

Complaint by Mr Altaf Hussain, made on his behalf by Mr Adil Ghaffar, about *Capital Talk*, Geo News, 2 August 2022

Type of case	Fairness and Privacy
Outcome	Not Upheld
Service	Geo News
Date & time	2 August 2022, 16:00
Category	Fairness
Summary	Ofcom has not upheld this complaint about unjust or unfair treatment in the programme as broadcast.

Case summary

The programme included a discussion about the findings of the Election Commission of Pakistan against the Pakistan Tehreek Insaaf (“PTI”)¹ regarding foreign funding. During the discussion, one of the programme’s guests referred to the complainant, Mr Altaf Hussain, as having taken “*foreign funding*” and “*conspired against Pakistan, and...tried to compromise Pakistan’s sovereignty*”. Mr Ghaffar complained on Mr Hussain’s behalf that he was treated unfairly in the programme as broadcast because Mr Hussain had “never taken any foreign funding to attack the sovereignty of Pakistan”.

Ofcom considered that, in the particular circumstances of this case, the broadcaster took reasonable care to satisfy itself that material facts were not presented, disregarded or omitted in the programme in a way that was unfair to Mr Hussain.

Programme summary

Geo News is an Urdu language channel broadcast under an Ofcom licence held by Geo TV Limited. As the programme was broadcast in Urdu, an English translation was obtained by Ofcom and provided to the complainant and the broadcaster. Both parties were given the opportunity to comment on the

¹ A political party in Pakistan led by Mr Imran Khan.

translations. Ofcom provided the parties with a final version of the translations that it would use for the purposes of this investigation.

On 2 August 2022, Geo News broadcast *Capital Talk*, a news and current affairs programme which included a discussion about the findings of the Election Commission of Pakistan that the PTI had received illegal funding from overseas (referred to in the programme as “foreign funding”), in breach of Pakistani law which bars foreign nationals and companies from funding political parties. During the programme, the following exchange took place between the presenter and the programme guests (Mr Khurram Dastgir - Federal Minister of Energy and a representative of the Pakistan Muslim League (N) (“PML-N”)²; Mr Shoaib Shaheen – Leader of the Islamabad High Court Bar Association; and Mr Ahmad Awais, who was introduced by the presenter as “the Sub Advocate General of Punjab and a lawyer for the PTI”:

Presenter: *“...Ahmed Awais Sahib, a question arises, you were saying that Imran Khan gave a certificate to the Election Commission and not an affidavit. Whether it was a certificate or an affidavit, do you not think a wrongful statement has been proven?”*

Mr Awais: *This was not an incorrect statement. A Chartered Accountant provided it. He gave the list with all the details on it, and he signed it. It is a very straightforward thing. Whenever you [are] accused of a criminal act, you have to see whether there is a ‘mens rea’ behind it or not, whether there is an intention to commit a crime or not. Here, there is man that is walking very fairly [sic], and it is a fund of Pakistanis, and you stretch it out by saying why is he from abroad? Why is he a foreigner? Do you know, when the case related to Altaf Hussain was on, do you know, the full bench of Lahore High Court was formed. And in that full bench... [Inaudible – Talking over each other].*

Mr Dastgir: *Sir, please tell us, you used a Latin word ‘mens rea’. What is its Urdu translation? I didn’t understand, it’s Latin language ‘mens rea’.*

Mr Awais: *It means intention to commit crime.*

Mr Dastgir: *Sir, intention to commit crime, then when Pakistan Television was occupied with sticks, was that not a crime? When the parliament fence was demolished in front of you, was that not intention to commit...*

Mr Dastgir: *I think it is very clear that in dropping the parliament’s fence, occupying PTV [i.e., Pakistan Television] ... [Inaudible – Talking over each other].*

Mr Awais: *Let me talk. For that, Mir Sahib will have a separate programme and then I will answer those questions. As I am submitting in front of you, in the same way that Altaf Hussain took foreign funding and conspired*

² The current governing political party in Pakistan.

against Pakistan, and he tried to compromise Pakistan's sovereignty and I filed a case here. And in Lahore High Court, they stopped all his speeches to be broadcasted all over Pakistan. I made this order as well, and when he talked more against Pakistan, here we filed a writ to ban his party and in that, Interior Minister was called. Mian Nawaz Sharif was the Prime Minister at that time. They didn't allow that to happen. He didn't allow his party to be banned only for this reason. You could call that is an intention to commit crime.

Mr Dastgir: *Narendra Modi³ took control of Kashmir and what did Imran Khan do? He had a one-minute silence" ... [Inaudible – Talking over each other].*

The programme continued without further reference to the complainant.

Summary of the complaint and broadcaster's response

Complaint

Mr Ghaffar complained that Mr Hussain was treated unjustly or unfairly in the programme as broadcast because one of the guests taking part in the programme alleged that Mr Hussain had "... obtained foreign funding and worked against Pakistan by hatching conspiracies and had compromised the sovereignty of Pakistan".

Mr Ghaffar said that Mr Hussain had "...never taken any foreign funding to attack the sovereignty of Pakistan, nor has he compromised Pakistan's safety by hatching any conspiracies". He added that "by allowing these types of comments to be aired nationally and internationally, Mr Hussain has been treated unfairly by Geo TV", and that the comments "would have adversely altered the perception of the viewers in the first instance, and most importantly Mr Hussain's followers". Mr Ghaffar said that a representative of the MQM⁴ should have been invited to participate to provide a satisfactory rebuttal to the "absurd allegations" made in the programme.

Broadcaster's response

Geo News said that it was relevant that Ofcom understood the complainant, Mr Hussain's, background and the context behind the discussion in the programme in order to demonstrate that no breach of Ofcom's Broadcasting Code (the "Code") had occurred. The broadcaster said that, after a "crackdown" by the Pakistani government in 1991, Mr Hussain had sought political asylum in London and thereafter "very controversially" led the MQM from London for over 20 years. Geo News said that, as a result of the complainant's "words and incitement", his image, speeches and broadcasts are banned in Pakistan. Geo News said that, because of his alleged actions, Mr Hussain was a hugely controversial figure for the vast majority of Pakistani's, whether in the UK or elsewhere.

Geo News said that during Mr Hussain's leadership of the MQM, both he and his organisation had been accused of "numerous serious crimes". The broadcaster provided Ofcom with links to two online

³ The current Prime Minister of India.

⁴ MQM (Muttahida Qaumi Movement), a political party founded by Mr Hussain.

articles which, it said, gave examples of “serious allegations against Mr Hussain”⁵. Geo News said that, when considering this complaint, Ofcom must do so from the perspective of viewers of the channel who are Pakistani, or of Pakistani origin, and who would have knowledge or an interest in Mr Hussain and the MQM, rather than the average British viewer who it said would not share this knowledge or interest.

Turning to the complaint itself, Geo News said that Mr Hussain had taken what was said in the programme wholly out of context and had omitted some important words. It said that the discussion in the programme was about the Pakistan Election Commission’s findings against Mr Imran Khan’s PTI party regarding foreign funding. It said that it was therefore clear that the programme was not about Mr Hussain, and that he was mentioned very briefly by way of comparison as he had previously been alleged to have received foreign funding. Geo News said that in the programme, one of the guests, Mr Awais, said: *“As I am submitting in front of you, in the same way Altaf Hussain took foreign funding and conspired against Pakistan, and he tried to compromise Pakistan’s sovereignty and I filed a case here”*. It said that, if these words are seen in their true context, they conclusively show that Mr Awais was saying that he had “filed” a case against Mr Hussain in Pakistan relating to him receiving foreign funding and having conspired against Pakistan and trying to compromise Pakistan’s sovereignty. Geo News said that the words denoted the definitive and factual event of Mr Awais having “filed” a case, and that Mr Awais was clearly not saying that the complainant had obtained foreign funding and worked against Pakistan by hatching conspiracies and had compromised the sovereignty of Pakistan, as set out by Mr Ghaffar in the complaint. The broadcaster said that it understood that the cases filed by Mr Awais were still ongoing in Pakistan.

Geo News said that the channel’s viewership would not have thought that Mr Hussain had been unfairly or unjustly treated, especially given his history and “numerous allegations of serious crimes”. The broadcaster said that it was also relevant to mention that Mr Hussain had been accused of taking foreign funding and “terror financing” by the Federal Investigation Agency (“FIA”) in Pakistan. Geo News provided Ofcom with links to online articles which, it said, further evidenced the allegations of foreign funding against the complainant⁶.

Preliminary View

Ofcom prepared a Preliminary View that Mr Hussain’s complaint should be not upheld. Both parties were given the opportunity to make representations on the Preliminary View, but neither chose to do so.

⁵ [MQM leader](#) who swapped Pakistan for London, Guardian, 29 July 2013.
Pakistan’s Most Feared [Power Broker](#), Bloomberg, 1 October 2022.

⁶ FIA registers case against Altaf Hussain for [terror financing](#), Dawn News, 2 October 2017.
FIA registers [case](#) against Altaf Hussain, Gulf News, 2 October 2017.
Interpol refuses to issue [red warrant](#) against Altaf Hussain, Dawn News, 25 February 2017.
Plea seeking [MQM dissolution](#), Daily Times, 20 September 2016.
Rise and fall of [Altaf Hussain](#), The Print, 21 November 2019.
[FIA books Altaf Hussain](#) for ‘misusing KKF funds’, Tribune, 2 October 2017.

Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unjust or unfair treatment in programmes in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent, and targeted only at cases in which action is needed.

In reaching this decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording and translated transcript of the programme, both parties' written submissions and supporting material from the broadcaster.

When considering complaints of unjust or unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of the Code⁷.

In addition to the Rule, Section Seven (Fairness) of the Code contains "practices to be followed" by broadcasters when dealing with individuals or organisations participating in, or otherwise directly affected by, programmes, or in the making of programmes. Following these practices will not necessarily avoid a breach of Rule 7.1, and failure to follow these practices will only constitute a breach where it results in unfairness to an individual or organisation in the programme.

In considering the complaint that Mr Hussain was treated unfairly in the programme as broadcast because one of the guests taking part in the programme alleged that Mr Hussain had "... obtained foreign funding and worked against Pakistan by hatching conspiracies and had compromised the sovereignty of Pakistan", we had particular regard to the following Code practices:

Practice 7.9: "Before broadcasting a factual programme, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation..."

Practice 7.11: "If a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond".

Ofcom began by considering the overall background context in which the programme was broadcast. We took into account the material provided by Geo News and considered that Mr Hussain appeared to be a well-known and controversial political figure in Pakistan, and that prior to the broadcast of the programme, had been the subject of considerable media and public attention. In particular, the activities of Mr Hussain in relation to historic allegations of him and his political party, the MQM, receiving foreign funding contrary to Pakistani law have been the subject of much scrutiny and debate.

⁷ [The Ofcom Broadcasting Code](#)

This included reports from media outlets in Pakistan that the FIA had registered several cases against Mr Hussain in 2016/17 in relation to alleged illegal foreign funding and the misuse of funds, and that prior to this Mr Awais (as Sub Advocate General of Punjab and a lawyer for the PTI) had been involved in a petition seeking to ban the MQM as a political party, and accusing Mr Hussain of “anti-Pakistan” activities. We were also aware that it was documented in media reports at the time that the MQM denied the allegations regarding its donations and use of funding, and that the ‘Indian Authorities’, who had been accused of supplying the funding, similarly refuted the claims⁸. It was in this context, therefore, that Ofcom considered the comments that were made in the programme about Mr Hussain and foreign funding.

As set out in the “Programme summary”, the programme included a discussion about the findings of the Election Commission of Pakistan against the PTI regarding foreign funding. During the discussion, one of the programme’s guests, Mr Awais, said:

“As I am submitting in front of you, in the same way that Altaf Hussain took foreign funding and conspired against Pakistan, and he tried to compromise Pakistan’s sovereignty and I filed a case here. And in Lahore High Court, they stopped all his speeches to be broadcasted all over Pakistan. I made this order as well, and when he talked more against Pakistan, here we filed a writ to ban his party and in that, Interior Minister was called. Mian Nawaz Sharif was the Prime Minister at that time. They didn’t allow that to happen. He didn’t allow his party to be banned only for this reason. You could call that is an intention to commit crime”.

Ofcom’s role is not to make findings of fact about the truth or otherwise of the allegations made about Mr Hussain in the programme. Rather, our role is to consider whether the broadcaster took reasonable care not to present, disregard or omit material facts in a way that resulted in unfairness to the complainant. Whether a broadcaster has taken reasonable care to present material facts in a way that is not unfair to an individual or organisation will depend on all the particular facts and circumstances of the cases including, for example, the seriousness of any allegations and the context within which they were presented in the programme.

We considered the context in which the comments about Mr Hussain were presented in the programme. In our view, the allegations about Mr Hussain being in receipt of foreign funding, conspiring, and compromising the sovereignty of Pakistan were made by one of the programme’s guests in the context of a live debate in a current affairs programme that was discussing the story about the Election Commission’s findings as it developed. We took into account the broadcaster’s submission that the programme was about the Election Commission’s finding that Mr Khan and the PTI had received foreign funding, and that the historic allegations that the complainant had also received foreign funding, which we understood Mr Hussain and the MQM had denied at the time, were only mentioned by way of comparison to the PTI case. We also took into account the broadcaster’s submission that Mr Awais was clearly not saying that the complainant had obtained

⁸ India provided funds to [MQM](#), Dawn News, 24 June 2015.
Pakistan’s [MQM](#) ‘received Indian Funding’, BBC, 24 June 2015.

foreign funding, and had conspired against and compromised the sovereignty of Pakistan, rather, his comments reflected the fact that he had (in his official capacity as Sub Advocate General of Punjab) filed a case against the complainant in relation to these allegations. In this regard, it appeared to Ofcom that Mr Awais was referring to a historic case that “[I] filed” against Mr Hussain in 2015, which we understood was ongoing at the time of broadcast, and had been reported on by a number of Pakistani media outlets. We also considered that the focus of the programme’s discussion had been on the Election Commission’s findings against the PTI, and that the comments about Mr Hussain were included in this context. We further took into account that the programme was not about Mr Hussain or his alleged activities, and that the comments made by Mr Awais were somewhat vague, referring generally to the complainant having received “foreign funding”, “conspired against Pakistan” and trying to “compromise Pakistan’s sovereignty”. In this regard, the programme did not examine the claims made by Mr Awais beyond their relevance to the PTI story.

We also took into account that the comments made about Mr Hussain came from Mr Awais, who was clearly identified by the presenter as the “Sub Advocate General of Punjab and a lawyer for [PTI]”, and captioned as “Advocate (Solicitor [PTI])” throughout the programme. Further, viewers would likely be aware that the PTI was a rival political party to that of the complainant’s MQM, and would have understood that those within the PTI would be taking a particular position when commenting on the findings of the Election Commission. In particular, Mr Awais had gone on to say that he had gone on to file “a writ to ban [Mr Hussain’s] party” and that the then Prime Minister, Mr Nawaz Sharif, “didn’t allow that to happen...you could call that is an intention to commit a crime”. Given that at the time of broadcast Mr Sharif and the PLM-N had replaced Mr Khan and the PTI as the Prime Minister and governing party of Pakistan respectively, we considered that it was likely that viewers would have understood Mr Awais’ comments in which Mr Hussain was referred were intended to deflect from the accusations being made against the PTI and Mr Khan. We also considered that it would have been sufficiently clear to viewers that Mr Awais’ views were his own, were clearly attributed to him, and were not in any way endorsed or presented as conclusive during the programme.

Having carefully considered all the factors set out above, we considered that the inclusion of Mr Awais’ claims about Mr Hussain were adequately contextualised, and that it was likely that viewers would have understood that, while Mr Awais had filed a case against the complainant regarding the allegations, the matter had not yet been determined. Further, we recognised that, as noted above, the case filed by Mr Awais had been reported widely by Pakistani media outlets at the time, and we considered it was likely to have been a story of genuine public interest, particularly to the channel’s target audience, and one they may have already been familiar with as a result. We considered that given this context, and Mr Awais’ standing within the PTI which was itself facing allegations of foreign funding, viewers were provided with sufficient information to be able to draw their own conclusions on Mr Awais’ comments about Mr Hussain.

Ofcom recognised that in his complaint, Mr Ghaffar said that a representative of the MQM should have been invited to participate in the programme in order to respond to the allegations against Mr Hussain. However, it is our view that, given the particular context in which Mr Awais’ comments were made in the programme (i.e. during a discussion about findings of foreign funding against the PTI) and that, as set out in detail above, the programme did not focus on or examine in detail Mr Awais’ claims regarding the historic allegations against the complainant, we did not consider that it was incumbent

on the broadcaster to have given Mr Hussain, or a representative of the MQM, a specific opportunity to respond in order to avoid unfairness to him.

Therefore, taking all these factors into account, we considered that, in the particular circumstances of this case, the references to Mr Hussain in the discussion in the programme were unlikely to have materially and adversely affected viewers' existing perceptions of him in a way that was unfair. On this basis, we do not consider that material facts were presented, omitted, or disregarded in a way that resulted in unfairness to Mr Hussain.

Ofcom has not upheld Mr Hussain's complaint of unjust or unfair treatment in the programme as broadcast.