

Ofcom Broadcast and On Demand Bulletin

Issue 446
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Nadim Malik Live

Type of case	Broadcast Standards
Decision	In Breach
Service	Samaa TV
Date & time	5 May 2020, 16:00; 6 May 2020, 16:00
Category	Hate speech Abusive and derogatory treatment Generally accepted standards
Summary	Two consecutive editions of a weekday current affairs discussion programme included statements which amounted to hate speech against, and, derogatory and abusive treatment of, Ahmadi and Jewish people. The content was not sufficiently justified by the context. In breach of Rules 3.2, 3.3 and 2.3 of the Broadcasting Code.

Introduction

Samaa TV, which changed its name on 1 August 2021 to Neo News, is a satellite television channel broadcasting predominantly in Urdu. The licence for this service is held by Up and Coming TV Limited (“Up and Coming TV” or “the Licensee”).

Nadim Malik Live is a one-hour, weekday Pakistani current affairs discussion programme. The above programmes were broadcast respectively on 5 and 6 May 2020 in Urdu. Both programmes included a discussion of a controversy surrounding the potential inclusion of Ahmadi representatives in the National Commission for Minorities (“the Minorities Commission”), which had been recently established in Pakistan. Both programmes included contributions from representatives of political parties in Pakistan.

Ofcom received 13 complaints about the above programmes, including that they contained statements that amounted to hate speech and were likely to encourage or incite attacks against

Ahmadi people in the UK. When making their complaints to Ofcom, complainants referred to the 2016 sectarian murder of Ahmadi shopkeeper Asad Shah in Glasgow¹.

Ofcom commissioned an independent translation of each programme. The Licensee did not dispute or suggest any changes to the accuracy of the translations, and we therefore relied on these translations for the purposes of our investigation.

Background

The Ahmadiyya movement identifies as a Muslim movement which follows the teachings of the Qur'an. However, it is regarded as heretical by some Muslims due to its interpretation of the concept of the finality of prophethood. Islamic opinion holds that there will be no prophets after the Prophet Muhammad, a concept described as “Khatme Nabuwwat” or the “finality of prophethood”. The Ahmadiyya movement believes that, while there will be no law-giving prophets after Muhammad, “non-legislating” prophets can come from within Islam as reformers and with the sole purpose of reviving Islam². There are Ahmadiyya communities around the world. Ahmadiyya communities face restrictions in many Muslim countries because of their religious beliefs around the finality of prophethood, and there have been reports of persecution and discrimination including in Pakistan³ and in the UK⁴.

The Programmes

Nadim Malik Live, 5 May 2020, 16:00

In his opening monologue, the host Nadeem Malik (“the host” or “Mr Malik”) stated that the programme would be discussing two issues, namely:

- the Pakistani Government’s handling of the coronavirus pandemic; and
- how and why attempts had been made to include representatives of the Ahmadiyya community – referred to by the host as “Qadianis”⁵ – in the Minorities Commission in Pakistan, which Pakistan’s Supreme Court had directed the Government to form in 2014⁶.

Mr Malik said that Ahmadi people could not gain representation in the Minorities Commission “*through underhand means, which is how it happened*”. He added that he was “*very angry*” when he

¹ See [Man who murdered Glasgow shopkeeper Asad Shah in sectarian attack jailed](#), The Guardian, 9 August 2016.

² See: “[Ahmadis](#)”, Oxford Islamic Studies Online.

³ For example: [Pakistan’s Ahmadi community faces growing discrimination, report says](#), Reuters, 6 May 2019.

⁴ For example: [Ahmadi mosques on guard over death threats from Muslims](#), The Times, 26 November 2017.

⁵ Ofcom understands that the term “Qadiani” is used by some to refer to Ahmadi people, but is regarded as pejorative by the Ahmadiyya community. The Licensee commented on this issue in its representations, and we have considered its comments in this Decision.

⁶ The Pakistani Supreme Court said that the aim of this commission should be to “monitor the practical realisation of the rights and safeguards provided to the minorities under the Constitution and law”. See: [USCIRF Welcomes Establishment of Pakistan’s National Commission of Minorities as a First Step](#), United States Commission on International Religious Freedom.

found out that the Pakistani Minister of Religious Affairs, Noor ul Haq Qadri (“the Minister for Religious Affairs”), *“while being a religious figure, decided to succumb to these underhand measures”*. The host then gave an account of the *“initial information”* he had about this. He said that an initial Pakistani Government *“summary”*⁷ had excluded the representation of Ahmadi people in the Minorities Commission, but that the Pakistani cabinet had endorsed the inclusion of their representation in the Minorities Commission following a note from the Ministry of Human Rights. The host also said that Noor ul Haq Qadri had made a note of his disagreement with this decision. The host added that following *“uproar in the media”* and *“people...screaming and shouting”*, the cabinet had denied the inclusion of the representation of Ahmadi people in the Minorities Commission and then had passed a second summary⁸ which had removed the inclusion of the representation of Ahmadi people in the Minorities Commission. He asked who was *“behind this”* and who had *“work[ed] behind the scenes [to include Ahmadi representation in the Minorities Commission]”*. He said there had been a *“similar controversy”* in the past, which he described and blamed for creating *“bitterness”* and *“so much hatred”*. He ended his introduction with, *“So let us come back to today’s main topic. The main topic is the spread of coronavirus across the country”*.

The remaining part of the programme involved three guest contributors: Ali Abbasi, a representative of the current Pakistan Tehreek-e-Insaf (“PTI”) Government; Muhammad Zubair, a representative of the Pakistan Muslim League (N) party (“the PML-N”) opposition; and Palwasha Khan, a representative of the Pakistan People’s Party (“the PPP”) opposition.

Ali Abbasi began to speak about the handling of the coronavirus pandemic, but was quickly interrupted by other guests as follows:

Sadaqat Ali Abbasi: *“Imran Khan [the Pakistani Prime Minister] agreed that we will restrict social activities, however we...cannot stop coronavirus by placing restrictions on workers doing manual labour, and those living in slums. After fifteen days Imran Khan gave us the vision”*.

Muhammad Zubair: *“You did not do this in Islamabad [crosstalk] You did not do this in Islamabad”*.

Palwasha Khan: *“Whose vision was it that the finality of prophethood [inaudible/crosstalk]”*.

Muhammad Zubair: *“Which restaurants are open in Islamabad?”*

Sadaqat Ali Abbasi: *“It is a controlled lockdown. Restrictions are being gradually eased”*.

Nadim Malik: *“Palwasha?”*

⁷ An official Pakistan Government document issued by ministries and departments on important issues. It often contains recommendations and decisions that require approval from the cabinet and prime minister.

⁸ Cabinet approval of a summary is called “passing a summary”.

Palwasha Khan: *"Whose vision was it that the finality of prophethood [crosstalk]"*.

Muhammad Zubair: *"What is the difference between Karachi and Islamabad, [crosstalk] tell me this?"*

Palwasha Khan: *"What kind of 'brave' leader is this? What kind of state is this? I ask this".*

Muhammad Zubair: *"What is the difference between Islamabad and Karachi?"*

Palwasha Khan: *"I am very clear on this topic. I am a Muslim and on this my parents and children are".*

At this point all attempts to discuss the coronavirus ceased. The guests continued to argue directly with one another, during which Ali Abbasi said that what Palwasha Khan was talking about *"is a lie"* and urged her to *"read the Federal Minister's tweet"*, Palwasha Khan asserted her own religious faith and stated, *"They speak lies"*, and the host interjected, *"Please let me ask the questions. Please let me ask the questions"*.

The host urged Palwasha Khan to *"Request Bilawal Bhutto⁹ to hold a press conference on this issue and ask the Government for details on this"* and said that he wanted to know *"how did Qadianis end up being included"* in the legislative bill listing the religious minorities to be represented in the Minorities Commission.

Palwasha Khan referred to the shooting of a Federal Minister¹⁰ and the host commented that *"so much hatred had spread across the country"* as a result of that incident. Palwasha Khan commented that while in opposition, the PTI and Imran Khan had said *"I want to sit with them"* [i.e. the Ahmadi community to discuss a matter], but their present actions while in power were *"behind closed doors"*. Another guest, Sadaqat Ali Abbasi, a representative of PTI, offered to read out a Government statement on the matter, but Palwasha Khan said, pointing her finger and raising her voice:

"Please tell him to let me finish. He talks throughout the entire programme, tell him to speak when it's his turn. Who is working behind closed doors? It is their job to tell us today. The second point is, under whose agenda are these sorts of happenings taking place. This is the very same agenda which Hakim Saeed¹¹ alluded to in his book¹², 21 to 22

⁹ Bilawal Bhutto is the Chairman of the PPP.

¹⁰ Ofcom understands that this was a reference to what appeared to be an assassination attempt on the former Pakistani Interior Minister, Ahsan Iqbal. See: [Pakistani interior minister shot by man linked to new religious party – report](#), Reuters, 6 May 2018.

¹¹ Hakim Saeed (1920 – 1998) was a prominent researcher in the field of Eastern medicines; an author and travelogue writer; and Governor of Sindh Province from 1993 to 1994. He was assassinated at the age of 78. See: [Tribute: Hakim Mohammad Said: Serving humanity](#), Dawn, 16 October 2011.

¹² Ofcom does not have access to, and has not read, this book.

years ago. This is the very same agenda which Doctor Israr¹³ had pointed to in his statement, which I watched today. He had named those behind it. It was the agenda of the Jews. It is the agenda of the Christians. This is written in the Qur'an. This is the very same Rothschild agenda. This is that very same agenda, upon which their beliefs are based".

Sadaqat Ali Abbasi said, *"Can I speak? I will give you the governmental position"* and Palwasha Khan said, *"This is the agenda of the Goldsmiths. Tell him. He is laughing. Look at him"*.

Sadaqat Ali Abbasi, raising his voice and gesturing with his hands, said:

"The amount of false propaganda that is going on right now. The Minister of Religious Affairs issued a statement, 'Anyone who spreads false rumours and lies against the concept of the state of Medina'"¹⁴.

He was interrupted by Palwasha Khan calling on God and by the host who pressed him to *"Call Noor ul Haq Qadri¹⁵ up"* to *"give us this statement under oath"*.

Palwasha Khan said the PTI had *"created this pandemonium on the finality of prophethood"* and Sadaqat Ali Abbasi replied: *"No expatriate is a member of the Minority Commission. By the grace of God, those spreading lies will be disappointed"*.

A discussion ensued about whether the PTI had approved the inclusion of Ahmadi representation in the Minorities Commission, during which Sadaqat Ali Abbasi said that Bilawal Bhutto was *"a Muslim here and a liberal outside the country"*. Palwasha Khan retorted, *"your people's [the PTI's] beliefs are based on that of the Jews"*, which Sadaqat Ali Abbasi said was a reference to *"Hakim Saeed's books"¹⁶*. Palwasha Khan continued:

"Rothschild, and...and...Goldsmiths. [crosstalk] They have got to where they are, through their funding. [crosstalk] But it will not happen".

Palwasha Khan and Sadaqat Ali Abbasi continued to challenge each other and their respective political parties and the host continued to press for the Minister for Religious Affairs to come on his programme to answer his questions under oath. The following exchange then took place:

¹³ Dr Israr Ahmad (1932 – 2010) was a prominent and controversial Islamic scholar. See [Ofcom's Consideration of Sanction, Sanction 103\(16\) Club TV Limited](#).

¹⁴ "State of Medina" was a political slogan coined by Imran Khan, and presented as a promise to turn Pakistan into the city of Medina, during the Islamic Golden Age.

¹⁵ Noor ul Haq Qadri is the Pakistani Minister for Religious Affairs. The host demanded throughout the programme that he appear on the programme to explain how Ahmadis were considered for inclusion on the proposed commission for religious minorities. He appeared the following day in the programme of 6 May 2020.

¹⁶ See footnote 12.

Sadaqat Ali Abbasi: *"The People's Party will teach us religion now. May God help us".*

Palwasha Khan: *"We will teach you. You are a Jew. You should be taught about it".*

Sadaqat Ali Abbasi: *"These comments are being made. On air, I will request Bilawal, because she called me a Jew".*

Palwasha Khan: *"I did".*

Nadeem Malik: *"No, no, you can't call anyone a Jew".*

Palwasha Khan: *"He is saying, 'The People's Party will teach us religion now'. Who are you to say that?"*

Sadaqat Ali Abbasi: *"[crosstalk] Who is she to issue a Fatwa¹⁷ against us?"*

Nadeem Malik: *"We cannot challenge anyone's faith. [crosstalk]. We cannot challenge anyone's faith".*

Sadaqat Ali Abbasi: *"She is doing it. A representative of People's Party, a liberal party, is here issuing me a Fatwa".*

Nadeem Malik: *"Mr. Zubair".*

Palwasha Khan: *"I am issuing you one".*

Nadeem Malik: *"Let me ask Zubair. Now, neither of you will speak. It's time for a break for you two. Zubair [crosstalk]".*

The host then called for the issue of the representation of Ahmadi people in the Minorities Commission to be dealt with *"in a legal, civilised and proper way on a parliamentary forum"* instead of *"under the table"*.

A third guest, Muhammad Zubair, a representative of the Pakistan Muslim League (N) party ("the PML-N"), agreed that it was wrong to *"do things under the table"*, adding:

"Particularly regarding things which have such sensitivity attached to them. Things that people may take issue with on the basis of faith. You are aware what kind of reactions people have to these things in Pakistan...I will not criticise the PTI on this sensitive issue because I am not aware of the facts".

The host repeated his call for the Minister for Religious Affairs to come on his programme and Sadaqat Ali Abbasi said that *"religious sentiments should not be unnecessarily dragged into politics"*, and that

¹⁷ Ofcom understands a "Fatwa" to be a religious edict usually issued by an Islamic cleric or scholar.

“whosoever does not accept the finality of prophethood is not a Muslim [or] has any doubts about the finality of prophethood cannot be a Muslim. End of discussion. This is a central tenet of our faith”.

Mr Zubair then accused the PTI of having dangerously associated with Khadim Hussain Rizvi¹⁸ *“merely for political point-scoring”*. Mr Abbasi retorted, *“you should then have the moral backbone to say that Captain Safdar¹⁹ was wrong to make his statement”*. The host said, *“you cannot associate yourself with anyone who is spreading hatred in the country”*, adding, *“However, what you [the PTI] are doing here should be done in a constitutional manner, not in an unconstitutional manner”* and called again for the Minister for Religious Affairs to appear on his programme. Mr Zubair then reiterated his accusation against the PTI, saying that Imran Khan had said the PML-N *“were part of an international agenda to extinguish Islam from Pakistan [for] political point-scoring”* and that *“Imran Khan was standing with Khadim Hussain Rizvi”*. Palwasha Khan interjected:

“The fire they have been igniting will come back to burn them. And on the point of Muslim faith, as you have said, this is something all Muslims, our parents, our children, all of us are willing to lay down our lives for”.

The guests continued to trade accusations and then the host drew the discussion to a close.

Nadeem Malik Live, 6 May 2020, 16:00

The guests in this episode of *Nadeem Malik Live* were: the Minister for Religious Affairs, Noor Ul Haq Qadri; the Minister for Parliamentary Affairs, Ali Muhammad Khan; Talaal Chaudhary of the political party PML-N; and a na’at²⁰ reciter, Mr Sadeeq Isma’il.

In an opening monologue, the host Nadeem Malik came back to the two issues that had been discussed in the episode broadcast the day before and described above, these being the inclusion of representatives of Ahmadi people in the Minorities Commission and, the Pakistani Government’s handling of the coronavirus pandemic. He said that some cabinet ministers had controversially supported the inclusion of Ahmadi people in the Minorities Commission, but that this was unconstitutional. He added:

“Cabinet minutes were prepared and circulated, copies were leaked to public, and then it was told: This wasn’t agreed upon in the meeting. Who made changes to the minutes of the cabinet meeting? The Prime Minister of Pakistan was presiding over this cabinet meeting. The Minister for Religious Affairs was sitting there. Therefore, I, and the

¹⁸ Khadim Hussain Rizvi was a controversial Pakistani Islamic scholar, who held nationwide protests following rumours of amendments being made in the Pakistani Constitution to favour Ahmadi people. The protests in the capital Islamabad brought the Government to standstill. See: [Pakistani Cleric’s Supporters Block Entrance to Islamabad, The New York Times](#). He died in late November 2020.

¹⁹ This is in reference to Captain Safdar’s speech in Pakistan’s National Assembly where he made remarks about the Ahmadi community, including that “military officers who he said were members of the Ahmadi community...‘could not be trusted’ with the responsibility of guarding the country’s frontiers”. See [PML-N’s Capt Safdar lashes out against Ahmadis, faces backlash on social media](#), Dawn, 10 October 2017.

²⁰ A na’at is a piece of poetry in praise of Muhammad and delivered in a rhythmic voice without music.

entire Pakistani nation, have the right to know the answer to these questions. And we will try to present these answers to you today”.

During the discussion that followed, the Minister for Religious Affairs said that minutes of a cabinet meeting had misrepresented a “discussion” about whether to include Ahmadi representatives in the Minorities Commission as a “decision” to do so. He explained that, in fact, the cabinet had purposefully excluded Ahmadi representation from the Minorities Commission. Mr Malik repeatedly pressed the Minister for Religious Affairs as to who had done this and for an investigation into the matter, but commented, in relation to the minority of the cabinet ministers who had been in favour of Ahmadi representation in the Minorities Commission, “I wouldn’t want to name any personality on air, I don’t want to name them lest those persons fall in the category of hate crime”.

During the discussion, Mr Malik said:

“On the day when they [i.e. the Ahmadiyya Community] will accept this Constitution of Pakistan saying: We accept this Constitution of Pakistan, then the Pakistan Government will have to notify and tell them which kind of minority they are. But this can happen only if they first accept the Constitution of Pakistan”.

During the interview, the Minister for Religious Affairs also said:

“...the majority [of cabinet ministers] thought that the Qadianis had a separate identity, separate from the other minorities...”.

“...the Qadianis are not like the rest of the minorities. Islam provides rights and protection for the minorities. And the Constitution of Pakistan also provides it, but the Qadianis are not that kind of a minority”.

“They don’t have the right to become the members of any commission, any committee, which, all of which, are the sub-organisations of the Constitution of Pakistan”.

These statements were summarised, together with other news, in onscreen tickers repeated throughout the programme.

Mr Malik and the Minister for Religious Affairs also discussed a possible investigation into who was responsible for the alleged misrepresentation of the cabinet meeting in the minutes, as follows:

Nadeem Malik: *“But this job was done, there were some factors in there that influenced you and got this job done by you, while you were sitting there. I want those factors to be identified. It is the responsibility of Peer²¹ Noor-ul-Haq Qaadri. If you are a peer, it*

²¹ Honorific title for an Islamic spiritual guide.

is your responsibility and also that of Prime Minister Imran Khan”.

Noor-ul-Haq Qaadri: *“It is every Muslim’s responsibility; whoever is a Muslim, it is his responsibility”.*

Nadeem Malik: *“It’s your responsibility to identify them and punish them in a determined and assured manner”.*

Noor-ul-Haq Qaadri: *“Leave aside peer or minister, whoever is a Muslim, it is his responsibility. There’s no second thing in this”.*

Noor-ul-Haq Qaadri: *“But let me say one thing, Mr Malik, without investigating and reaching the facts, I cannot level this allegation against a person. It is a very sensitive matter”.*

Mr Malik suggested that a committee should be formed to preside over an investigation, and commented:

Nadeem Malik: *“Cabinet members who supported this idea, and then the person who wrote those minutes, make them sit there and analyse to find out who did the hanky-panky there. It is your responsibility”.*

Noor-ul-Haq Qaadri: *“I support this suggestion of yours. I will put forward this suggestion”.*

Nadeem Malik: *“And you will inform us of its results”.*

Noor-ul-Haq Qaadri: *“I will demand it. And it will be my demand until this government remains”.*

Nadeem Malik: *“You will stand by me. And I will demand an answer to this from you”.*

Noor-ul-Haq Qaadri: *“In this demand, we are with you”.*

Nadeem Malik: *“And to get punished the person responsible for this—”*

Noor-ul-Haq Qaadri: *“Whoever is responsible”.*

Nadeem Malik: *“I will come out with you”.*

Noor-ul-Haq Qaadri: *“Any person who, manifestly or latently, harbours sympathy or a soft corner for Qadianis cannot be faithful to Islam, and to Pakistan too”.*

Nadeem Malik: *“Sir, it is so worrying that the said thing is a part of the minutes of the cabinet meeting. It is worrying”.*

Noor-ul-Haq Qaadri: *“The worrying thing is that discussion was turned into a decision. And then the decision was leaked, brought to the media”.*

Mr Malik then interviewed Ali Muhammad Khan. Mr Malik said that it was a worrying situation where *“even minutes of the cabinet meeting get altered”*, and that it was a *“sensitive issue on which the entire nation has already seen a volatile situation previously here in Faizabad²²”*. He then repeatedly asked who had done this or *“supported the idea”*. Mr Khan gave different replies each time he was asked about this issue (i.e. the discussion in the Pakistani cabinet about inclusion of the Ahmadiyya community in the Minorities Commission):

“In the name of Allah, the Compassionate and the Merciful. Oh Allah praise, protect and bless our Lord Muhammad, Allah’s Messenger, whom Allah praises and protects. For the sanctity of the Messenger, I accept death. As long as you [Mr Malik], I, and numerous people like you and I are present, Allah willing, we will uphold the sanctity of the Messenger”.

“We are the soldiers. Mr Imran Khan and Mr Noor-ul-Haq Qaadri, both held this opinion in the cabinet meeting that this was a very sensitive issue [inclusion of the Ahmadiyya community in the Minorities Commission] and it should be left aside”.

“You see, I think that while sitting on a national network, if we will name someone [from the cabinet ministers], it’s a very sensitive matter and someone’s life could be put in danger. I can tell you this much that what Mr Qaadri has told you is hundred percent true. The summary of his ministry”.

Mr Malik said that he did not want an explanation of the summaries as he already had copies of them. He then asked if Mr Khan supported an investigation and disclosure of the investigation report to the media. Mr Khan replied that he had called for this the previous day in a cabinet meeting. He added:

“The first summary of the ministry too did not propose having members from the Qadianis, whom I consider as a sedition against Islam, Qadiani movement is a great sedition”. [The statement *“Qadiani movement is a great sedition”* was repeated 17 times in an onscreen ticker, with each repetition lasting four to five seconds.]

²² See [Faizabad sit-in: The trail of 21 days](#), The Express Tribune, 27 November 2017, which describes protests and marches following allegations that Law Minister Zahid Hamid for allegedly amending clause for belief in finality of prophethood in the Election Act 2017.

Mr Malik continued his line of questioning, asking repeatedly who had got the Ahmadiyya movement “added” to the Minorities Commission and questioning the need for an external investigation given that Mr Khan sat in the cabinet (i.e. was a witness to events). In his responses, Mr Khan said that for the second summary “*absolutely no decision was made to add Qadianis*”. He recapped the steps Mr Qaadri had said would be taken to look into “*the change in the minutes*”. He said that Imran Khan was “*the Messenger’s slave [who] goes to the sacred city of Medina, walks on foot, and tells the entire Pakistani generation, youth [to] follow Muhammad, Allah’s Messenger [and] who went to the [UN] General Assembly and [told the world] about the sanctity of the Messenger [in relation to] the cartoons published in Netherlands, Denmark*”. He added that “*this government is the government of the Messenger’s slaves*”. As Mr Malik said that he had not raised questions about Imran Khan, but noted that Imran Khan was leading the cabinet meeting in question, Ali Muhammad Khan interjected that: the Pakistani Government were, “*the Messenger’s slaves...the guards protecting the Messenger’s sanctity*”; “*Allah willing, so long as we are present no such efforts [to include the Ahmadiyya community in the Minorities Commission] will succeed*”; and Allah had been “*kind*” and “*greatly protected*” the Pakistani Government’s honour at this time.

Mr Malik then turned to Mr Chaudhary and said:

“The role of at least three ministers, and the role of those highest senior ranking officials who were involved in the circulation of the minutes; on this, Imran Khan should hold investigations. Three ministers and one or two senior most officers. Their role should be explained after the investigations. Truth must be told as regards how it happened. This is Pakistan. It’s Pakistan’s system of government, yaar²³. Can someone change the minutes of a cabinet meeting? For God’s sake”.

Before Mr Chaudhary could speak, Mr Malik had the following exchange with Mr Khan:

Ali Muhammad Khan: *“I absolutely support this that you’ve said. I agree and I also support what Mr Qaadri said. And I support what you have demanded”.*

Nadeem Malik: *“But you will have to disclose the role of the three ministers”.*

Ali Muhammad Khan: *“Let the investigations take place”.*

Nadeem Malik: *“You will have to disclose the role of the three ministers”.*

Ali Muhammad Khan: *“Because if you will name someone now—”.*

Nadeem Malik: *“We won’t name them”.*

Ali Muhammad Khan: *“I don’t want anyone’s life to be put in danger”.*

Mr Nadeem Malik: *“I won’t name anyone”.*

²³ Yaar is an informal way to address a friend.

Ali Muhammad Khan: *“Absolutely”*.

Mr Malik then turned to Mr Chaudhary who made the following statements, with a break for the call to prayer in the middle:

“... You might remember that a similar affair regarding an election form took place when it was our [party’s] Government. Shoes were thrown at us, ink was thrown at us, bullets were shot at us and our homes were attacked. During the elections, there was no constituency where hatred wasn’t shown, where our opponents didn’t turn mosques into their election offices and portrayed us as criminals of blasphemy, insulters of the Prophet”.

“...people threw ink at us, shoes were thrown, bullets were fired, our houses were attacked during their sit-in protests and they kept supporting it. Now that it is not a vote-seeking time, they don’t need to do such a thing. Now they accept corrupt people, those who steal sugar and flour are also sitting in the cabinet, IPP²⁴ oil thieves²⁵ are also sitting in the cabinet, and their own minister [the Minister for Religious Affairs] has stated that the five ministers related to the blasphemy against the Prophet [the inclusion of Ahmadi representatives in the Minorities Commission] are also sitting in the cabinet...The thing is, now they accept the corrupt, at the moment Qadiani supporters too are acceptable, at this time, all thieves are acceptable because it’s not the time of elections, now they aren’t seeking votes, it’s not the time to fool people”.

Mr Chaudhary asked Mr Malik to continue to pursue an investigation and further criticised the PTI Government. Mr Malik replied:

“...I will say one thing: Imran Khan is not a supporter of Jews and not a supporter of Qadianis...As regards that which happened in the cabinet meeting, I demand from Imran Khan, on-air, sitting on this TV channel, to identify those people and punish them, but the thing is I neither believe nor say that Imran Khan is an agent of Jews or Qadianis. Imran Khan is Pakistan’s Prime Minister, yaar, he goes to Medina and walks barefoot²⁶”.

²⁴ Independent power producers.

²⁵ See: [Allegation: Senate panel accuses IPPs of oil theft](#), The Express Tribune, 21 February 2018.

²⁶ A sign of respect and humility.

He then introduced Mr Sadeeq Isma'il as highly valued by his two guests (Ali Muhammad Khan later called him *"a blessed son of the soil"* and lauded his recitations of na'ats²⁷) and invited him to recite a series of na'ats which praised the Prophet Muhammad and vowed to defend his honour. Ali Muhammad Khan then expressed to Mr Sadeeq Isma'il his appreciation of this worship, adding:

"I want to assure you that whereas in the past, there was Ghazi IIm Din²⁸, the martyr, now there is Ali Muhammad too [Mr Sadeeq Isma'il put his hand on his heart], Nadeem Malik is here and, in future, there will be someone else. Who will not be there? The enemy of the Honoured Prophet, whom Allah praises and protects, will not exist. [Pointing to the camera] I definitely want to say to those Qadiani people: This pure country was formed on the bequest of the Pure Prophet, whom Allah praises and protects. It is his bequest that we are holding. No one should dare think that they will succeed with their nefarious actions. You are non-Muslim, you are Pakistanis. You can live here peacefully, there is no need to do further mischiefs in these things because, Allah willing, in every era, the Messenger's dedicated slaves exist".

Discussion then moved to the coronavirus outbreak, after which Mr Sadeeq Isma'il was asked to sing again. Before singing, Mr Isma'il said:

"He [i.e. Imran Khan, the Pakistani Prime Minister] has expressed his sentiments and, Allah willing, he will continue to stand guarding the End of Prophethood. Brother Talaal, Ali Muhammad Khan, and the respected Peer [the Minister] too. Ministries come and go. These are not significant. Let me tell you one thing, the Prime Minister should form a commission about this, and the Supreme Court should itself take notice of this to see where's the smoke coming from".

Following further na'ats and onscreen tickers summarising the discussion with the Minister for Religious Affairs, the programme ended.

We considered that the material broadcast in the programmes of 5 and 6 May 2020 as described above raised issues under the following rules of the Broadcasting Code ("the Code"):²⁹

²⁷ See footnote 20.

²⁸ Ghazi is a religious term meaning "Islamic warrior". In 1929 IIm Din murdered a Hindu writer who had published a controversial book mocking the Prophet Muhammad. He was tried and executed, but has gained notoriety among some Pakistani people. Ofcom also understands that IIm Din has also been cited as the inspiration for later religious murders in honour of the Prophet.

²⁹ Ofcom also asked the Licensee to provide representations on Rule 3.1: "Material likely to encourage or incite the commission of crime or to lead to disorder must not be included in television or radio services". We did not consider that there were grounds to pursue this.

- 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...offensive language,...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”.

Ofcom requested the Licensee’s comments on how this material complied with these rules.

Response

Background Context

In its written representations to Ofcom, Up and Coming TV provided contextual information relating to the programme, specifically concerning blasphemy laws in Pakistan. The Licensee said these were “among the most rigid and strict in the world” and had been abused by “hard-line religious extremists” to persecute people.

The Licensee said the “misuse of allegations of blasphemy [had] escalated in the recent past to become a political weapon, with fatal consequences”. By way of example, it cited the assassination of the Governor of Punjab, Salman Taseer, in 2011 after he had voiced disapproval of the misuse of the blasphemy laws. Up and Coming TV explained that in response to this, the PPP stressed its “complete agreement” with the blasphemy laws. It added that the Tehreek-e-Labaik Ya Rasool Allah movement (“TLYR”)³⁰ was born out of opposition to the conviction of Salman Taseer’s murderer.

The Licensee said that the introduction of the Election Act 2017 in October 2017, which requires electoral forms to include a mandatory oath of office to be taken by each successful Muslim candidate, was directly relevant to the issues discussed on the programme. It said the original language of the oath required the taker to “solemnly swear” in the finality of the Prophethood, however, the “supposed new version” included in a bill that preceded the Election Act 2017, required the taker to “believe” in it. It added that the introduction of this “minute difference” in the wording of the oath, which was identified and removed following a reading of the bill, was “used by the opposition at the time to allege that the PML-N Government was conspiring to dilute blasphemy laws in Pakistan”. It said these allegations “took a life of their own, and began to include conspiracy

³⁰ According to Pakistan today, the TLYR is a “relatively new anti-blasphemy party...led by the late radical preacher Khadim Hussain Rizvi”: see [The rise and rise of Tehreek-e-Labbaik](#), Pakistan Today, 31 July 2018 and footnote 18. The party “calls for blasphemers to be put to death and celebrates those who have murdered the alleged perpetrators”: see [Tehreek-e-Labbaik: New far right campaigns against ‘blasphemy’](#), Al Jazeera, 6 July 2018.

theories of how the amendment was the first...to normalise the status of Ahmadis and to bring members of the faith covertly into positions of authority”.

Up and Coming TV said that, as a result of these events, the then law minister Zahid Hamid “succumbed to pressure” from TYLR clerics to resign following allegations that the change in wording emanated from his office, and now remains in fear of being physically attacked. A Pakistani Parliamentary enquiry committee established by the PML-N to investigate the change in terminology found that the change in the wording of the oath was “a deliberate attempt” at diluting blasphemy laws, a finding which the Licensee said “worked to protect the party by finding an unnamed culprit for the issue, rather than finding that there was no controversy in the first place”.

According to Up and Coming TV, these events resulted in a “longstanding and repeated trope” that “supposed attempts at changing faith-based laws related to blasphemy” were conspiracies connected to Ahmadi people, especially since the blasphemy laws are widely perceived as being “most detrimental to the religious rights of [Ahmadi people]”. It said political parties used this trope opportunistically. In 2017, protestors in support of TYLR were supported by rival political parties to the ruling PML-N party, including the PTI which was looking for political gain. It added that that violence erupted at these protests, with six people killed and 300 injured.

The Licensee gave a further example of violence that had resulted from this issue and an example of violence resulting from a separate allegation of blasphemy. It commented that the “incendiary nature of allegations of blasphemy or the vague allegations of attempts to tamper with the laws surrounding the issue encompasses everyone in public life”.

Up and Coming TV said there was a “constant state of denialism and vitriol...built into the body of the laws in Pakistan, which permeates into its society and public figures”, referring to: the second amendment to the Constitution of Pakistan 1974; the Ordinance XX of 1984; and amendments to the Pakistan Penal Code. It said these respectively: declared Ahmadi people to be “non-Muslim for ‘the purposes of the constitution or law’”; prohibited Ahmadi people from observing their religious rites and using Islamic terminology; and “criminalised further the use of Islamic terminology by the [Ahmadiyya] community”. It added that the Pakistan Penal Code, “reaffirmed the state of Pakistan’s official terminology for Ahm[a]dis to be the ‘Qadiani Group’ or the ‘Lahori Group’” and that, when receiving a Pakistani passport, anyone who would declare themselves to be Muslim had to denounce, “the [so-called] ‘Qadiani Group’ as non-Muslims...and their prophet to be an imposter”. The Licensee explained there was therefore clear precedent for issues surrounding the finality of prophethood “becoming a fatal issue for everyone concerned with government” and that “[d]irect threats to life and dangerous propaganda was known to bring every public figure in the Government into scrutiny”.

Up and Coming TV also provided examples of political controversies PTI had faced since it formed its Government in 2018. It said the PTI had faced criticism for intending to appoint a pre-eminent economist of Ahmadi heritage to an economic advisory council. It said that in February 2020, religious clerics in the opposition had alleged that PTI had removed an oath regarding the finality of prophethood from the form that has to be completed by those wanting to perform the Hajj

pilgrimage³¹. It added that PTI and Noor ul Haq Qadri, “himself a powerful cleric”, clarified repeatedly that the oath was not removed and had instead been moved to a different page of the form.

The National Commission for Minorities

The Licensee said the media and opposition parties were keenly observing how the PTI was going to constitute the Minorities Commission and had thought that the sensitivity of the issue would force it to seek a decision backed by consensus in Parliament or in the cabinet. Up and Coming TV said that a “summation” of a cabinet meeting which took place on 15 April 2020, and at which it was agreed to include the representation of Ahmadi people in the Minorities Commission, was leaked to the press. It said there was controversy and cabinet members “immediately negated the summation...as inaccurate”. The Licensee said that on 2 May 2020, the Ministry of Religious Affairs “moved another summary for the cabinet to consider” which did not include the representation of Ahmadi people in the Minorities Commission, and which gained cabinet approval³². Up and Coming TV said that the Minister for Religious Affairs had also “hinted that the original April summary of meeting minutes was moved on the recommendation of the Ministry of Human rights, and that he disagreed with it”. It added that other ministers argued that although a summary of the April cabinet meeting had been circulated, no decision had been finalised at that time. Up and Coming TV further said that editorials had been published in leading newspapers on the reasons for the delay in constituting the Minorities Commission³³.

The Licensee said that, therefore, when the programmes were broadcast, the controversy surrounding Ahmadi representation in the Minorities Commission “had already taken wing” and that it was necessary to address this issue in the programmes “to ensure it did not spill over into violence”. It said this situation was due to delay by the PTI Government and its failure to transparently build consensus and stand by its original decision. It added that the Government had “fanned the flames of controversy with denials, backtracking and brazen attempts by certain ministers to throw fellow members of the cabinet in harm’s way in order to protect themselves”. It further added that the PTI’s inconsistent conduct had also “fuelled the opposition’s opportunism” and that the Jamiat e ulema e Islam Fazal (“JUIF”), a “religious and hard line political party”, had painted the PTI as “represent[ing] foreign interests and...acting to undermine the cause of Islam”. Up and Coming TV said that it therefore included the topic in the programme of 5 May 2020 “to act as a safety valve to allow for the pressure surrounding the issue to decrease”. It said this was “a last-minute editorial decision” and that the guests it had lined up for the show were not relevant to discuss, or told in advance, the subject. It also stated that the Religious Affairs Minister was a guest on the programme of 6 May 2020 as he had asked for the opportunity to respond to the content of the previous day’s programme.

³¹ The Hajj pilgrimage is the pilgrimage undertaken to the city of Mecca in Saudi Arabia, and is one of the five Pillars (or core beliefs and practices) of Islam and mandatory upon all Muslims who are physically able to perform the pilgrimage.

³² The Licensee referred to [Undoing decision to include Qadiani in NCM: Religious ministry seeks cabinet’s approval](#), The News, 21 October 2020.

³³ The Licensee referred to “Minority Commission problem”, Pakistan Today, 1 May 2020.

Programme of 5 May 2020

The Licensee said that “the guests lined up included representatives of the government as well as of the opposition” and the programme began by discussing the coronavirus pandemic.

Up and Coming TV said it was the host who “moved on to comment about the Ahmadi inclusion in the minority commission” and that it was his intention to “diffuse the pressure surrounding the issue”, highlighting that the process of establishing the Minorities Commission had been mishandled, “conducted with less than transparent process”, and that the decision had been “attempted through ‘back door tactics’”.

It explained that after the host’s comments on the Minorities Commission, he moved the topic of discussion onto the handling of the coronavirus pandemic and “deliberately did not put the Minorities Commission controversy to his guests”, as demonstrated “in the 13th minute of the 5 May show, where when the PPP guest attempts to comment about it, the host brings her back to Covid-19 and encourages her to stay on topic”.

The Licensee said that, later in the programme, the representative of the PPP, Palwasha Khan, “descends quickly into combative comments” and “irresponsibly takes a tone and makes comments which harm the conversation surrounding the issue rather than to aid it”. However, according to Up and Coming TV, the host “immediately interjected, and, in the interests of reducing pressure surrounding the issue, urged the PPP representative to remain on the topic of Covid-19”.

The Licensee said that the PPP representative had indicated that the “agenda” of the PTI was actually that of “[Y]ahud”, [N]asara³⁴, [R]othschild” (Ofcom understands this representation to be a reference to the Palwasha Khan’s statement in the programme of 5 May 2020: “*It was the agenda of the Jews. It is the agenda of the Christians. This is written in the Qur’an. This is the very same Rothschild agenda*”). Up and Coming TV described this statement as including “regrettable generalisations of race and religion” but said they “were made using the expressions which have been used frequently by the PTI itself when trying to bring down past governments”.

The Licensee said that during this interaction the host, “attempts to deflate the issue” by “advising caution and continually informing the viewer that these statements are misplaced” and “warns the PPP representative against airing any specific allegation against PTI members on television”. It further explained that the host “categorically [stated] that no one can question any individuals’ faith” whilst making “clear the crux of the mishandling of the [M]inorities [C]ommission issue as being one where the Government tried to ‘go under the table’”.

Programme of 6 May 2020

Up and Coming TV argued that “the May 5 programme had made clear that the issue was best addressed by the PTI through its relevant minister for religious affairs and interfaith harmony”, which is why Noor ul Haq Qadri, the Minister for Religious Affairs, was a guest contributor on 6 May 2020.

The Licensee said that, after the Minister for Religious Affairs suggested that “someone had doctored the minutes of the cabinet”, “[t]he host once again stated that he did not want to name anyone

³⁴ “Yahud” refers to Jewish people and “Nasara” refers to Christian people and have been translated as such in Ofcom’s summary of the programme of 5 May 2020.

involved in the way the cabinet issue was handled for fear of hate crimes”. It said that the host then explained “his interpretation of what was required from the Ahm[a]di community before they could be included in a constitutional post, which was the acceptance of the [Pakistani] [C]onstitution”. Up and Coming TV described this requirement on the Ahmadiyya community as “an unfortunate impasse”. It went on to say that the host’s line of questioning about who the Minister for Religious Affairs felt was responsible “was to highlight how public figures were not involved, and individual members of ministries were not to blame”.

The Licensee said that during his interview, Ali Muhammad Khan, a regular guest on the programme, “made certain comments which were insensitive to the Ahm[a]di community and were unnecessary to the show being conducted”.

Up and Coming TV addressed Mr Malik’s statement that *“I neither believe nor say that Imran Khan is an agent of Jews or Qadianis”*. It said that Mr Malik made this statement “because of the heightened and tense atmosphere surrounding the controversy”. It added that “this comment was not couched in the hosts own language, and instead was a rebuttal to the propaganda being run against the prime minister and his cabinet members”.

Response to Ofcom’s highlighted concerns

The use of the term “Qadiani”

The Licensee said that the use of “the term ‘Qadiani’ to describe the Ahmadiyya community is “official state terminology for the faith”, and is used in its oath documents as well as its laws³⁵. It said that “to deviate from the state terminology would only have served to distract from the main point that was to be made, which was that procedure was not followed with potentially dangerous consequences by the PTI Government”.

Topic of discussion

Up and Coming TV said that when the host spoke of hatred and the sensitivity of “under the table” dealings, he was not referring to Ahmadi people in particular, but was highlighting how similar actions in the past “have had consequences which quickly spiralled out of control regardless of the intent of the Governments which took them”.

Focus of the discussion

The Licensee said that complainants had attempted to compare the programmes of 5 and 6 May 2020 to “hate filled programming conducted out of Pakistan in the past”, and that this comparison was “completely irrelevant”. It said that in the past programmes had been “deliberately incendiary” and had the “expressed intent of dilating upon the status of Ahm[a]dis from the viewpoint of orthodox Islam”. It stressed that unlike the “religiously toned” nature of those past programmes, in the programmes of 5 and 6 May 2020 “an administrative issue was the point of focus, not a faith based or religious one”. It also said that the programmes were “deliberately kept uncontroversial”.

³⁵ As described above, the Licensee provided “Background context” outlining how a series of laws in the 20th century “reaffirmed” the official state terminology for Ahmadis in Pakistan as the “Qadiani Group” or the “Lahori Group”.

The programmes' compliance with Rules 3.2 and 3.3

Up and Coming TV said that both programmes were intended to “never allow for the vilification or abusive treatment of any religious or ethnic group”. They said that where “the guests transgressed”, the host “promptly steered them away”. In particular relating to the statements by Ali Muhammad Khan about Ahmadi people, the Licensee said that this “was unprovoked and was unsolicited” and that his comments were “not added to by the host, they were not given any specificity or allowance to be clarified. They were abstract and ignorant, and left as they were”.

Up and Coming TV said the “mishandling” of the Minorities Commission was a topic that “deserved comment”. It added that: “[t]he treatment of the topic was sensitive, and helped to prevent the mushrooming of another round of protests and violence”; and that in seeking to achieve these aims, at times, the guests used a “tone and tenor” and made “off-hand comments” which were “unfortunate and regrettable”. It further added, however, that events that resulted from the broadcast of the programmes showed that they did not promote or highlight any abusive or derogatory treatment.

The programmes' compliance with Rule 2.3

The Licensee said that “the channel and both its programmes were at all times ensuring that the causing of offence was kept to a minimum, as the context justified the programmes to be conducted”. Up and Coming TV said that the “level headed control” of the debate by the host minimised any offence that could be caused by the “transgressions made by the guests”, and made clear to the audience that the programmes “were not about the strength of any minority faith, but in fact were about the Government and its inability to bring things to the table of debate”.

Ofcom took this response into account in forming its Preliminary View, which was that the programmes had breached Rules 3.2, 3.3 and 2.3. We sought comments from the Licensee on the Preliminary View.

Response to Preliminary View

Up and Coming TV said that it noted the Preliminary View findings and accepted that the programmes had breached Rules 3.2, 3.3 and 2.3.

Up and Coming TV asked Ofcom to consider the following as mitigating circumstances:

- it had been trading since 2009 and had been broadcasting Samaa TV since 2012 without causing reason for statutory sanction, and in compliance with the Code, having “always upheld values and codes of broadcasting”;
- it had “relayed the issues and concerns of the said TV presenter to Samaa in Pakistan” (by which it meant the Pakistani content creator from whom it purchased content to broadcast in the UK), setting out its position that “the said presenter ought not to continue presenting programmes or as a minimum a sanction ought to be applied and a public apology should be made”;
- having not received a satisfactory response from Samaa Pakistan, Up and Coming TV had decided “not to continue the relationship and the contract was ended on the 30 June 2021”. This was despite the fact it had the rights to broadcast the service in the UK until 2024 and the decision to end the contract with Samaa Pakistan had taken place when the opportunity arose through a change of control in Pakistan; and

- it no longer broadcasts Samaa TV and now broadcasts a different service called Neo News “after strict due diligence and compliance training on the broadcasting codes”;

It asked Ofcom to take its previous compliance record and these circumstances into account and to not sanction it, especially in view of the fact it had ceased broadcasting Samaa TV since 30 June 2021, having terminated its relationship with Samaa Pakistan for the above reasons.

Decision

Reflecting our duties under section 319 of the Communications Act 2003, Sections Two and Three of the Code require that generally accepted standards are applied to the content of television and radio services to provide adequate protection for members of the public from the inclusion of harmful and/or offensive material in programmes, including material containing hatred, abusive and derogatory treatment of individuals, groups, religions or communities.

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.

Ofcom has also had due regard³⁶ in the exercise of its functions 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.

We acknowledge that broadcasters should be able to, and can, make programmes which address controversial subjects, as this is clearly in the public interest. The Code does not prohibit people from appearing on television and radio services because their views have the potential to cause offence, or followers of one religion from being able to express views rejecting or criticising people of differing views or beliefs. To do so would, in our view, be a disproportionate restriction of the broadcaster’s right to freedom of religion and freedom of expression and the audience’s right to receive information. In this context, Ofcom considered that it was legitimate for a channel like Samaa TV to broadcast a programme that discussed politically controversial issues in Pakistan such as those connected with the establishment and composition of the Minorities Commission and the religious concept of the finality of prophethood. However, when dealing with sensitive or controversial topics and views in programmes, broadcasters must ensure they 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”.

³⁶ Section 149 of the Equality Act 2010.

The Code at the time of the broadcast defined “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”.

Samaa TV was a television channel re-transmitting news and current affairs from Pakistan to the Urdu speaking Pakistani community in the UK. Given the genre and editorial content of the channel, we therefore accepted the audience of *Nadeem Malik Live* would expect to view robust discussions of political issues in Pakistan, including those that touch on religion, such as the issue of Ahmadi representation on the Minorities Commission. The Code does not prohibit discussions about controversial and challenging issues as long as broadcasters take steps to ensure compliance with the Code.

Programme of 5 May 2020

Ofcom first considered whether the statements made by guests relating to Ahmadi people included in the programme of 5 May 2020 constituted hate speech.

The programme on 5 May 2020 began on the topic of coronavirus but then turned to and gave as much time to the question of a draft document which would include Ahmadi people in the proposed Minorities Commission. The host talked of a further document which he had seen, but was not displayed on the screen, which appeared to show that the draft document had been approved by the cabinet. He did briefly attempt to return to the “*main topic*” of the programme (i.e. coronavirus) when his guests were invited to speak, but one of the guests, Palwasha Khan, kept the discussion on the matters surrounding the Minorities Commission. This discussion mostly involved the three guests trading heated accusations of insincerity and dishonesty in relation to religious matters. No person spoke in favour of Ahmadi representation on the Commission.

Ofcom is aware that, while Ahmadi people clearly self-identify as Muslim, some Muslim people believe strongly that it is necessary to clearly disassociate Ahmadi beliefs from Islam. This has been written into the Constitution of Pakistan, which provides that Ahmadi people are not Muslim. As a consequence, an Ahmadi person cannot participate in national life in Pakistan without resiling from their religious beliefs. We recognise that there is a conflict between the religious beliefs of Ahmadis and the religious beliefs of those Muslims who feel strongly that Ahmadi people are not Muslim, and that this conflict is particularly acute in discussions of the Constitution of Pakistan. We recognise that programmes aimed at the Pakistani community in the UK are likely to address these issues. However, such content must not spill over into hate speech or abusive and derogatory references about minority groups.

During the discussion on 5 May 2020, Palwasha Khan said, in relation to the apparent approval of Ahmadi representation on the Minorities Commission:

“...under whose agenda are these sorts of happenings taking place. This is the very same agenda which Hakim Saeed alluded to in his book, 21 to 22 years ago. This is the very same agenda which Doctor Israr had pointed to in his statement, which I watched today. He had named those behind it. It was the agenda of the Jews. It is the agenda of the Christians. This is written in the Qur’an. This is the very same Rothschild

agenda. This is that very same agenda, upon which their beliefs are based”.

She went on to say *“This is the agenda of the Goldsmiths. Tell him. He is laughing. Look at him”*. Later, she said that the PTI Party’s *“beliefs are based on that of the Jews”* and that *“Rothschild, and...Goldsmiths. [crosstalk] They [the PTI Party] have got to where they are, through their funding”*.

Finally, the programme included the following exchange:

Sadaqat Ali Abbasi: *“The People’s Party will teach us religion now. May God help us”.*

Palwasha Khan: *“We will teach you. You are a Jew. You should be taught about it”.*

Sadaqat Ali Abbasi: *“These comments are being made. On air, I will request Bilawal, because she called me a Jew”.*

Palwasha Khan: *“I did”.*

Nadeem Malik: *“No, no, you can’t call anyone a Jew”.*

We considered these remarks evoked the common antisemitic stereotype of Jewish people being in positions of financial power and in control of institutions by implying that they were complicit in, or responsible for, the inclusion of Ahmadi representation in the Minorities Commission.

Palwasha Khan also referred to wealthy Jewish families including the *“Goldsmiths”* and *“Rothschilds”*, a name which has been used as an antisemitic slur for over 200 years.

We also took into account that in the quote above, Palwasha Khan referred to the work of Dr Israr Ahmad a public figure who has been associated with the expression of antisemitism³⁷, and who carries the authority of a prominent religious scholar.

Later in the programme, in a heated debate, Palwasha Khan referred to the representative of the PTI Party, Sadaqat Ali Abbasi by saying: *“You are a Jew”*. In this context, we considered that the term *“Jew”* was used as a term of abuse which was aggravated by the accusatory tone and finger pointing with which they were delivered, and further aggravated by the clear offence taken by the guest at having this accusation aimed at him.

In our view, the following responses of other contributors to the programme made it clear that the word *“Jew”* was understood as an insult:

³⁷ See:

- [Antisemitism in the Muslim Intellectual Discourse in South Asia](#), Navras J. Aafreedi, Department of History, Presidency University, Kolkata 700073, India, 19 July 2019.
- [A terror suspect’s mentor](#), National Post, 7 September 2006.

- Sadaqat Ali Abbasi’s reaction to being called a “Jew”, which was to take offence and state that he would raise the issue with Bilawal Bhutto Zardari, the Chairman of the PPP of which Palwasha Khan is a representative;
- Mr Malik’s interjection that “no, you can’t call anyone a Jew”; and
- Mr Malik’s repeating twice “[w]e cannot challenge anyone’s faith”.

We therefore considered that the use of the term “Jew” in this exchange was a term of abuse, derogatory, and therefore antisemitic.

We understood from the Licensee’s representations that it considered that the host provided challenge to the antisemitic nature of this exchange between Palwasha Khan and Sadaqat Ali Abbasi by “categorically stating that no one can question any individuals’ faith”, and attempts to “[move] away from” the direction of conversation of the guests. Ofcom did not accept this. Rather, we interpreted the host’s comment as stating that Palwasha Khan should not denigrate Sadaqat Ali Abbasi’s standing as a Muslim by calling him “a Jew”, rather than challenging Palwasha Khan for making antisemitic remarks, and therefore contributed to the overall antisemitic nature of the exchange.

Overall, we considered that the statements above made by Palwasha Khan during the programme would be interpreted by viewers to be antisemitic and expressions of hatred based on intolerance of Jewish people, and that their broadcast had the potential to promote, encourage and incite such intolerance among viewers³⁸.

By linking support for Ahmadi representation on the Minorities Commission with a supposed underlying Jewish conspiracy, the remarks linked Ahmadi people with that alleged “Jewish” conspiracy. The remarks would therefore, in Ofcom’s view, be interpreted by viewers also to be implicitly anti-Ahmadi and expressions of hatred based on intolerance of Ahmadi people, and their broadcast had the potential to promote, encourage and incite such intolerance among viewers.

We then considered whether there was sufficient context to justify the broadcast of hate speech in the programme. Our [Guidance Notes](#) on Rule 3.2 make clear that there are certain genres of programming such as drama, comedy, news or current affairs, where there is likely to be editorial justification to include 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. In this case, we considered that the risk of the material causing harm, and the corresponding need for contextual justification in the programmes, were particularly high given that statements constituting hate speech against Jewish and Ahmadi people were made by guests who hold positions of power and authority in the current Pakistani Government and opposition parties.

In assessing whether there was a contextual justification, Ofcom must take proper account of the broadcaster’s right to freedom of expression, and the audience’s right to receive information without

³⁸ Ofcom had regard to the International Holocaust Remembrance Alliance’s (“IHRA”) working definition of antisemitism, which states: “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”. The UK Government agreed to adopt the [IHRA’s definition of antisemitism](#) in December 2016.

interference. The Code states that contextual factors relevant to Rules 3.2 and 3.3 of the Code include, but are not limited to:

- the service on which the programme is broadcast;
- the genre and editorial content of the programme;
- the likely expectations of the audience;
- the status of anyone featured in the material; and
- the extent to which sufficient challenge is provided.

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

We acknowledged that Samaa TV is a television channel delivering news and current affairs to the Urdu speaking Pakistani community in the UK. Given the genre and editorial content of the channel, we therefore accepted the audience of *Nadeem Malik Live* would expect to view robust and heated discussions about political issues in Pakistan, including those that touch on religion, such as the representation of Ahmadi people at the Minorities Commission.

The Licensee argued that the discussion in the programme focussed on political and “administrative issues” rather than being “faith based or religious” in nature, and that the topic of the Minorities Commission was “justified” and “deserved comment”. It also argued that the “intent of the programmes...was never to allow for the vilification or abusive treatment of any religious or ethnic group”. Whilst we agree that the topic of the Minorities Commission was legitimate topic of discussion on a Pakistan-focussed current affairs programme and would not be prohibited by the Code, as stated above, it is Ofcom’s view that the content of the discussions was not limited to discussing the alleged Pakistani Government mishandling of the Minorities Commission issue. Ofcom was concerned by the extent to which the “political” discussion was used as a platform for the host and his guests to express and perpetuate hatred based on intolerance of Ahmadi people and Jewish people. We considered that this content would have been highly offensive to UK viewers including Muslims who do not share the speakers’ antisemitic and anti-Ahmadi beliefs, and were concerned that it would have aggravated existing religious tensions between both: Pakistani Muslims and Ahmadi people; and also members of the Pakistani community and members of the Jewish community in the UK. We took into account that the tensions between the former have included violence³⁹ and hostility by a minority section of British Muslims against the British Ahmadiyya community.

In its representations to Ofcom, the Licensee provided extensive background information about the blasphemy laws in Pakistan. Specifically, it explained that these laws have been used as a “political weapon” by “every relevant opportunist” political party while in opposition to the Government and resulted in the development of conspiracy theories against Ahmadi people whenever attempts are made to reform faith-based laws in Pakistan.

We took this into account. However, we did not consider that this background provided contextual justification for the broadcast of anti-Ahmadi – or indeed antisemitic – hate speech.

³⁹ For example, see footnote 1.

In our view, the programme was used by the host and guests as a platform for the broadcast of the same conspiracy theories that the Licensee referred to in its representations by implying that inclusion of Ahmadi people in the Minorities commission was part of a Jewish agenda (i.e. what Up and Coming TV described in its representations to us as the agenda of “[Y]ahud”, [N]asara⁴⁰, [R]othschild”).

We noted that each of the guests were public figures speaking for a political party, and considered that this would be likely to have exacerbated rather than mitigated the material amounting to hate speech. In particular we took into account the position of authority held by Palwasha Khan as a Pakistani politician and serving member of the PPP, and her use of the name of the influential religious figure, Dr Israr Ahmad, to support her comments. We considered that that these factors lent authority to the antisemitic statements made on the programme.

The Licensee argued that the references to Jewish people in the programme were “regrettable generalisations of race and religion, but were made using the expressions which have been used frequently by the PTI itself when trying to bring down past Governments”. We do not accept that the use of these expressions by the PTI in the past would have contextualised the antisemitic statements made by the guest; if anything, it would have exacerbated them.

We acknowledged that both the host and Mr Abbasi spoke against “*Captain Safdar*”⁴¹ who had reportedly made a highly inflammatory anti-Ahmadi speech. The host said, “*you cannot associate yourself with anyone who is spreading hatred in the country*”. However, we did not consider this sufficient to contextualise the hate speech that was included in the programme.

We also took into consideration Up and Coming TV’s argument that the host, Mr Malik, interjected to advise “caution and continually informing the viewer that these statements are misplaced”. We disagreed. We did not consider that the responses and interjections by the host provided sufficient challenge or context to justify the broadcast of antisemitic hate speech in the programme. On the contrary, as set out above, we considered that he contributed to the antisemitic tone of the conversation.

Further, there was no material broadcast in the programme that provided challenge or criticism of the hate speech against the Ahmadiyya and Jewish communities. Although the Licensee argued that the host “promptly steered [the guests] away” from the comments that the Licensee described as “unfortunate and regrettable”, we considered that the material amounting to anti-Ahmadi and antisemitic hate speech was left entirely unchallenged within the programme and there was no invitation in the programme for contrary views to be put forward. We therefore considered that there were no contextual factors arising from the editorial content of the programme which justified the hate speech.

We also noted that Up and Coming TV accepted that the 5 May 2020 programme amounted to a breach of Rule 3.2 of the Code.

⁴⁰ See footnote 34.

⁴¹ See footnote 19.

Given all of the above, we therefore concluded that the programme of 5 May 2020 was in breach of Rule 3.2 of the Code.

Programme of 6 May 2020

The programme on 6 May 2020 was a continuation of the previous day's discussion, in which the Minister for Religious Affairs, Noor Ul Haq Qadri, represented the Pakistani Government's position. The other guests were: the Minister for Parliamentary Affairs, Ali Muhammad Khan; Talaal Chaudhary of the political party PML-N; and a na'at reciter, Mr Sadeeq Isma'il.

During the discussion, Noor Ul Haq Qadri was repeatedly challenged to explain the document which appeared to show that inclusion of the Ahmadiyya community in the Minorities Commission had been approved. He consistently maintained the line that it had not been approved, but had been discussed and five or six ministers had favoured it. He declined to name those people, but promised an investigation into how the discussion had come to be recorded as an approval.

We first considered whether the programme contained statements which spread, incite, promote or justify hatred based on intolerance on the grounds of religion.

Throughout the programme, statements were made which tended to suggest that Ahmadi people are separate and different. The Minister for Religious Affairs, Noor Ul Haq Qadri, stated that Ahmadi people: had *"a separate identity...from other minorities"*; were *"not like the rest of the minorities"*; and were *"not that kind of minority"* to receive the *"rights and protection for the minorities"* provided by Islam and the Pakistani Constitution. Such statements were repeated in on-screen tickers as follows:

- *"Qadianis do not recognise the Constitution of Pakistan, they don't have the right to be a member of any commission: Noor-ul-Haq"* (repeated 42 times, each after 20-30 seconds); and,
- *"Qadianis are not like other minorities: Minister religious affairs Noor-ul-Haq Qadri"* (repeated 34 times, after every 30-40 seconds).

We recognised that these comments reflected the fact that the Ahmadi people are the only minority group in relation to whom the Constitution of Pakistan provides that they cannot define themselves in the way they want.

However, we also took into account that the same guest stated:

"[a]ny person who, manifestly or latently, harbours sympathy or a soft corner for Qadianis cannot be faithful to Islam, and to Pakistan too".

In our view, this suggested that the act of supporting Ahmadi people was in itself a form of blasphemy and treason, and it promoted an intolerance of Ahmadi people on the grounds of their religion.

In addition, Ali Muhammad Khan stated that he considered Ahmadis to be a *"sedition against Islam"* and that *"the Qadiani movement is a great sedition"*. Ofcom recognises that a strand of Islamic jurist thought provides that apostasy is seditious⁴² and that some Muslims consider the Ahmadi faith to be a

⁴² See for example Ofcom's decision in [Broadcast Bulletin 383](#), published on 22 July 2019, Peace TV – Media and Islam.

form of apostasy⁴³. However, we also considered the following warning addressed by Ali Muhammad Khan to Ahmadi people:

“I definitely want to say to those Qadiani people: No one should dare think that they will succeed with their nefarious actions...there is no need to do further mischiefs in these things...”

We considered this warning in the context of the host’s preceding comment that the Pakistani Prime Minister, Imran Khan was *“not a supporter of Jews and not a supporter of Qadianis”* and that he did not believe he was *“an agent of Jews or Qadianis”*. We considered that viewers were likely to have either understood that the host’s statements were a reference to: remarks made in the programme of 5 May 2020 which we consider antisemitic and implied that Jewish people were complicit in, or responsible for, the inclusion of Ahmadi representation in the Minorities Commission through underhand means; or a common stereotype in Pakistan that Jewish and Ahmadi people are together responsible for various crises⁴⁴. Either way, the host’s comments gave credence to this stereotyping.

In our view, and taking into account the host’s preceding comments, Ali Muhammad Khan’s warning was not confined to the religious belief that the Ahmadi faith is a form of apostasy, but went beyond it, and would have been understood by viewers to be a reference to the “longstanding and repeated trope”, as referenced in the Licensee’s representations, that “supposed attempts at changing faith-based laws related to blasphemy” were conspiracies connected to Ahmadi people. The warning in our view suggested that Ahmadi people had engaged in *“mischiefs”* and *“nefarious actions”* in connection with the Minorities Commission, and therefore placed responsibility on Ahmadi people as a whole for the alleged underhand actions of the Pakistani cabinet ministers. We considered, therefore, that viewers were likely to have understood that this warning was part of a tradition in Pakistan of blaming crises on Ahmadi people, alongside Israel and Jewish people⁴⁵. We considered that, cumulatively, the use of the word *“seditious”* implied that the Ahmadiyya community as a whole is potentially treacherous.

We therefore considered that the cumulative effect of all these statements promoted hatred and intolerance of Ahmadi people. We therefore considered that the content constituted “hate speech” for the purposes of the Code.

We then considered whether there was sufficient context to justify the broadcast of hate speech in the programme.

As set out above, we acknowledged that given the genre and editorial content of the channel, the audience of *Nadeem Malik Live* would expect to view robust and heated discussions about political issues in Pakistan, including those that touch on religion, such as the representation of Ahmadi people at the Minorities Commission.

⁴³ See [Saudi Arabia: 2 Years Behind Bars on Apostasy Accusation](#), Human Rights Watch, 15 May 2014.

⁴⁴ See for example [Against Coronavirus, Pakistan Turns to a Traditional Remedy: Blame Ahmadis and Jews](#), Haaretz, 7 June 2020.

⁴⁵ See footnotes 19 and 44, for example.

Also as set out above, whilst we agree that the Minorities Commission was a legitimate topic of discussion on a Pakistan-focussed current affairs programme and would not be prohibited by the Code, as stated above, it is Ofcom's view that the content of the discussions was not limited to discussing the alleged government mishandling of the Minorities Commission issue. In particular, a very senior guest on the programme asserted without challenge that *"[a]ny person who, manifestly or latently, harbours sympathy or a soft corner for Qadianis cannot be faithful to Islam, and to Pakistan too"*.

We did not consider that the background of blasphemy laws in Pakistan and their association with conspiracy theories against Ahmadi people served to contextualise the suggestions made in the programme that Ahmadi people need to be warned not to commit *"nefarious actions"* or to do *"further mischiefs in these things"*.

Further, there was no material broadcast in the programme that provided challenge or criticism of the hate speech against Ahmadiyya communities. Although the Licensee argued that the host "promptly steered [the guests] away" from the comments that the Licensee described as "unfortunate and regrettable", we considered that the material amounting to anti-Ahmadi hate speech was left entirely unchallenged within the programme and there was no invitation in the programme for contrary views to be put forward. We therefore considered that there were no contextual factors arising from the editorial content of the programme which justified the hate speech.

We also noted that the Licensee accepted that the 6 May 2020 programme amounted to a breach of Rule 3.2 of the Code.

Given all the above, we therefore concluded that the programme of 6 May 2020 was also in breach of Rule 3.2 of the Code.

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".

The Code does not prohibit criticism of any religion. However, such criticism must not spill over into pejorative abuse. The Code has been drafted in light of the Human Rights Act 1998 and the ECHR, and seeks to strike an appropriate balance where broadcast content engages competing rights. In the context of Rule 3.3, it does so particularly 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.

We first considered whether the programmes of 5 May 2020 and 6 May 2020 contained abusive or derogatory treatment of individuals, groups, religions, or communities.

Use of the term “Qadiani”

We considered whether the use of the term “Qadiani” in both programmes as a default reference to Ahmadi people was abusive or derogatory. Ofcom understands that the use of the term “Qadiani” is often considered derogatory and offensive by the Ahmadiyya community and therefore, that the use of the term can be highly contentious and liable to cause offence⁴⁶. In particular, we understand that the term “Qadiani” can be highly emotive when used in the context of denying that the religious beliefs of Ahmadi people are a form of Islamic faith.

However, Ofcom is aware that, while Ahmadi people clearly self-identify their faith as Islamic, some Muslim people mainly in Pakistan believe strongly that it is necessary to clearly disassociate Ahmadi beliefs from Islam. While some people may therefore find use of the term “Qadiani” for this purpose offensive, the Code does not seek to prevent such forms of religious expression, as to do so would, in our view, be a disproportionate restriction of broadcasters’ right to freedom of expression and audiences’ right to receive information. However, if the term was used in a context that was clearly abusive or derogatory, this may, depending on context, amount to a breach of the Code.

We took into account the Licensee’s argument that the term “Qadiani” was used in the programme as it is “the official state terminology” used to describe the Ahmadi community in Pakistan and was used in the programmes so as not to “distract” from what the Licensee considers to be the focus of the programmes, being the lack of procedure followed by the Government in establishing the Minorities Commission. We accepted that the term “Qadiani” was used in these programmes as the official state terminology for Ahmadis in Pakistan, particularly in the context of a discussion between representatives of Pakistan political parties about the political issues surrounding the establishment of the Minorities Commission and the religious status of Ahmadis under the Constitution of Pakistan.

We also took into account that, whilst the term “Qadiani” might be acceptable in Pakistan in the context of political discussions, Samaa TV broadcasts to a UK audience where the term is widely considered to be a derogatory and pejorative term for Ahmadi Muslims⁴⁷. However, in our view, Samaa TV’s UK audience were likely to have been aware of this context, including the fact this content was recorded in Pakistan and discussed a matter of political controversy in Pakistan, and that the use of the term “Qadiani” would therefore have been within audience expectations in this case.

⁴⁶ We understand that the term “Qadiani” was originally accepted and used by the Ahmadiyya community, but as circumstances changed and opposition to Ahmadi people increased, it became Ahmadi people’s practice and preference to use the term “Ahmadi” and to reject use of the term “Qadiani”. However, some people outside the Ahmadiyya community continue to use the “Qadiani” to refer to a particular branch of the Ahmadiyya community, out of an unwillingness to use the term Ahmadi on religious grounds (because of the association of the term with the name of the Prophet Muhammad), and in some cases out of animosity towards the community. Scholars, academics, and human rights organisations have acknowledged that the term Qadiani has developed a negative connotation over the years and they consider it to be a pejorative insult for members of Ahmadiyya community. For example, a 2017 US State Department [Report on International Religious Freedom: Pakistan](#), states that the term Qadiani is “a pejorative term for Ahmadi Muslims”. For further detail, see Ofcom’s breach decision in relation to Iqra TV, [Finality of Prophethood](#) published in Issue 417 of the Ofcom Broadcast Bulletin on 21 December 2020.

⁴⁷ See UK Home Office [Country Policy and Information Note on Pakistan: Ahmadis](#) (March 2019); and [APPG for the Ahmadiyya Muslim Community Report](#) (July 2020).

Therefore, although we recognise that the term “Qadiani” is becoming increasingly recognised as a derogatory term in certain contexts, we considered that its use in these programmes on balance was not in itself abusive or derogatory in breach of Rule 3.3 of the Code.

However, we took into account that Palwasha Khan in the programme of 5 May 2020 used the word “Jews” as a term of abuse, and that it was accepted as such by the host and by Sadaqat Ali Abbas.

We also took into account that in the programme of 6 May 2020, the following opinion was expressed without challenge by the representative of the PML-N Party, Talaal Chaudhary, when talking about the governing party in Pakistan:

“Now they accept corrupt people, those who steal sugar and flour [i.e. hoarders to increase prices] are also sitting in the cabinet, IPP oil thieves are also sitting in the cabinet, their own minister [the Minister for Religious Affairs] has stated that the five ministers related to the blasphemy against the Prophet [the inclusion of Ahmadi representatives in the Minorities Commission] are also sitting in the cabinet...The thing is, now they accept the corrupt, at the moment Qadiani supporters too are acceptable, at this time, all thieves are acceptable because it’s not the time of elections, now they aren’t seeking votes, it’s not the time to fool people”.

We considered that, by suggesting that cabinet ministers who supported Ahmadi people were equivalent to “corrupt” ministers, to hoarders and to “thieves”, this implied that Ahmadi people were so contemptible that even supporting them was a form of corruption.

We therefore considered that the programmes of 5 and 6 May 2020 contained abusive and derogatory treatment of Jewish and Ahmadi communities respectively.

We next considered whether there was sufficient context to justify the broadcast of this abusive and derogatory treatment. For the reasons already discussed in relation to Rule 3.2 above, and taking into account context in which hate speech was also included, we considered that the material was likely to have exceeded audience expectations of *Nadeem Malik Live* and that there was insufficient context or challenge provided within the programmes to justify the broadcast of this derogatory and abusive content.

We also noted that the Licensee accepted that the content amounted to breaches of Rule 3.3 of the Code.

Given all the above, our Decision is that the programmes of 5 and 6 May 2020 were in breach of Rule 3.3 of the Code.

Rule 2.3

Rule 2.3 of the Code states that:

“In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context. Such material may include...offensive language,...discriminatory treatment or

language (for example on the grounds of...religion or belief...).

Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

As discussed above, we considered that the programmes of 5 and 6 May 2020 contained material which constituted antisemitic and anti-Ahmadi hate speech, and was abusive and derogatory towards Ahmadi and Jewish people. Ofcom therefore considered that both programmes clearly had the potential to cause significant offence.

We therefore went on to consider whether the broadcast of potentially highly offensive material was justified by the context. Section Two of the Code provides that “context” can be assessed by reference to a range of factors including: the editorial content of the programme; the service on which the material is broadcast; the likely size, composition and expectations of the audience; and the time of broadcast.

For the reasons set out above under Rules 3.2, and 3.3, we considered that the offensive statements relating to Ahmadi people and Jewish people were broadcast without appropriate information, such as warning, explanation or challenge, that would have assisted in avoiding or minimising the level of potential offence. We took into account the Licensee’s representation that the programmes ensured that “offence was kept to a minimum” and that the broader context of the debate, being the Minorities Commission and the focus on the issue of government transparency, justified the broadcast of any material that might be potentially offensive. However, as explained above, Ofcom considered that the “political” discussion of the Minorities Commission was used as a platform to broadcast material about the Ahmadiyya and Jewish communities that had the potential to cause considerable offence, and that the political context did not justify the likely significant level of offence.

We also considered the Licensee’s argument that the host’s “level-headed control” of the debate minimised any offence caused by the statements of his guests. However, for the reasons explained above under Rules 3.2 and 3.3, we considered that the repeated offensive comments made about Ahmadi and Jewish people were broadcast without sufficient or timely challenge or critique.

In Ofcom’s view, the material would have therefore exceeded the expectations of the UK audience of Samaa TV and the offensive material was not justified by the context.

We noted that the Licensee accepted that the content amounted to breaches of Rule 2.3 of the Code.

Given all of the above, our Decision is therefore that the programmes of 5 May 2020 and 6 May 2020 were also in breach of Rule 2.3 of the Code.

Conclusion

For the reasons above, it is Ofcom's Decision that the programmes breached Rules 3.2, 3.3 and 2.3 of the Code.

We are putting the Licensee on notice that we will consider these serious breaches for the imposition of a statutory sanction. We have however noted the Licensee's representations on the circumstances surrounding the breaches and we will consider its representations carefully as a part of that process.

Programme of 5 May 2020: Breaches of Rules 3.2, 3.3 and 2.3 of the Code.

Programme of 6 May 2020: Breaches of Rules 3.2, 3.3 and 2.3 of the Code.