

# Meeting of the s.40A Panel to consider the case of Dr Ghassan Abu-Sitta (4066600)

Held on 5 February 2026

## Panel members present ('the Panel')

Charlie Massey, Chief Executive (in the Chair)

Pushpinder Mangat, Medical Director and Director, Education and Standards

Anthony Omo, General Counsel and Director of Fitness to Practise

## In attendance

Jacqui Eden, Senior Legal Adviser

Katherine Ince, Head of Office of the Chair and Chief Executive (Panel Secretary)

## Purpose of this note

- 1 This meeting note records a summary of the Panel's consideration of the relevant decision of the Medical Practitioners Tribunal ('MPT') which considered the Doctor's case ('the decision'), and the Panel's decision on behalf of the General Medical Council as to whether or not to exercise the power to appeal the decision pursuant to section 40A Medical Act 1983 (as amended) ('the Act').

## The relevant decision

- 2 The Senior Legal Adviser confirmed that the decision was a relevant decision for the purposes of s.40A of the Act. The decision was a decision not to give a direction under s.35D, within the meaning of s.40A(1)(d).

## Consideration

- 3 The Panel considered the record of the MPT's determination and the legal advice in detail.
- 4 The Panel noted that the Article written by Dr Abu-Sitta and reposts on X (formerly Twitter) made by the doctor had been publicly available, and were available for anyone to access. The Panel had regard to the MPT's finding that they should read them through the lens of the audience for which they were intended, namely those who could read in Arabic and who had an understanding of the political issues and cultural history of Palestine.

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- 5 However, in that context and when considering the MPT’s approach to the allegations, the Panel were concerned:
- a. that the MPT had erred in their approach to considering whether the comments made in the Article and the content of a repost on X were objectively supportive of violence and/or terrorism. Noting the specific content of the Article and repost, the Panel were of the view that it was difficult to understand how the MPT could have found that the content of the same was not objectively supportive of violence and/or terrorism.
  - b. that the MPT was wrong to find that there was no evidence of when Dr Abu-Sitta had reposted a particular post on X (which was alleged to have been objectively and/or intended to be supportive of a proscribed organisation, and objectively supportive of terrorism). The Panel noted that there was evidence before the MPT that the repost had been made at a time when the organisation was proscribed.
  - c. that the MPT’s errors in assessing how the Article or reposts would be objectively viewed, could have affected their assessment of Dr Abu-Sitta’s intent in publishing/reposting the content of the Article and reposts.
- 6 The Panel had regard to when the Article was written and when the reposts were made. In addition, the Panel considered as relevant context to the sufficiency of the MPT’s decision that Dr Abu-Sitta has devoted his career to working in humanitarian medicine (although this was not directly relevant to the question of whether the MPT’s findings of fact were wrong).
- 7 The Panel agreed that the Article and reposts when properly analysed appeared objectively to be supportive of violence and terrorism, and of a proscribed organisation, such that the MPT’s determination was wrong. The Panel considered that, in the circumstances, a doctor in Dr Abu-Sitta’s senior position engaging in such conduct puts at risk the protection of the public, namely the maintenance of public confidence and proper professional standards and conduct for the medical profession.
- 8 Based on their assessment of all the relevant information, the Panel concluded that, on balance, the MPT’s determination finding that none of the substantive facts were proven was not sufficient to protect the public.
- 9 The Panel therefore decided to appeal the MPT’s decision pursuant to section 40A of the Act.



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**Charlie Massey (Chair)**

12 February 2026

**Dated**

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## Background

- 10** This case concerns the determination of an MPT, which concluded on 9 January 2026, considering the matter under Part 4 of the General Medical Council (Fitness to Practise) Rules 2004 ('the Rules').
- 11** The determination of the MPT, which includes the background, allegations and the MPT's determinations on Facts, Impairment and Sanction, can be accessed [here](#).

## The General Medical Council's power to appeal pursuant to s.40A

- 12** With effect from 31 December 2015, the General Medical Council acquired the power to appeal to the High Court (or equivalent courts in Scotland and Northern Ireland where relevant) against relevant decisions of a MPT if it considers that the decision is not sufficient (whether as to a finding or a penalty or both) for the protection of the public.
- 13** The basis upon which the GMC will consider whether or not to exercise this power to appeal is described in "Appeals by the GMC pursuant to s.40A of the Medical Act 1983 ('s.40A appeals') – Guidance for Decision-makers" ('the Guidance').
- 14** Decisions concerning the exercise of the s40A power to appeal were originally delegated by the Council to the Registrar. However, following recommendations from Sir Norman Williams' Review Council agreed that decision-making in prospective appeals involving decisions of MPTs be delegated to a three person Executive Panel comprising: the Chief Executive and Registrar as Chair; the Medical Director and Director of Education and Standards; and the Director of Fitness to Practise (or their nominated Deputies).
- 15** As the Guidance makes clear, when considering whether to bring a s.40A appeal in a particular case, it will be necessary to consider the following questions:
- a. Based on their assessment of all of the information held, and in the particular circumstances of the case, and having regard to the factors set out in the Guidance, does the Panel consider that the MPT's decision is not sufficient to protect the public?
  - b. If the Panel is of the view, on its assessment of all the information held, in the particular circumstances of the case, that there are grounds to consider that the MPT's decision is not sufficient, it will consider whether exercising the power of appeal would further, rather than undermine, the achievement of the over-arching objective.
  - c. If the answer is yes, then the GMC may exercise its power of appeal.
  - d. In considering that question the Panel will be required to consider and weigh a number of competing factors (including its assessment of the prospects of success of the appeal, and the nature and importance of the issues which would be aired).