should make any difference to the standard of proof to be applied.
19. The Tribunal reminded itself that it must form its own judgment about the evidence presented to it.
20. The Tribunal was mindful that its task at this stage is to consider the evidence and submissions and make findings in relation to the factual allegations in dispute. Each paragraph of the Allegation has to be considered separately and in turn.
21. Throughout its deliberations, the Tribunal was mindful of its legal duty to protect the public which is split into three distinct parts. It means a Tribunal must act in a way that: (a) protects, promotes and maintains the health, safety and wellbeing of the public, (b) promotes and maintains public confidence in the profession, and (c) promotes and maintains proper professional standards and conduct for members of the profession.
22. The Tribunal was mindful of the new Guidance for MPTS Tribunals published on 30 September 2025 - effective from the 24 November 2025.
23. It had regard to all of the evidence adduced by both the GMC and by Mr Sammour on behalf of Dr Abu-Sitta - orally and in writing, and it is for the Tribunal to make findings of fact to decide whether the allegations presented by the GMC (or any of them) are proved.

The Tribunal's Findings

24. The Tribunal has considered each paragraph of the Allegation separately and has evaluated the evidence to make its findings on the facts.

Paragraph 1

1. You wrote an article for the newspaper Al Akhbar ('the Article') published on 8 March 2018.

25. The Tribunal had regard to the article subject to the particulars of this allegation. Dr Abu-Sitta admitted at the outset, as a matter of fact, that he wrote the article. The Tribunal has already announced the allegation as admitted and found proved. Paragraph 1 of the Allegation is therefore found proved.

Paragraph 2a

2. Your comments within the Article, as set out in Schedule 1, were:

- a. objectively:
 - i. supportive of violence;
 - ii. supportive of terrorism;
 - iii. antisemitic;

26. The Tribunal considered paragraph 2a (i – iii) together.

27. The GMC's case is that Dr Abu-Sitta's comments set out in the article were supportive of violence and terrorism, and that they were antisemitic.

28. The Tribunal took account of the principles set out in the case of *Jeynes*, importantly that Dr Abu-Sitta's intention as author and publisher is irrelevant and that an objective rather than subjective test needs to be applied.

29. The Tribunal considered the contents of the article as a whole, noting that it was published in a major publication in Lebanon. It was important that the Tribunal did not 'cherry pick' specific quotes within the article. Further, the article was in Arabic. The Tribunal considered it was important to read the article 'through the lens of the audience' it was intended for. In this case, that would be those who could read Arabic and who had an understanding of the political issues and cultural history of Palestine.

30. The Tribunal considered that an objective reasonable reader would interpret the article as aiming to express the views of the people about the political situation in Palestine, and critique of the political elite and the role of the Palestinian Authority. It aimed to explain the potential consequences of what may happen should the political leaders not act to address the issues. The Tribunal could not identify anything within the article that incited violence, nor anything which supported terrorism. Further, the Tribunal did not identify anything to support the GMC assertion that the article suggested antisemitism against Jewish people. Further, the Tribunal was of the view that the article appeared to suggest collusion between Zionists and the Palestinian Authority rather than against Jewish people.

31. The Tribunal noted that at the end of the article it is stated 'The people have no weapons left but revolutionary violence' to respond to and deter this Authority. This appears to be a quotation by the author and would be apparent to the ordinary reasonable reader

that it is not the author's own words. However, the Tribunal considered that the reader would place this in the context of the article as a whole and see this as a descriptor of the public's despair and that the author is diagnosing a lack of political alternatives provided by the Authority. The Tribunal was satisfied that to the ordinary reasonable reader, this is a warning to the Authority that its policies are making violence the only remaining option for the populace; it is not a command from the author for readers to commit violence.

32. The allegation of antisemitism arises from reference to *Jarrar*, who is said to have killed a Rabbi. The Tribunal has considered the context of the quotation set out in Schedule 1. The article says:

"The martyrdom of resistance fighter Ahmad Nasr Jarrar, the hero of the Nablus operation, at the hands of the Zionist occupation forces, in coordination with the Palestinian Authority security apparatus, is similar to the fate of hundreds of other resistance fighters.... This historic moment manifests the necessity of finding an answer to the unavoidable question: What is the Palestinian Authority?"

33. The Tribunal has applied the principle set out in the case of *Ali* and considered that the objective reasonable reader in full possession of the facts and context would not consider this part of the article antisemitic. The Tribunal is satisfied that the reader would understand this to be criticism of the Palestinian Authorities and Zionist occupation forces and not hostility towards Jewish people as a group.

34. Based on the evidence before it, on the balance of probabilities, the Tribunal determined that Dr Abu-Sitta's comments within the article published in the *Al-Akhbar* publication, as set out in Schedule 1, were not objectively supportive of violence and terrorism, and were not antisemitic.

35. It therefore found paragraph 2a (i – iii) of the Allegation not proved.

Paragraph 2b

b. intended to be supportive of violence.

36. The Tribunal then considered Dr Abu-Sitta's evidence regarding intent.

37. In his witness statement, dated 18 November 2025, and maintained throughout his oral evidence to the Tribunal, Dr Abu-Sitta states at paragraphs 108:

'...This article was written during my time living in South Lebanon, where I was providing humanitarian assistance as a war surgeon. I had moved to Lebanon in February 2011 and remained there until September 2020, during which time I suspended my membership with the GMC and was no longer practicing medicine in the UK. The content of the article reflects a broader analysis of regional sociopolitical

dynamics at the time specifically a critique of the Palestinian Authority and does not, in any way, advocate for terrorism.'

And at paragraph 109

'The purpose of the article was to critique the Palestinian Authority. Criticism of any government is common. But criticism of the Palestinian Authority, and President Mahmood Abbas, is particularly so.'

And at paragraph 110:

'This article was written in 2018, and in part a commentary on the deteriorating security situation in the West Bank as a result of ongoing Israeli settler violence. This is one of the greatest threats to Palestinians in the West Bank. Every year, thousands of Palestinians are either killed or seriously injured at the hands of Israeli settlers. Settlers attack villages, burn cars and mosques. The Palestinian Authority does nothing to stop this, nor does Israel.'

And at paragraphs 112 and 113:

'I wrote this article in 2018 following the extra-judicial killing of Ahmad Jarrar with the assistance of the Palestinian Authority. Jarrar was suspected of killing an Israeli settler. Because Jarrar was killed, rather than arrested and tried, nobody knows whether he killed the settler in question or, if he did, the circumstances in which he did so.....'

'It is in this context that I referred to Jarrar as the "hero of the Nablus operation", and to his death as a "martyrdom". My point was that by allowing Jarrar to be killed by without a trial, simply on the say-so of Israel, the Palestinian Authority had made Jarrar a hero in the eyes of many Palestinians. Simply by virtue of Jarrar having died in those circumstances, he became an instant symbol of Palestinian struggle: a Palestinian murdered without a trial with the connivance of the Palestinian "security apparatus", whilst Israeli settlers who brutalise Palestinians every day walk free.'

And at paragraph 114:

'I did not refer to Jarrar in those terms because I endorse the acts he was alleged in the press to have committed. I do not. I do not believe that the readers of the article, familiar as they necessarily would be with the nuance of Arab and Palestinian political discourse and life, would have seen my article as an endorsement of terrorism.'

At paragraph 116 of his witness statement, Dr Abu-Sitta states:

'These are political opinions I held in 2018, and which I considered myself free to express. I did nothing to link my political views about the illegitimacy of the PA with medicine or my medical practice in the UK. I identified myself simply as a Palestinian

doctor. I do not see how anybody reading this (then or not) could have linked my words with my ability to perform as a doctor. I am entitled to political views, just as much as any other citizen.'

At paragraph 119 he states:

'I do not believe that, objectively, this article can be said to be supportive of violence, terrorism or antisemitic. I genuinely do not understand the allegation, particularly of antisemitism, in light of the English translation given of an extract of the article in Schedule 1. I appreciate that the objective meaning of those words, and the wider article, will be addressed by counsel in legal submissions. But nothing in the test shows that I support violence or terrorism, and I do not.'

38. At paragraph 117 of his witness statement, and which he maintained during his oral evidence, Dr Abu-Sitta states:

'My concluding paragraph refers to "revolutionary violence". This is a quote, though I do not recall who the quote originates from now, given the passage of time. However, I was not calling for terrorism against the PA. Given how often I travel to the West Bank, and given that both the PA or Israel could have arrested me had I made any such call, this would have been a very unwise thing to do. Nobody reading this would think that I was calling for terrorism against anybody. My point was that the PA needs to be forced to change its approach (which, for reasons summarised in the article, I disagreed with), and that if it didn't it would leave people with little room or scope for peaceful resistance.'

39. The Tribunal was satisfied that, having considered Dr Abu-Sitta's evidence, there was no intention on his part to be supportive of violence. Paragraph 2b of the Allegation is therefore not proved.

Paragraph 3

3. Prior to 13 December 2023 you reposted on Twitter (now known as X) the comments as set out in Schedule 2. **Amended under Rule 17(6)**

40. The Tribunal was mindful that it had granted the GMC's unopposed amendment to paragraph 3 of the Allegation. The amendment was applied for after Dr Abu-Sitta had already concluded giving his evidence and after the GMC had closed its case. It noted that the amendment was sought to provide some clarity to the allegation as well as to align it with Schedule 2 – that Dr Abu-Sitta reposted rather than posted on Twitter the comments referred to in Schedule 2.

41. The Tribunal took into account that although Dr Abu-Sitta did not admit this allegation at the outset, this may have been due to the ambiguity in the wording of the allegation.

42. During his oral evidence to the Tribunal, Dr Abu-Sitta accepted that he reposted the comments on Twitter. He stated that the public heading of his social media account now makes it clear that reposting of any material did not amount to any endorsement of the comments. He said that he was not sure whether this was on his account before 2023.

43. In the circumstances, the Tribunal found paragraph 3 of the Allegation proved as a matter of fact.

Paragraph 4

4. Your ~~comments~~ **repost**, as set out in Schedule 2, ~~were~~ **was**:
Amended under Rule 17(6)

- a. objectively:
 - i. supportive of an organisation proscribed under the Terrorism Act 2000; and/or
 - ii. supportive of terrorism;
- b. intended to be supportive of an organisation proscribed under schedule 2 of the Terrorism Act 2000.

44. The Tribunal considered paragraphs 4a(i) and 4b together.

45. The Tribunal was provided with a copy of a certificate which showed that the Hamas was proscribed under the Terrorism Act 2000. It was agreed by the parties that the Popular Front [for the Liberation of Palestine] was not proscribed.

46. The certificate from the UK Government website states:

Harakat al-Muqawamah al-Islamiyyah (Hamas) – Proscription extended November 2021

Hamas is a militant Islamist movement that was established in 1987, following the first Palestinian intifada. Its ideology is related to that of the Muslim Brotherhood combined with Palestinian nationalism. Its main aims are to liberate Palestine from Israeli occupation, the establishment of an Islamic state under Sharia law and the destruction of Israel (although Hamas no longer demands the destruction of Israel in its Covenant). The group operates in Israel and the Occupied Palestinian Territories. Hamas formally established Hamas IDQ in 1992. Hamas IDQ was proscribed by the UK in March 2001. At the time it was HM government's assessment that there was a sufficient distinction between the so called political and military wings of Hamas, such that they should be treated as different organisations, and that only the military wing was concerned in terrorism. The government now assess that the approach of distinguishing between the various parts of Hamas is artificial. Hamas is a complex but single terrorist organisation.

Hamas commits and participates in terrorism. Hamas has used indiscriminate rocket or mortar attacks, and raids against Israeli targets. During the May 2021 conflict, over 4,000 rockets were fired indiscriminately into Israel. Civilians, including 2 Israeli children, were killed as a result. Palestinian militant groups, including Hamas, frequently use incendiary balloons to launch attacks from Gaza into southern Israel. There was a spate of incendiary balloon attacks from Gaza during June and July 2021, causing fires in communities in southern Israel that resulted in serious damage to property.

Hamas also prepares for acts of terrorism. One incident of preparatory activity is that Hamas recently launched summer camps in Gaza which focus on training groups, including minors, to fight. This is evidence of Hamas being responsible for running terrorist training camps in the region. In a press statement, Hamas described the aim of these camps as to "ignite the embers of Jihad in the liberation generation, cultivate Islamic values and prepare the expected victory army to liberate Palestine".

47. The allegation relates to a repost, which is said to have been prior to 13 December 2023. The certificate placed before the Tribunal makes clear that the proscription of Hamas was extended from November 2021. Prior to November 2021, the certificate refers only to Hamas IDQ being subject to proscription. From the information provided, Hamas IDQ is the military wing of Hamas. The extension in November 2021, related to the inclusion of the political wing of Hamas, effectively proscribing the whole organisation.

48. During the proceedings, no evidence was elicited nor was Dr Abu-Sitta asked as to when the actual comments were posted or when he reposted them. In the absence of any definitive evidence, the Tribunal considered that the repost which Dr Abu-Sitta undertook could have been prior to November 2021. The Tribunal has no evidence either way.

49. In the circumstances, and on the basis of the evidence before it, the Tribunal determined on the balance of probabilities, that it could not say that it was more likely than not that the repost was supportive of an organisation that was at the time proscribed under the Terrorism Act 2000. Further, that the repost was not intended to be supportive of an

organisation proscribed under schedule 2 of the Terrorism Act 2000. It therefore found paragraphs 4a(i) and 4b of the Allegation not proved.

Paragraph 4a(ii)

50. The Tribunal then considered paragraph 4a(ii) of the Allegation.

51. It considered the contents of the repost, as set out in Schedule 2, to establish whether it was supportive of terrorism.

52. The Tribunal considered the repost in Schedule 2 carefully, and analysed the wording contained within it. the post states:

‘We congratulate our brothers in Hamas and our comrades in the Popular Front on the anniversary of their inception. May you remain sincere, steadfast, and vigilant. May your strength endure and your enemies be humbled.

#Hamas _35 #Hamas #Our_inception_is_resistance

/

/

/

#Our_inception_is_resistance #Hamas #Hamas _35’

53. In considering this paragraph of the Allegation, the Tribunal had regard to the principles established in the case of *Stocker v Stocker*. It, therefore viewed the post through the lens of the ordinary reasonable reader of Arabic and user of social media.

54. The Tribunal was satisfied that the ordinary reader would perceive the repost to refer to a celebration of the anniversary of the ‘brothers’ and ‘comrades’ of two organisations of resistance in Palestine. There is no evidence before the Tribunal that at the time of reposting, either organisation was a proscribed organisation. The Tribunal was satisfied that the reader of the post would acknowledge the historical significance of these major factions within the Palestinian fabric during an anniversary, not consider it to be material or moral aid to the commission of terrorist acts.

55. On the basis of the evidence before it, and on the balance of probabilities, the Tribunal determined that objectively the content of the repost could not be read as supportive of terrorism.

56. The Tribunal therefore found paragraph 4a(ii) of the Allegation not proved.

Paragraph 5

5. Prior to 13 December 2023 you reposted on Twitter (now known as X) the comments as set out in Schedule 3. **Amended under Rule 17(6)**

57. The Tribunal was mindful that it had granted the GMC's unopposed amendment to paragraph 5 of the Allegation. The amendment was applied for after Dr Abu-Sitta had already concluded giving his evidence and after the GMC had closed its case. It noted that the amendment was sought to provide some clarity to the allegation as well as to align it with Schedule 3 – that is that Dr Abu-Sitta reposted rather than posted on Twitter the comments referred to in Schedule 3.

58. The Tribunal took into account that although Dr Abu-Sitta did not admit this allegation at the outset, this may have been due to the ambiguity in the wording of the allegation.

59. During his oral evidence to the Tribunal, Dr Abu-Sitta accepted that he reposted the comments on Twitter. He stated that the public heading of his social media account now makes it clear that reposting of any material did not amount to any endorsement of the comments. He said that he was not sure whether this was on his account before 2023.

60. In the circumstances, the Tribunal found paragraph 5 of the Allegation proved as a matter of fact.

Paragraph 6a

6. Your ~~comments~~ **repost**, as set out in Schedule 3 ~~were~~ **was:**
Amended under Rule 17(6)

a. objectively:

- i. supportive of violence;
- ii. supportive of terrorism;

61. The Tribunal had regard to the repost set out in Schedule 3 as follows:

'Iranian Martyrs in the Popular Front for the Liberation of Palestine:

- *Martyr Muzaffar, carried out the first operation using a suicide belt in the Al-Hussein Cinema bombing on 12/12/1974.*

- *Martyr Shams al-Din al-Qazimi, participated in the revolution in Dbayeh camp during the battles of May 1973 and was martyred while performing his duty.*

Image Content:

Suliman Abu Sitta

Their blood is Iranian.

Their heart is Palestinian.'

62. In considering this particular, the Tribunal had regard to the principles established in the case of *Stocker v Stocker*. It, therefore viewed the post through the lens of the ordinary reasonable Arab reader and user of social media.

63. The Tribunal noted that the post related to historical events which took place during the 1970s, some fifty years ago. The post was prescriptive in dates and of historical political figures involved in the fight for Palestine. The Tribunal was satisfied that the ordinary reasonable reader would interpret that the purpose of the post was to demonstrate the solidarity between Iranian and Palestinian people in their fight for Palestine and pre-dated the 1979 Iranian revolution.

64. The Tribunal considered that the ordinary reasonable reader of the post mindful of the fact that the post referred to events that took place over fifty years ago, would not consider they supported violence or terrorism today. Further, there was nothing within the post which would incite violence or terrorism.

65. In the circumstances, based on the evidence before it, on the balance of probabilities, the Tribunal determined that the content of the repost would not objectively be seen to be supportive of violence or terrorism.

Paragraph 6b

- b. intended to be:
 - i. supportive of violence;
 - ii. supportive of terrorism.

66. In his witness statement at paragraph 123, Dr Abu-Sitta states:

'In this post, I engaged with is a poster from the 70s of two Iranian Marxists who were amongst a whole generation of Iranians that, that were with the Palestinians. The two Iranians in this post were prominent because they had engaged in violent acts. But the reason I posted it is because their existence and the way history is completely rubbed out by political projects that come after it. Their existence is proof that Iranian people of all political backgrounds (the two individuals in this post were part of a secular, Marxist Palestinian group) supported the Palestinians well before 1979 and the current Islamic regime came to power. This was simply intended as evidence for my argument against those who think that it's the ideological nature of the Iranian regime that makes it support Palestine fail to understand that it's the Iranian people have always supported Palestinians.'

67. Dr Abu-Sitta maintained this position throughout his oral evidence. Dr Abu-Sitta told the Tribunal that the purpose of reposting this was to celebrate non-Arabic people – Iranians - joining in solidarity with the Palestinian people in the fight for Palestine many years ago.

68. The Tribunal was satisfied, having regard to its finding above, that there was no intention on Dr Abu-Sitta's part to be supportive of violence or terrorism. It therefore found paragraph 6b(i) and (ii) not proved.

The Tribunal's Overall Determination on the Facts

69. The Tribunal has determined the facts as follows:

That being registered under the Medical Act 1983 (as amended):

1. You wrote an article for the newspaper Al Akhbar ('the Article') published on 8 March 2018. **Admitted and found proved**
2. Your comments within the Article, as set out in Schedule 1, were:
 - a. objectively:
 - i. supportive of violence; **Determined and found not proved**
 - ii. supportive of terrorism; **Determined and found not proved**
 - iii. antisemitic; **Determined and found not proved**
 - b. intended to be supportive of violence. **Determined and found not proved**
3. Prior to 13 December 2023 you ~~reposted~~ on Twitter (now known as X) the comments as set out in Schedule 2. **Amended under Rule 17(6)**
Found proved
4. Your ~~comments repost~~, as set out in Schedule 2, ~~were was~~:
Amended under Rule 17(6)
 - a. objectively:
 - i. supportive of an organisation proscribed under the Terrorism Act 2000; and/or **Determined and found not proved**
 - ii. supportive of terrorism; **Determined and found not proved**
 - b. intended to be supportive of an organisation proscribed under schedule 2 of the Terrorism Act 2000. **Determined and found not proved**
5. Prior to 13 December 2023 you ~~reposted~~ on Twitter (now known as X) the comments as set out in Schedule 3. **Amended under Rule 17(6)**
Found proved
6. Your ~~comments repost~~, as set out in Schedule 3 were ~~was~~:
Amended under Rule 17(6)
 - a. objectively:

- i. supportive of violence; **Determined and found not proved**
- ii. supportive of terrorism; **Determined and found not proved**

b. intended to be:

- i. supportive of violence; **Determined and found not proved**
- ii. supportive of terrorism. **Determined and found not proved**

~~7. Prior to 29 January 2024 you posted on Twitter (now known as X) the comments as set out in Schedule 4. Withdrawn under Rule 17(6)~~

~~8. Your comments, as set out in Schedule 4, were:~~

~~a. objectively:~~

- ~~i. supportive of violence; Withdrawn under Rule 17(6)~~
- ~~ii. supportive of terrorism; Withdrawn under Rule 17(6)~~
- ~~iii. antisemitic; Withdrawn under Rule 17(6)~~

~~b. intended to be supportive of violence. Withdrawn under Rule 17(6)~~

And that by reason of the matters set out above your fitness to practise is impaired because of your misconduct.

70. Dr Abu-Sitta admitted paragraph 1 of the Allegation, which the Tribunal announced as found proved. The Tribunal found paragraphs 3 and 5 of the Allegation proved. As these paragraphs relate to factual matters and carried no culpability, there is no basis upon which a finding of misconduct could be made on these paragraphs alone.

71. The Tribunal notes that there is no interim order to revoke.

72. That concludes the case.

APPENDIX – LEGAL ADVICE

Burden and Standard of Proof

The burden of proof rests solely on the General Medical Council (GMC). It is for the Council to prove the allegation. The Doctor does not have to disprove anything.

Crucially, this burden applies to each and every particular of the allegation. The Tribunal must consider every sub-charge individually (e.g., whether a specific post was objectively supportive of violence, and separately whether it was intended to be so). If the GMC fails to prove any specific element on the balance of probabilities, the Tribunal must find that specific element 'Not Proved'.

Standard of proof

The standard of proof is the civil standard: the balance of probabilities that is to say that it is more likely than not that, for example, a post would be interpreted in a specific way. When considering the standard required the panel should have regard to the case of *Byrne v General Medical Council [2021] EWHC 2237 (Admin)*:

- (1) There is only one civil standard of proof in all civil cases, and that is proof that the fact in issue more probably occurred than not.
- (2) There is no heightened civil standard of proof in particular classes of case. In particular, it is not correct that the more serious the nature of the allegation made, the higher the standard of proof required.
- (3) The inherent probability or improbability of an event is a matter which can be taken into account when weighing the probabilities and in deciding whether the event occurred. Where an event is inherently improbable, it may take better evidence to persuade the judge that it has happened. This goes to the quality of evidence.
- (4) However it does not follow, as a rule of law, that the more serious the allegation, the less likely it is to have occurred. So whilst the court may take account of inherent probabilities, there is no logical or necessary connection between seriousness and probability. Thus, it is not the case that "the more serious the allegation the more cogent the evidence need to prove it".

General Principles of Interpretation

A central task for the Tribunal is to determine the meaning of the posts and the article. This is an objective exercise. The Tribunal must not look at the Doctor's subjective intention at this stage, but rather at what the words objectively convey.

The leading case describing the method for ascertaining a single meaning is the Court of Appeal's decision in *Jeynes v News Magazines Ltd [2008] EWCA Civ 130* referenced in *Sobrinho v Impresa Publishing [2016]*. These are both defamation cases; however, *Jeynes* assists in determining meaning in any published article it set

out the following principles:

- “(1) The governing principle is reasonableness.
- (2) The hypothetical reasonable reader is not naïve, not unduly suspicious, can read between the lines, can read in an implication more readily than a lawyer and may indulge in a certain amount of loose thinking, must be treated as someone who is not avid for scandal and someone who does not select one bad meaning where other meanings that are available.
- (3) Over-elaborate analysis is best avoided.
- (4) The intention of the publisher is irrelevant.
- (5) The article must be read as a whole, and any ‘bane and antidote’ taken together.
- (6) The hypothetical reader is taken to be representative of those who would read the publication in question.

The Supreme Court case of ***Stocker v Stocker [2019]*** also a defamation case, considered the *Jeynes* principles as they applied to social media. The Court emphasised that the medium of publication dictates how the words are read. Social media posts are consumed quickly, often by users scrolling through a timeline. Therefore, the ordinary reader absorbs the information impressionistically. In relation to the reposts the Tribunal must determine the single natural and ordinary meaning that the post conveys to this reader based on that immediate impression, rather than by conducting a forensic or grammatical analysis of the sentence structure.

Furthermore, Lord Kerr explicitly warned against the use of dictionary definitions to determine meaning in this context. The Tribunal must look at how words are used in common parlance and in the specific context of the conversation or thread in which they appear, rather than applying rigid technical definitions

Both *Stocker* and *Jeynes* were referenced in the regulatory case of ***Husain v Solicitors Regulation Authority [2025] EWHC 1170 (Admin)*** in relation to antisemitic posts on social media.

Applying these principles the reasonable reader is not an abstract concept but must be taken to be representative of the class of people who would actually read the publication.

Since the article and the social media posts were published in the Arabic language, the ordinary reasonable reader is an Arabic speaker. Furthermore, this reader is taken to be aware of the specific political and historical context of the region, including the history of the Palestinian Authority and the common usage of terms such as resistance or martyrdom within that specific cultural framework. The Tribunal’s task is to determine what the words

objectively convey to that specific reader, rather than how they might be interpreted by a person reading a translated version in a different cultural context

Several allegations require the Tribunal to determine if the content is 'supportive of terrorism' or 'supportive of a proscribed organisation'.

The definition of Terrorism is set out in **section 1 Terrorism Act 2000**. In summary, an act constitutes terrorism if it satisfies three conditions: first, it must involve serious violence against a person, serious damage to property, or create a serious risk to public safety; second, it must be designed to influence the government or to intimidate the public; and third, it must be done for the purpose of advancing a political, religious, racial, or ideological cause.

Supporting terrorism

Under s.2(1)(a) of the Terrorism Act 2006 it is an offence to distribute a 'terrorist publication' with the intention of directly or indirectly encouraging the commission of terrorist acts. The same offence may be committed recklessly under s.2(1)(c). For these purposes:

- 'terrorist publications' include publications that are likely to be understood by some people who access them as a direct or indirect encouragement to commit terrorist acts (s.2(3));
 - o indirect encouragement includes 'glorification' (which includes any form of praise or celebration) of terrorism where the reader is likely to infer that he should emulate the terrorist acts 'in existing circumstances' (s.2(4));
 - o however it is irrelevant whether any person is in fact encouraged to commit an act of terrorism by the publication (s.2(8)).

The Court of Appeals judgment in *R v Ahmed Faraz [2012] EWCA Crim 2820* is a significant legal authority concerning the dissemination of terrorist publications under **Section 2 of the Terrorism Act 2006**. While the appellant's convictions were quashed due to unfair evidence, the Court provided vital clarifications on the legal thresholds for "supporting" terrorism through the sale or distribution of literature.

The key findings regarding support for terrorism and the dissemination offence can be summarised as follows:

The Court clarified the high threshold required to prove that a publication constitutes "support" for terrorism:

The publication must encourage the commission of terrorist acts within a reasonable time in the current context. It is not enough for the material to be historically controversial; it must pose a contemporary danger.

The requirement that a publication is "likely" to be understood as encouraging terrorism means it must be probable (more likely than not) that it would have that effect on the person reading or viewing it.

Where the encouragement is "indirect" (e.g., glorification), the publication must encourage terrorist acts by "necessary implication". Mere discussion, criticism, or explanation of terrorist concepts does not meet this threshold.

The Court ruled on the mental state required to commit the offence of disseminating terrorist publications recklessly (under s.2(1)(c)):

The test for recklessness is subjective, not objective. To be guilty, the individual must have personal knowledge of a serious and obvious risk that the publication would encourage terrorist offences. It is not sufficient that a "reasonable person" would have known; the prosecution must prove the defendant themselves was aware of that risk and disregarded it.

Despite quashing the conviction, the Court upheld the compatibility of Section 2 of the Terrorism Act 2006 with Article 10 of the European Convention on Human Rights (freedom of expression).

- The Court found that the offence was a proportionate restriction on free speech because it criminalised the encouragement of violence, not just the holding of unpopular or radical opinions.
- However, the judgment emphasized that "appeals to free speech are unlikely to assist defendants who fall within the terms of the Act," meaning that if the high threshold of encouragement is met, free speech defences will generally fail.

Under Section 12(1) of the Terrorism Act 2000, a person commits an offence if they invite support for a proscribed organisation. Furthermore, under Section 12(1A), it is an offence to express an opinion or belief that is supportive of a proscribed organisation, being reckless as to whether a person to whom the expression is published will be encouraged to support the organisation.

It is a matter of both fact and law that Hamas is a proscribed organisation in the United Kingdom. The effect of proscription is that the organisation is outlawed. The term 'support' in this context is not limited to providing money or weapons. It includes moral or intellectual support that lends legitimacy to the group. To find the allegation proved, the Tribunal must be satisfied that the objective meaning of the post was to express approval or encouragement of the organisation.

Antisemitism

Regarding the allegation that the posts were 'antisemitic', the Tribunal should consider the principles established by the High Court in the case of *Professional*

Standards Authority v General Pharmaceutical Council and Nazim Ali [2024].

The Tribunal must apply a strictly objective test to the evidence before the Tribunal. The Court in Ali ruled that a committee falls into error if it focuses on the doctor's subjective intention or his good character when determining the meaning of the words. The question is not whether Dr Abu-Sitta intended to be antisemitic, but whether the ordinary reasonable reader, in full possession of the facts and context, would regard the comments as antisemitic.

To do this, the Tribunal must carefully distinguish between 'Anti-Zionism' and 'Antisemitism'. Anti-Zionism constitutes political opposition to the policies, actions, or existence of the State of Israel, and criticism of the state, even if it is robust, harsh, or deeply offensive to some, is not inherently antisemitic. However, political speech crosses the line into antisemitism if it employs tropes, stereotypes, or coded language that targets Jewish people as a group. The Tribunal must assess the cumulative effect of the language used to determine if the target of the hostility is the political entity of the state, in which case the allegation is not proved, or if the language bleeds into hostility towards the Jewish identity itself, in which case the allegation is proved regardless of the Doctor's political intent.

Good Character Direction

The Tribunal have heard evidence that Dr Abu-Sitta is of good character. He has no previous regulatory findings against him. Good character is not a defence to the facts, but it is a factor the Tribunal must take into account in his favour in two ways:

1. **Credibility:** It supports his truthfulness. When he tells the Tribunal he did not intend to incite violence, the Tribunal should give weight to his good character.
2. **Propensity:** It goes to the likelihood of the conduct. The Tribunal should ask: 'Is it likely that a doctor of this standing would intentionally support terrorism?'

However, good character cannot contradict clear documentary evidence. If the objective meaning of the posts is undeniable, his good character cannot change that meaning. It is most relevant to his Intent.

Intent and Inferences (*Soni v GMC*)

Finally, regarding the allegations that the Doctor 'intended' to support violence/terrorism.

- The Tribunal cannot see into his mind. The Tribunal must rely on inference.
- Applying *Soni v GMC* [2015], the Tribunal can only draw an inference adverse to the Doctor if it is the only reasonable conclusion available.
- If there is a reasonable innocent explanation (e.g., clumsy political commentary, or careless reposting), or if his good character makes the

Tribunal doubt he would hold such intent, the Tribunal must find the intent 'Not Proved'.

- However, if the words are so stark that no innocent intent is plausible, the Tribunal is entitled to infer the intent was to support the content, notwithstanding his good character.

Cross examination

The Defence has submitted that because certain matters or factual allegations were not specifically put to Dr Abu-Sitta during cross-examination, the Tribunal are barred from finding those matters proved. This is not entirely correct. While the failure to cross-examine on a specific point maybe a procedural issue, it does not act as an automatic legal bar.

The general rule, derives for the case of *Browne v Dunn (1893)*.

“Where the court is to be asked to disbelieve a witness, the witness should be cross examined; and failure to cross- examine a witness on some material part of his evidence or at all, may be treated as an acceptance of the truth of that part or the whole of his evidence.”

The case was considered in some detail in the civil case of *Markem Corp & Anor v Zipher Ltd [2005] EWCA Civ 267* at paragraphs 50-61 and in *Edwards Lifesciences LLC v Boston Scientific Scimed Inc [2018] EWCA Civ 673*. Where at apar 63 Lord Justice Floyd stated

“As made clear by cases from *Browne v Dunn*... to *Markem v Zipher [2005] EWCA Civ 267*... the rule is an important one. However, it is not an inflexible one. Procedural rules such as this are the servants of justice and not the other way round.”

In summary the Tribunal is not barred from considering the evidence. However, if it finds that the GMC's failure to question the Doctor on a specific point denied him a fair chance to explain himself, it should attach little or no weight to that specific point, or resolve the ambiguity in the Doctor's favour. It must not speculate on what his answer might have been had the question been asked.

ANNEX A – 09/01/2026

Application under Rule 4(5) – Jurisdiction to consider the allegations

1. On Day 1, prior to the case opening, Mr Zac Sammour, Counsel for Dr Abu-Sitta, made an application pursuant to rules 4(5) and 17(1) of the General Medical Council (Fitness to Practise Rules) 2004 as amended ('the Rules').

Submissions

On behalf of Dr Abu-Sitta

2 Mr Sammour submitted that the Tribunal had no jurisdiction to consider paragraphs 1 and 2 of the Allegation because the matters set out at paragraphs 1 and 2 occurred more than five years ago, prior to the commencement of the GMC investigation. Mr Sammour referred the Tribunal to Rules 4(5) and 17(1) of the Rules and advanced that the Case Examiner for the GMC had failed to apply the Rules correctly when considering the matters in question. Mr Sammour went on to say that the allegation in relation to the article which alleges that the article was objectively supportive of violence and terrorism, and that it was antisemitic, is a discrete matter from any of the other allegations which are before the Tribunal for consideration.

3. In the circumstances, Mr Sammour submitted that the Tribunal had no jurisdiction to consider paragraphs 1 and 2 because the basis upon which the GMC had referred these allegations to the Tribunal was defective. He suggested that the Tribunal was empowered, under Rule 17(1), to conduct a review of the Case Examiner's investigatory decisions.

On behalf of the GMC

4. Ms Rosalind Emsley-Smith opposed the application. She submitted that any challenge to a decision taken by the Case Examiner is not a matter which should be dealt with as a preliminary argument in these proceedings. She referred the Tribunal to relevant case law. She added that given the principles set out in the case law, it is clear that any such argument should be advanced in the High Court by way of Judicial Review proceedings. Ms Emsley-Smith reminded the Tribunal that the decision of the Case Examiner was communicated to Dr Abu-Sitta on 3 April 2025 and, therefore, any application for Judicial Review would now be out of time.

The Tribunal's Decision

5. The Tribunal noted the submissions made by the Parties.

6. It had regard to Rules 4(5) and 17(1) which state:

'4(5) No allegation shall proceed further if, at the time it is first made or first comes to the attention of the General Council, more than five years have elapsed since the most recent events giving rise to the allegation, unless the Registrar considers that it is in the public interest for it to proceed.'

17(1) A Medical Practitioners Tribunal shall consider any allegations referred to it in accordance with these Rules, and shall dispose of the case in accordance with sections 35D, 38 and 41A of the Act.'

7. The Tribunal had regard to relevant case law. In reaching its decision it relied on the case of *'R (Lee) v General Medical Council [2016] EWHC 135 Admin'*. In this case, the High Court explicitly established that a Medical Practitioners Tribunal (MPT) is not a court of review for Case Examiners' decisions. The provisions under Rule 4(5), i.e. whether an allegation is time-barred, is part of a continuing act, or whether it is exempt from the public interest, are vested in the Case Examiner. If the Tribunal accept Mr Sammour's argument that the allegation is not in accordance with the Rules, and that it had the power to evaluate whether the Case Examiner's decision was correct, then the Tribunal would have to reach a decision as to whether or not the Case Examiner was 'right' or 'wrong' in referring the allegations to the MPT. The Tribunal determined that since the principles set out in the case of *Lee* prevented it from undertaking such evaluation, the premise of Mr Sammour's argument fails.
8. The Tribunal noted that it is clear from established case law that the power to decide whether the five-year rule applied to any allegations under Rule 4(5) was a decision granted to the Case Examiner alone.
9. In the circumstances, the Tribunal considered that it should proceed with consideration of the allegations on the basis that the referral from the Case Examiner was valid. It noted that the 'gatekeeping' stage of Rule 4 had concluded, and the case was now at the adjudicatory stage of Rule 17.
10. In conclusion, the Tribunal determined that it was within its jurisdiction to consider the allegations referred to it as set out in the Rules. The application is therefore refused.

Schedule 1:

The martyrdom of resistance fighter Ahmad Nasr Jarrar, the hero of the Nablus operation,..... If this Authority does not voluntarily abandon this destructive path, and it certainly will not due to its nature, its security and economic systems and its network of interests, it must be forced and compelled to abandon it by all available means. "The people have no weapon left but revolutionary violence" to respond to and deter this Authority.

Schedule 2:

1. undated but prior to 13.12.2023

Ghassan Abu Sitta reposted.

We congratulate our brothers in Hamas and our comrades in the Popular Front on the anniversary of their inception. May you remain sincere, steadfast, and vigilant. May your strength endure and your enemies be humbled.

#Hamas _35 #Hamas #Our_inception_is_resistance

|
|
|

#Our_inception_is_resistance #Hamis #Hamis _35

Image Content:

Suliman Abu Sitta

Schedule 3:

2. undated but prior to 13.12.2023

Ghassan Abu Sitta reposted.

Iranian Martyrs in the Popular Front for the Liberation of Palestine:

- Martyr Muzaffar, carried out the first operation using a suicide belt in the Al-Hussein Cinema bombing on 12/12/1974.
- Martyr Shams al-Din al-Qazimi, participated in the revolution in Dbayeh camp during the battles of May 1973 and was martyred while performing his duty.

Image Content:

Suliman Abu Sitta

Their blood is Iranian.

Their heart is Palestinian.

Schedule 4:

3. Undated, prior to 29.01.2024

Opinion:

~~The Palestinian People, the Authority, and the Moment of Truth~~

~~The martyrdom of resistance fighter Ahmad Nasr Jarrar, the hero of the Nablus Operation, at the hands of the Zionist occupation army, coordinated with the Palestinian Authority's security forces, mirrors the fate of hundreds of other resistance fighters who have been martyred by this diabolical alliance...~~

Withdrawn under Rule 17(6)

Explanatory notes:

Paragraph 1 and 2 and Schedule 1 ~~and paragraphs 7 and 8 and Schedule 4:~~

You refer to Ahmad Nasr Jarra as a hero of the Nablus operation. The Nablus operation was the killing of a Rabbi in a drive by shooting in the occupied West Bank city of Nablus on 9 January. Ahmad Jarrar was suspected of orchestrating the operation. (AlJazeera) It is believed Ahmad Nasr Jarra was a member of Hamas. (timesofisrael.com)