

Ofcom Broadcast and On Demand Bulletin

Issue 432
9 August 2021

Breakfast Show

Type of case	Broadcast Standards
Outcome	In Breach
Service	Link FM 96.7
Date & time	16 December 2020 at 08:37 22 December 2020 at 08:31
Category	Incitement to crime and disorder Generally accepted standards
Summary	A Nasheed ¹ was broadcast on two occasions which contained material likely to encourage or incite the commission of crime or lead to disorder. The content was also potentially offensive and was not sufficiently justified by the context. In breach of Rules 3.1 and 2.3 of the Broadcasting Code. Ofcom is minded to consider these breaches for the imposition of a statutory sanction.

Introduction

Link FM is a community radio station broadcasting in the Sheffield area. The licence for Link FM is held by the Pakistan Muslim Centre (Sheffield) Limited (“PMC” or “the Licensee”). The *Breakfast Show* is usually broadcast on Mondays to Thursdays between 08:00 and 10:00.

¹ A Nasheed is a piece of devotional vocal music that is sung either a capella or accompanied by percussion instruments.

Ofcom received four complaints from listeners who raised concerns about material broadcast during two episodes of the *Breakfast Show*. Listeners identified this material as a Nasheed called “*Jundallah*”² which they described as containing “jihadi³ lyrics” and “promoting terrorism”.

During our assessment of the programmes, Ofcom identified that the Nasheed below, which we understand to be titled “*Jundallah*”, was broadcast in both programmes. As the lyrics of the Nasheed are in Arabic, Ofcom translated the material and provided an opportunity for the Licensee to comment on the accuracy of the translation. The Licensee did not raise any issues about the accuracy of this translation, so we relied on it for the purposes of this investigation.

During the 16 December 2020 programme, the Nasheed was broadcast directly after the local news and was introduced by the presenter who said: “*Let’s take you to another Nasheed*”. When the Nasheed was finished, the presenter said: “*Jundallah, by Soldiers of Allah*” and then moved on to the local traffic report.

During the 22 December 2020 programme, the Nasheed was broadcast directly after the local news and was introduced by the presenter who said: “*Now it’s time for another Nasheed*”. When the Nasheed was finished, the presenter said: “*That was Jundallah, by Soldiers of Allah*”. The presenter then moved on to discuss the main news stories in the national newspapers.

The lyrics of the Nasheed are as follows:

”أبدا لا لن نحيد عن خطى الإيمان

Never will we ever divert from our faith

دربنا درب طويل بالهدى القرآن

Our path is long, with the guidance of the Qur’an

سائرون في طريق الحق يا جند الله

Marching on, the path of the truth, oh soldiers of Allah

جند الله .. جند الله

Oh, soldiers of Allah, Oh soldiers of Allah

عهداً علينا أسود العرين

Promise, oh lions⁴ of battlefield

² “*Jundallah*” means “Soldiers of Allah” in Arabic.

³ “Jihad” can have multiple meanings but in this context, it means holy war or armed struggle against the perceived enemies of Islam. Jihadi lyrics in Nasheeds glorify war, incite violence and are used as an instrument of recruitment by the Jihadi groups around the world.

⁴ The Lion (‘asada’ أسد) has an important position across Islamic and Arab culture, and invokes qualities of bravery, strength and honour. In Islamic history, men noted for their bravery such as the Prophet Muhammad’s cousin, Ali and his uncle Ḥamzah, were given titles like “Asad Allah” (“Lion of God”). Within the context of *Issue 432 of Ofcom’s Broadcast and On Demand Bulletin* 9 August 2021

نمضي أماماً أبداً لا نلین

We will march forward, never will we yield

٥ حتى إذا حان النفير

When the call comes to mobilise for the battle

عُدننا جنوداً نلبي القسير

We return as soldiers answering the call

جند الله .. جند الله

Oh, soldiers of Allah, Oh soldiers of Allah

ولا بد يوماً سيرجع الأقصى

And undoubtedly one day, the Aqsa⁶ will return

٧ ليحيا الفداء لطول المدى

So, the sacrifice will forever remain

٨ لجنت ربي سار الشهيد

To the gardens of my Lord the martyr went

عن دربه يوماً أبداً لا نحيد

From His path never will we ever divert

جند الله .. جند الله

Soldiers of Allah, Soldiers of Allah

سنمضي جنوداً نذاك العدى

jihadist propaganda, the lion is used as a symbol of honour and may also be used to suggest martyrdom or designate a martyr-to-be.

⁵ Al-Nafeer: The term "Al-Nafeer النفير" is a specific term used in the context of Jihad as a call to action which means mobilisation to join the battle. It is the precursor to Jihad and is the change from life as a private individual to the role of a soldier.

⁶ Aqsa: The Al Aqsa mosque located in Jerusalem is the third holiest site in Islam. In 1967 East Jerusalem where the Al Aqsa mosque is located came under Israeli control and remains an area of contention between Israel and Palestine.

⁷ Al Fida: The word "Al Fida الفداء" means someone sacrificing themselves for a noble cause. It can also refer to the sacrifice of a goat to redeem someone's sins and in some cases refer to a ransom to free a prisoner.

⁸ The term "Shaheed شهيد" generally refers to an Islamic martyr, one who has died fulfilling a religious commandment such as Jihad, and is thus guaranteed a place in "Jannah" [paradise].
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We will go forth as soldiers crushing our enemies

وقرآن ربي لنا مورداً

With Qur'an of our Lord as our guide

ويبعث فينا يقيناً جديد

It will inspire in us a new certainty

فيوم الشهادة نصرٌ مجيد

And it sends in us a new certainty that the day of martyrdom is a glorious victory

جند الله.. جند الله

Soldiers of Allah, Soldiers of Allah”.

We considered this material raised potential issues under the following rules of the Broadcasting Code (“the Code”):

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...”.

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, violence, sex, sexual violence, humiliation, distress, violation of human dignity, discriminatory treatment or language (for example on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, and marriage and civil partnership), and treatment of people who appear to be put at risk of significant harm as a result of their taking part in programme. Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

Ofcom requested comments from the Licensee on how the programme complied with these rules.

Response

The Licensee said that it understood that a breach had taken place and that it “wholeheartedly [apologised] for the error”. PMC acknowledged that the Nasheed had been broadcast on two occasions on Link FM and that it was an “unfortunate incident... and one we hope not to repeat again in the future”.

The Licensee said it understood the potential harm that can arise from “any form of hate speech” but in mitigation argued the harm in this case would have been minimal “due to the language it was played in and the languages our audience understands”, given that the Nasheed lyrics are in Arabic whereas the language of listeners to the service is predominantly Urdu and English. It said that as a

“responsible management team”, it had always tried to ensure that the station avoided any “controversial subject areas” and tried to “empower” its presenters and “ensure that they can continue to develop with training and mentoring”.

The Licensee also told Ofcom:

- it had immediately implemented “remedial actions” in response to Ofcom’s investigation and points that arose from its own internal investigation, including sharing legal and compliance information⁹ with its presenters;
- Link FM’s “Volunteer Presenter Agreement” was given to an external media consultant to review and update. This will be given to presenters individually through face-to-face meetings during which their responsibilities and the expectations of them will be explained;
- all presenters have been asked to attend a “Legal Essentials and Compliance Essentials” Workshop with a compliance expert;
- Link FM currently uses old radio software system which has been causing issues, as it allows presenters to upload songs “on their own cognisance”, which they have explicitly been warned not to do. PMC said this instruction had been reinforced and “a new protocol enacted”. Any presenter that plays music has to provide a list of their songs prior to their show, which are then saved in a separate folder which they play songs from. No additional songs are allowed to be broadcast;
- it has secured funding to upgrade its IT System and broadcast software. The new system was expected to go live at the beginning of March 2021; and
- the new software company will train presenters on its use. The new system will enable the Licensee to have greater control over what is played out live. Playlists will be scheduled in advance, which will mean that the current issue does not happen again. Presenters will not be able to upload any songs without due process being followed.

The Licensee added that, during its internal investigation, the *Breakfast Show* presenter said that she was “extremely sorry and horrified” after reading Ofcom’s translation of the Nasheed that was broadcast. PMC said it had taken her explanation in good faith and concluded that it did not need to report the incident to the police or Prevent¹⁰.

The Licensee also provided the following information by way of context of the broadcast of the Nasheed:

- the presenter does not understand Arabic, although she can “read some of it verbally”, as it is somewhat similar to the Urdu language. She had heard the Nasheed on a music streaming service and thinking it was “melodious and harmonic in nature”, downloaded it and brought it into the studio to upload;

⁹ The Licensee said this legal and compliance information was from the Community Media Association.

¹⁰ Prevent is a government-led programme which aims to safeguard vulnerable people from being drawn into terrorism.

- any song requests or new songs go through the Radio Manager and are uploaded onto the library database. All songs are vetted for appropriateness and foreign language songs and Nasheeds are vetted through translation and then uploaded. PMC said the process that is in place to upload new tracks was “unfortunately subverted” on this occasion and the current system and broadcast software allowed this bypass to happen;
- the *Breakfast Show* is bilingual and both Urdu and English songs and Nasheeds are played. Occasionally Arabic Nasheeds are played, but those that are on the database have been vetted, whereas the Nasheed played in this case had not been on the database;
- the presenter started the *Breakfast Show* at the beginning of October 2020 and the extensive training and support that would have normally been in place for a new starter has been limited due to the Coronavirus pandemic;
- Link FM’s audience is primarily from the South Asian Community, the majority of whom will not have understood the lyrics of the Nasheed as it was in Arabic. The Licensee said therefore, it would have had a minimal effect on listeners. PMC also provided some general information about Link FM and some of the work it has carried out within its community:
 - as a responsible Community Organisation and Community Radio Station, it has always ensured it is inclusive and careful in its work and delivery. The Licensee cited many projects around raising awareness of issues such as terrorism and grooming, working in partnership with the police and the local Prevent team to educate and safeguard the community. PMC said it has sat on police advisory panels and maintains a healthy working relationship with the police;
 - over the last year and especially from the start of the first lockdown, the Licensee had been working instrumentally through the Community Organisation and Link FM to promote and engage the community with Coronavirus messages working with the NHS Public Health Team, Sheffield Clinical Commissioning Group, Sheffield City Council and other partner community organisations; and
 - PMC operates as a leading BAMER [Black, Asian, Minority Ethnic and Refugee] voice in Sheffield, fighting for equality and engaging the Muslim faith communities to develop burial protocols and mosque safety plans for Covid-19 rule compliance. The Licensee said it was currently working on improving engagement with the BAMER Communities and the Vaccination Programme. It added Link FM had played a crucial role in informing listeners and local communities regarding the Coronavirus pandemic with information “in English and their home languages”.

PMC also provided some information about how Link FM has been impacted financially by the Coronavirus pandemic. The Licensee said that in the last 5 years of holding a radio licence it had demonstrated it had “a harmonious track record”. It said it hoped this would be “taken into consideration in showing leniency towards any outcome, as we have taken steps in light of the breach to improve our compliance procedures and prevent a similar breach occurring in the future”.

Presenter's response

The Licensee also provided Ofcom with a letter from the presenter, in response to the complaints made to Ofcom about the broadcast of the Nasheed on Link FM. The letter explained that this was “a genuine mistake which I sincerely apologise and feel quite embarrassed about including the reputational damage to the station and myself this has caused”. The presenter explained that she had “no intentions of inciting hatred or negativity of any shape or form” and always adhered to “the broadcasting codes of practices with upmost professionalism and integrity”.

The presenter also explained that she “does not speak or understand Arabic” and “when it comes to Arabic [her] knowledge and understanding is extremely limited”. The presenter confirmed the information provided by the Licensee, explaining that she had first listened to the Nasheed on a music streaming platform, and finding it “melodious and harmonic in nature...brought it into the studio and uploaded the file directory onto the playlist”. The presenter added it was broadcast with “real innocence” and “no malice”, and that her understanding of the Nasheed was about “having faith in God in getting through these difficult and challenging times within the current pandemic”.

The presenter said she would “never play anything again where I don't understand or speak the language unless the meaning is genuine” and she realised the “huge importance of checking the content of anything which is aired”. Further, she acknowledged that she would take into consideration that “other cultures can take the meaning differently” and that she had revisited the volunteer agreement that she signed when joining the station and read the policies and procedures again, “to make sure that I am aware of expectations”.

Licensee's response to Preliminary View

Ofcom gave PMC the opportunity to comment on its Preliminary View that the content was in breach of Rules 3.1 and 2.3 and that, given the serious nature of these breaches, Ofcom was minded to consider the imposition of a statutory sanction. In response, it said it accepted that the two broadcasts of this Nasheed amounted to serious breaches of Rules 3.1 and 2.3. It told Ofcom that it was “taking the situation seriously” and had “taken extensive steps to minimise the risk of such a breach occurring again”.

The Licensee stressed that “these two incidents were due to an innocent mistake on the part of the presenter who was not aware of the content of the offending nasheed”. It also explained that it had decided to remove the presenter from its volunteer list.

In response to Ofcom's Preliminary View, PMC also said:

- the fact the Nasheed was broadcast “without challenge or context” illustrated and reinforced the fact this was broadcast because of the “naivety of the presenter”. It added that only a presenter with a good working knowledge of Arabic would have been able to effectively contextualise this Nasheed and challenge the potentially harmful messages within it;
- its remit was to broadcast in Urdu, Punjabi and English and that very few listeners were likely to understand Arabic, adding that four complaints did not reflect a large proportion of Link FM's listenership which is estimated to be around 2500, and
- with regard to the references to the Al Aqsa mosque in Ofcom's Preliminary View, the Licensee clarified that the two broadcasts took place months before the unrest in the area in May 2021 and should not be seen as having contributed to inflaming an international conflict.

It also explained that it had instructed its volunteers to not pass comment or judgement on the recent conflict on-air and only relayed authoritative sources of news on the situation. It said it understood that people can become emotional and pass judgements which are not in line with the ethos of Link FM.

PMC also provided further information about Link FM's work in its community. This included information about its work to promote harmony and tolerance amongst all religious groups and faiths, which includes interviewing a variety of people from different faiths, including Christians, Sikhs and Hindus and working with religious organisations in Sheffield¹¹. It gave Ofcom details of its involvement in promoting the inclusion of people including the disadvantaged, oppressed, the unemployed, young people, women, disabled people, older people and people from Muslim communities and information about the opportunities it provides for training and development. PMC explained that volunteering is encouraged not only at the station but also with other organisations in the local voluntary, community and faith sectors and the station has active engagement in local schools.

The Licensee also said that the pandemic has stretched capacity at the station to the maximum and staff and volunteers have been working under a high degree of stress. It explained "this factor undoubtedly contributed to the lapse in judgment of the presenter and the capacity of Link FM to effectively deal with the situation as it arose". The Licensee said that these factors should be taken into account by Ofcom when considering the imposition of any statutory sanction.

Finally the Licensee said it plays a "vital role in Sheffield" and that Ofcom's investigation "has come as an eye opener and one we hope that we have learnt many lessons from, enabling us to improve and develop Link FM for the greater benefit of the communities that we serve".

Decision

Reflecting our duties under the Communications Act 2003, Section Three of the Code requires that material which is likely to encourage or incite the commission of crime or lead to disorder must not be included in television or radio services. Section Two of the Code requires 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.

Ofcom has taken account of the audience's and broadcaster's right to freedom of expression as set out in Article 10 of the European Convention on Human Rights ("ECHR"). We also had regard to Article 9 of the ECHR, which states that everyone "has the right to freedom of thought, conscience and religion". Ofcom must seek an appropriate balance between ensuring members of the public are adequately protected from harmful or offensive material and the right to freedom of expression and the right to freedom of thought, conscience and religion, when considering the Licensee's compliance with the Code.

Rule 3.1

Rule 3.1 of the Code requires that:

¹¹ The Licensee explained it was a host organisation for the Federation of Mosques, a platform where mosques from across the South Yorkshire region come together and meet and it feeds into the City's Faith Communities through an organisation called [Faith Star](#).

“Material likely to encourage or incite the commission of crime or lead to disorder must not be included in television or radio services...”.

When considering whether material is in breach of Rule 3.1, Ofcom must assess the likelihood of the content encouraging or inciting the commission of crime or leading to disorder, rather than identifying any causal link between the content broadcast and any specific acts of disorder or criminal behaviour. In carrying out this assessment Ofcom takes account of all the relevant circumstances, the nature of the content, its editorial context, and its likely effects.

Content may contain a *direct* call to action – for example, an unambiguous, imperative statement calling for listeners to take some form of potentially criminal or violent action. Material may also contain an *indirect* call to action if it includes statements that cumulatively amount to an implicit call to act. For example, material which promotes or encourages criminal acts, or which gives a clear message that viewers or listeners should consider it their duty to commit a criminal act. The Code makes clear that this may include “material promoting or encouraging engagement in terrorism or other forms of criminal activity or disorder”.

Ofcom understands that the singing of Nasheeds is a well-established expression of Islamic faith. Children are often taught Nasheeds at a young age both as an aid in teaching Arabic, and to assist in the learning of Islamic history, practice and beliefs. In general, such Nasheeds have a benign religious message, and have no violent overtones. Ofcom recognises that Nasheeds are often opaque, metaphorical or allegorical in nature.

However, Ofcom also understands that a more recent type of Nasheed, known as the “Jihadi Nasheed”, has become more prevalent¹². These Nasheeds tend to have a more war-like tone and tenor and can be used to create a violent Jihadi narrative. Ofcom understands that some proscribed terrorist groups in the UK, such as ISIL and Al-Qaeda, have adopted Jihadi Nasheeds to highlight their own activities, legitimise their actions, recruit new members and encourage violence¹³.

In this case, the Nasheed broadcast by the Licensee was titled “Jundallah”, which means “Soldiers of Allah”. Although this Nasheed did not contain any direct calls to violent action, we considered the cumulative effect of its lyrics and imagery was to condone, promote and actively encourage others to participate in violent acts as a form of devout religious expression and therefore amounted to an indirect call to action, for the reasons set out below.

Its central message focused on war and battlefield imagery:

- followers of Islam were “*soldiers of Allah*” who would “*go forth as soldiers crushing our enemies*”; and

¹² See: The Guardian, ‘[How Isis got its anthem](#)’ published November 2014; and Euronews, ‘[How Nasheeds became the soundtrack of jihad](#)’ published October 2014.

¹³ See: The Journal of European, Middle Eastern and African Affairs, [Musical Criminology: A Comparative Analysis of Jihadist Nasheeds and Narco Corridos](#), published June 2020. This document states the following: “jihadists have used nasheeds strategically in a concerted effort to spread their propaganda, legitimize their ideologies in the façade of religion, and popularize their genre to gain recruits and loyal followers”.

- *“When the call comes to mobilise for the battle, We return as soldiers answering the call”.*

Ofcom understands that the term “al-Nafeer”, which we have translated as: “a call to mobilise for the battle”, is synonymous with a specific meaning when used along with references to soldiers, sacrifice and martyrdom – it is a call to action to participate in a physical battle. It denotes the change from life as a private individual to the role of a Jihadi soldier. The term is invoked when calling for recruits to join violent Jihad and has also been used as a call to raise funds for Jihad¹⁴. Ofcom also noted “al-Nafeer” is the title of an online bulletin published by the proscribed terrorist organisation al-Qaeda¹⁵. We considered the fact that the term has been adopted and extensively used by extremist groups as part of their ideology and therefore would be strongly associated with it to audiences.

Given the term “al-Nafeer” as used here is synonymous with violent Jihad and taking account of the other lyrics in the Nasheed, we were concerned that this Nasheed would have been understood by Arabic speaking listeners as being an implicit call to action to encourage people to join a form of violent Jihad.

We also noted the following lyrics:

*“Promise, oh lions of battlefield
We will march forward, never will we yield”*

Ofcom is aware the Lion is an important symbol in Islamic and Arab culture, invoking qualities of bravery, strength and honour¹⁶. It is used specifically within the context of jihadist propaganda to represent honour and may also be used to suggest martyrdom or designate a martyr-to-be¹⁷. Ofcom also understands that within Jihadi Nasheeds, it is quite common for adult and child soldiers to be termed as “lions” or “lion cubs”, which are used as a symbol of the “nobility of jihad”¹⁸. Given this

¹⁴ See: Joshua Landis: [Six jihadist words you need to know to be a successful Jihadi and establish your own caliphate](#); and Shima D. Keene: [Threat Finance: Disconnecting the Lifeline of Organised Crime and Terrorism](#), Routledge (2012) p.23.

¹⁵ See: Al-Nafir Bulletin Issue 26: [Lineage of Treachery Abd al Aziz – Roosevelt Bin Salman – Kushner](#) available on the Institutional Scholarship website.

¹⁶ In Islamic history, men noted for their bravery such as the Prophet Muhammad’s cousin, Ali and his uncle Ḥamzah, were given titles like “Asad Allah” (“Lion of God”).

¹⁷ According to the EU Radicalisation Awareness Network (“RAN”), “lionisation of martyrdom” is a key motivational or mobilisation narrative in Salafi-jihadi ideology, which is the school of ideological thought to which groups such as ISIL and al-Qaeda subscribe. This narrative promises a belonging to the real community of believers who are the enlightened, suggests that victory is guaranteed for those who are steadfast in their beliefs and actions. See: Magnus Ranstorp, [A Practical Introduction to Islamist Extremism](#), The RAN Centre of Excellence. In ISIL’s official monthly magazine, reference is made to “Cubs of the Caliphate” who will become “Lions of Tomorrow”, which refers to an expectation that they will grow into jihadis. See: Sara Mahmood, [‘Cubs of the Caliphate’: The Islamic State’s Focus on Children, Counter Terrorist Trends and Analyses Vol. 8, No. 10 \(October 2016\), pp. 9-12](#).

¹⁸ See: Emma El-Badawy et al, [Inside the Jihadi Mind: Understanding Ideology and Propaganda](#), Tony Blair Institute for Global Change.

context, we considered this Nasheed to be promoting a narrative closely associated with propaganda used by extremist organisations to recruit members. Therefore, it was Ofcom’s view that this Nasheed was a Jihadi Nasheed, and that these lyrics contributed to an indirect call to action which sought to mobilise and encourage listeners to carry out violent actions in the name of their faith.

Similarly, we were concerned about language used in the Nasheed which appeared to glorify the act of martyrdom:

*“So, the sacrifice will forever remain
To the gardens of my Lord the martyr went”*

*“And it sends in us a new certainty that the day of martyrdom is a
glorious victory”*

Ofcom understands that the Arabic term “Al Fida”, which is used in these lyrics of the Nasheed, to be a specific term meaning the act of sacrificing oneself for a noble cause, and that the term “shaheed”, also included in these lyrics, to be an Arabic term meaning an Islamic martyr who has died fulfilling a religious commandment such as Jihad, and is guaranteed a place in “Jannah” (the Arabic word for paradise). Ofcom understands martyrdom to be a central tenet of violent Jihad, with the belief that sins are cleansed both by fighting and by becoming martyred. We note there is an emphasis in violent Jihadi literature that Jihad is the noblest form of death, with martyrs portrayed as being afforded a special status and guaranteed paradise after death which is highly appealing¹⁹.

By repeatedly referring to and glorifying the act of martyrdom within the Nasheed, Ofcom was concerned that the use of these terms would have been understood as having a clear association with violent Jihad, particularly when considered within the context of the imagery and lyrics outlined above, which speak of “soldiers of Allah” who would “...go forth as soldiers crushing our enemies” and who “when the call comes to mobilise for the battle.. return as soldiers answering the call”. In our view, these references to martyrdom contributed to the cumulative narrative of this Nasheed which glorified violence as an expression of Islamic faith and therefore carried an overarching message that violent Jihadi action was a religious duty which was to be encouraged and condoned.

We considered that Arabic-speaking listeners would have understood these references to martyrdom in the context of the Nasheed as a whole to be associated specifically with violent Jihad. We were therefore concerned that this piece of music was a Jihadi Nasheed of which the central purpose was to promote a violent ideology. In our view, this amounted to an indirect call to action which could be likely to encourage or incite the commission of crime or lead to disorder.

Ofcom also took into account that the lyrics cited “the Aqsa”, which is a reference to the Al Aqsa mosque located in Jerusalem and is the third holiest site in Islam:

*“We return as soldiers answering the call...
...And undoubtedly one day, the Aqsa will return*

¹⁹ See: David Cook, [‘The Implications of “Martyrdom Operations” for Contemporary Islam’](#).

*So, the sacrifice will forever remain
To the gardens of my Lord the martyr went”.*

We understand that the Al Aqsa has historical and cultural significance in Islam. Jerusalem and more specifically, control of the Al Aqsa mosque compound, is an issue that is highly contested by both Muslim and Jewish people and remains a source of conflict between Israel and Palestine. Ofcom is aware that the Al Aqsa and Jerusalem feature heavily in Jihadist propaganda²⁰, and that the on-going dispute over its control resonates strongly with the Muslim world and invokes a feeling of persecution of Muslims. Ofcom also understands extremist organisations have used the dispute over the control of the Al Aqsa as a basis to attract more recruits²¹.

In our view, the reference to the Al Aqsa mosque in this Nasheed, immediately followed by references to sacrifice and martyrdom encouraged listeners to view the dispute as a holy war (i.e. Jihad) and suggested that if “*the call*” is answered, the “*Aqsa will return*” to the hands of Muslims by means of such sacrifice/martyrdom (i.e. violently)²². We therefore considered these lyrics contributed to the overarching narrative of the Nasheed which amounted to an indirect call that violent acts should be carried out in the name of religion. Ofcom noted the broadcast of this Nasheed occurred some time before the recent unrest in East Jerusalem in May 2021²³, and therefore accepted the broadcast of this Nasheed on Link FM cannot reasonably be linked to the recent increase in tensions in the region.

Having carefully assessed the lyrics in this Nasheed and its cumulative narrative, we considered it communicated an overarching message to listeners which sought to condone, promote and encourage violent Jihad as a legitimate expression of Islamic faith and glorify an ideology associated with Jihad, including martyrdom. In our view, the Nasheed contained statements which glorified violent acts carried out in the name of religion and further implied such acts were condoned by Allah and prescribed in the Qur’an. As noted above, Nasheeds which contain messages like those in *Jundallah* are used by terrorist groups to attract potential recruits. Ofcom considered the content therefore amounted to an indirect call to action which could be likely to encourage or incite the commission of crime or lead to disorder.

We went on to consider whether there were any contextual factors in the programme which could affect the likelihood of these statements encouraging or inciting the commission of crime or leading to disorder. Ofcom has published Guidance²⁴ which accompanies Section Three of the Code. This makes clear that, under Rule 3.1, we take into account a range of contextual factors which could increase or

²⁰ See Counter Extremism Project article on [Palestinian Islamic Jihad](#) and The Fletcher Forum of World Affairs article: [Is Al-Qaeda Trying to Renew its Image by Focusing on the Israeli-Palestinian Conflict?](#).

²¹ In its first ‘fatwa’, [reproduced in translation by the Federation of American Scientists](#), al-Qaeda said that it is an “individual duty of every Muslim” to kill Americans and its allies “in order to liberate the al-Aqsa Mosque”. ISIL has called for attacks against Jews as a means of achieving the liberation of the al-Aqsa mosque, see [‘How Terrorist Groups Use Jerusalem’](#).

²² See quote in Kyle Orton’s Blog: [Islamic State’s Program for ‘Liberating’ Palestine](#): “I hope our people in Palestine realise that the solution is the jihad under the banner of pure monotheism...”.

²³ See [‘Israeli police storm al-Aqsa mosque ahead of Jerusalem Day march’](#) Guardian, published on 10 May 2021.

²⁴ See [Guidance to Section Three](#).

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decrease the likelihood of content inciting or encouraging crime or disorder. For example, the likelihood could be reduced if sufficient challenge or context is provided.

We acknowledged the presenter said she did not understand Arabic and the Nasheed was played by “mistake” and with “innocence”. We also took into account Licensee’s representations that the presenter could only have provided sufficient challenge and context to this content if she had been aware of its meaning. We noted PMC’s representations that the Nasheed was not on the radio station’s approved playlist, and the presenter had “naively” selected the music track to broadcast after hearing it on a music streaming service, against the station’s policy. However, it is ultimately the Licensee’s responsibility to ensure that it understands the content which is broadcast in order to comply with the Code.

The Licensee argued that as the content broadcast was in Arabic it did not consider the majority of its audience would have understood the lyrics, and therefore it considered the harm in this case would have been “minimal”. Ofcom disagreed. While the number of complaints is not indicative of the potential harm, we considered that we had received complaints from four listeners, and therefore in our view it was clear there was some awareness of the nature of the content broadcast among the station’s audience.

We welcomed the steps taken by the Licensee to reduce the likelihood of a recurrence. We also acknowledged the pressure many community radio stations, including Link FM, have been under due to the impact of the Coronavirus pandemic. However, we were concerned that this potentially very harmful content was broadcast on two occasions. Further, no content broadcast before or after this Nasheed provided any context, challenge to the violent behaviour and potentially harmful messages that it served to condone.

Taking account of all the above factors, it was Ofcom’s Decision that this content breached Rule 3.1.

Rule 2.3

Rule 2.3 of the Code states:

“In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context. Such material may include, but is not limited to, offensive language, violence, sex, sexual violence, humiliation, distress, violation of human dignity, discriminatory treatment or language (for example on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, and marriage and civil partnership), and treatment of people who appear to be put at risk of significant harm as a result of their taking part in a programme. Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

Under Rule 2.3, broadcasters must ensure that potentially offensive material is justified by context. Context is assessed by reference to a range of factors including the editorial content of the programme, the service in which the material is broadcast, the time of broadcast and the likely expectation of the audience.

As discussed above, we considered that the lyrics of this Nasheed amounted to an indirect call to action and sought to condone, encourage and promote violent acts as an expression of religious faith. As such, in our view, the content had clear potential to cause significant offence.

Ofcom then considered whether the broadcast of this Nasheed was justified by the context. When considering Rule 2.3, Ofcom is clear that the higher the potential for offence, the greater the need for appropriate context. In this case, potentially highly offensive material was broadcast twice during a breakfast programme on a community radio station without any challenge or context. In our view, listeners to this breakfast show were unlikely to have expected to hear content of this type of broadcast without it being appropriately contextualised.

The contextual factors in this case were not sufficient to justify the broadcast. We took into account the various factors provided by the Licensee by way of mitigation, including the steps it has taken to reduce the likelihood of a recurrence. However, for the reasons given above, our Decision is the content exceeded generally accepted standards in breach of Rule 2.3.

Conclusion

We took into account the Licensee's representations that this Nasheed was broadcast by mistake and the content was not fully understood by the presenter who selected it for broadcast. We also took into consideration that the Licensee has now put in place several additional compliance measures – including further training for its presenters and the installation of new broadcast software – to help ensure this kind of “unfortunate incident” is not repeated again.

However, Ofcom considered these breaches to be serious and repeated in two different broadcasts. **Therefore, our Decision is that we are minded to consider these breaches for the imposition of a statutory sanction.**

Breach of Rules 3.1 and 2.3