

Sanction: Decision by Ofcom

Decision: Sanction: to be imposed on Ahlebait TV Networks

For material broadcast on Ahlebait TV on 21 March 2021¹.

**Ofcom's Sanction Decision
against:**

Ahlebit TV Networks² ("Ahlebait" or "the Licensee") in respect of its service **Ahlebit TV** (Ofcom TLCS licence TLCS001585BA/1).

For:

Breaches of the [Ofcom Broadcasting Code](#) (the "Code")³ in respect of:

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, but is not limited to offensive language, ...discriminatory treatment or language (for example on the grounds of...race, religion or belief...".

Ofcom's Decision:

To impose a financial penalty (payable to HM Paymaster General) of £10,000;

To direct the Licensee not to repeat the programme; and

To direct the Licensee to broadcast a statement of Ofcom's findings on a date and in a form to be determined by Ofcom.

¹ See [Issue 455 of the Broadcast and On Demand Bulletin](#), 25 July 2022 ("the Breach Decision")

² Ahlebait TV Networks was previously called Ahlebait TV Networks Ltd.

³ The version of the Code which was in force at the time of the broadcast took effect on 31 December 2020, see [Broadcasting Code](#)

Executive summary

1. Ahlebait TV is a satellite television channel broadcasting news, religious documentaries, lectures, current affairs and entertainment programmes to the Shi'a Muslim community in the UK.
2. On 21 March 2021 at 20:10, Ahlebait broadcast on its television channel, Ahlebait TV, an episode of *20th Hour* - a weekly live programme which discussed current affairs from an Islamic perspective. This edition of *20th Hour*, called "*Money Power, Islam and a Just Order*", was 52 minutes long.
3. This episode featured a presenter, Mohsin Abbas ("Mr Abbas"), and two contributors, Musa Pidcock ("Mr Pidcock")⁴ and Clive Menzies ("Mr Menzies"), who discussed their views that traditional monetary systems were being 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.
4. The programme included statements from Mr Pidcock which depicted the persecution of Jewish people as a divine punishment for practising usury in such a way to impoverish many of the societies they had lived in over the last millennium. Ofcom considered the statements that described Jewish people practising 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. Ofcom also found the programme included references to a derogatory stereotype to justify the expulsion of Jewish people from various societies and countries throughout history and also placed exclusive blame for this persecution on Jewish people themselves.
5. The programme also included statements from Mr Menzies who falsely accused a key Jewish figure – Theodor Herzl⁵ – and Jewish people more widely of creating antisemitism. Ofcom concluded that these statements presented antisemitism as a form of Jewish propaganda rather than a term to describe hatred towards Jewish people. In Ofcom's view, this amounted to a form of historical revisionism which denied the reality of the persecution Jewish people suffered at this time, or blamed Jewish people for it.
6. Ofcom found the comments were presented without sufficient context or any challenge from the presenter. Ofcom therefore considered the broadcast of these remarks promoted and justified hatred based on intolerance of Jewish people.

The Breach Decision

7. In Ofcom's Decision published on 25 July 2022 in [Issue 455 of the Broadcast and On Demand Bulletin](#) (the "Breach Decision"), Ofcom found that this programme contained uncontextualised hate speech⁶ and breached Rules 3.2, 3.3 and 2.3 of the Code.
8. The Breach Decision set out the broadcast material that was in breach, along with reasoning as to why the material had breached each rule.
9. Ofcom put the Licensee on notice that it considered these breaches to be serious, and that it would consider them for the imposition of a statutory sanction.

⁴ David Musa Pidcock (1942 – 2021), founder and leader of the Islamic Party of Britain (now disbanded).

⁵ 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.

⁶ Section Three of the Code defines "hate speech" as: "all forms of expression which spread, incite, promote or justify hatred based on intolerance on the grounds of disability, ethnicity, gender, gender reassignment, nationality, race, religion, or sexual orientation".

The Sanction Decision

10. In accordance with Ofcom's Procedures for the consideration of statutory sanctions in breaches of broadcast licences (the "[Sanctions Procedures](#)")⁷, Ofcom considered whether the Code breaches were serious, deliberate, repeated or reckless so as to warrant the imposition of a sanction on Ahlebait. It has reached the Decision that a sanction is merited in this case since the breaches are serious for the reasons set out in paragraphs 83 to 88 below.
11. Ofcom issued a Preliminary View on sanction ("the Sanction Preliminary View") that Ofcom was minded to impose statutory sanctions on the Licensee. Our Sanction Preliminary View took into account representations that Ahlebait had previously made in advance of our breach finding (see paragraphs 51 to 80 below). Ofcom sent a copy of the Sanction Preliminary View to Ahlebait on 6 February 2023 and gave it the opportunity to provide further written and oral representations on it.
12. The Licensee chose not to make any further written representations in response to our Sanction Preliminary View and declined the opportunity to make oral representations at a hearing. It said it accepted the sanctions.
13. Having taken into account Ahlebait's prior representations, Ofcom has reached the Decision that a sanction is merited for the reasons set out in paragraphs 83 to 90 below.
14. Ofcom's Decision is that the appropriate sanction is to:
 - i. impose a financial penalty of £10,000;
 - ii. direct the Licensee not to repeat the programme; and
 - iii. direct the Licensee to broadcast a statement of Ofcom's findings on a date and in a form to be determined by Ofcom.
15. This document sets out the basis for Ofcom's Decision, taking into account all the relevant material in this case and Ofcom's Penalty Guidelines (the "[Penalty Guidelines](#)")⁸.

Legal framework

Communications Act 2003

16. Ofcom's principal duty, set out in section 3(1) of the Communications Act 2003 ("the Act"), is to further the interests of citizens in relation to communications matters and the interests of consumers in relevant markets. In carrying out its functions, Ofcom is required to secure, among other things, the application to all television and radio services, of standards that provide adequate protection to members of the public from the inclusion of offensive and harmful material in such services (section 3(2)(e)).
17. Ofcom has a specific duty under section 319 of the Act to set such standards for the content of programmes in television and radio services as appears to it best calculated to secure the standards objectives set out in section 319(2). These objectives include that generally accepted standards are applied to the contents of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of offensive and harmful material (section 319(2)(f)). This requirement is reflected in Section Two and Section Three of the Code.
18. In performing its duties, Ofcom is required to have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed, and any other principles representing best regulatory

⁷ See Ofcom's [Sanctions Procedures](#)

⁸ See Ofcom's [Penalty Guidelines](#)

practice (section 3(3)); and, where relevant, to have regard to a number of other considerations including the need to secure that the application in the case of television and radio services of standards relating to harm and offence is in the manner that best guarantees an appropriate level of freedom of expression (section 3(4)(g)).

Human Rights Act 1998

19. Under section 6 of the Human Rights Act 1998, Ofcom (as a public authority) has a duty to ensure that it does not act in a way which is incompatible with the European Convention on Human Rights (the “Convention”). In particular, in the context of this case, Ofcom has taken account of the related rights under Articles 9 and 10 of the Convention.
20. Article 9 of the Convention provides for the right to freedom of thought, conscience and religion. This Article makes clear that freedom to “manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interest of public safety, for the protection of public order, health or morals, or for the protection of rights and freedoms of others”.
21. Article 10 of the Convention provides for the right to freedom of expression. Applied to broadcasting, this right encompasses the broadcaster’s freedom to impart and the audience’s freedom to receive information and ideas without interference by public authority and regardless of frontiers (Article 10(1)). The exercise of these freedoms may be subject only to conditions and restrictions which are “prescribed in law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence or maintaining the authority and impartiality of the judiciary” (Article 10(2)).
22. Ofcom must exercise its duties in light of these rights and not interfere with the exercise of these freedoms in broadcast services unless it is satisfied that the restrictions it seeks to apply are required by law and necessary to achieve a legitimate aim.

Equality Act 2010

23. Under section 149 of the Equality Act 2010, in the exercise of its functions, Ofcom must also have due regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic, such as race or religion, and persons who do not share it.

The Ofcom Broadcasting Code

24. Standards set by Ofcom in accordance with section 319 of the Act are set out in the Code.
25. Accompanying Guidance Notes to each section of the Code are published, and from time to time updated, on the Ofcom website. The Guidance Notes are non-binding but assist broadcasters to interpret and apply the Code⁹.
26. The relevant Code rules in this case are set out at the beginning of this Sanction Decision.

Remedial action and penalties

27. Under section 325 of the Act, a licence for a programme service issued by Ofcom under the Broadcasting Acts 1990 or 1996 must include conditions for securing that the standards set under section 319 are observed by the licensee. In the case of a television licensable content service (“TLCS”) licence, Condition 6 of the licence requires the licensee to ensure that the

⁹ See Ofcom’s Code and [Guidance Notes on Section Two: Harm and Offence](#) and [Section Three: Crime, Disorder, Hatred and Abuse](#)

provisions of any Code made under section 319 are complied with. The Licensee in this case holds a TLCS licence.

28. Where Ofcom has identified that a condition of a TLCS licence has been contravened, its powers to take action are set out in sections 236 to 239 of the Act insofar as relevant to the case.
29. Section 236 of the Act provides Ofcom with the power to direct the holder of a TLCS licence to broadcast a correction or a statement of Ofcom's findings (or both), or not to repeat a programme which was in contravention of a licence condition.
30. Section 237 of the Act provides Ofcom with the power to impose a financial penalty on the holder of a TLCS licence. The maximum penalty which may be imposed in respect of each contravention of a licence condition is whichever is the greater of £250,000 and five per cent of the qualifying revenue from the licensed service for the licensee's last complete accounting period falling within the period for which its licence has been in force.
31. Section 238 of the Act gives Ofcom a duty to revoke a TLCS licence if the licensee is in contravention of a condition of the licence or is failing to comply with a direction and Ofcom is satisfied that the contravention or failure, if not remedied, would justify the revocation of the licence. It is not relevant in this case, as the breach is not ongoing and is not susceptible to being remedied.
32. Section 239 of the Act gives Ofcom a duty to suspend and then revoke a TLCS licence if satisfied that that the holder of the licence has included in the service one or more programmes containing material likely to encourage or to incite the commission of crime, or to lead to disorder; that, in doing so, it has contravened licence conditions; and that the contravention is such as to justify the revocation of the licence. It is not relevant in this case, as the programme did not contain material likely to encourage or to incite the commission of crime.

Background – further information on the Breach Decision

33. In the Breach Decision, Ofcom found that material broadcast on Ahlebait TV on 21 March 2021 breached Rules 3.2, 3.3 and 2.3 of the Code. The Breach Decision set out the reasons for each of these findings.
34. In the representations that Ahlebait made in advance of our Preliminary View on the breaches, it said it considered that the comments breached Ofcom's rules on offence and abuse and derogatory treatment (Rules 2.3 and 3.3) but argued they did not breach our rule on hate speech (Rule 3.2). Ahlebait broadcast an apology for the content on 13 and 14 June 2021. In its response to our Preliminary View that the programme had breached all three rules, Ahlebait accepted it had also breached Rule 3.2.

Rule 3.2

35. Ofcom's Breach Decision found this episode of *20th Hour* contained uncontextualised antisemitic hate speech which justified and encouraged intolerance of Jewish people.
36. During this programme, 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.
37. The Breach Decision found statements made by the guest Mr Pidcock depicted the persecution of Jewish people as a divine punishment for practising usury in such a way to impoverish many of the societies they had lived in over the last millennium. Mr Pidcock said:

"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”.

Ofcom considered that the above references to Jewish people practising 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.

38. In Ofcom’s view, the reference to divine punishment (*“send them to all corners of the world to be an excoriation and a hissing and a booing”*) 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.
39. The Breach Decision also took into account that the second contributor, Mr Menzies, falsely accused a key Jewish figure and Jewish people themselves 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”*). We considered that this statement presented antisemitism as a form of Jewish propaganda rather than a term to describe hatred towards Jewish people. Ofcom also took into account the statements made by Mr Pidcock (*“their antisemitism comes from their [emphasis] actions of impoverishing people... So antisemitism comes from debt, not cancelling the debt, and usury”*) presented hatred of Jewish people as an inevitable and appropriate response to uncancelled debt and usury.
40. The Breach Decision acknowledged that during the 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”*. 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 placing blame for the practice of usury on Jewish people as a whole rather than societal forces, Mr Pidcock used his criticism of the practice of usury to spread, justify and promote antisemitic hatred and intolerance toward Jewish people in general.
41. Ofcom took into account 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.
42. Ofcom’s Breach Decision found 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.
43. We therefore concluded that the programme of 21 March 2021 was in breach of Rule 3.2 of the Code, which the Licensee accepted following our Preliminary View on the breaches.

Rule 3.3

44. Our Breach Decision also considered the episode of *20th Hour* broadcast on 21 March 2021 contained abusive and derogatory treatment of Jewish people.
45. As set out in the Breach Decision on Rule 3.2 and summarised in paragraphs 35 to 42 above, 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. For the reasons already discussed above in relation to Rule 3.2, Ofcom found that this instance of abusive and derogatory material was presented within a broader context of antisemitic hate speech.
46. 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 considered there was insufficient context in this programme to justify the broadcast of abusive and derogatory treatment.
47. Ofcom therefore found the programme in breach of Rule 3.3 of the Code.

Rule 2.3

48. Ofcom found that the programme had the potential to cause significant offence, given it contained material which constituted antisemitic hate speech and was abusive and derogatory towards Jewish people.
49. For the reasons set out above under Rules 3.2 and 3.3, we considered that the offensive content was broadcast without appropriate information, such as a warning, explanation, or challenge, that would have assisted in avoiding or minimising the level of potential offence.
50. Ofcom therefore found this programme in breach of Rule 2.3 of the Code.

Minded to consider the imposition of a statutory sanction – the Licensee’s representations

51. Our Preliminary View on the breaches notified Ahlebait that Ofcom was minded to consider the imposition of a statutory sanction. In response the Licensee said:
 - it did not seek to challenge Ofcom’s conclusion that the breaches of the Code were serious and in acknowledging seriousness of the breaches it “[did] not wish to trivialise this in any way”; although “highly regrettable”, the breaches in this instance were not deliberate or reckless;
 - it had an “unblemished compliance record during the ten years under its current management” which was “not a compliance record of a licensee that deliberately or recklessly contravenes its compliance obligations”;
 - should Ofcom decide to impose a fine, it should be a “modest one” and it would ask Ofcom to “bear in mind its submissions and precedents before making any decision as to the level of any financial penalty”;
 - it would ask Ofcom “to consider that an impact of a statutory sanction is adverse publicity and that this can have a financial impact in addition to the size of any financial penalty”;
 - and
 - in reference to revocation of the licence it said it “would be completely inappropriate in light of [its] engagement with Ofcom’s investigation, the changes it has made to its internal policies and procedures as a result of these breaches of the Code, [its] compliance record before the broadcast of the programme, and the right to freedom of expression and of religion issues”.

52. The Licensee went on to provide a number of representations for Ofcom to consider:

Seriousness and duration of the contravention:

53. The Licensee acknowledged the seriousness of its breach of the Code and acknowledged the Code's purpose in providing adequate protection for members of the public from the inclusion of harmful and/or offensive material. It said the programme was "not rebroadcast after the initial live airing" and it had taken that decision "even before becoming aware of Ofcom's investigation".

The degree of harm, whether actual or potential, caused by the contravention:

54. Ahlebait said it fully accepted that the comments about Jewish people were "highly regrettable and should not have been broadcast". It agreed the comments were "anti[s]emitic, had the potential to offend and were abusive and/or derogatory towards Jewish people and were not justified by the context".

55. The Licensee said the comments were "very brief in the context of the programme as a whole and were not representative of the Programme generally". It said that while this did not in itself sufficiently contextualise the harmful material, it was "nonetheless a relevant factor to be taken into account when determining the amount of any financial penalty". Ahlebait also said "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".

56. Ahlebait explained that "neither of the contributors to the programme were held out as religious leaders" and they were presented to viewers as "experts in financial matters". The Licensee said "[t]his is to be contrasted with other instances in which Ofcom has made findings of breaches of the same Rules in which the negative and stereotypical references to Jewish people were made by religious scholars or clerics, meaning they would carry particular weight and have an increased degree of actual or potential harm".

57. The Licensee said it issued an apology to viewers which was broadcast on three separate occasions on 13 and 14 June 2021, and while it accepted "these broadcast apologies will not have expunged the harm caused by the programme when originally broadcast, the express acknowledgement that the comments were anti[s]emitic, discriminatory and not endorsed by the Licensee will have had a mitigatory impact".

Any gain (financial or otherwise) made by the regulated body in breach (or any connected body) as a result of the contravention:

58. Ahlebait told Ofcom it had made no financial or other gain as a result of these breaches and had suspended the 20th Hour programme entirely in light of the comments.

Whether in all the circumstances appropriate steps had been taken by the regulated body to prevent the contravention:

59. The Licensee said that given the "wide-ranging nature of the Programme and the free-flowing nature of the discussions, it was impossible to predict with certainty what the guest contributors might say and the topics they might mention". Ahlebait added that it was "not [its] intention, or expectation, that the Programme might contain material that could be regarded as anti[s]emitic".

60. Ahlebait explained it had "various procedures in place to ensure compliance with the Broadcasting Code, including providing written guidance about the Broadcasting Code to the Programme guests, Mr Pidcock and Mr Menzies" and that "[b]oth guests were also talked through that guidance ahead of the live broadcast".

61. The Licensee told Ofcom that the programme "was monitored during the live broadcast by the [Programme Controller] who had wished to raise issues about comments made by the

contributors with the presenter”. Ahlebait said “[u]nfortunately, he was unable to do so because (due to the Coronavirus pandemic) he was working via a remote link from home and had various technical problems causing the screen to freeze on occasion or for his link to drop out entirely”.

62. The Licensee told Ofcom that “[l]ive broadcast programmes are now always conducted from a studio location to ensure that the above technical issues do not affect the monitoring of any of [its] programmes”. It added that it has “since implemented further measures to ensure the prevention of any further or similar breaches”.

The extent to which the contravention occurred deliberately or recklessly, including the extent to which senior management knew, or ought to have known, that a contravention was occurring or would occur:

63. The Licensee said that although the Programme Controller had “concerns about potential contraventions of the Code during the broadcast, he was unable to raise this at the time due to technical issues”. However, it said “[c]oncerns were raised immediately after the broadcast and steps were taken to prevent the rebroadcast of the Programme”.
64. Ahlebait said “[b]oth of the contributors had appeared previously” in its programmes and had “not espoused anti[s]emitic views” before. Ahlebait added that “[g]iven the subject matter of the programme, i.e. dissecting issues relating to money and power – such as the gap between rich and poor, between spirituality and materialism and the prospect of a dystopian future – from an Islamic perspective, it was not reasonably foreseeable to the Licensee or its management that the presenters might go on to make the comments they did”.

Whether the contravention in question continued, or timely and effective steps were taken to end it, once the regulated body became aware of it:

65. The Licensee said before they were made aware of the complaint to Ofcom about the programme, they had “already internally raised concerns about the Programme and during the Programme itself”, however “the [Programme Controller] had wished to raise issues with the comments made by the contributors but was unable to do so due to technical issues” (paragraph 61). Ahlebait said that “[c]oncerns were raised internally and as a result the Programme Director [...] took the decision that the programme should not be rebroadcast, before receiving the complaint from Ofcom”.

Any steps taken for remedying the consequences of the contravention:

66. Ahlebait said it “has suspended until further notice the 20th Hour programme strand, and also Mr Mohsin Abbas [the presenter] and his two guests, neither of whom have featured in [Ahlebait’s] broadcasts since the Programme’s broadcast”.
67. Ahlebait also told Ofcom it had “proactively created a panel to investigate this matter, learn lessons and introduce immediate changes to compliance to prevent such incidents being repeated”. The Licensee said the main findings of this investigation were:
- presenters 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 Code which result with senior staff before broadcast;
 - the 20th Hour programme strand has been suspended unless and until appropriate measures and resources have been put in place to appropriately supervise and conduct the programme in the future;
 - further compliance training on the Code will be given to Mr Mohsin Abbas, the presenter of the programme; and

- all presenters of live Ahlebait programmes must operate from studios recognised and approved by the Licensee, unless there are extenuating circumstances which make this impossible.

68. The Licensee also said it had adopted the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism¹⁰ and “[t]his will be included in its broadcast guidelines provided to presenters and guests ahead of every programme”.

Whether the regulated body in breach has a history of contraventions (repeated contraventions may lead to significantly increased penalties):

69. As outlined in paragraph 51 the Licensee reiterated it has 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”.

The extent to which the regulated body in breach has cooperated with Ofcom’s investigation:

70. The Licensee acknowledged that it “initially failed to provide a copy of the programme as broadcast [to Ofcom] when it was first requested”. This matter was the subject of a separate Ofcom investigation, see paragraphs 121 and 124 below.

71. However the Licensee said it had “cooperated fully with this investigation” and incorporated Ofcom’s comments “into its action plan to further improve compliance at the channel”. It said it “welcomes the opportunity to work with Ofcom on ensuring compliance with its obligations and will carry out any recommendations made by Ofcom to prevent these issues arising in the future”.

Precedent cases:

72. The Licensee said it had “conducted a careful review of previous breaches of the Code published by Ofcom and the sanctions applied in those cases”. It said that based on these precedent cases it believed “only a relatively minimal fine would be appropriate if a financial sanction were applied in this case”. Ahlebait told Ofcom that it “noted that only in the cases involving breaches which were particularly serious (especially involving Rule 3.1) and/or repeated were larger fines imposed on licensees”.

73. The Licensee provided details of five precedent cases for Ofcom’s consideration: Radio Ikhlas Limited¹¹, Karimia Limited¹², Islam Channel Ltd¹³, Rinse FM¹⁴ and Khalsa Television Limited (KTV)¹⁵. The factual details of these precedent cases are available in paragraphs 130 to 138. The points below are the Licensee’s representations on why it considered the precedent cases relevant to the current matter.

¹⁰ See the IHRA website: <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>.

¹¹ See Ofcom Sanction 110 (18) [Radio Ikhlas Sanction Decision](#)

¹² See Ofcom Sanction 109(17) [Karimia Limited Sanction Decision](#)

¹³ See Ofcom Sanction 130 (19) [Islam Channel Sanction Decision](#)

¹⁴ See Ofcom Sanction 149 (21) [Rinse FM Sanction Decision](#)

¹⁵ See Ofcom Sanction 119 (20) [Khalsa Television Limited Sanction Decision](#)

74. **Radio Ikhlas Limited (19 December 2018):** Referring to Ofcom’s enforcement action against Radio Ikhlas, the Licensee said the “content which breached the Code was a sustained and highly critical attac[k] which lasted for 21 minutes” and also that the breaches were “intentional or, at the very least, reckless and that the presenter of the programme deliberately engaged in hate speech during the programme”. Ahlebait said *20th Hour* was “much shorter and the comments were made by contributors rather than the presenter” and acknowledged “it should have done more to challenge the guest’s views, [but] it was hamstrung by the technical issues”. Further, it added that it “issued a meaningful apology on three occasions [...] and it has no other breaches on its record so far”.
75. **Karimia Limited (27 February 2018):** In reference to Ofcom’s enforcement against Karimia Limited, Ahlebait said that: “[i]n this instance Ofcom took particular account of the steps which were taken since the breach occurred to improve compliance processes and also noted that the licensee did not have a history of contraventions of the Code”. Ahlebait said these factors were “similar” to their own case in that it had “previously had an unblemished record” and had “taken these breaches extremely seriously, taking steps to improve its compliance even before Ofcom contacted [them] regarding the complaint”.
76. **Islam Channel Ltd (3 November 2020):** Referring to Ofcom’s enforcement action against Islam Channel Ltd, the Licensee said: “[t]his case can be contrasted with the current matter in that [they] identified the breaches of the [C]ode immediately and took steps to remove the programme [even] before it was aware of the Ofcom investigation and complaint”. It added that they “broadcast an apology much more swiftly [than the Islam Channel] after the initial Programme was broadcast” and that the programme on the Islam Channel was “pre-recorded, rather than a live debate”. It also highlighted the Islam’s Channel’s “history of contraventions”. It added that if a fine was to be imposed “it should be a significantly lower level than applied in this case [of the Islam Channel] to reflect [Ahlebait’s] unblemished compliance record, the swift actions it took following the broadcast, its acceptance of the breaches and its cooperation with the investigation”.
77. **Rinse FM (7 March 2022):** Referring to Ofcom’s enforcement action against Rinse FM, the Licensee said: “[i]n coming to this decision Ofcom considered the fact that the content of concern was brief and not repeated. Ofcom also noted that the programme’s purpose was not to express hatred of Jewish people but to celebrate Black culture”. Referring to the material broadcast in the *20th Hour* programme, the Licensee said that “the purpose of the programme was not to express hatred of Jewish people but to have a discussion about money within Islamic culture and law”. It added that Ahlebait TV is a “Shia [Muslim] TV channel with a relatively small audience compared to national channels” and said in their view a “similar sanction would be appropriate in this case”.
78. **Khalsa TV (KTV) (12 February 2021):** In reference to KTV, Ahlebait said that the “content complained of in this case [a live discussion programme, *Panthak Masle*] occurred throughout the programme and the breaches were acknowledged by Ofcom to be ‘very serious’”. Ahlebait highlighted KTV’s compliance history which it described as having “breach[ed] licence conditions and Code rules 17 times in a relatively short period of time”. It added that KTV had “not implemented measures to prevent future breaches” and “did not cooperate fully with the original investigations”. Ahlebait said this was “in very sharp contrast to [their] record and lack of previous breaches, its cooperation with Ofcom’s investigation, its acknowledgement that the [p]rogramme content breached the [C]ode and its commitment to prevent future breaches occurring” and it was their view that any financial penalty imposed “should be significantly less”.

79. Finally, Ahlebait said it was their view that “any financial penalty should only be a relatively minimal one and significantly less than the penalties imposed on Islam Channel Limited and [KTV], given there were aggravating factors in those instances (repeated contraventions, and failures to cooperate with the investigation) which were not present in [Ahlebait’s] case”.

Ahlebeit’s financial position:

80. Ahlebait said that its financial position “is not strong” and if Ofcom decided to impose a fine “which was anything higher than a minimal level it would [...] have severe financial consequences”. It said that in the event a fine was “substantial, Ofcom might well force Ahlebait off the air, meaning that it was in effect revoking its licence”. It said that “[s]uch an effect would of course be significantly disproportionate and an inappropriate interference with the right to freedom of expression of the Licensee and its audience”. It highlighted Ofcom’s obligations to apply “its standards in a way which best guarantees freedom of expression by virtue of section 3(4)(g) of the Communications Act 2003”. It added that “[r]evocation would also materially and adversely affect the right to freedom of religion of the Licensee and its audience, bearing in mind Ahlebait is an Islamic channel and broadcasts a number of religious programmes (Article 9, ECHR)”.

81. We therefore went on to consider the above representations as part of our consideration of what, if any, sanction is proportionate in this case.

Ofcom’s Decision to Impose a Statutory Sanction

82. As set out in paragraph 1.13 of the Sanctions Procedures, the imposition of a sanction against a broadcaster is a serious matter. Ofcom may, following due process, impose a sanction if it considers that a broadcaster has seriously, deliberately, repeatedly or recklessly breached a relevant requirement.

Serious nature of the breaches

83. We considered the breaches were serious. We considered that the programme contained uncontextualised antisemitic hate speech which amounted to abusive or derogatory treatment of Jewish people. We therefore considered that this programme contained statements which justified the hatred of Jewish people based on intolerance on the grounds of ethnicity, race, religion or belief.

84. Ofcom considers the potential harm arising from breaches relating to hate speech is usually serious, and that in this case it was serious. We considered that the 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 programme¹⁶. While we recognised that the content in this case was not an incitement to violence, we considered the comments had the clear potential to promote, encourage and incite intolerance towards Jewish people. The content was also derogatory and abusive to Jewish people, with the potential to cause significant offence.

¹⁶ See, for example, page 80 onwards of Antisemitism – [Overview of 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.

85. We took into account the genre and editorial premise of the programme and the likely audience expectations of this channel. We recognised that Ahlebait TV has an Islamic focus and that *20th Hour* is a live, current affairs discussion programme. We acknowledged that the audience could expect contributors to discuss their views of the traditional monetary systems and how they were used by some countries to exert power over other countries. We also acknowledged that audience members would expect a discussion about the role Islam could play in achieving a fairer world order 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 religious, 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.
86. Ofcom acknowledged the Licensee's representations that the guests were not figures of religious authority. However, we considered both guests were presented as regular contributors to the programme and experts in their field in whom the audience could place trust.
87. We took into account that the antisemitic comments made by the guests were fairly brief in the context of the programme as a whole. However, Ofcom considered the hate speech contained in this programme was not justified by the context of the debate about monetary 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. Ofcom also took into account that the impact of the antisemitic comments was heightened by the fact they received no challenge from the presenter and were met with approval from the other guest.
88. Given the evidence suggesting an increase in antisemitic hate crimes in the UK in recent years up to the date of broadcast of this programme, and in view of the factors set out above, Ofcom considered that the breaches were serious and warranted the imposition of a statutory sanction in accordance with our procedures.
89. We did not consider the breaches to be repeated, reckless or deliberate.
90. In view of the factors set out above, Ofcom considered that the breaches were serious and warranted the imposition of a statutory sanction. The following paragraphs set out the enforcement action we considered and the sanctions we decided to impose.

Imposition of sanctions other than a financial penalty

Direction to Licensee to take remedial action

91. Section 236 of the Act provides Ofcom with the power to direct the holder of a TLCS licence to broadcast a correction or a statement of Ofcom's findings (or both), or not to repeat a programme which was in contravention of a licence condition.
92. While we acknowledged the Licensee has advised Ofcom that it had already taken the decision not to repeat the programme, Ofcom considered a direction not to repeat the programme would be appropriate in this case given the serious nature of the breach involving uncontextualised hate speech.
93. The purpose of directing a licensee to broadcast a statement of Ofcom's findings in relation to harmful breaches is to inform audiences of Ofcom's findings and ensure they are aware of the specific way in which the programme breached the Code. Ofcom considers the burden on licensees of being subject to a direction of this kind is not great, while the benefit in terms of audience protection is clear. We took into account the Licensee broadcast an apology on

Sunday 13 June 2021 at 18:05 and 20:05 and then again on Monday 14 June 2021 at 19:05. However, this was almost three months after the breaches occurred and as such Ofcom did not think this apology on its own was sufficient to mitigate the potential harm and offence the breaches could have caused (paragraph 57).

94. We therefore considered that directing the Licensee to broadcast a statement of Ofcom's findings would be appropriate, in order to bring Ofcom's action in response to the breach to the attention of viewers.
95. Ofcom also considered that, on its own, a direction to broadcast a statement of Ofcom's findings would be an insufficient statutory sanction to reflect the seriousness of the breaches in this case. Therefore, in reaching its Sanction Decision, Ofcom considered that a direction to broadcast a statement of Ofcom's findings should be combined with another category of sanction.
96. Ofcom next considered whether it would be appropriate to determine that a financial penalty should be applied in this case.

Imposition of a financial penalty

97. Under section 237 of the Act, Ofcom has the power to impose a financial penalty on the holder of a TLCS licence where it is satisfied the licensee has contravened a condition of its licence. The maximum level of a financial penalty that can be imposed on the holder of a TLCS licence in respect of each contravention of a TLCS licence condition is £250,000 or five per cent of the licensee's qualifying revenue relating to its last complete accounting period for which its licence has been in force, whichever is greater.
98. In light of the Licensee's qualifying revenue for this period for the licensed service, the maximum penalty that Ofcom could impose is £250,000 in respect of the contravention in this case.
99. Ofcom took into account the Licensee's representations on its financial position which it described as "not strong". The Licensee said a substantial fine could have "severe financial consequences" for it that could potentially "force Ahlebait off the air" which it said would effectively be revoking the licence. It said that such consequence would be significantly disproportionate and an inappropriate interference with the right to freedom of expression of the Licensee and its audience.
100. Ofcom's Penalty Guidelines state at paragraph 1.11 that: "Ofcom will consider all the circumstances of the case in the round in order to determine the appropriate and proportionate amount of any penalty. The central objective of imposing a penalty is deterrence. The amount of any penalty must be sufficient to ensure that it will act as an effective incentive to compliance, having regard to the seriousness of the infringement. Ofcom will have regard to the size and turnover of the regulated body when considering the deterrent effect of any penalty".
101. In this case, Ofcom's Decision is that a financial penalty is necessary to reflect the serious nature of the Code breach recorded against the Licensee, and to act as an effective incentive to comply with the Code, both for Ahlebait and other licensees.

Factors taken into account in determining the amount of a penalty

102. In considering the appropriate amount of a financial penalty for the Code breaches in this case, Ofcom took account of the specific relevant factors set out at paragraph 1.12 of the Penalty Guidelines as set out below.

The seriousness and duration of the contravention

103. Ofcom regarded the breaches to be serious for the reasons set out in paragraphs 83 to 88 above. In considering the appropriate amount of a financial penalty, we recognised that this

was a live, unscripted discussion lasting 52 minutes and the antisemitic material was relatively brief within that overall discussion. While Ofcom has taken into account the relative brevity of the statements, we did not think this alone was sufficient to mitigate the potential harm and offence from this material. As such, we were concerned by the fact the Licensee had broadcast this content without challenge or context, which in Ofcom's view constituted hate speech against and abuse or derogatory treatment of Jewish people. We considered this content had the clear potential to cause both harm and offence.

104. The Breach Decision related to material broadcast on 21 March 2021. We are not aware of the material having been broadcast again and as referenced in paragraph 53, the Licensee confirmed it had not repeated the programme and the 20th Hour series had been suspended.

The degree of harm, whether actual or potential, caused by the contravention, including any increased cost incurred by consumers or other market participants

105. Ofcom is mindful of its duties under section 3(2)(e) of the Act to secure, in the carrying out of its functions, the application, in the case of all television and radio services, of standards that provide adequate protection to members of the public from the inclusion of offensive and harmful material in such services.

106. In this case, we considered that the risk of the material causing harm was particularly high given that statements constituting hate speech against and abusive treatment of Jewish people were made by guests who were regular programme contributors and presented to the audience as being experts in their field. Further, the programme contained no material which provided context, challenge or criticism of the hate speech against Jewish people, nor any invitation for contrary views to be put forward.

107. We considered that this content would have been highly offensive to viewers and we were concerned that it had the potential to aggravate religious tensions between Muslim people and members of the Jewish community in the UK. As stated above (paragraph 84) there has been a rise in antisemitic hate crimes in the UK in recent years – and while we recognise this content did not incite violence, we considered the comments had the clear potential to promote, encourage and incite intolerance towards Jewish people.

Any gain (financial or otherwise) made by the regulated body in breach (or any connected body) as a result of the contravention

108. We have no evidence to suggest that the Licensee made any financial or other gain from this breach of the Code. The Licensee also confirmed to Ofcom that it did not make any financial gain or other gain from this contravention (paragraph 58).

Whether in all the circumstances appropriate steps had been taken by the regulated body to prevent the contravention.

109. As outlined in paragraphs 59 and 60, the Licensee said that, given the nature of the programme was unscripted and "free-flowing", it was "impossible to predict with certainty what the guest contributors might say and the topics they might mention". However, it was not its "intention or expectation" that the programme would contain antisemitic material. The Licensee confirmed that the guests, who had both appeared on Ahlebait TV previously, were given "written guidance about the Broadcasting Code" and were both "talked through the guidance ahead of the live broadcast".

110. As set out in paragraph 61, the Licensee said its Programme Controller was monitoring the live programme on 21 March 2021 but was working remotely because of the Coronavirus pandemic and was "hamstrung" by "technical issues" and was therefore unable to raise their concerns about the comments while the programme was being broadcast. However, the Licensee said

that concerns were raised immediately after the broadcast and steps were taken to prevent the programme from being repeated.

111. However, the breach appears to have involved two compliance failures. We were concerned that Mr Pidcock's comments received no challenge from the presenter during the programme 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"). Ofcom understands that live, unscripted discussion programmes can present challenges for broadcasters. However the antisemitic comments in this case were so clear that we would expect any appropriately trained presenter to identify them as a problem and take steps to contextualise them. While Ofcom welcomed the Licensee's commitment to provide further compliance training for the presenter (paragraph 67), we remain concerned that in this case, the presenter did not provide any challenge to the statements during the live programme which could have mitigated the harm and offence caused, and we consider this shows that appropriate steps had not been taken to prevent the contravention.
112. Ofcom recognised that the Licensee did have compliance measures in place to monitor the live programme's output. Ofcom also understood the challenges faced by broadcasters during the Coronavirus pandemic and acknowledged this broadcast on 21 March 2021 occurred towards the end of the third national lockdown in England when there were restrictions on meeting people indoors still in place¹⁷. While Ofcom accepted the technical failure was beyond the control of the Licensee, we remained concerned that the Licensee had not appropriately trained its presenter.

The extent to which the contravention occurred deliberately or recklessly, including the extent to which senior management knew, or ought to have known, that a contravention was occurring or would occur

113. We have no evidence to suggest the breach occurred deliberately or recklessly.

Whether the contravention in question continued, or timely and effective steps were taken to end it, once the regulated body became aware of it

114. The breach consisted of a single broadcast on 21 March 2021 which by its nature was not ongoing. Ofcom acknowledged the harmful and offensive antisemitic material was relatively brief within the 52 minute programme. As stated in paragraph 61 the Licensee told Ofcom that the Programme Controller was monitoring the live broadcast remotely because of the Coronavirus pandemic but he was unable to alert the presenter to his concerns about the content during the live broadcast due to technical issues.
115. After the programme was broadcast, the Licensee said steps were immediately taken to prevent the programme from being repeated prior to Ofcom notifying them of the issue. The Licensee said it had suspended the programme and issued an apology to viewers on 13 and 14 June 2021 about the content broadcast on 21 March 2021.

¹⁷ On 22 February 2021 the Government announced a "roadmap" out of the third national lockdown which had been in place since 4 January 2021. The first milestone for this roadmap was schools reopening on 8 March 2021: <https://www.gov.uk/government/publications/covid-19-response-spring-2021/covid-19-response-spring-2021-summary>.

Any steps taken for remedying the consequences of the contravention

116. As stated in paragraph 57 we have taken into account that Ahlebait TV broadcast an apology to viewers for the material on 13 and 14 June 2021. However, Ofcom took into account that these were broadcast almost three months after the programme was broadcast on 21 March 2021 and only after the Licensee was made aware of Ofcom's investigation.

117. As set out in paragraph 67, the Licensee told Ofcom that it had implemented a panel to investigate the contravention to "learn lessons and introduced immediate changes to compliance". These changes were that going forward:

- presenters 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 Code before broadcast;
- the 20th Hour programme strand has been suspended unless and until appropriate measures and resources have been put in place to appropriately supervise and conduct the programme in the future;
- further compliance training on the Code will be given to Mohsin Abbas, the presenter of the programme;
- all presenters of live Ahlebait programmes must operate from studios unless there are extenuating circumstances which make this impossible; and
- it had adopted the IHRA working definition of antisemitism and this would be included in its broadcast guidelines provided to presenters and guests ahead of every programme.

Whether the regulated body in breach has a history of contraventions (repeated contraventions may lead to significantly increased penalties)

119 As set out in paragraph 51, Ahlebait asked Ofcom to take its previous compliance record into account, stating that it had an "unblemished compliance record during the ten years under its current management".

120 Ofcom recorded two Code breach findings against Ahlebait TV for two broadcasts in 2009¹⁸ and 2010¹⁹ which both related to commercial references and occurred more than 10 years ago, when the Licensee was under different management. We did not consider it appropriate to place weight on these breaches for the purposes of the current proceedings.

121 In July 2012, Ofcom Resolved its investigation into a late return of Relevant Turnover under Condition 4(2) of Ahlebait's licence²⁰. In September 2021 we published a breach decision into the retention and production of recordings²¹ for providing an altered recording to Ofcom for the material later found in breach of the Code and the subject of this sanction. Following investigation Ofcom found Ahlebait in breach of Conditions 11(1) and 11(2)(b) of its Licence – see paragraph 124 below for further details on this matter.

122 We have taken into account that that these breaches were the first of the Code under the current management and the first involving hate speech. Ofcom acknowledged that until these breaches occurred, the Licensee had a good compliance history.

¹⁸ See [Issue 147 Ofcom's Broadcast Bulletin](#), 7 December 2009

¹⁹ See [Issue 176 Ofcom's Broadcast Bulletin](#), 21 February 2011

²⁰ See [Issue 209 Ofcom's Broadcast Bulletin](#), 9 July 2012

²¹ See [Issue 434 Ofcom's Broadcast and On Demand Bulletin](#), 13 September 2021

123 However, reflecting Ofcom's view that breaches in relation to hate speech are usually serious, Ofcom can and has previously imposed statutory sanctions on licensees for a first breach in this area²².

The extent to which the regulated body in breach has cooperated with our investigation

124 When Ofcom requested a recording of the live 20th Hour programme broadcast on 21 March 2021, the Licensee initially sent us a recording of the programme which it had edited post-broadcast. The Licensee informed Ofcom that this had occurred to create a version of the programme for future broadcast but it was later decided it should not be repeated. This failure to provide Ofcom with the broadcast was the subject of a separate investigation by Ofcom's Broadcast Licensing team and Ahlebait was found in breach of Licence Conditions 11(1) and 11(2)(b). Ofcom concluded that this breach was particularly serious because it impeded Ofcom's ability to assess whether the broadcast raised potential issues under the Code and therefore affected Ofcom's ability to carry out its statutory duties in regulating the broadcast content. However, Ofcom later reminded all its Licensees that retention and production of recordings was a requirement under an Ofcom licence and failure to do would be considered a significant breach of Licence Conditions and may result in Ofcom taking further regulatory action in the form of an imposition of a statutory sanction²³. The breach took place prior to this reminder and so we did not place weight on it in determining the appropriate level of sanction in this case.

125 Subsequently, in Ofcom's opinion, the Licensee has cooperated with its investigation. For example, it has provided full representations in response to Ofcom's formal requests for information relating to the material broadcast and the service in general.

126 The Licensee responded in full and in a timely manner to a formal request for financial information by Ofcom's deadline.

Precedent

127 In accordance with the Penalty Guidelines, in coming to this Decision, Ofcom has had regard to relevant precedents set by previous cases.

128 Ofcom amended its Penalty Guidelines on 3 December 2015 and on 14 September 2017. Both times, this was to ensure penalties had an appropriate deterrent effect. On 14 September 2017 the update was, in particular, to ensure that we could impose penalties at the appropriate level effectively to deter contraventions of regulatory requirements. As such, precedents pre-dating these revisions are of less relevance.

129 As summarised in paragraphs 72 to 78, Ahlebait provided representations to Ofcom on five precedent cases which it considered relevant to Ofcom's deliberations on this matter. In light of the Licensee's representations, Ofcom first considered these precedent cases. These were Radio Ikhlas Limited, Karimia Limited, Islam Channel Ltd, Rinse FM Limited and Khalsa Television Limited (KTV):

130 **19 December 2018, Radio Ikhlas Limited**²⁴ – Ofcom imposed a penalty of £10,000 and directed the licensee to broadcast a statement of Ofcom's findings for breaching Rules 2.3, 3.2 and 3.3. The presenter of a phone-in programme had discussed the beliefs of the Ahmadiyya community in offensive and pejorative terms. Ofcom found that the licensee had failed to identify that the presenter lacked understanding of the Code. Ofcom found that the material constituted hate speech which was intended to spread, incite, promote or justify hatred against Ahmadi people

²² See for example our decisions in relation to [Kanshi Radio Limited](#) (July 2017); [Radio Ikhlas](#) (December 2018); [Islam Channel Limited](#) (November 2020); and [Rinse FM](#) (March 2022).

²³ See [Ofcom's Note to Broadcasters](#), 25 July 2022

²⁴ See footnote 11

on religious grounds. The licensee failed to monitor its live output on the day of the contravention, and it did not broadcast an apology for over a month after Ofcom had contacted it about the programme. This was the first breach of our rules for hate speech by the licensee.

- 131 Ofcom agreed that the hate speech in the current case was “much shorter” when compared to the hate speech in the Radio Ikhlas Limited case which was sustained for 21 minutes. Also, in the Radio Ikhlas Limited case the hate speech was made by the presenter, rather than programme guests as in the current case. Ofcom acknowledged Ahlebait did have compliance procedures in place to monitor its live output during the 21 March 2021 programme, albeit they failed, but also took into account the presenter did not challenge or contextualise the antisemitic statements during the programme. Radio Ikhlas Limited was a community radio station and not a television service.
- 132 **27 February 2019, Karimia Limited**²⁵ – Ofcom fined Nottingham based community radio station, Radio Dawn, £2,000 and directed the licensee to broadcast a statement of Ofcom’s findings after a Nasheed was broadcast which breached Rules 2.3, 3.1, 3.2 and 3.3 of the Code. On 26 December 2016 at 16:00, the licensee broadcast a series of three Nasheeds.
- 133 Ofcom considered Karimia Limited involved very different material from the current matter in that it was a piece of music which was found in breach, it involved material found to be a breach of Rule 3.1 and the material found in breach of the Code was more sustained, lasting 17 minutes. Karimia Limited is a community radio station.
- 134 **3 November 2020, Islam Channel Ltd**²⁶ – Ofcom imposed a penalty of £20,000, a direction to broadcast a statement of findings for breaching Rules 2.3, 3.2 and 3.3 and a direction not to repeat the programme. A segment of an episode of *The Rightly Guided Khalifas*, a religious education series on the history of the Qur’an, ascribed a perpetually negative characteristic to Jewish people; namely corrupting Holy Books and seeking the destruction of Islam in both ancient and more recent times. It conflated Israel and Jewish people, characterising Jewish people as “*tyrannical*” and having an “*evil mind*”. The programme also used further negative and stereotypical terms to describe Jewish people. We considered this programme promoted and justified hatred towards Jewish people and therefore constituted hate speech. Ofcom considered that the antisemitic hate speech and other material broadcast in the programme that was abusive or derogatory about Jewish people would have been both harmful and highly offensive to some viewers of the programme and potentially damaging to relationships between Jewish and Muslim communities.
- 135 Ofcom considered that there were some similarities to the current case given the breach material was found in breach of the same Code rules and involved antisemitic hate speech. Ofcom agreed the compliance history of Ahlebait compares favourably with the compliance history of the Islam Channel Ltd at the time, although in both cases this was the first breach involving hate speech. Ofcom acknowledged the Licensee’s representations that in the Islam Channel Ltd case an apology was issued nine months after the breach material was broadcast, but observed that in the current case Ahlebait issued an apology almost three months after the breach material was broadcast. In the Islam channel case, the material was not a live broadcast.
- 136 **7 March 2022, Rinse FM Limited (Rinse FM)**²⁷ – Ofcom directed Rinse FM Limited to broadcast a statement of Ofcom’s findings for breaching Rules 3.2, 3.3 and 2.3. Rinse FM broadcast a music programme which included the track “Better in Tune with the Infinite” by hip hop artist Jay Electronica, which contained antisemitic lyrics. Ofcom found that the programme, through the inclusion of lyrics in this track, contained antisemitic hate speech and abusive and

²⁵ See footnote 12

²⁶ See footnote 13

²⁷ See footnote 14

derogatory treatment of Jewish people, which was not sufficiently justified by the context and was therefore also potentially highly offensive.

- 137 Ofcom accepted that there were similarities between this precedent case and the current matter in that both cases involved breaches of the same rules of the Code and involved hate speech against the Jewish community, although Rinse FM Limited is a community radio station and not a television service. In both cases the material relating to the breach was relatively brief within the whole programme and the breach had not been repeated. However, Ofcom was mindful that the material in the Rinse FM case involved the broadcast of a single hip hop music track without comment, within a much longer music programme. The current case is a current affairs discussion programme in which the antisemitic comments were part of the discussion.
- 138 **12 February 2021, KTV²⁸** – Ofcom fined Khalsa Television Limited (KTV) £30,000 after it found a live discussion programme, *Panthak Masle* featured a number of statements which were likely to incite crime or lead to disorder. Ofcom found this programme breached Rules 2.1, 2.3 and 3.1 of the Code. Ofcom agreed with Ahlebait’s representations that this case was in “sharp contrast” to the current matter, given the nature of the breach, the fact it was sustained throughout the programme, KTV’s poor co-operation with the investigation and its exceptionally poor compliance history.
- 139 Ofcom went on to consider other precedent cases which we considered relevant on their facts to the current case. A full list of Ofcom’s previous recent sanctions decisions is published on Ofcom’s website²⁹.
- 140 **27 June 2019, Trace World UK (Starz)³⁰** – Ofcom directed the licensee to broadcast a statement of Ofcom’s findings for breaches of Rules 1.2, 4.2 and 4.8 the BCAP Code (The UK Code of Broadcast Advertising). The breaches related to an image submitted by a viewer alongside a music video depicting a cartoon caricature of a Jewish person based on racist stereotypes. The image was likely to have been interpreted by viewers as being highly offensive and antisemitic. It was repeatedly reshown in rotation with photographs submitted by other viewers. Ofcom took into account that the breach was not deliberate, reckless or repeated, and that the licensee had deleted the image, broadcast an on-screen apology 25 minutes after the last broadcast of the image, and improved its compliance. We also took into account that the material did not derive from a respected source which would lend it additional credibility and religious or moral weight. We noted that the breach appeared to have resulted from an isolated lapse of judgement of a single moderator against a backdrop of the rejection of a large number of viewer contributions as part of an established compliance process and structure for monitoring viewer contributions. We decided to direct the licensee to broadcast a summary of the breach decision rather than to impose a financial penalty.
- 141 **22 December 2020, Worldview Media Network Limited (Republic Bharat)³¹** – Ofcom imposed a financial penalty of £20,000 and a direction to broadcast a statement of findings for breaches of Rules 2.3, 3.2 and 3.3. Ofcom found that an episode of the programme *Poochta Hai Bharat*, a daily current affairs discussion programme in Hindi, contained uncontextualised hate speech which was also potentially highly offensive. In the programme, the presenter and some of the guests conveyed the view that all Pakistani people are terrorists and featured further derogatory statements regarding Pakistani people. We considered these statements to be expressions of hatred based on intolerance of Pakistani people due to their nationality alone, and that the broadcast of these statements spread, incited, promoted and justified such

²⁸ See footnote 15

²⁹ See Ofcom’s [Broadcasting and On Demand Sanction Decisions](#) Archived older decisions are linked from that page.

³⁰ See Ofcom’s Sanction 113 (19): [Trace UK World Ltd. Sanction Decision](#)

³¹ See Ofcom’s Sanction 137(20): [Worldview Media Network Limited](#)

intolerance towards Pakistani people among viewers. There was a sustained and repeated attack on Pakistani people throughout the programme. Ofcom considered these breaches to be extremely serious.

142 We note that, as set out in the Penalty Guidelines, Ofcom may depart from these cases depending on the facts and context of the case under consideration.

The size and turnover of the regulated body when considering the deterrent effect of any penalty

143 As set out in our Penalty Guidelines, the central objective of imposing a penalty is deterrence. The amount of any penalty must be sufficient to ensure that it will act as an effective incentive to compliance, having regard to the seriousness of the infringement. In considering what financial penalty is proportionate and will have a deterrent effect, we have taken into account that Ahlebait's accounts for the last complete accounting period (to 30 June 2022), show qualifying revenue of ["CONFIDENTIAL"].

144 As outlined above (paragraph 80) Ahlebait told Ofcom that its financial position "is not strong" and if Ofcom decided to impose a fine "which was anything higher than a minimal level it would have severe financial consequences". It said that in the event a fine was "substantial, Ofcom might well force Ahlebait off the air, meaning that it was in effect revoking its licence". Ofcom considered:

- ["CONFIDENTIAL"]
- ["CONFIDENTIAL"]
- ["CONFIDENTIAL"]

Decision

145 Having regard to all the circumstances referred to above, including the need to achieve an appropriate level of deterrence to both the Licensee and other broadcasters and the serious nature of the Code breaches in this case, and all the representations to date from the Licensee, Ofcom's Decision is that an appropriate and proportionate sanction would be a financial penalty of £10,000. In addition, Ofcom considers that the Licensee should be directed not to repeat the programme and to broadcast a statement of Ofcom's findings in this case, on a date and in a form to be determined by Ofcom.

Ofcom

25 April 2023