

**NOTICE OF REVOCATION OF LICENCE NUMBER TLCS101719 HELD BY AUSAF UK LIMITED UNDER SECTION 3(3)(b) OF THE BROADCASTING ACT 1990 AND CONDITION 29(3)(c) OF THE LICENCE**

**Introduction**

1. Ausaf UK Limited (“the Licensee”) holds a licence (TLCS101719 – the “Licence”) to provide the Ausaf TV service under the Broadcasting Act 1990 (the “1990 Act”).
2. The Licensee applied for the Licence on 12 November 2016 and was granted the licence on 24 January 2017. To date, the Licensee has not yet commenced broadcasting.
3. On 22 June 2018, Ofcom notified the Licensee that, subject to consideration of any representations from the Licensee, it was minded to revoke the Licence on the basis that it was no longer satisfied that the Licensee remained a fit and proper person to hold a broadcasting licence (the “June 2018 Notification”).
4. Having considered all the relevant evidence and the Licensee’s oral representations to Ofcom on the matters set out in Ofcom’s June 2018 Notification, Ofcom hereby gives notice to the Licensee pursuant to section 3(3)(b) of the 1990 Act and Condition 29(3)(c) of the Licence that it has decided, for the reasons set out in this Notice, that:
  - (a) it is no longer satisfied that those in control of the Licensee are fit and proper to hold a broadcast licence; and
  - (b) therefore, the Licence is revoked with immediate effect.

**A. Statutory framework and Ofcom’s approach to its fit and proper duty**

5. Under section 3(3) of the 1990 Act, Ofcom:
  - (a) shall not grant a licence to any person unless satisfied that the person is a fit and proper person to hold it; and
  - (b) shall do all that they can to secure that, if they cease to be so satisfied in the case of any person holding a licence, that person does not remain the holder of the licence.<sup>1</sup>
6. Therefore, Ofcom has an ongoing duty to remain satisfied that the Licensee is fit and proper to hold a licence to provide the licensed service. This duty must be understood in the context of Ofcom’s role as the broadcast regulator, and the regulatory regime for broadcasting.
7. Condition 29(3)(c) of the Licence provides that: *“Ofcom may revoke the Licence by notice in writing served on the Licensee and taking effect either from the time of service or on a date specified in the notice, in any of the following circumstances... (c) if Ofcom ceases to be satisfied that the Licensee is a fit and proper person to hold the Licence”*.
8. Under section 6 of the Human Rights Act 1998, Ofcom (as a public authority) has a duty to ensure that it does not act in a way which is incompatible with the European Convention on Human Rights (“the Convention”). In particular, in the context of this case, Ofcom has taken account of the related rights under Article 10 of the Convention.

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<sup>1</sup> This is reflected in Condition 29(3)(c) of the Licence (Revocation)

9. Article 10 of the Convention provides for the right to freedom of expression. Applied to broadcasting, this right encompasses the broadcaster's freedom to impart and the audience's freedom to receive information and ideas without interference by public authority and regardless of frontiers (Article 10(1) of the Convention). The exercise of these freedoms may be subject only to conditions and restrictions which are "*prescribed in law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence or for maintaining the authority and impartiality of the judiciary*" (Article 10(2) of the Convention).
10. If a broadcaster is found not to be fit and proper to hold a particular licence, then Ofcom must revoke that licence. The broadcaster cannot broadcast again unless the reasons making it unfit have been fixed. This is a major interference with freedom of expression, as it prevents the broadcaster from broadcasting and restricts the number of voices being heard and the range of programming available to audiences. Ofcom considers that the threshold for finding a broadcaster not fit and proper to hold a broadcast licence is, therefore, high. Ofcom must carefully weigh the evidence before concluding that it is justified and proportionate in all the relevant circumstances to find a broadcaster is not fit and proper to hold a broadcast licence.
11. The main reason for broadcasting to be regulated is to protect audiences from harm. To this end, broadcast licensees are required to comply with Ofcom's Broadcasting Code (the "Code"), containing standards applicable to the content that is broadcast. This covers a range of matters, including for example the safeguards that must be observed to prevent incitement to the commission of crime or disorder. In addition, licensees must comply with licence conditions concerning a range of matters, including establishing and maintaining appropriate compliance procedures.
12. In judging whether someone is fit and proper to hold a broadcast licence, the central consideration is whether they can be expected to be a responsible broadcaster. When Ofcom is assessing whether an existing licensee, which has been broadcasting the licensed service, remains fit and proper, a key consideration will be that person's compliance with regulatory standards and the conditions of its licence.<sup>2</sup> We may also look at non-broadcasting related conduct where we consider that it is relevant to the likely future conduct of the broadcaster licensee – for instance, if it poses a clear risk of substantial harm to an audience, or if it indicates that the licensee lacks respect for, or ability to comply with, the regulatory regime so that continued ownership of the licence would undermine that regime. We may also look at non-broadcasting related conduct where we consider it likely to undermine public confidence in the broadcasting regime as a whole.<sup>3</sup>
13. As well as taking into account the broadcaster's own conduct, we can also consider the behaviour of people who exercise material influence or control over the broadcaster. The extent to which we do so will depend on their level of influence and on the circumstances such as the seriousness of the conduct.

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<sup>2</sup> For example, serious, repeated or ongoing breaches of standards may suggest a lack of fitness and propriety

<sup>3</sup> *Harris v Registrar of Approved Driving Instructors* [2010] EWCA Civ 808.

## **B. Ofcom's investigation**

14. On 18 October 2017, Ofcom opened an investigation into concerns about whether the Licensee is 'fit and proper' to hold a broadcasting licence. Our concerns related to the links between Ausaf UK Limited and the Daily Ausaf newspaper, as we had identified that content of a highly concerning and potentially harmful nature had been published in the Daily Ausaf newspaper.
15. This issue first came to Ofcom's attention in the context of a *File on 4* programme<sup>4</sup> on BBC Radio 4 which alleged that the Daily Ausaf London has published articles that: promote intolerance of the Ahmadiyya community; celebrate militant groups and individuals proscribed in the UK; and promote a violent interpretation of Jihad.
16. We sought to clarify the links between Ausaf UK Limited and the Daily Ausaf through requests for information sent on 18 October 2017 and 7 November 2017. We have taken account of the Licensee's responses of 23 October 2017 and 10 November 2017 in our assessment.
17. As set out above, on 22 June 2018, Ofcom notified the Licensee that, subject to consideration of any representations from the Licensee, it was minded to revoke the Licence on the basis that it was no longer satisfied that it remained a fit and proper person to hold a broadcasting licence.
18. The Licensee did not make written representations to Ofcom in response to the June 2018 Notification, but requested the opportunity to make oral representations, which it made on 31 July 2018. These representations are summarised below at paragraphs 30 to 33. We have taken account of these representations in making our decision.

## **C. Ofcom's concerns about content published in the Daily Ausaf newspaper and the links between the Daily Ausaf newspaper and the Licensee**

19. In the following section, we summarise the concerns which formed the basis for our June 2018 Notification.
20. We first explain the concerns we had about particular content published in the Daily Ausaf newspaper produced in London and Pakistan:
  - (a) Specifically, as explained at paragraph 22 below, Ofcom identified certain content which we considered amounted to incitement to crime and/or terrorist actions and hate speech.
  - (b) Moreover, as explained at paragraph 24 below, Ofcom was concerned that an interview with the former editor of the UK edition of the Daily Ausaf, broadcast on the BBC's *File on 4* programme, suggested that those responsible for the London edition of the Daily Ausaf newspaper were aware of the problematic nature of the content published but were unable or unwilling to take the steps needed to ensure that the content published was appropriate for a UK audience.
21. We then explain our concern that Ausaf UK Limited and/or those in control of Ausaf UK Limited are involved in the publication of the Daily Ausaf newspaper. Specifically, as explained at paragraphs 25 to 29 below, we understand that Mohsin Bilal Khan, who has sole control

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<sup>4</sup> Broadcast on BBC Radio 4 at 20:00 on Tuesday 3 October 2017 and repeated at 17:00 on Sunday 8 October 2017

over the Licensee, also has responsibility for the publication and distribution of the content of the Daily Ausaf Pakistan editions. In particular, he is described as the Editor on the masthead of the Daily Ausaf Pakistan editions.

*Ofcom's concerns about content published in the Daily Ausaf newspaper*

22. Ofcom reviewed a number of editions of the Daily Ausaf newspaper produced in London and Pakistan. We had significant concerns about some of the content we reviewed, which we considered amounted to incitement to crime and/or terrorist actions and hate speech; specifically in connection with content which included:
- (a) **Glorification of violent Jihad:** Ofcom identified articles by columnist Naveed Masood Hashmi that preface the word “musala” in reference to Jihad, meaning armed Jihad. These articles advocate against any interpretation of Jihad other than armed Jihad. For example, they state that taking part in elections or serving one’s parents should not be called Jihad and that the only valid interpretation of Jihad is that of violent Jihad. In other articles, Hashmi uses the term “Jihad o Kital” i.e. Jihad of the Sword. He calls on Muslim youth to understand the principle of Jihad of the sword and accept it as the only legitimate form of Jihad. He says that the day Muslim youth understand this principle “no Buddhist, Hindu, Christian or Jew will dare raise his hand against a Muslim”.
  - (b) **Endorsement of proscribed individuals or organisations:** Ofcom found several articles which endorsed:
    - (i) Burhan Wani: the former militant commander of the terrorist group Hizb ul Mujahideen, which has been proscribed by the US, the European Union and India, whose militant activities and violent death at the hands of Indian military forces acted as mobiliser for the dormant Kashmir liberation movement.<sup>5</sup>
    - (ii) Syed Salahuddin: the head of the proscribed terrorist group Hizb ul Mujahideen.<sup>6</sup>

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<sup>5</sup> In an article dated 10 July 2017, Naveed Masood Hashmi, referring to Burhan Wani, stated: “Burhan Wani should not be labelled a political, social or linguistic martyr, he was in fact a Shaheed [martyr, in particular a Muslim killed in battle] who will remain shining on the horizon of Jihad forever more. He was the one who read about it, and understood [Jihad], and followed it as religious duty and gave his life. By doing so he gave the message that until the blood of martyrs flows there will be no light in paradise. Love the Kashmir Mujahideen with your heart and soul. We ourselves should take up the Jihad of the sword as a religious duty. Those specific circles who say that by removing the spirit of Jihad from the liberation struggle, Kashmir can be liberated; they are living in a fool’s paradise”.

<sup>6</sup> In an article headlined “America’s next target-Commander Salahuddin”, dated 7 July 2017, columnist M.M. Adeb criticises the decision of the US to designate Syed Salahuddin as a Specially Designated Global Terrorist (<https://www.state.gov/r/pa/prs/ps/2017/06/272168.htm>) and describes the decision as akin to “waking a sleeping lion”. The columnist recalls a meeting with Syed Salahuddin and describes him as having “a glowing and shining countenance, eyes that shone. His beauty and grandeur appealed to me, and whomever his eyes settled upon, remembered the feeling. It’s been a long time since that meeting and I don’t remember the exact subject under discussion at the time, but obviously it was *Jihad fi Sabilillah* [Jihad in the cause of Allah], which was his life’s work. A cause he embraced like a true believer whose only purpose was shahadat [martyrdom].” The columnist argues that India and the US are mistaken in thinking they can divert Kashmiri freedom fighters from the path of Jihad. The article ends by the columnist quoting a Qur’anic verse: “They [pious believers] will be recognised by clearly visible marks on their countenance indicating that they prostrate themselves [before Allah]” so as to endorse Syed Salahuddin as a person of great spirituality and thus protected from harm.

- (iii) Jaish e Mohammed: a proscribed terrorist group in several jurisdictions including the UK. The articles also extol the virtues of the head of Jaish e Mohammad, Masood Azhar.<sup>7</sup>
- (iv) Osama bin Laden: the founder of al-Qaeda and architect of the 9/11 terrorist attacks in the US. Referencing the resurgence of violence in the West bank and Jerusalem, this article<sup>8</sup> states that Muslims were wrong to question Osama bin Laden's call for action against the West, and that bin Laden's analysis of the problems facing the Muslim world was correct.
- (c) **Hate speech towards the Ahmadiyya community:** Ofcom identified several articles alleging that members of the Ahmadiyya community were working against the interests of the Muslim world and Pakistan in particular.<sup>9</sup> This included accusations that Ahmadis were linked to, and working for, the Israeli and Indian military or intelligence services.
- (d) **Anti-Semitic content:** Ofcom found content by columnist Hafiz Akif Saeed which were anti-Semitic in nature.<sup>10</sup> These articles also argued that Muslims should not trust the West, Christian and Jewish people.
23. Many of the articles of concern were written by Naveed Masood Hashmi who still (as at the date of this Notice) has a regular column in the Daily Ausaf newspaper. Ofcom understands he is also a columnist and spokesman for Jaish-e-Mohammed, which is a proscribed terrorist organisation in the UK and elsewhere. Naveed Masood Hashmi uses the pen name "The Sword" on the Jasih-e-Mohammed's online magazine (<http://www.alqalamonline.com/>) website. Other articles were written by Hafiz Akif Saeed whom we believe to be the head of an Islamist ultra conservative group Tanzim e Islami which advocates the establishment of the caliphate, opposes all forms of modernism and advises against relations with Jewish and Christian people.
24. The BBC's *File on 4* programme featured an interview with the former editor of the UK edition of the Daily Ausaf, and the person who until 1 November 2017 was the compliance officer for Ausaf TV.<sup>11</sup> In the programme, he said:

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<sup>7</sup> In an article dated 15 August 2017, Naveed Masood Hashmi praised Hafiz Masood Azhar and stated: "Some writings are so beautiful that as soon as you cast your eyes on them, they make their way to your heart by feasting your eyes upon them. This piece by Maulana Masood Azhar, renowned scholar of Islam and writer of several books, falls into that category. Written in the context of the current situation, this writing is enough to guide our readers".

<sup>8</sup> Article dated 4 May 2017, "Osama bin Laden and America"

<sup>9</sup> In an article dated 16 September 2017, calls were made for the application of the Shariah penalty against Ahmadis as apostates from Islam i.e. death. In addition, Ahmadis were referred to as "traitors" and engaged in "conspiracies against Muslims" and "conspiring with Jews and Christians against Muslims around the world".

<sup>10</sup> For example, in an article dated 9 April 2018, entitled 'What should our future conduct towards the Jews be?' Hafiz Akif Saeed argues that "Jewish people turned against God, and suffered calamities for this disobedience", "they are the biggest enemies of Islam and Muslims", "they will continue their conspiracies against Islam until the day of judgement", "they are the biggest problem and conspirators for you [Muslims], and you must always be wary of them and avoid entering into any friendship with them".

<sup>11</sup> The same individual was named to Ofcom as the compliance contact for Ausaf TV, when Ausaf UK Limited was applying for its TLCS Licence.

- (a) Editorial content from Pakistan was published in the UK edition without being checked and he was told content that should not have been published in the UK was printed in the UK edition.<sup>12</sup>
- (b) He was aware that an article about the Ahmadiyya community having a huge contingent in the Israeli Army was not true but said that “it sells in Pakistan”.
- (c) Regarding the publishing of material praising proscribed individuals or organisations, he claimed not to know the articles were published and also said it was not his duty to distinguish whether someone is a terrorist or a hero; his responsibility was only to decide whether publication was beneficial, not harmful, to the UK readership.
- (d) There was little risk in publishing certain problematic content in the UK due to the lack of regulation of community Urdu newspapers.

*Links between the Daily Ausaf newspaper and the Licensee*

- 25. Mohsin Bilal Khan, the sole director and shareholder of Ausaf UK Limited,<sup>13</sup> controls the Licensee.
- 26. The front page of the main Daily Ausaf website<sup>14</sup> lists the Chief Editor as Mehtab Khan and the Editor as Mohsin Bilal Khan (in Urdu). The pages for each of the six Pakistan editions (Islamabad, Karachi, Peshawar, Kashmir, Gilgit Baltistan and Lahore) also list Mohsin Bilal Khan as the Editor on the masthead of each edition (in Urdu).<sup>15</sup> Based on this evidence, we understood that Mohsin Bilal Khan was held out as the Editor of the Daily Ausaf Pakistan editions and had responsibility for the content of the Daily Ausaf Pakistan editions.
- 27. Mohsin Bilal Khan, writing on behalf of the Licensee, denied being the same person as the editor of the Daily Ausaf Pakistan:
  - (a) In the 23 October 2017 response to Ofcom’s request for information of 18 October 2017, he stated: “Mr Moshin Bilal Khan has nothing to do with the Pakistan editorial team [of] Daily Ausaf (London)”; “I (Moshin Bilal Khan) do not have any input into the newspaper”.
  - (b) Further, in the 10 November 2017 response to Ofcom’s request for information of 7 November 2017, he claimed that: “the name Moshin Bilal appears on the masthead...

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<sup>12</sup> When asked to explain who had editorial control when it came to putting the newspaper together, in his interview with the BBC’s *File on 4* programme, he said: “Actually, it’s prepared in Islamabad and it came over here. The editorial policy, the editorial page, they pick that page from the Pakistan edition and they put it over here. So due to the lack of manpower I know I couldn’t check every article and every bit of writing, but sometimes people told me that there is some kind of material that should not be published.”

<sup>13</sup> <https://beta.companieshouse.gov.uk/company/09863897/officers;>  
<https://beta.companieshouse.gov.uk/company/09863897/persons-with-significant-control> ,

<sup>14</sup> <https://dailyausaf.com/>

<sup>15</sup> Lahore: [http://epaper.dailyausaf.com/page?station\\_id=2;](http://epaper.dailyausaf.com/page?station_id=2;) Karachi: [http://epaper.dailyausaf.com/page?station\\_id=8;](http://epaper.dailyausaf.com/page?station_id=8;) Gilgit Baltistan: [http://epaper.dailyausaf.com/page?station\\_id=4;](http://epaper.dailyausaf.com/page?station_id=4;) Islamabad: [http://epaper.dailyausaf.com/page?station\\_id=1;](http://epaper.dailyausaf.com/page?station_id=1;) Peshawar: [http://epaper.dailyausaf.com/page?station\\_id=3;](http://epaper.dailyausaf.com/page?station_id=3;) Kashmir (Muzaffarabad): [http://epaper.dailyausaf.com/page?station\\_id=7](http://epaper.dailyausaf.com/page?station_id=7)

**“Moshin Bilal** is not me and I am not the Editor of Ausaf Pakistan... I am **Moshin Bilal Khan** and not the Editor”.<sup>16</sup>

28. The evidence available to Ofcom appeared to contradict this:

- (a) In previous correspondence Ofcom received a letter<sup>17</sup> from Mohsin Bilal Khan in relation to the Ausaf TV licence application. This letter also contained an operational structure chart which named Mohsin Bilal Khan as the Managing Director of Ausaf TV.
- (b) Mohsin Bilal Khan’s Facebook page says he is “Group Editor Ausaf Group of Newspapers”. The weblink provided on that page is to the Daily Ausaf and the contact email address given appeared to indicate that Mohsin Bilal Khan is linked to Daily Ausaf in London.
- (c) In previous correspondence Ofcom received emails from Mohsin Bilal Khan from the above email address in relation to the Ausaf TV licence application. We considered that this suggested this is the same individual.
- (d) Mohsin Bilal Khan’s LinkedIn profile said he is Managing Director of “Ausaf Group of Newspapers” as well as the “Managing Director of Ausaf UK Ltd” (ie the Licensee).
- (e) Mohsin Bilal Khan was listed as the Editor of the Daily Ausaf Pakistan at a 2014 conference. The picture of this individual appears to be the same as the picture used in the Facebook page detailed above.
- (f) A Liverostrum News Agency report online dated 3 March 2016 featured an article about the inauguration of the Karachi edition of the Daily Ausaf. We believe a photograph of a man addressing guests is of Mohsin Bilal Khan. “Bilal Mohsin Khan, Editor of the Daily Ausaf”, is named in the article as one of those who attended the launch. The picture of this individual appears to be the same as the picture used in the Facebook page detailed above.
- (g) A search of the Daily Ausaf London on Google Maps showed a photograph dated October 2016 which we believed featured Mohsin Bilal Khan. The picture of this individual appears to be the same as the picture used in the Facebook page detailed above.
- (h) We found no evidence of a ‘Moshin Bilal’ (as opposed to a Mohsin Bilal Khan) associated with either the Licensee or the Daily Ausaf newspaper.

29. We further noted that:

- (a) The stated nature of business of Ausaf UK Limited as reported on Companies House is to “print newspapers”.
- (b) In its 23 October 2017 response to our information request of 18 October 2017, the Licensee denied that Ausaf UK Limited had any responsibility for the “editorial” control of the newspapers, which it described as carried out by a “separate entity under the

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<sup>16</sup> We note that these responses refer to ‘Moshin Bilal Khan’ as opposed to “Mohsin Bilal Khan”. However, the name listed on Companies House as the Company Secretary, sole director of and sole shareholder of Ausaf UK Limited, and provided to Ofcom in the licence application, is “Mohsin Bilal Khan”, and this is also the name which appears on the masthead of the Daily Ausaf.

<sup>17</sup> Letter to Ofcom dated 28 November 2016.

auspices of Ausaf Pakistan”, and that this is “controlled by as stipulated by Mr Mehtab Khan”. However, the Licensee also stated that Ausaf UK Limited’s “clear remit is to publish”.

- (c) In its 10 November 2017 response to Ofcom’s request for information of 7 November 2017, while again denying that it has “anything to do with the editorial input of any newspaper”, the Licensee reiterated that its “remit is to print the newspaper”.
- (d) Ausaf UK Limited’s registered office (595A Lea Bridge Road, London, United Kingdom, E10 6AJ) appears to be in the same building as the Daily Ausaf London Office (as per its webpage, 595B Lea Bridge Road, London, United Kingdom, E10 6AJ).

#### **D: Representations of Ausaf UK Ltd**

- 30. Mohsin Bilal Khan subsequently attended the oral hearing on 31 July 2018 at which he made oral representations to Ofcom on behalf of the Licensee, alongside the Licensee’s other representatives, the Licensee’s Communications Officer and the Licensee’s Compliance Officer.
- 31. At the oral hearing, Mohsin Bilal Khan did not deny being the same person as in the documentation noted at paragraph 28 above. He confirmed that he had a connection with an individual involved with running the Pakistan edition of the Daily Ausaf Newspaper, but he said that, with regard to the editorial content, he had “no influence at all”. Mr Khan explained he is a businessman not a journalist and described his position as being “the MD”. He also produced an email which he said he had received from the Ahmadi community inviting him “for the eighth or ninth time” to attend the annual Jalsa<sup>18</sup> event.
- 32. At the oral hearing, the Licensee made the following representations about the newspaper content published in the Daily Ausaf:
  - (a) It acknowledged that the newspaper content summarised at paragraph 22 above was “discriminatory”, but said that it distanced itself “100%” from this type of problematic content. Specifically, Mr Khan, on behalf of the Licensee, said that “we don’t believe in it [the content] and neither did we produce it ourselves”.
  - (b) In respect of the UK edition of the Daily Ausaf newspaper, it explained that: “We get the material from Pakistan and we print it over here...we had staff in place who were responsible to look after the content and ensure that nothing discriminatory or against the law...get printed”. However, it explained that the articles were reproduced in the London edition of the newspaper “by mistake” and the people responsible at the newspaper had been removed from their positions. Specifically, the Licensee’s Communications Officer said that: “when Mohsin found that out he actually got rid of him<sup>19</sup> from the organisation”.
- 33. In respect of the Ausaf TV channel, the Licensee submitted that:
  - (a) The Ausaf TV channel was yet to start broadcasting and, in its view, the channel was being judged before having the opportunity to go on air.

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<sup>18</sup> Ofcom understands Jalsa Salana is the formal annual religious gathering of the Muslim Ahmadiyya community aimed at spiritual and moral advancement and social interaction.

<sup>19</sup> We understand this to have been referring to the former editor of the Daily Ausaf London edition.

- (b) The main audience for the TV channel would be people from Kashmir, but Ausaf TV would not be a sectarian channel with regards to the Pakistani Community. Rather, the intention was for the TV service to be an inclusive community channel providing people from that community the opportunity to raise their concerns and opinions, and in particular to give minority groups a voice.
- (c) It did not intend to broadcast problematic content similar to that identified by Ofcom in the Daily Ausaf newspaper.
- (d) Ausaf TV would have its own editorial team and compliance procedures, separate to the Daily Ausaf newspaper, and would be “mirroring everything that happens in this country accordingly”.

**E: Ofcom’s Assessment of whether the Licensee is a fit and proper person to hold a broadcasting licence**

- 34. We are very concerned that some of the content that has been included in the Daily Ausaf newspaper is potentially harmful in nature and amounts to hate speech and incitement to crime and/or terrorist actions.
- 35. Ofcom considered whether responsibility for the content published in the Daily Ausaf London and Pakistan editions could be attributed to those in control of the Licensee, namely Mohsin Bilal Khan, who is Ausaf UK Limited’s sole director and shareholder. We took into account the Licensee’s submissions that Mohsin Bilal Khan had no editorial responsibility for the problematic content in question. However, in Ofcom’s view, the evidence available indicated that Mohsin Bilal Khan had significant responsibility for, and/or control over, the running of the newspaper and, therefore, for the publication of the content/failure to ensure that such content was not published:
  - (a) As noted above, Mr Khan did not deny his involvement in the running of the Daily Ausaf newspaper, although he said that his involvement was not “journalistic” but rather in a “business” capacity (and described himself as the “MD” of Ausaf, which we understood meant that he was acting as the company’s ‘Managing Director’).
  - (b) Moreover, as explained above at paragraph 26, he is described as the Editor of the Daily Ausaf Pakistan editions on the masthead of those editions and on the front page of the main Daily Ausaf website. Therefore, he is held out as the person with ultimate editorial responsibility for those newspapers, and the Licensee did not offer a credible alternative explanation for this.
  - (c) Furthermore, in respect of Mr Khan’s involvement with the Daily Ausaf London edition, in the Licensee’s oral representations to Ofcom, it was explained that it was Mr Khan who had ultimate responsibility for deciding to fire the previous editor of the Daily Ausaf London edition. This indicated that he had managerial control over this part of the business and had direct involvement in deciding on who exercised editorial control in respect of that edition.
  - (d) Ultimately, we considered that it did not matter that Mr Khan may not (as he maintained) have been responsible for writing the problematic content itself or for taking the specific editorial decision on whether it should or should not be included in a particular edition of the newspaper. The fact that he may have chosen to delegate responsibility for determining what should or should not be published in a particular edition did not

absolve him from responsibility for the output of the newspaper when it was published, as someone with control over the Daily Ausaf UK newspaper business, and who has held himself out as the Editor of the Pakistan editions by allowing his name to be listed in the mastheads for those editions.

36. Overall, the evidence available indicates that, even if the Licensee is not directly involved in the production of the editorial content of the Daily Ausaf London edition (which it appears to claim is provided to it by those responsible for the Daily Ausaf Pakistan editions), the Licensee is and/or the person in control of the Licensee, Mohsin Bilal Khan, is involved in the publication and distribution of the Daily Ausaf London edition, and makes the content of this newspaper available in the UK.
37. Given the nature of the content published by the Daily Ausaf newspaper, we consider that the links between the Licensee and the newspaper, in particular through Mohsin Bilal Khan's role in the newspaper and his control over the Licensee, raise serious concerns about whether the Licensee is able to act as a responsible broadcaster and is able to comply with the regulatory regime.
38. We are also seriously concerned that, in its responses to Ofcom's information requests, the Licensee appears to have given false and/or misleading information to Ofcom by denying that there is a link between Mohsin Bilal Khan, as the editor of Daily Ausaf, and Mohsin Bilal Khan, as the sole director and shareholder of Ausaf UK Limited. It is clear following the Licensee's oral representations, which Mr Khan attended in person, that he is indeed the person indicated in the documentary evidence set out at paragraph 28 above. The Licensee has not provided a satisfactory explanation as to why it previously maintained otherwise, or as to why he is held out as the editor in the mastheads of the Daily Ausaf Pakistan editions if he does not have any editorial responsibility over the newspaper. We also consider this calls into question the Licensee's ability and/or commitment to comply with the regulatory regime and suggests that there is a material risk of non-compliance which could pose a risk of harm to audiences.
39. We have taken into account that the Licensee has sought to distance itself from the problematic content Ofcom identified in the London edition of the Daily Ausaf newspaper, which it claimed to have no editorial control over, and has argued that the problematic content was published "by mistake" and that those responsible for reproducing that content in the London edition of the newspaper had been removed from their positions. As noted above, we understood the Licensee to be referring to the former editor of the Daily Ausaf London edition who was interviewed for the BBC's *File on 4* programme,<sup>20</sup> and who was also formerly the Licensee's compliance officer until 1 November 2017.
40. However, since 18 October 2017 when Ofcom opened its investigation, Ofcom has identified further problematic content published in the Daily Ausaf London edition, including the anti-Semitic content noted at paragraph 22(d) above. Ofcom is also aware that the columnists Naveed Masood Hashmi and Hafiz Akif Saeed are still writing articles for the Daily Ausaf which are published in the London online edition of the newspaper. Therefore, those responsible for the Daily Ausaf London edition do not appear to have distanced themselves from publishing and distributing the work of these columnists, despite their record for producing content which the Licensee has itself acknowledged was "discriminatory", and which Ofcom considers

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<sup>20</sup> We note that in the BBC *File on 4* programme it was stated that he stepped down as editor in July 2017

to be significantly more concerning, amounting to incitement to violence/terrorist acts and hate speech. Moreover, as recently as 31 July 2018, the Daily Ausaf UK website published a front page editorial online which was anti-Semitic in nature.<sup>21</sup> This article was similar to previous articles identified in the newspaper by Ofcom, which denigrate Jewish people and their faith, and which we consider amount to a form of hate speech against Jewish people.

41. We would expect a responsible newspaper publisher to ensure that appropriate procedures were in place to prevent such content from being published in the UK and that columnists known to be responsible for publishing hate speech/incitement to violence or terrorism were not condoned. We noted that the Licensee suggested that there were supposed to be procedures/staff in place to prevent such content from being published in the London edition. However, to the extent any compliance procedures were in place, they were clearly ineffective, and, regardless of whether certain individuals are no longer working for the newspaper, it does not appear that the corporate governance or compliance procedures within the newspaper have subsequently been improved so as to prevent further similar problematic content being published. Therefore, it does not appear to Ofcom that the publication of problematic content by the Daily Ausaf London edition can be seen as limited to a small number of past isolated incidents. Rather, this appears to be an ongoing issue.
42. We recognise that Ausaf TV has not yet started broadcasting, and therefore that the Licensee does not yet have a record of compliance (or non-compliance) with the Code against which we can assess its conduct. We have also taken into account the Licensee's comments that it does not intend to broadcast such content on the Ausaf TV service, that it will have a separate editorial team from the newspaper and its own compliance function, and that it is intended for the Ausaf TV service to be an inclusive community channel allowing minority groups to express their views. However, taking all the above circumstances into account, we consider that there is a material risk that the Licensee may fail to comply with the Code, for example, potentially by broadcasting content which is similar to that included in the Daily Ausaf newspapers and website. We therefore consider that there is a clear risk of substantial harm to audiences if the Licensee is permitted to broadcast. This in turn brings into question public confidence in the regulated activity if Ofcom were to remain satisfied that the Licensee was fit and proper.
43. We have considered this matter very carefully, given that if a broadcaster is found to be not fit and proper to hold a particular licence, then Ofcom must revoke its licence. We recognise that revocation is a major interference with freedom of speech, as it prevents the broadcaster from broadcasting and restricts the number of voices being heard and the range of programming available to audiences. There is therefore a high threshold for finding a

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<sup>21</sup> On 31 July 2018, the Daily Ausaf published an editorial article on the UK website with the headline: "Why do Jewish people hate the Angel Gabriel out of all of God's angels? Understand this matter as nobody has in the past." The article makes a series of statements regarding Jewish people: "One of the reasons that the Jews have an ideological hatred of Muslims is because Jews see themselves as superior to all other races"; "The Palestinian issue arose much later, this blood vendetta is not limited to a geographical area. This is embedded in their (Jewish people) nature. They have envy, hatred, jealousy and malice towards Muslims, which is the reason why so much Palestinian blood has been spilt"; "This is the reason why God has cursed this nation more than any other"; and "They want to have their faith as superior to all other faiths. They have extended super loans to the US and in league with the Christians have turned their guns on Muslims. In addition they control the world's media".

broadcaster not fit and proper to hold a broadcast licence, particularly in relation to non-broadcast conduct.

44. However, for the reasons set out above, we are no longer satisfied the Licensee remains fit and proper to provide the licensed service and we are therefore revoking the Licence with immediate effect upon service of this notice.

**4 September 2018**