

## 20<sup>th</sup> Hour – Money Power, Islam and a Just Order

**Type of case** Broadcast Standards

**Outcome** In Breach

**Service** Ahlebait TV

**Date & time** 21 March 2021, 20:10

**Category** Hate speech  
Abusive and derogatory treatment  
Generally Accepted Standards

**Summary** During a live current affairs discussion programme several statements were made which amounted to hate speech against, and derogatory and abusive treatment of Jewish people. The content was also offensive and was not sufficiently justified by the context. In breach of Rules 3.2, 3.3 and 2.3 of the Broadcasting Code.

### Introduction

Ahlebit TV is a channel broadcasting news, religious documentaries, lectures, current affairs and entertainment programmes to the Shi'a Muslim community in the UK. The licence for Ahlebait TV is held by Ahlebait TV Networks<sup>1</sup> ("Ahlebait" or "the Licensee").

*20<sup>th</sup> Hour* is a weekly live programme, which discusses current affairs from an Islamic perspective. This edition of the programme, "*Money Power, Islam and a Just Order*", was 52 minutes long.

Ofcom received a complaint that both guests appearing on the programme "made antisemitic comments and were not challenged by the host of the show" and that "the host, Mohsin Abbas, appeared to agree with them".

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<sup>1</sup> Formerly Ahlebait TV Networks Ltd.

## The Programme

Before the programme started, Ahlebait displayed an on screen graphic which contained the following text disclaimer:

*“THE VIEWS EXPRESSED IN THE FOLLOWING PROGRAMME (FROM PRESENTER, GUESTS AND CALLERS) DOES NOT NECESSARILY REFLECT THE VIEWS OF AHLEBAIT TV NETWORKS...”.*

The presenter, Mohsin Abbas, opened the programme by listing various crises affecting the world, including “poverty”, “wars of terror” and “economic collapse”, likening this to “George Orwell’s famous dystopian vision of the future” in his novel 1984. He then questioned what the future might subsequently bring, be it “digital IDs, vaccine passports, transforming the financial system to central banks [and digitising it]”, possibilities he said which sounded like forms of “subjugation and enslavement”.

Mr Abbas said the topic of discussion on the programme was “Money Power, Islam and a Just Order” and read out a comment on this subject that he had received on his social media page (“the opening comment”):

*“Civilisation...isn’t advancing; technology is advancing. Money is a facet of technology, one of the original technologies. An advanced civilisation would do things for each other because they need doing. Human civilisation sucks the wealth and resources out of the impoverished parts of the world and almost all people are engaged constantly in accruing wealth over all other pursuits. It’s not advancing anything other than conflict over resources, the gap between rich and poor, the gap between spirituality and materialism, and the gap between reason and blind acceptance”.*

Mr Abbas said he was going to “pose questions around this notion of a world which is increasingly falling into a...dystopian power trip for those who already have extraordinary power on this planet”. He introduced two guest contributors. He said Mr “Musa Pidcock”<sup>2</sup> was with him to “dissect this issue from an Islamic perspective” and that he had “done a lot of work around finance and such issues from [an] Islamic economic perspective”. He introduced the other guest, Clive Menzies, as “our programme expert around such matters” and said he “often comes in to help us navigate possible alternatives [to established ‘money power’ structures]”. He also asked Mr Menzies to carry on with the programme if his own screen froze, which he said “sometimes happens with our virtual technology”.

The presenter asked Mr Menzies what money had to do with a just order, praising his research on the subject of finance and stating, “All roads lead to Jerusalem, in your case, all roads lead to money”. Mr Menzies agreed with the opening comment. He said that money was causing people to behave “competitively, aggressively, destructively”, and envisaged a different kind of monetary system based on “reciprocation of favours” to create “cooperation and mutual support”.

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<sup>2</sup> David Musa Pidcock (1942 – 2021), founder and leader of the Islamic Party of Britain (now disbanded).

Mr Abbas noted that Mr Pidcock had had some success persuading one or two Muslim countries to “act Islamically in their economics”, but that the majority were “desperately following the system...imposed on them by money power or Western hierarchical elites or the Bank of International Settlements”. He added that there was an “unholy trinity” of bankers, the media and politicians who “buy into this kind of illusion that they’ve created with money and the resultant debt-slavery that seems to be there”. The presenter then asked Mr Pidcock what Islam, as opposed to “the Muslims and the leaders”, said about the matter.

Mr Pidcock referred to Biblical or Mosaic laws which stipulated the cancellation of debt after seven years and forbade lending money at interest “between fellow believers”. He said that these laws were also relevant to Muslim people today, “but unfortunately, as you rightly said, they have been seduced by their former colonial masters who have the headquarters of usury and debt enslavement in the City of London”. He referred to a book called “Usury: Destroyer of Nations”<sup>3</sup> and said that usury, or ‘riba’ as it is called in Islam<sup>4</sup>, had “no barakat, no blessing”<sup>5</sup>. He criticised Muslim countries for following the International Monetary Fund (suggesting that the letters ‘IMF’ stood for “Intimidation, Murder and Fraud”), with the exception of Malaysia, which he said had followed his advice in a particular matter and “defeated” this system. He added:

*“...Allah says that if you do not...stop taking interest, usury, expect war from Him and His Rasul<sup>6</sup>. Therefore every Muslim country, every Muslim country, regardless of, they’re all in serious, serious trouble, because they’re div[ided], they’re fighting each other...[but] it is redeemable, with the Muslims”.*

Mr Pidcock said that he had gone to Pakistan at the invitation of Taqi Usmani<sup>7</sup> and given evidence to a committee on riba, or interest. He then spoke in favour of an economic system devoid of riba.

Mohsin Abbas spoke in favour of an “Islamic economic system” and asked Mr Menzies for his thoughts on Mr Pidcock’s comments. Mr Menzies spoke of the need for a new monetary system and referenced

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<sup>3</sup> Written from a Christian perspective, the book argues that usury is incompatible with God’s law and with a Christian way of life. It argues for a “Christian economics” devoid of “the sin of usury” to be implemented in the United States.

<sup>4</sup> “Interest or usurious interest. Qur’anic verses prohibit riba, a practice that doubled a debt if the borrower defaulted and redoubled it if the borrower defaulted again. Islamic legal scholars have historically interpreted this as prohibiting any loan contract that specifies a fixed return to the lender, since it provides unearned profit to the lender and imposes an unfair obligation on the borrower. In the modern world, most Muslim countries allow the charging of moderate interest, prohibiting only usurious or compound interest, although some reformers condemn all interest as an impediment to social justice. Prohibition of interest is considered by them as critical to Islamic economic reform”. See [Oxford Islamic Studies Online](#).

<sup>5</sup> In Islam, barakat or baraka refers to a beneficent force of divine origin which causes prosperity and abundance. See [Encyclopedia of Islam](#). This appears to be a reference to a Qur’anic verse, Surah al-Baqarah 276, which states, “God deprives interest of all blessing but blesses charity; He loves not the ungrateful sinner”.

<sup>6</sup> A Rasul is a messenger (of God). It is one of two Qur’anic terms to refer to Muhammad and other prophets.

<sup>7</sup> According to an [article](#) in The News, 3 October 2019, “renowned religious scholar from Pakistan, Mufti Muhammad Taqi Usmani, has been named on top of a list of 500 most influential Muslims in the world”.

an article he had written as part of his research project, Critical Thinking, on “*global monetary reform in order to create stability*”<sup>8</sup>. He then said that usury was part of a system that was “*inherently abusive and disruptive*” and that usury was “*just a product of...a much deeper flaw*”.

Mohsin Abbas referred to an article which Mr Menzies had posted on his website *Outersite*, which he noted compared the president of the World Economic Forum, Klaus Schwab, to an “*archetypal [James] Bond villain*”<sup>9</sup>. He then asked Mr Pidcock for his thoughts on what Mr Menzies had said from “*a sort of a divine legal kind of mindset*”. Mr Pidcock set out how a new monetary system might work before returning to the topic of usury when he said:

*“You asked about what does Allah, the actual um, what the Qur’an says, in Surah 2 Al-Baqarah verse 282: ‘Oh, you who believe, when you deal with each other in transactions involving future obligations, in a fixed period of time, reduce them to writing. Let the scribe write down faithfully as between the parties and let not the scribe refuse to write as Allah has taught him. So let him write and let him who incurs the liability dictate the terms. And let him fear Allah, his Lord, and not diminish anything of what he owes. And get two witnesses – the witnesses should not refuse when they are called for evidence and disdain not to commit to writing your contractual obligations for a future period, whether they be small or large. It is more just in the sight of Allah, more suitable as evidence and more convenient to prevent doubt amongst yourselves’. So it’s written out there, you know, in the Qur’an, very clearly. The fact is that you’re gonna get hit with all kinds of problems if you deviate and you start to charge interest, there is no blessing<sup>10</sup> and you can only, you know, this is why the Jews have been expelled from 47 different countries and city-states in the last 1,000 years and as they recognise ... their antisemitism comes from their [emphasis] actions of impoverishing people and they then respond and then they call it antisemitism but we know that it’s because they do and they get punished and as Allah says, you know, he will expel [sentence incomplete] – send them to all corners of the world to be an excoriation and a hissing and a booing to wherever he had sent them<sup>11</sup>. So antisemitism comes from debt, not cancelling the debt, and usury. Now just a quick one for that is: when they [sentence incomplete] – usury is a weapon of war, and if you read Exodus and the*

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<sup>8</sup> See footnote 24.

<sup>9</sup> See “[Why are they working, and why are we not?](#)”, *Outersite.org*, 17 March 2021.

<sup>10</sup> See footnote 5.

<sup>11</sup> Mr Pidcock did not cite a verse from the Bible or the Qur’an to support his reference to Allah sending Jewish people “*to all corners of the world to be an excoriation and a hissing and a booing*” as a punishment for practicing usury. There are no verses in common translations of them which precisely match his words, and it is unclear whether they are his personal interpretation of the Bible or the Qur’an, or from another source.

*accounts, Bani Israel<sup>12</sup> were said to, 'if you want to defeat the Canaanites you enter slowly and you start to lend them money at interest and by that process you will defeat them'<sup>13</sup>. So it is a weapon of war, usury'<sup>14</sup>.*

The presenter responded as follows:

*"How interesting, yeah, a weapon of war indeed. These days of course we know about psychological operations, soft wars through the media, but economic sanctions, economic, if you like, terrorism, er, as the United States inflicts on Venezuela these days, on Iran, even Russia, and now of course the obvious collisions with China, that are going on, are all kind of testimony to how that wea[pon], to how money is being weaponised by, especially the western imperialist powers".*

Mr Abbas then referenced an article on *Outersite* entitled *"Why are they working and why are we not"*<sup>15</sup>, which he said was about *"all the levers of power acting in response to the dictates of money...operating to impoverish and enslave the global population"* and *"centralised money"*. He asked for Mr Menzies' thoughts on this and on Klaus Schwab and the World Economic Forum. In response to Mr Abbas' question and Mr Pidcock's earlier comments, Mr Menzies said:

*"It's worth just noting that antisemitism was created by Theodor Herzl<sup>16</sup> [Mr Pidcock nodded and said, "correct"] at the back end of the 19th century in order to frighten and create the circumstances that would encourage Jews to migrate to Israel [Mr Pidcock said, "amen"] so antisemitism is actually a Jewish creation".*

Immediately following this, Mr Menzies went on to discuss World Economic Forum head Klaus Schwab's family history, stating that Mr Schwab's father had been *"very much involved"* with the Nazi *"machine"* and had profited from it *"enormously"*. Mr Menzies added that *"interestingly"*, Mr Schwab's father had a *"Jewish wife"* whom he had *"jettisoned"* in 1938 and sent to the United States, and suggested that Mr Schwab's background was *"well worth looking into"*.

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<sup>12</sup> The Children of Israel, a term used in the Qur'an to refer to ancient Israelite tribes.

<sup>13</sup> Mr Pidcock did not cite a specific verse or verses in Exodus or other texts to support his statement.

<sup>14</sup> This is an argument made in the book *Usury: Destroyer of Nations* by S. C. Mooney (Warsaw, OH: Theopolis, 1988), which was cited by Mr Pidcock earlier in the programme (see footnote 3). The book argues that the Israelites were "permitted to exact usury" from "foreigners" as "part of the violence that Israel inflicted upon the wicked people whom God was driving out before them", and that "the oppression of usury was an effective means of keeping the Canaanites under check until they had been totally conquered" (pp 149-151).

<sup>15</sup> See footnote 9.

<sup>16</sup> Widely regarded as the founder of modern Zionism, Theodor Herzl was an Austro-Hungarian Jewish journalist, writer, playwright and political activist who advocated the establishment of a Jewish homeland.

Mr Menzies went on to state that various global crises were myths and to speak in favour of a new economic system based on valuing activity on its benefit to humans. Mr Abbas said that the adoption of new systems offered hope that *“the Schwab type characters and money lenders and the Bank of International Settlements etc.”* were losing their power, through money as a medium of control, over people. He talked about an *“economic war of terror or terrorism upon Iran”*, describing Iran as *“a pariah state from the Zio-imperialist axis<sup>17</sup>, really cut off from so much of the economic goodies that they usually flaunt around elsewhere”*. He added that Iran was becoming self-sustaining in response to economic sanctions and talked about the opposition to and opportunities for implementing an Islamic economic system in Iran.

Mr Pidcock then spoke of the development of banking systems in the UK. He gave examples of political leaders in the UK and US who he believed had either lost their positions or been the targets of assassination for challenging the established financial system. He added, *“Jesus [on whom be Peace] walked on water, feeds the 5,000 but he gets into serious bother when he overturns the money-changers in the Temple. The key is, as Clive’s saying, the key is the money, and who issues it is key”*.

The presenter asked Mr Menzies about the options available for challenging the monetary system. Mr Menzies referred to an article called *“Strategy for Resistance”<sup>18</sup>* which he said set out some small-scale options, but he ultimately advocated building a globally applicable alternative to the current system of money. Mr Abbas then closed the programme as follows:

*“Thank you for watching this edition of 20th Hour...it’s quite clear that we’ve got a lot of thinking to do about money and our relationship with money from a spiritual divine perspective, as well. And it’s incumbent on us as Muslims, not to just do the rituals but also to try and have practical implementation of Islam in economic terms in our lives as well. Thank you very much for watching this edition. See you again next week”*.

We considered this content raised issues under the following rules of Ofcom’s Broadcasting Code (the “Code”):

- Rule 3.2: “Material which contains hate speech must not be included in television...programmes...except where it is justified by the context”.
- Rule 3.3: “Material which contains abusive or derogatory treatment of individuals, groups, religions or communities, must not be included in television...services...except where it is justified by the context”.
- Rule 2.3: “In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context. Such material may include...discriminatory treatment or language (for

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<sup>17</sup> Over several decades, Iran has been subject to numerous sanctions, including by the United Nations, Israel, the USA, the EU and the UK.

<sup>18</sup> [Strategy for Resistance](#), Critical Thinking website, 10 December 2018. This article listed “usury”, “theft of the commons” and “institutional hierarchy” as the “3 main causes of global and domestic problems”.

example on the grounds of...race, religion or belief...) ...Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

Ofcom requested comments from the Licensee on how the programme complied with these Rules<sup>19</sup>.

## Response

Ahlebait explained the ethos of the channel was to provide a source of education to “facilitate understanding between contemporary Islamic thought and the world”.

It apologised for the comments in question, saying that they were “highly regrettable and should never have been broadcast”. It considered that they breached our rules on offence and abuse and derogatory treatment (Rules 2.2 and 3.3). However, it argued they did not breach our rule on hate speech (Rule 3.2).

### Rule 3.2 – hate speech

Ahlebait said that the definition of hate speech in the Code<sup>20</sup> “is very broad” and that that in the absence of “any reasoned explanation by the regulator” clarifying how the definition of hate speech applied in this case, it did not consider that the guests’ remarks met it.

The Licensee pointed to the following extract from Ofcom’s [Guidance Notes](#) to Section Three of the Code (the “Guidance Notes”):

“...The cases where Ofcom has previously recorded breaches of Rule 3.1<sup>21</sup>... have, for the most part, concerned variations of what can be described as ‘hate speech’. These cases resulted in a breach under Rule 3.1 as they all contained a direct or indirect call to action and were therefore ‘likely’ to encourage or to incite the commission of crime. Were similar material to amount to ‘hate speech’ but not contain a direct or indirect call to action, it may be likely to breach Rule 3.2. Broadcasters’ attention is drawn to sections 22 and 29F of the Public Order Act...”

Ahlebait said while it agreed the comments made by the guests were antisemitic in nature, this “does not automatically make them hate speech”. The Licensee said in its view “the remarks did not promote or justify hatred based on intolerance on the grounds of ethnicity, race, religion or belief”.

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<sup>19</sup> Ofcom also requested comments from the Licensee on content in the programme about the Coronavirus pandemic, with reference to Rules 2.1 and 2.3 of the Code. We did not consider that there were grounds to pursue an investigation of this content.

<sup>20</sup> “‘Hate speech’ is all forms of expression which spread, incite, promote or justify hatred based on intolerance on the grounds of... ethnicity...nationality, race, religion...”

<sup>21</sup> Rule 3.1 states: “Material likely to encourage or incite the commission of crime or to lead to disorder must not be included in television or radio services or BBC ODPS”.

It said that, as far as it was aware, none of the guests' remarks were analogous to content previously found to have breached Rule 3.1 and referred to in the Guidance Notes. It gave the examples of content "seeking to justify terrorist actions against non-Muslims"<sup>22</sup> and the [Ofcom sanction against Worldview Media Network Limited](#) in which it said "contemporary Pakistani people were repeatedly branded 'terrorists'" in breach of Rule 3.2.

### Rules 2.3 (offence) and Rule 3.3 (abuse and derogatory treatment)

Ahlebait conceded the guests' comments were antisemitic, had the potential to offend and were abusive and/or derogatory towards Jewish people. It added that they were not justified by the context, and so breached Rules 2.3 and 3.3 of the Code.

The Licensee also said there were mitigating factors relevant to the consideration of what regulatory intervention was proportionate and appropriate in this case. It asked that, in assessing the seriousness of the breaches in terms of the potential impact on viewers, and how potentially offensive and/or harmful the content was, Ofcom take into account that:

- the Programme Controller was monitoring the broadcast and had tried to contact the presenter about the comments to get him to "place them in context and/or steer the discussion back on topic and/or to invite the presenter to challenge the views expressed by the contributors", but he was unable to reach him for technical reasons;
- it had decided to take the programme off its website and never repeat it; and
- on 13 and 14 June 2021 it had broadcast an apology to viewers ("the apology") (see below).

Ahlebait also asked Ofcom to take into account the context within the programme in which the comments were made when assessing the potential harm or offence to viewers. It pointed to the topic of the live programme ("*Money Power, Islam and a Just Order*") and the introduction to the programme in which the presenter said he was "*going to pose questions around this notion of a world increasingly falling into a dystopian power trip of those who already have extraordinary power*". It added that the presenter had explained that the purpose of the programme was to "*dissect*" these issues from an Islamic perspective.

The Licensee gave background information to Ofcom about the guests featured in the programme. It said that Mr Pidcock was a Sheffield man who converted from Roman Catholicism to Islam while working as an engineer in Saudi Arabia. It said he founded and led the now defunct Islamic Party of Britain ("the IPB"), which had been an active political party in the United Kingdom from 1989 until 2006 and that it had opposed both capitalism and communism. Ahlebait said that Mr Menzies is a former banker who set up the Critical Thinking organisation to explore non-mainstream ideas in an open-minded way and would describe himself as agnostic. It added that he had in the past appeared

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<sup>22</sup> Ofcom understand this to be a reference to a case example in the Guidance Notes, [Rehmatul Lil Alameen, DM Digital](#), Issue 205 of Ofcom's Broadcast and On Demand Bulletin, published on 8 May 2012. In this case an Islamic scholar delivered a live televised lecture from Pakistan about Islamic theology with reference to the shooting dead in early 2011 of the Punjab governor Salmaan Taseer by his bodyguard Malik Mumtaz Qadri. During the broadcast, the scholar unambiguously stated that all Muslims had a duty to kill anyone who criticises or insults the Prophet Mohammed and also praised the killing of Salmaan Taseer. We recorded serious breaches against DM Digital Television Limited under Rule 3.1 (incitement to crime), 4.1 (responsibility in religious programmes), 4.2 (religious abuse), 5.4 (Licensee's views in programmes) and 5.5 (due impartiality).

on inter-faith platforms for discussions with members of the Jewish community<sup>23</sup> and he had written academic articles on possible reforms to the international financial system<sup>24</sup>. Ahlebait concluded that both these contributors were “serious-minded individuals” and that although they may have held “unconventional views”, they had “no history at all” of extremism or espousing antisemitism.

The Licensee pointed to the length of the programme (“about one hour”) and the time of broadcast (20:00). It said it was a “free-flowing” discussion with views expressed about money, international finance and their relationship to Islam. It added these might have appeared confusing to some viewers, but they were “honestly held” and that the tone of the discussion throughout was “considered and reflective”.

Ahlebeit said that the wide-ranging nature of the programme and the discussion made it impossible to predict what the contributors might say and the topics they might mention. It added that it was not its intention, nor expectation, that the programme might contain material that could be regarded as antisemitic.

The Licensee pointed to the Guidance Notes which acknowledges that licensees have the right to broadcast programmes that contain particular personal interpretations of the role of different nations and communities through history. It argued it was important that the comments made by Mr Pidcock regarding usury were considered in their full context, acknowledging that his comments were “clumsily phrased, and either should not have been broadcast at all or needed to be contextualised with great care”. It added that before Mr Pidcock had referred to Jewish people, he had noted that Islam forbids usury and quoted at length from the Qur’an. Ahlebait said that it was important to take this context into account, from which it said it was clear that Mr Pidcock’s criticism was mainly directed at the practice of usury overall, rather than Jewish people in particular. It added that Mr Pidcock’s remarks did not seek more broadly to justify hatred based on intolerance, on the grounds of ethnicity, race, religion or belief. It said he was “pointing out that historically a number of Jewish people were involved in money-lending and this was an historical source of anti-Jewish sentiment”. It also said this was his “personal interpretation of the role of some Jewish communities and their treatment by others in the context of a discussion about lending money and charging interest”.

The Licensee said that Mr Menzies’ comment regarding the “historical origin” of antisemitism should also be viewed in the context of the overall programme. It said it regretted that due to the communication issues it was “unable to prompt a measured response from the host to place the comment in context and to challenge it as necessary”. It reiterated that it had not anticipated that the guests might make potentially antisemitic comments given the subjects to be discussed.

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<sup>23</sup> The Licensee gave the Greenbelt Festival in 2019 as an example.

<sup>24</sup> As an example, the Licensee referred to a paper which Mr Menzies cited in the programme titled “[Reform Proposals in the Monetary System for Attaining Global Economic Stability](#)”, published in the Journal of King Abdulaziz University in 2017. Among other sources, this article referenced a 2016 article published on the Critical Thinking website titled “[Is Rothschild the richest and most powerful family on the planet?](#)”.

Ahlebait said that the references to Jewish people by the two guests were “very brief in the context of a programme which lasted around one hour and ten minutes in total”<sup>25</sup>. It added that their impact was further reduced as the first of Mr Pidcock’s remarks came over 20 minutes into the programme, by which time it said “viewers would have understood that [it] was a serious debate from a largely Islamic perspective of money and international finance, and one of the main concerns of the guests were the unfortunate results, in their view, that flowed from the principle of lending money with interest”.

### *Compliance*

The Licensee said that, before the broadcast, the programme makers had spoken with both guests about the broad areas of discussion and gone over written guidance about compliance with the Code, a copy of which the Licensee enclosed with its response. It explained that it was its policy for guest contributors and the presenter to be run through the guidance where a programme is not being produced in a studio.

Ahlebait said that during the live broadcast its Programme Controller had wished to raise some issues about comments made by the contributors with the presenter. It said he was unable to do so because he and the other parties were working via a remote link from home and experienced various technical problems. It added that the Programme Controller’s home internet connection was “very slow and the screen would on occasions freeze or the link would drop”. Noting that Ofcom has previously recognised that live broadcasting poses challenges for effective compliance, Ahlebait said this is even more so the case where the Programme Controller, host and guests on a live broadcast are all working remotely, outside of the studio and from their own homes, with the technological and communication issues this presents. It added that any breaches of its regulatory obligations caused by these issues were “entirely inadvertent, caused by the temporary challenges of working in the Covid environment”.

The Licensee said that “[a]fter the broadcast” the Programme Controller had raised concerns about the content of this programme with the Programme Director, who reviewed the programme and decided that it should not be re-broadcast, and that this decision had been taken prior to receiving Ofcom’s notice of its investigation. Ahlebait stated that its Programme Director had also raised concerns within Ahlebait about the content before it had received notice from Ofcom of the complaint<sup>26</sup>. In addition, it stated, “[a]fter broadcast, because of these well-founded concerns, it was decided to take the Programme off Ahlebait’s website and never to repeat it”. Ahlebait added that it had “suspended until further notice...the 20<sup>th</sup> Hour programme strand, and also Mr Mohsin Abbas and his two guests, neither of whom have featured in [its] broadcasts since the Programme’s broadcast”.

Ahlebait said that it had additionally created a panel to “investigate this matter, learn lessons and introduce immediate changes to compliance to prevent such incidents being repeated”. It said the main outcomes of this panel’s investigation were that:

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<sup>25</sup> The programme lasted 52 minutes.

<sup>26</sup> Ofcom first contacted the Licensee to request a recording of the broadcast content on 25 March 2021. Ahlebait said that, due to staff changes, it did not pick up this request until Ofcom sent a further request on 7 April 2021. Further information about the sequence of events is set out under the heading “[Further Response](#)”.

- “[p]resenters and/or producers of live discussion programmes must always discuss in advance with guests the broad areas of discussion and the points they plan to make, however briefly, and raise any potential issues under the Broadcasting Code which result with senior staff at Ahlebait”;
- the “‘20th Hour’ programme strand is suspended unless and until appropriate measures and resources have been put in place to appropriately supervise and conduct the programme in the future”;
- “[f]urther compliance training on the Broadcasting Code will be given to Mr Mohsin Abbas...”; and
- “[a]ll presenters of live Ahlebait programmes must operate from studios recognised and approved by [the Licensee], unless there are extenuating circumstances which make this impossible”.

Ahlebit added that it would “take fully into consideration any comments made by Ofcom [in the course of its investigation], incorporating them into its action plan to further improve compliance at the channel” and that it welcomed and would carry out “any recommendations made by Ofcom to prevent these issues arising in the future”.

The Licensee also pointed to the fact that it had an “unblemished compliance record as the channel has not been the subject of any adverse finding by Ofcom during the 10-year tenure of the current management”. It stressed the importance of it and its audience’s right to freedom of expression and said it trusted that Ofcom would give this “due but powerful weight” in its considerations.

### *Apology*

On Sunday 13 June 2021 at 18:05 and 20:05, and then again on Monday 14 June 2021 at 19:05, Ahlebait said it had broadcast the following apology, which was introduced with the caption “*Special Announcement*”, and read to camera by a presenter:

*“Hello. This is a special announcement. On 21 March 2021, Ahlebait TV broadcast an edition of the ‘20th Hour’ programme. It was a live discussion hosted by Mohsin Abbas. The title was ‘Money Power, Islam and a Just Order’. Mr Abbas had two guests, David Musa Pidcock and Clive Menzies.*

*During the broadcast, in the context of a discussion about the principle in Islam prohibiting interest when lending money, Mr Pidcock made some remarks, even though [brief] that could be interpreted as antisemitic. Ahlebait TV condemns all discriminatory language or comments which are abusive or derogatory towards individuals or communities. The channel sincerely regrets that these potentially offensive antisemitic remarks were broadcast and apologises.*

*In the same programme, Clive Menzies made some brief references to coronavirus, saying that the virus was ‘a myth’. Covid-19 is clearly not a myth, as many of our viewers know, whose lives have been badly affected by it, some even losing loved ones. We are very sorry that these*

*remarks were broadcast and sincerely apologise to any viewers who were offended by them<sup>27</sup>.*

*We wish to reassure our audience that Ahlebait TV has taken all appropriate measures to ensure that similar offensive or discriminatory comments will not be included in any of our future programmes. Thank you for listening”.*

The text of this apology was then displayed on screen for eight seconds and additionally included the word “*brief*” as shown above in square brackets in the second line of the second paragraph of the apology.

### **Further Response**

Ofcom has investigated<sup>28</sup>, separately, the fact that in response to our request for a recording of the programme as broadcast live, the Licensee sent us a recording of the programme which it had edited post broadcast. In providing information to Ofcom on this matter, Ahlebait gave further detail on the actions it had taken following the broadcast. It stated that:

- on 22 March 2021, the day after the broadcast, the Programme Controller had raised concerns about the content with the Programme Director;
- the following day, on 23 March 2021, the Programme Director met with the presenter, Mr Abbas, and indicated that he was considering referring the matter to Ahlebait’s “Programme Committee” (the “Committee”);
- on an unspecified date after the initial live broadcast it had carried out a postproduction editing exercise to create a version of the programme for future broadcast;
- the Committee met on 27 March 2021. It decided that the programme should not be re-broadcast and that neither Mr Pidcock nor Mr Menzies should be used as guests on any further broadcasts; and
- on 28 March 2021, the Programme Director handed a letter to Mr Abbas which set out the Committee’s decision.

### **Response to Ofcom’s Preliminary View**

On 23 May 2022, Ofcom sent the Licensee its Preliminary View that the programme had breached Rules 3.2, 3.3 and 2.3 and that the breaches were serious and that we were minded to consider them for the imposition of a statutory sanction. In response, the Licensee reiterated that it had “immediately admitted” the programme contained material in breach of Rules 2.3 and 3.3 ,for which it had expressed regret and apologised to Ofcom. Ahlebait also reminded Ofcom it broadcast an apology to its viewers on 13 and 14 June 2021.

The Licensee said that having reviewed Ofcom’s Preliminary View, it now “fully understands why, and accepts” that content contained in the Programme breached Rule 3.2. It said that it “agrees and deeply regrets” that the Programme included content which was antisemitic, the broadcast of which

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<sup>27</sup> See footnote 19.

<sup>28</sup> See [Retention and production of recordings](#), Issue 434 of Ofcom’s Broadcast and On Demand Bulletin, published on 13 September 2021.

had the potential to promote, encourage and incite intolerance among viewers, meeting the Code's definition of hate speech. It also acknowledged that the context of Mr Pidcock's comments "was not sufficient to justify that hate speech".

Ahlebait said it had taken the Preliminary View "very seriously", adding it was determined to use Ofcom's standards investigation as a valuable opportunity to further review and improve its compliance arrangements.

The Licensee said that, since Ofcom had first contacted it about the case, it had acted responsibly. It said it had "immediately accepted two of the breaches (Rules 2.3 and 3.3) on being notified of the Ofcom investigation, and immediately accepted the third (Rule 3.2) on being provided with the clarification it sought from Ofcom on the application of this rule".

Ahlebait commented that the antisemitic comments made in the Programme were "very brief in the context of the [P]rogramme as a whole and were not representative of the Programme generally". It added that the comments were "not numerous or repeated and came in the context of criticism of other, non-Jewish groups and entities for engaging in the practice of usury". It noted that neither of the contributors to the programme were held out as religious leaders and they were instead presented to the viewers as experts in financial matters.

The Licensee added that its apology had been broadcast on "three separate occasions" on 13 and 14 June 2021. While it acknowledged that the apologies "will not have expunged the harm caused by the [P]rogramme when originally broadcast", it believed the express acknowledgement of the antisemitic content, and that the comments were not endorsed by the Licensee, would have a "mitigatory impact".

The Licensee said that the suspension until further notice of the *20th Hour* programme strand, and also of Mr Mohsin Abbas and his two guests, remained in place and that it remained the case that neither guest had featured in its broadcasts since the breaches had occurred.

In addition to the steps set out above which Ahlebait said it had taken to prevent the rebroadcast of the Programme and to prevent any similar occurrence happening in the future, it told Ofcom:

- live broadcast programmes are now always conducted from a studio location to avoid a recurrence of the technical problems; and
- in response to the Preliminary View, it had adopted the International Holocaust Remembrance Alliance's ("IHRA") working definition<sup>29</sup> of antisemitism, which is now included in its broadcast guidelines provided to all presenters and guests ahead of every programme.

The Licensee said that it did not seek to challenge Ofcom's preliminary conclusion that the breaches of the Code were serious and that we were minded to consider them for the possible imposition of a statutory sanction.

## Decision

Reflecting our duties under section 319 of the Communications Act 2003, Section Three of the Code requires that material which contains hate speech must not be included in television programmes

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<sup>29</sup> See footnote 32.

except where it is justified by the context. Section Two of the Code requires that generally accepted standards are applied to the content of television services to provide adequate protection for members of the public from the inclusion of harmful and/or offensive material.

Ofcom must have regard to the audience's and the broadcaster's right to freedom of expression set out in Article 10 of the European Convention on Human Rights ("ECHR"). We must also have regard to Article 9 of the ECHR, which states that everyone "has the right to freedom of thought, conscience and religion". Ofcom has taken account of these rights when considering the Licensee's compliance with the Code.

In the exercise of its functions, Ofcom must also have due regard<sup>30</sup> to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between those who share a relevant protected characteristic, such as religion or belief, and those who do not.

Under the Code, broadcasters can transmit programmes that contain particular personal interpretations of the role of different nations and communities through history, and they can broadcast opinions that some viewers may find offensive. Prohibiting this, in our view, would be a disproportionate restriction of the broadcaster's right to freedom of expression and the audience's right to receive information. However, when broadcasting material of this nature, broadcasters must comply with the Code.

### Rule 3.2

Rule 3.2 of the Code states:

"Material which contains hate speech must not be included in television...programmes...except where it is justified by the context".

We first considered if the content in this programme constituted "hate speech". The Code defines hate speech as: "all forms of expression which spread, incite, promote or justify hatred based on intolerance on the grounds of...ethnicity...nationality, race, [or] religion...". Ahlebait initially argued that the programme did not breach Rule 3.2 because, in its view, its content was not analogous to content found elsewhere to have breached Rule 3.1. As is clear from our many published decisions, not all breaches of Rule 3.2 involve breaches of Rule 3.1 (incitement to crime and disorder)<sup>31</sup>, which the Licensee now accepts.

### *IHRA working definition of antisemitism*

As part of our consideration, we had regard to the IHRA working definition of antisemitism<sup>32</sup> which states:

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<sup>30</sup> Under section 149 of the Equality Act 2010.

<sup>31</sup> See, for example, Ofcom's breach decisions in: Rinse FM, [Issue 431 of Ofcom's Broadcast and On Demand Bulletin 431](#), published on 19 July 2021; Islam Channel, The Rightly Guided Khalifas, [Issue 388](#), 7 October 2019; Lord Production Inc Ltd, Valley of the Homosexuals, [Issue 383](#), 22 July 2019.

<sup>32</sup> In December 2016, the UK Government agreed to adopt the [International Holocaust Remembrance Alliance's working definition of antisemitism](#).

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities”.

*Whether the broadcast material constituted hate speech*

We considered that the following statement from Mr Pidcock depicted the persecution of Jewish people as a divine punishment for practicing usury in such a way to impoverish many of the societies they had lived in over the last millennium:

*“The fact is that you’re gonna get hit with all kinds of problems if you deviate and you start to charge interest, there is no blessing and you can only, you know, this is why the Jews have been expelled from 47 different countries and city-states in the last 1,000 years and as they recognise...their antisemitism comes from their [emphasis] actions of impoverishing people and they then respond and then they call it antisemitism but we know that it’s because they do and they get punished and as Allah says, you know, he will expel [sentence incomplete] – send them to all corners of the world to be an excoriation and a hissing and a booing to wherever he had sent them. So antisemitism comes from debt, not cancelling the debt, and usury”.*

We note the Licensee’s comments that the context of the programme was a discussion in which money was presented as a weapon and a means of exerting untoward control over others, and that the criticism in the programme was directed at the practice of usury itself rather than towards Jewish people. However, we considered that the references to Jewish people practicing usury, not cancelling debt and impoverishing people evoked a common derogatory stereotype about Jewish people being disproportionately in control of money lending businesses, being driven by greed and being unwilling to forgo money to the detriment of other people.

Furthermore, we considered that viewers would have been likely to have interpreted Mr Pidcock’s reference to divine punishment and to “excoriation” and “a hissing and a booing”, as him seeking to revile Jewish people. In our view, the reference to divine punishment and this evocation of a derogatory stereotype was used in the programme to justify the expulsion of Jewish people from various societies and countries throughout history, and to place exclusive blame for this persecution on Jewish people themselves (“their antisemitism comes from their [emphasis] actions of impoverishing people and they then respond and then they call it antisemitism but we know that it’s because they do and they get punished... So antisemitism comes from debt, not cancelling the debt, and usury”).

We also took into account that Mr Menzies falsely accused a key Jewish figure and Jewish people of creating antisemitism (“antisemitism was created by Theodor Herzl at the back end of the 19th century in order to frighten and create the circumstances that would encourage Jews to migrate to Israel so antisemitism is actually a Jewish creation”; and, as above: “their antisemitism comes from their [emphasis] actions of impoverishing people... So antisemitism comes from debt, not cancelling the debt, and usury”). We considered that the first of these statements presented antisemitism as a form

of Jewish propaganda rather than a term to describe hatred towards Jewish people. We therefore considered that it was a form of historical revisionism which denied the reality of the persecution Jewish people suffered at this time, or blamed Jewish people for it. To suggest in this way that a single Jewish person was responsible for and invited the persecution of the entire Jewish people amounts, in our view, to “promoting” and “justifying” hatred based on intolerance of Jewish people. The second statement presented hatred of Jewish people as an inevitable and appropriate response to uncanceled debt and usury.

In this context, we took account of two contemporary examples of antisemitism which accompany the IHRA’s working definition of antisemitism as follows:

- “Making mendacious...or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions”.
- “Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews”.

We also took into account the Licensee’s initial view that although this content was antisemitic and abusive towards Jewish people, and it should either have received very careful contextualisation or not been broadcast so as not to breach Rules 3.3 (abuse) and 2.3 (offence), it was not hate speech. We further took into account its comments that in the context of a discussion about usury in general and Mr Pidcock’s particular references to the Qur’an and to Islam forbidding usury:

- “it was clear that Mr Pidcock’s criticism was mainly directed at the practice of usury overall, rather than Jewish people”;
- “Mr Pidcock’s remarks did not seek more broadly to justify hatred based on intolerance, on the grounds of ethnicity, race, religion or belief”;
- he was “pointing out that historically a number of Jewish people were involved in money-lending and this was an historical source of anti-Jewish sentiment”; and,
- this was his “personal interpretation of the role of some Jewish communities and their treatment by others”<sup>33</sup>.

We acknowledged that in this programme Mr Pidcock was critical of the practice of usury overall. For example, he said that it was a practice found in “every Muslim country” which placed them in “serious trouble”. However, he said that the situation was “redeemable, with the Muslims”, and that that the present financial system had been forced on Muslim countries by financial centres like the City of London.

In contrast, we considered that Mr Pidcock’s comments appeared to attempt to justify the expulsion of Jewish people as a group throughout the last millennium from 47 city states and nations on the basis that, through the practice of usury, they had impoverished those societies. We considered that in

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<sup>33</sup> Ahlebait made these points as part of an acceptance that the content breached Rules 3.3 and 2.3 and request that Ofcom take into account factors which it argued lessened the impact of the abusive and offensive content on viewers. We considered that these were also arguments that were relevant to the matter of whether this content was hate speech, and so have addressed them in our consideration of Rule 3.2.

placing blame for the practice of usury on Jewish people as a whole rather than societal forces<sup>34</sup>, Mr Pidcock used his criticism of the practice of usury to spread, justify and promote antisemitic hatred toward Jewish people in general. We also took into account that his basis for his differential treatment of Jewish and Muslim people appeared to be a personal interpretation of either the Bible or the Qur'an, in which he regarded the persecution of Jewish people over the centuries as divinely sanctioned. Therefore we considered that Mr Pidcock was expressing a justification for hatred of Jewish people based on intolerance on the grounds of ethnicity, race, religion or belief.

As such, our Decision is that this content was clearly antisemitic and an expression of hatred based on intolerance of Jewish people, the broadcast of which had the potential to promote, encourage and incite such intolerance among viewers. It therefore met Ofcom's definition of hate speech, which Ahlebait accepted in its subsequent representations on our Preliminary View.

### *Context*

We next considered whether there was sufficient context to justify the broadcast of hate speech in this case. Our Guidance Notes to Rule 3.2 make clear that there are certain genres of programming where there may be editorial justification for including challenging or extreme views in keeping with audience expectations, provided there is sufficient context. However, the greater the risk the material may cause harm or offence, the greater the need for contextual justification. We considered that potential for harm or offence deriving from the content in this case was particularly high, taking into account the evidence suggesting an increase in antisemitic hate crimes in the UK in recent years up to the date of broadcast of this programme<sup>35</sup>. In our view, therefore, the extreme views expressed by the guest contributors required very strong contextualisation. It is the responsibility of broadcasters to ensure the content of live, guest contributions is appropriately contextualised.

In assessing whether there was sufficient contextual justification, Ofcom must take proper account of the broadcaster's and the audience's right to freedom of expression, which includes the right to receive information, and related rights to freedom of thought, conscience and religion.

The Code states that contextual factors relevant to Rules 3.2 may include, but are not limited to:

- the service on which the programme is broadcast and the likely size and expectations of the audience;
- the genre and editorial content of the programme;

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<sup>34</sup> For further information see [Expulsion of Jews from England, 1290](#), The British Library; [Antisemitism in medieval Europe](#), Encyclopaedia Britannica; and [Myths and misconceptions about Jews](#), Antisemitism Policy Trust, page 11.

<sup>35</sup> See, for example, page 80 onwards of [Antisemitism – Overview antisemitic incidents recorded in the European Union 2009 –2019](#), published in September 2020 by The European Union Agency for Fundamental Rights. See also the [“Antisemitic Incidents Report 2020”](#) by the Jewish charity Community Security Trust (“CST”), which states that as of February 2021, it had recorded the third-highest total number of antisemitic incidents in 2020 and the highest ever annual total of incidents in 2019. It also reported “more than 100 incidents recorded in 11 of the 12 months of 2020” which it compared to the period January 2006 to March 2016, in which it said it “only recorded monthly totals surpassing 100 incidents on six occasions”. The Trust also recorded over 100 incidents in March 2021, the month in which this programme was broadcast. See [“Antisemitic incidents report January-June 2021”](#), page eight.

- the extent to which sufficient challenge is provided; and
- the status of anyone featured in the material.

We therefore considered whether these or any other contextual factors were relevant to this case.

First, we considered the genre and editorial premise of this programme and the likely audience expectations of this channel. We took into account that Ahlebait TV has an Islamic focus and that *20<sup>th</sup> Hour* is a live, current affairs discussion programme. In this edition, the contributors discussed their views that traditional monetary systems were used by some countries to exert power over other countries. They also discussed how new monetary systems might be developed to create their vision of a fairer world order and the role Islam could play in achieving this by shunning usury. We recognised that this type of programme could legitimately explore the negative impact of traditional monetary systems on society and equality, and that this could encompass discussion of Islamic teaching on usury and critical commentary on other religions, groups and nations for, in their view, accepting its practice. However, we considered that, although viewers of Ahlebait TV would have expected to see a programme promoting and exploring Islamic beliefs, while engaging in topical discussions, they would not have expected it to include hate speech without very careful contextualisation.

In line with freedom of expression, the Code does not prohibit discussions about controversial topics, the broadcasting of opinions that some viewers may find offensive or criticism of differing religious and world views. However, when broadcasting material of this nature, broadcasters must comply with all relevant rules of the Code to ensure that any such content does not cause unjustifiable harm or offence. In this case, as set out above, the discussion presented hatred of Jews as an appropriate and acceptable response to economic, political or religious concerns about the practice of usury.

We went on to consider the status of the speakers featured in this programme. Ofcom acknowledged that Mr Pidcock is not a figure of religious authority. However, we considered that the guests were presented as regular contributors and as experts in their field in whom the audience could place trust. Mr Pidcock was introduced as an expert on the intersection of Islamic and economic thought, and who had influenced Malaysia’s economic policies. The presenter told viewers Mr Pidcock had *“done a lot of work around finance and such issues from Islamic economic perspective”* and asked him to comment from *“a sort of a divine legal kind of mind set”*. Mr Pidcock quoted from the Qur’an and positioned himself as an authoritative voice by saying he had gone to Pakistan at the invitation of Taqi Usmani and given evidence to a committee on riba, or interest.

The Licensee suggested that Mr Pidcock’s remarks were expressed as a personal view with a basis in history and that this was a contextualising factor. However, as already established, we considered that Mr Pidcock’s comments on the significance of historical events were antisemitic. In our view, therefore, the fact that Mr Pidcock referred to historical events in expressing these views was not a mitigating factor.

In addition, Mr Menzies was introduced as *“our programme expert”* on the issue of money systems who *“often comes in to help us navigate”* such topics.

Ahlebeit said that Mr Menzies’ comments should be viewed in the context of the overall programme, which it said was a *“free-flowing”* discussion with views expressed about money, international finance

and their relationship to Islam. It said his views were “honestly held” and that the tone of the discussion was “considered and reflective”. While we acknowledged the tone of the discussion was considered and the views may have been “honestly held” by the guests, we did not consider that mitigated the antisemitic statements contained in this programme.

We took into account Ahlebait’s arguments that: the antisemitic comments made by the guests were “very brief” compared to the length of the programme; and that, by the time they were made, “viewers would have understood that [it] was a serious debate from a largely Islamic perspective of money and international finance, and one of the main concerns of the guests were the unfortunate results, in their view, that flowed from [usury]”. Ofcom acknowledged that the comments were fairly brief in the context of the programme as a whole. However, we considered the hate speech contained in this programme was not justified by the context of the serious debate about money systems, from religious and non-religious perspectives, in which it arose. We also did not consider that the brevity of the comments within the 52-minute programme sufficiently contextualised the harmful material. In the context of a programme in which all three contributors were united in advocating a fairer society, speaking from positions of moral certainty and with the dual status conferred on the guests of both religious and secular experts, there was, in our view, increased potential for viewers to have given particular weight to the contributors’ views and taken seriously the hatred expressed against Jewish people. Therefore, we did not consider that the impact of the hate speech was diminished by brevity or the tone of the wider discussion in which it occurred.

The potential for harm or offence may be greater when a programme offers, unchallenged, a singular interpretation involving other religions or groups, particularly interpretations that promote hatred of a group sharing a protected characteristic. Ofcom took into account that, in this programme: Mr Pidcock’s comments received no challenge from the presenter who responded to them by saying, “*How interesting, yeah, a weapon of war indeed...*”; and Mr Menzies’ comments received strong approval from Mr Pidcock (“*correct...amen*”) and no challenge from the presenter. In our view the approval that Mr Pidcock gave to Mr Menzies’ comments and the lack of challenge from the presenter heightened the impact of the hate speech, and did not contextualise it.

In its representations on our Preliminary View, Ahlebait agreed that the context of the hate speech was insufficient to justify it. We acknowledge the steps the Licensee has taken to strengthen its compliance processes in response to our Preliminary View. However, our Decision is that Rule 3.2 was breached.

### **Rule 3.3**

Rule 3.3 of the Code states:

“Material which contains abusive or derogatory treatment of individuals, groups, religions or communities, must not be included in television...services...except where it is justified by the context”.

As the Guidance Notes state, the Code does not prohibit criticism of any religion or communities. However, such criticism must not spill over into abuse. Ofcom takes account of the audience’s and the broadcaster’s right to freedom of expression set out in the Human Rights Act 1998 and Article 10 of the ECHR. In the context of Rule 3.3, it does so in particular in relation to the right to freedom of expression which encompasses the broadcaster’s and audience’s right to receive material, information

and ideas without interference, as well as the right to freedom of thought, conscience and religion and the right to enjoyment of human rights without discrimination on grounds such as religion.

Ahlebait accepted that the content was not justified by the context in breach of Rule 3.3. However, as set out above, it considered that there were contextual factors relevant to the consideration of what impact the content may have had on viewers, and, by extension, what form of regulatory action was appropriate.

We first considered whether this programme contained abusive or derogatory treatment of individuals, groups, religions or communities. As set out under our Decision on Rule 3.2, Mr Pidcock said that Jewish people *“call it antisemitism but we know that it’s because they do [usury] and they get punished and as Allah says he will, you know, expel [sentence incomplete] – send them to all corners of the world to be an excoriation and a hissing and a booing”*. We considered that this content was abusive and derogatory to Jewish people.

Rule 3.3 states that abusive and derogatory treatment of religions and groups can only be included in television and radio where it is justified by the context. It follows from our reasoning above in relation to Rule 3.2 that this instance of abusive and derogatory material was presented within a broader context of antisemitic hate speech.

We considered that the strength of this material would have exceeded viewers’ expectations and that there was insufficient context to justify the broadcast of antisemitic hate speech. For the same reasons, we consider there was insufficient context in this programme to justify the broadcast of abusive and derogatory treatment.

Therefore our Decision is Rule 3.3 was breached.

### Rule 2.3

Rule 2.3 of the Code states:

“In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context (see meaning of ‘context’ below). Such material may include, but is not limited to...discriminatory treatment or language (for example on the grounds of...race, religion or belief...) ...Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

Rule 2.3 requires broadcasters to ensure that the broadcast of potentially offensive material is justified by the context. Context includes, for example, the nature of the content, the service in which the programme is broadcast, its editorial content and the likely expectation of the audience. In assessing whether there was a contextual justification, Ofcom must take proper account of the broadcaster’s and the audience’s right to freedom of expression, which includes the right to receive information, and related rights to freedom of thought, conscience and religion.

Rule 2.3 places no restrictions on the subjects covered by broadcasters, or the manner in which such subjects are treated, as long as potentially offensive content is justified by the context. Ofcom first considered whether the material in the programme had the potential to cause offence.

As discussed under Rules 3.2 and 3.3, the discussion in this programme contained views which we considered amounted to antisemitic hate speech, and were abusive and derogatory towards Jewish people. Our Decision is therefore that the programme had the potential to cause significant offence. We also considered that it was likely to exceed the expectations of the channel's audience.

In our discussion of Rules 3.2 and 3.3 above, we set out why we considered that there was insufficient context to justify the broadcast of antisemitic hate speech and abusive and derogatory treatment. For the same reasons, we also considered that there was insufficient context to justify the broadcast of this offensive speech.

Our Decision therefore is that Rule 2.3 was also breached.

### **Conclusion**

**Ofcom considered these breaches to be serious and therefore we are putting the Licensee on notice that we will consider them for the imposition of a statutory sanction.**

In response to our Preliminary View, the Licensee made further representations to Ofcom on what it considered to be a proportionate sanction, should Ofcom seek to impose one for these breaches. We have noted these representations and will consider them as part of our ongoing process.

### **Breaches of Rules 3.2, 3.3 and 2.3**