



Summary

Newsday and BBC News / ‘Al Jazeera staff allege harassment and bullying went unchecked’ on BBC News Online

Type of case	Fairness and Privacy / BBC Online Material Opinion
Outcome	Not Upheld / The BBC observed its Editorial Guidelines
Service	BBC News / BBC News Online
Date & time	17 October 2022

This document sets out Ofcom’s response to two complaints from Mr Kamahl Santamaria regarding a BBC News investigation into allegations of harassment and bullying at Al Jazeera, in which Mr Santamaria was named.

The content consisted of two broadcast reports within the programmes *Newsday* and *BBC News* on the BBC News channel, broadcast at 01:00 and 02:00 on 17 October 2022 (“the programmes”). On the same date, the BBC News website published an article titled “*Al Jazeera staff allege harassment and bullying went unchecked*” (“the online article”). The investigation was reported on by Ms Suranjana Tewari in both the programmes and the online article.

Mr Santamaria made a Fairness and Privacy complaint to Ofcom about the programmes. Ofcom considered Mr Santamaria’s Fairness and Privacy complaint about the programmes under Section Seven of Ofcom’s Broadcasting Code (“the Code”). Mr Santamaria complained that he was treated unjustly or unfairly in the programmes because they included false allegations about him, and that he was not given an appropriate opportunity to respond to them.

We have not upheld a complaint about unjust or unfair treatment in the programmes as broadcast. Ofcom considered that the broadcaster took reasonable care to satisfy itself that material facts had not been presented, disregarded, or omitted in a way that was unfair to Mr Santamaria. Also, the



broadcaster demonstrated that it had given Mr Santamaria a timely and appropriate opportunity to respond to the significant allegations made in the programmes. Our full Fairness and Privacy adjudication is contained in this document.

Mr Santamaria also made a BBC Online Material complaint about the online article under Sections Three (Accuracy), Six (Fairness) and Fifteen (Conflicts of Interest) of the BBC’s own Editorial Guidelines (“the Editorial Guidelines”). Under the BBC Agreement¹, Ofcom is not required to resolve complaints about standards in the content of BBC online material and Ofcom has no related enforcement powers. Instead, the BBC Agreement² provides that Ofcom must consider and give an Opinion, including such recommendations as it considers appropriate, on whether the BBC has observed the relevant Editorial Guidelines on the content of online material in the UK Public Services.

Ofcom has issued an Opinion on the Online Article that the BBC observed the relevant provisions of Sections Three, Six and Fifteen of the BBC’s Editorial Guidelines and Ofcom does not make any recommendation to the BBC in relation to the Online Article. Ofcom’s Opinion is contained in this document.

¹ <https://www.gov.uk/government/publications/bbc-charter-and-framework-agreement>

² Clause 60(1) of the BBC Agreement.



Newsday and BBC News

Type of case	Fairness and Privacy
Outcome	Not Upheld
Service	BBC News
Date & time	17 October 2022, 01:00 and 02:00
Category	Fairness
Summary	We have not upheld a complaint about unjust or unfair treatment in the programmes as broadcast.

Case summary

The programmes reported on allegations that the broadcaster, Al Jazeera, had failed to address staff complaints of inappropriate behaviour taking place at its headquarters in Doha, Qatar. The report included allegations that a former Al Jazeera presenter, Mr Kamahl Santamaria (the complainant), had sexually harassed staff members in the Doha newsroom. Mr Santamaria complained that he was treated unjustly or unfairly in the report because it included false allegations about him, and he was not given an appropriate opportunity to respond to them.

Ofcom’s decision is that the broadcaster took reasonable care to satisfy itself that material facts had not been presented, disregarded, or omitted in a way that was unfair to Mr Santamaria. Also, we considered that the broadcaster demonstrated that it had given Mr Santamaria a timely and appropriate opportunity to respond to the significant allegations made in the programmes.

Programme summaries

Newsday, BBC News, 17 October 2022, 01:00 (“01:00 broadcast”)

On 17 October 2022, the BBC News channel broadcast an episode of *Newsday*, a live international news programme broadcast from the BBC Singapore newsroom. The newsreader introduced the headlines and said “...a BBC investigation finds that sexual harassment and bullying went unchecked at international broadcaster Al Jazeera”. On screen, text read: “Allegations against Al Jazeera”.

The programme later included the full report regarding broadcaster Al Jazeera’s handling of misconduct allegations. The presenter introduced this report:

“A BBC investigation has found that international news broadcaster Al Jazeera did not address years of complaints about inappropriate and toxic behaviour at its headquarters in Doha, Qatar. Allegations first surfaced when a presenter, who had been with the news channel for 16 years, left to join another news channel in New Zealand. The BBC’s Suranjana Tewari joins me for more. Suranjana, thank you for joining us on the programme. You have worked on this investigation for months. What did you find?”

BBC News Asia Business Correspondent, Ms Suranjana Tewari, then joined the presenter in the studio. She said:

“Yeah, Monica, I spoke to multiple former and current employees of Al Jazeera and many of them told me that former presenter Kamahl Santamaria sexually harassed them in the Doha newsroom where Al Jazeera is based. It’s based in Qatar. Now, some say he wasn’t the only one to do so and there are wider allegations as well. Some people told me that people are experiencing years and years of bullying and harassment in the newsroom and that managers are aware, allegedly, but that they continue to give the accused on-air opportunities, including Mr Santamaria. The people I spoke to say that creates a toxic work environment. I’ve seen documentary evidence of this being reported back as far as 2016, and victims told me that there is a disregard for policy, a culture of forgiving behaviour and protection of people who are considered to be above the law.”

As Ms Tewari spoke, a number of images of the Al Jazeera newsroom were shown.

The presenter then asked: “So, what has Mr Santamaria been accused of?”

Ms Tewari: *“Yeah, he’s accused of a number of things: sending inappropriate messages on social media and on internal work email, as well as kissing people in the newsroom uninvited. One man told me he kissed him on the lips in the newsroom. A few other females told me he kissed them on the neck, on the cheek. One woman told me she had to... wipe saliva from her face after he had kissed her. Now, another young producer told me that he often commented on people’s appearances, once commenting on a co-host’s breasts. Something that many people heard as well.*

Now, I put these allegations to Mr Santamaria. He admitted to and apologised for all behaviour that he said may have made anyone feel uncomfortable, and added that, what he previously considered to be flirtatious, over friendly, just a bit of banter or simply within the bounds of acceptable in the prevailing newsroom culture, was in fact not.

Presenter: *So, what has come to light now?*

Ms Tewari: *Yeah, the reason that this has come to light now, what many of the victims I spoke to are telling me, is that in Qatar it's quite difficult to speak up because there are strict laws around freedom of expression and you know there's a tight lid on the media there as well, and for people who work at Al Jazeera, their jobs, their visa, their schools, education, their homes, they're all linked to that visa so it's quite hard to raise these issues in the workplace. Some other people told me that Kamahl Santamaria's star status in the newsroom made it difficult to complain about him and he continued to get [on-]air opportunities, they say, despite management being informed of his behaviour. Since...the allegations came to light... Mr Santamaria went back to New Zealand and started a new job, and many people are pointing to the fact that at TVNZ it took just 32 days for an internal investigation to be carried out. He spent 16 years at Al Jazeera, of which more than half we know that there were allegations of harassment.*

Now, the BBC sent Al Jazeera 22 allegations it had uncovered, but the broadcaster did not address them individually, instead saying in a statement it considered 'staff safety and wellbeing to be of utmost importance'.

Presenter: *Suranjana, thank you very much for that in-depth analysis on that story."*

Throughout the report, the following text scrolled at the bottom of the screen:

"Allegations against Al Jazeera:

BBC investigation finds multiple allegations of sexual harassment.

Staff say harassment and bullying went unchecked in Doha newsroom.

BBC investigation draws on interviews and documentary evidence.

Former presenter Kamahl Santamaria is at the centre of the allegations.

Staff say they struggled to speak up in Qatar where the station is based.

Mr Santamaria has admitted to, and apologised for, some behaviour.

Al Jazeera said staff “safety and wellbeing are of utmost importance”.

[Repeats]”

The presenter then moved onto the next headlines and the story regarding allegations against Mr Santamaria was not referred to again in the programme.

BBC News, BBC News, 17 October, 02:00 (“02:00 broadcast”)

Directly after the *Newsday* programme, at 02:00, the BBC News channel broadcast an episode of its news programme, *BBC News*, presented by Mr Simon Pusey from the London studio. This programme also included a report regarding broadcaster Al Jazeera’s handling of misconduct allegations. During the headlines, the presenter said: “a BBC investigation finds that sexual harassment and bullying allegations went unchecked at international broadcaster, Al Jazeera” and on-screen text read: “Allegations against Al Jazeera”.

Later, the presenter introduced the full report:

“A BBC investigation has found that international news broadcaster, Al Jazeera, did not address years of complaints about inappropriate and toxic behaviour at its headquarters in Doha in Qatar. Allegations first surfaced when a presenter who had been with the news channel for 16 years left to join another news channel in New Zealand. Well, the BBC’s Suranjana Tewari joins me for more now. Thanks a lot for joining us. What exactly did your investigation find?”

Ms Suranjana Tewari joined via video-link from BBC Singapore.

Ms Tewari: *“Yeah, I’ve spoken to many, multiple current former employees, current and former employees rather, from Al Jazeera. Now, many alleged that former presenter Kamahl Santamaria sexually harassed them in the Doha Newsroom, where Al Jazeera is based. Some say he wasn’t the only one to do so. And there are wider allegations, years and years of bullying and harassment. That’s what some people have been facing allegedly. Now, these people told me that managers are aware, but continue to give the accused, including Mr Santamaria, on-air opportunities and other opportunities as well. That, they say, fosters a toxic work environment. I’ve also seen documentary evidence outlining inappropriate behaviour and staff complaints in the Doha Newsroom, some of them going as far back as 2016. Victims told me*

there is a disregard for policy at Al Jazeera, a culture of forgiving behaviour and protection of people considered to be above the law.

Presenter: *And what exactly has Mr Santamaria been accused of?*

Ms Tewari: *He's accused of sending inappropriate messages to colleagues on social media and internal work email. He's accused of kissing people in the newsroom uninvited. I spoke to one man and several women who experienced this. The man he said kissed him on the lips, a young producer told me she had to wipe saliva off her face after he kissed her, another one told me it was textbook grooming, his behaviour. He allegedly often commented on the appearance of other women in the newsroom. On at least one occasion, he commented on his co-host breasts, something that many people witnessed.*

Now, I put these allegations to Mr Santamaria; he admitted to and apologised for behaviour that may have made anyone feel uncomfortable, and added that what he previously considered to be for flirtatious, over friendly, just a bit of banter, or simply within the bounds of acceptable in the prevailing newsroom culture was, in fact, not.

Presenter: *And Suranjana, why is this only coming to light now?*

Ms Tewari: *Yeah, many people told me that they struggled to speak up in Qatar, where Al Jazeera's based, because it's got strict laws around freedom of the media and of expression. For staff who work at Al Jazeera, their visas, their kids' school, their homes, they're all tied to their employment there, so, it's hard to raise issues in the workplace, according to them. Others said that Kamahl Santamaria's star status in the newsroom made it difficult to complain, and because he continued to get on-air opportunities when they say they knew that management knew about his behaviour.*

Now, we put around 22 allegations to Al Jazeera, which they did not actually respond to individually, but they did give us a statement saying that they 'put their staff at the utmost importance, and that they strive to build a healthy and constructive work environment for all'.

Presenter: *Suranjana Tewari live for us in Singapore. Thank you very much indeed for bringing us up to date there."*

The same on-screen text as shown during the 01:00 broadcast appeared throughout the report.

Summary of the complaint and broadcaster's response

Complaint

Mr Santamaria complained that he was treated unjustly or unfairly in the programmes as broadcast because:

- a) During two reports about Al Jazeera's poor handling of complaints about inappropriate and toxic behaviour at its Doha newsroom, the programmes implied that Mr Santamaria was the only person at the centre of the allegations. Mr Santamaria said that only he was named in the reports and that the line of questioning was solely in relation to him. Mr Santamaria also said that, immediately after mentioning him, the reporter said that 22 allegations had been put to Al Jazeera. He said that this exchange left viewers with the impression that the 22 allegations were mostly, if not wholly, related to him. Mr Santamaria said that the allegations were 'anonymous and unsubstantiated'.
- b) Mr Santamaria was not given an appropriate opportunity to respond to the allegations in the programmes. Mr Santamaria said that Ms Tewari wrote to him for a response but did not set out the specific details of the allegations against him. He said that the allegations put to him were completely generic in nature and omitted multiple key details which were then outlined in the programmes.

Mr Santamaria said that Ms Tewari had wrongly implied in the programmes that he had responded to her specific allegations. He said that he had never had any contact with her and his response in the programmes was taken from a public statement which addressed a number of unsubstantiated and defamatory allegations against him.

Broadcaster's response

- a) The BBC said that it did not agree that the programme implied that Mr Santamaria was the only person at the centre of the allegations. It said that, in Ms Tewari's first answer to the presenters, she made clear that reports of bad behaviour went wider than Mr Santamaria, although his conduct was central to complaints that managers were failing to deal with grievances. The BBC said that the statement that he wasn't "*the only one*" and that "*the accused*" included Mr Santamaria made it clear to viewers that he was not the only individual who was the subject of complaints. It said that the context of Ms Tewari's reference to 22 allegations put to Al Jazeera's management was the apparent reluctance of the broadcaster's management to investigate complaints of inappropriate conduct. In this regard, the BBC referred to Ms Tewari saying:

"Since the allegations came to light, since Mr Santamaria went back to New Zealand and started a new job, and many people are pointing to the fact that at TVNZ it took just 32 days for an internal investigation to be carried out. He spent 16 years at Al Jazeera, of which more than half we know that there were allegations of harassment. Now, the BBC sent Al Jazeera 22 allegations it had uncovered, but the broadcaster did not address them individually, instead saying in a statement it considered staff safety and wellbeing to be of utmost import".

The BBC said that viewers would understand from Ms Tewari's interview that Mr Santamaria's conduct was central to the allegations of sexual harassment but that other individuals were involved, and the tolerance of this behaviour had led to other complaints to managers about a failure to respond to grievances. It said that the list of allegations put to Al Jazeera's management is consistent with such an impression. The BBC provided Ofcom with an email dated 10 October 2022 from Ms Tewari to Al Jazeera, in which she set out a number of allegations. In its statement, the BBC said that eight of the allegations put to Al Jazeera directly concerned Mr Santamaria and four related to other members of staff. It said the rest were inquiries about management's alleged lack of performance in taking action to respond to concerns.

The BBC said that Mr Santamaria's name had already been publicly associated with allegations of improper behaviour after he resigned from TVNZ in March 2022 and that news reports³ had made clear that questions about due diligence in the recruitment of Mr Santamaria in New Zealand led to the revelation of similar allegations concerning his behaviour at Al Jazeera. The BBC said the report made it clear that this linkage was integral to the disclosures when the presenter said: *"Allegations first surfaced when a presenter who had been with the news channel for 16 years left to join another news channel in New Zealand"*.

The BBC said that Mr Santamaria acknowledged publicly that he had been accused of inappropriate behaviour at Al Jazeera in a statement published before the broadcast on his website and "The Daily Blog", a prominent website in New Zealand. The BBC said that there was therefore a clear editorial justification for referring to Mr Santamaria by name in relation to alleged misconduct at Al Jazeera, and an equally clear limit to his expectations of privacy in that connection.

- b) In response to Mr Santamaria's complaint that he was not given an opportunity to respond, the BBC referred to an email from Ms Tewari to Mr Santamaria dated 10 October 2022 which invited him to respond to seven allegations:

- "1. You sexually harassed multiple men and women in the Al Jazeera newsroom in Doha
2. Your accusers say your star status in the newsroom made it hard to report your behaviour
3. You sent inappropriate messages to colleagues on Twitter
4. You sent inappropriate messages to colleagues on internal Al Jazeera emails
5. You touched colleagues in the Doha newsroom without consent
6. You kissed colleagues in the Doha newsroom without consent
7. You made inappropriate comments in the newsroom including references to female colleagues' appearance, their attire, and on one occasion a reference to a female presenter's breasts".

Referring to what Ms Tewari said in the report, the BBC said that the only details in the broadcast which were not included in the list of allegations put to Mr Santamaria were that he kissed a male colleague on the lips and that a female colleague had to wipe saliva from her face.

³ ['Government asks TVNZ's board to confirm hiring process of Kamahl Santamaria was proper'](#), Simon Plumb, www.stuff.co.nz, 30 May 2022.

It said that these were incidental to the allegations themselves, which were, in the BBC’s judgement, sufficiently specific to permit him to respond to Ms Tewari, who had requested a reply within 72 hours.

The BBC also referred to the additional comment made by Ms Tewari in the 02:00 broadcast that *“Another told me it was textbook grooming, his behaviour”*. While the BBC acknowledged that the term “grooming” has implications which go beyond allegations of repeated sexual harassment, it believed that the comment in question should be regarded as a reflection of the impression of his behaviour formed by one of his former colleagues, rather than a distinct allegation (in addition to the incidents which were the subject of complaints to Al Jazeera’s management at the time, and which were put to Mr Santamaria in an email from Ms Tewari on 10 October) which might have been open to dispute as to fact. The BBC considered it unlikely that the phrase in question would have materially altered viewers’ impressions of Mr Santamaria’s behaviour. The BBC also noted that, as Mr Santamaria offered no response to Ms Tewari’s inquiry of 10 October, there is no reason to suppose he would have responded to the suggestion of grooming if it had been put to him.

The BBC said that Mr Santamaria did not respond to Ms Tewari’s 10 October email, but chose instead to publish a statement on his own website⁴, reproduced on The Daily Blog⁵, “where prominent New Zealand bloggers and opinion-shapers publish their work”, within 48 hours of receiving Ms Tewari’s email.

The BBC said that Mr Santamaria commented in the statement that the allegations were “broad and with no particulars – making it difficult for anyone to respond to” but went on to apologise sincerely for flirtatious and “over friendly” behaviour which he now conceded was not within the bounds of acceptable behaviour in a newsroom environment. The BBC said Mr Santamaria offered no response to Ms Tewari but, taking his statement as a response to the allegations she had put to him, which Mr Santamaria mentioned, Ms Tewari described to viewers what he had said. The BBC said that, in doing so, she ensured that Mr Santamaria’s limited public response was conveyed to the audience. It said that, since Mr Santamaria had chosen not to respond directly to the allegations, Ms Tewari acted appropriately to ensure that material facts concerning his acknowledgment of fault had not been presented, disregarded or omitted in a way that was unfair to Mr Santamaria.

Ofcom’s Preliminary View

Ofcom prepared a Preliminary View that Mr Santamaria’s complaint should be not upheld. Both parties were given the opportunity to make representations on the Preliminary View, which, insofar as they are relevant to the complaint entertained and considered by Ofcom, are summarised below.

⁴ <http://www.kamahlsantamaria.com/statement>.

⁵ <https://thedailyblog.co.nz/2022/10/12/statement-from-kamahl-santamaria/>.

Complainant's representations

In reference to the broadcaster's email to Al Jazeera of 10 October, enclosed in its statement in response to the complaint, Mr Santamaria said it was misleading and unfair to say there were 22 allegations as only 21 were listed and half of the items were "points" not allegations. Mr Santamaria also disagreed with Ofcom's findings in its Preliminary View that it was sufficiently clear in the programme that the "22 allegations" were not solely related to Mr Santamaria. He said that "the media" had interpreted the programme as meaning that all 22 allegations related to him and he provided links to various news articles which he said supported this. Mr Santamaria said that the presenter only spoke about him in the parts of the broadcast relating to the 22 allegations and made no reference to other people or allegations. He said that, in its Preliminary View, Ofcom had ignored the fact that he was the only person named in the report. He said that he was not named as "an example", but "the example".

Mr Santamaria said that the allegations put to him by the BBC were completely generic in nature and never provided enough information for him to respond to. He said that the broadcaster even acknowledged in its statement that specific details were not put to him. Mr Santamaria disputed the BBC's assertion that the details contained in the broadcast were "incidental to the allegations" and "sufficiently specific to permit him to respond". For example, Mr Santamaria said that the allegation of "textbook grooming", which he was not given an opportunity to respond to, could not on any reasonable basis be regarded as "incidental to the allegations". He said it is a "criminal act with implications of involvement with underage children" and "a very distinct, specific, serious and defamatory allegation that takes allegations of 'inappropriate behaviour' or 'sexual harassment' to a whole other level". Mr Santamaria said it was "completely implausible and disingenuous" for the BBC to say that this would not materially alter viewers impressions of his behaviour. Mr Santamaria also said that it was a "huge and incorrect assumption" for the BBC to say that "there is no reason to suppose he would have responded to the suggestion of grooming if it had been put to him". Mr Santamaria said that he "100% most definitely" would have responded to, and denied, this "very specific sexual criminal allegation".

Mr Santamaria said that, despite the BBC and Ofcom acknowledging that he did not respond to the BBC, this was not made clear in the programme. He said that, in his public statement, he specifically said that "the allegations are broad and with no particulars – making it difficult for anyone to respond to". He said that he was not responding to the BBC or the allegations as he did not know the specifics of the allegations the BBC was reporting. Mr Santamaria said he was instead referring to "previously reported allegations". He said that the statement in the programme was therefore misleading and "intentionally mischaracterised [his] public statement" as a response to the BBC.

Mr Santamaria clarified that he published the statement on his own website, not the Daily Blog. He said that it is not a "blog post" as Ofcom said in its Preliminary View, but a "statement". Mr Santamaria said that he did not "admit" to anything in his statement, but offered an apology for "any and all behaviour that may have made anyone feel uncomfortable".

Broadcaster's representations

In response to Mr Santamaria's representations regarding the BBC's email to Al Jazeera, the BBC said that its reference to some of the points in its emails as "inquiries" rather than "allegations" was not intended to suggest that they were requests for general information, or were unrelated to the behaviour reported to Ms Tewari, which was the subject of the report. The BBC said that it was evident that Mr Santamaria's conduct was at the centre of the allegations about sexual harassment

in the Al Jazeera newsroom, though, as the programmes made clear, he was not the only person to be the subject of complaints.

The BBC accepted that only 21 allegations were put to Al Jazeera, not 22, but that this inaccuracy did not significantly misrepresent Ms Tewari's account about how allegations made about Mr Santamaria's conduct were put to Al Jazeera's management in the course of her investigation, and was accordingly not unfair to him.

The BBC acknowledged that Mr Santamaria had published his statement on his own website and that this was then reproduced that day on "The Daily Blog". It said that it remains a fact that Mr Santamaria chose to respond to the allegations put to him by the BBC by issuing a public statement.

The BBC questioned Mr Santamaria's insistence that he would have responded to Ms Tewari's email offering a right of reply if the remarks of a colleague describing his behaviour as "textbook grooming" had been put to him, despite declining to respond to allegations put to him in the email, for example that he kissed colleagues in the Doha newsroom without consent.

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 its decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording and transcript of the programmes, and both parties' written submissions, including representations made in response to the Ofcom's Preliminary View. After careful consideration of the representations, we considered that the points raised did not materially affect the outcome of Ofcom's Preliminary View to not uphold the complaint.

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 [Ofcom's Broadcasting Code](#) (the "Code"). In addition to this 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. 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 this complaint, Ofcom had regard to the following Code practices:

Practice 7.9: "Before broadcasting a factual programme, including programmes examining past events, 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 concerns should normally be given an appropriate and timely opportunity to respond”.

Practice 7.13: “Where it is appropriate to represent the views of a person or organisation that is not participating in the programme, this must be done in a fair manner”.

- a) Ofcom considered Mr Santamaria’s complaint that he was treated unjustly or unfairly in the programmes as broadcast because the programmes implied that he was the only person at the centre of the allegations of sexual harassment at Al Jazeera.

In assessing this complaint, we recognised that Mr Santamaria disputed the allegations made against him in the programmes, referring to them as “anonymous and unsubstantiated”. However, Ofcom’s role is not to reach a finding of fact in relation to the allegations about Mr Santamaria that were made in the programmes, but to consider whether the material was presented in the programmes as broadcast in a way that, overall, resulted in unfairness to him. 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 case, including, for example, the context in which such allegations are made.

We first considered the nature of the allegations made about Mr Santamaria in the programmes. As set out in the “Programme summaries” above, both programmes were broadly similar in format and content. We will therefore predominantly refer to the 01:00 broadcast in our considerations, save for where there were substantive differences between the programmes.

The report was introduced as an investigation about how “*international news broadcaster Al Jazeera did not address years of complaints about inappropriate and toxic behaviour at its headquarters in Doha, Qatar*” and that “*allegations first surfaced when a presenter, [the complainant] who had been with the news channel for 16 years, left to join another news channel in New Zealand*”. During the programmes, the reporter explained that she “*spoke to multiple former and current employees of Al Jazeera and many of them told me that former presenter Kamahl Santamaria sexually harassed them in the Doha newsroom*”. The reporter also set out the specific allegations that had been made against Mr Santamaria including that he was “*accused of... sending inappropriate messages on social media and on internal work email, as well as kissing people in the newsroom uninvited. One man told me he kissed him on the lips in the newsroom. A few other females told me he kissed them on the neck, on the cheek. One woman told me she had to... wipe saliva from her face after he had kissed her. Now, another young producer told me that he often commented on people’s appearances, once commenting on a co-host’s breasts. Something that many people heard as well*”. The 02:00 broadcast also included the comment that “*another [source] told me it was textbook grooming, his behaviour*”. The reporter later explained that Mr Santamaria’s “*star status in the newsroom made it difficult to complain, and because he continued to get on-air opportunities, they say, despite management being informed of his behaviour*”.

We considered that viewers would have understood from the programmes that Mr Santamaria had been named in relation to multiple allegations of sexual harassment at Al Jazeera. We also considered that viewers would have understood him to be a central figure in relation to the

allegations, given that he was the only person named in the report and that one of the captions in the report read: *“Former presenter Kamahl Santamaria is at the centre of the allegations”*. However, we did not consider that the programme suggested Mr Santamaria was the only person accused of inappropriate behaviour at Al Jazeera. In particular, we took into account the wider context of the report which concerned Al Jazeera’s handling of such complaints, with Mr Santamaria being named as an example. We also took into account that the reporter explicitly stated that *“some say [Mr Santamaria] wasn’t the only one to do so [sexually harass people] and there are wider allegations as well”* [Ofcom emphasis added]. She also said that management at Al Jazeera *“continue to give the accused on-air opportunities, including Mr Santamaria”* [Ofcom emphasis added]. It was also clear to us from the report that there were claims related to both *“bullying and harassment”*, with there being no suggestion in the report that the complainant had been accused of the former.

We acknowledged Mr Santamaria’s complaint that the reporter said *“Now, the BBC sent Al Jazeera 22 allegations it had uncovered”* directly after speaking about him, and that there was potential that viewers may have taken it that these *“22 allegations”* were all in relation to Mr Santamaria alone. We took into account the broadcaster’s submissions that the context of Ms Tewari’s reference to *“22 allegations”* put to Al Jazeera’s management was the apparent reluctance of the broadcaster’s management to investigate complaints of inappropriate conduct (i.e. *“many people are pointing to the fact that at TVNZ it took just 32 days for an internal investigation to be carried out. He spent 16 years at Al Jazeera, of which more than half we know that there were allegations of harassment”*). We also took into account the broadcaster’s submissions that eight of the allegations put to Al Jazeera directly concerned Mr Santamaria, four related to other members of staff, and that the rest were inquiries about management’s alleged lack of performance in taking action to respond to concerns. We recognised that Mr Santamaria disputed the BBC’s comments regarding the email to Al Jazeera, namely that there were in fact only 21 points in the email (as accepted by the BBC) and that not all of the points were *“allegations”*. Mr Santamaria also disputed the BBC’s breakdown of the 21 allegations put to Al Jazeera and how many referred to him. However, we considered that, as this breakdown of the allegations put to Al Jazeera was not reflected in the programme, and as it was concerning the right to reply of a third party, not Mr Santamaria, the specific content of the Al Jazeera email was irrelevant to our assessment of fairness in the programme as broadcast.

In Ofcom’s view, while the allegations about Mr Santamaria featured heavily in the report, it was sufficiently clear that the *“22 allegations”* were not solely related to Mr Santamaria. This was particularly apparent given the report made clear that there were concerns about Al Jazeera’s handling of the allegations of bullying and harassment, and the previous statements in the report that Mr Santamaria *“wasn’t the only one to do so and there are wider allegations as well”*. We considered that viewers would have been likely to have understood that, regardless of the specific allegations put to Al Jazeera, Mr Santamaria was not the only person accused of sexual harassment at the Al Jazeera Doha newsroom and that there were wider concerns about Al Jazeera’s handling of the matter. Ofcom considered this was made sufficiently clear in both the 01:00 and the 02:00 reports.

We recognised that Mr Santamaria may have preferred for the programmes to have included further detail about the wider allegations at Al Jazeera, such as the names of the other individuals accused, and that he felt aggrieved that he was the only person named in the reports. We took into account the broadcaster’s submissions that Mr Santamaria’s name had already been publicly associated with allegations of improper behaviour and that, in the programme

makers' view, there was therefore a clear editorial justification for referring to him by name in the programme. Ofcom considers that it is an editorial matter for programme makers to determine the focus of their content and whether or not to name specific individuals, provided that this does not result in unfairness to individuals or organisations. In this case, while Mr Santamaria was the only person named as the subject of allegations in the programme it was made clear that the allegations of inappropriate behaviour were wider than just those made about Mr Santamaria. In addition, for the reasons set out below, we considered that he was given an appropriate and timely opportunity to respond to these allegations and chose not to do so directly to the reporter.

Taking all these factors into account, therefore, we considered that material facts were not presented, disregarded or omitted in the programme in a way that was unfair to Mr Santamaria.

- b) We next considered Mr Santamaria's complaint that he was not given an appropriate opportunity to respond to the allegations in the programmes because, when Ms Tewari wrote to him, she did not set out the specific details of the allegations made against him. Mr Santamaria said the allegations put to him were completely generic in nature and omitted multiple key details which were then outlined in the programmes.

We considered that the allegations made in the programme that Mr Santamaria had been accused of inappropriate behaviour and harassment were serious and amounted to significant allegations which had the potential to materially and adversely affect viewers' opinions of him in a way that was unfair. Given this, we considered that it was incumbent on the broadcaster to have given Mr Santamaria an appropriate and timely opportunity to respond.

We took into account the broadcaster's submissions and the enclosed email from Ms Tewari to Mr Santamaria, dated 10 October 2022, one week before the programmes were broadcast. The email set out seven allegations, which are replicated in full under head b) of the Broadcaster's response.

We took into account Mr Santamaria's complaint, as reiterated in his response to the Preliminary View, that the allegations were "generic" and "omitted multiple key details" which were then outlined in the programmes. We recognised that the programme contained some further detail than that set out in Ms Tewari's email, such as the specific details in relation to allegations that Mr Santamaria had kissed multiple individuals. However, as the broadcaster submitted, these details were incidental to the overarching allegation that Mr Santamaria "kissed colleagues in the Doha newsroom without consent". We therefore considered that the allegations put to Mr Santamaria were sufficiently specific in relation to what was then said in the programme.

We noted that the 02:00 broadcast also included the comment that "*another [source] told me it was textbook grooming, his behaviour*" and that this had not been referred to in Ms Tewari's email to Mr Santamaria. We took into account Mr Santamaria's representations that "*textbook grooming*" was a standalone significant allegation of a criminal offence involving minors that he said went further than allegations of sexual harassment and inappropriate behaviour. We recognise that, in isolation, significant adverse inferences had the potential to be drawn from such an allegation. However, in this case, the allegation of "*textbook grooming*" was clearly said in the context of the wider allegations made about Mr Santamaria's behaviour in the workplace and there was no suggestion, nor did we consider that viewers would have understood, that any of this behaviour had involved people who were underage. Further, the comment was clearly

attributed as the opinion of one of Mr Santamaria's accusers who was reflecting on the overall alleged behaviour being discussed (i.e. the "*inappropriate behaviour*" and "*sexual harassment*"). Given that the BBC had set out in broad terms these overarching allegations against Mr Santamaria in Ms Tewari's email to him, we did not consider that the omission of this claim regarding "*textbook grooming*" resulted in Mr Santamaria not being given an appropriate opportunity to respond to the overall allegations being made about him.

Taking the above into account, we therefore considered that the programme makers had given Mr Santamaria an opportunity to respond to the allegations in the programme. We next considered Mr Santamaria's complaint that Ms Tewari wrongly implied in the programme that he had responded to her.

As set out above, Practice 7.13 states that "where it is appropriate to represent the views of a person or organisation that is not participating in the programme, this must be done in a fair manner". We recognised that the programme did not explicitly state that Mr Santamaria had not responded directly to Ms Tewari, nor did it quote the entirety of Mr Santamaria's public statement in the programme. However, it is an editorial matter for the broadcaster to decide what material is or is not included in a programme, so long as the presentation of facts in a programme does not result in unfairness to individuals. In this case, the reporter said:

"Now, I put these allegations to Mr Santamaria. He admitted to and apologised for all behaviour that he said⁶ may have made anyone feel uncomfortable, and added that, what he previously considered to be flirtatious, over friendly, just a bit of banter or simply within the bounds of acceptable in the prevailing newsroom culture, was in fact not".

We took into account that it is not disputed by the parties that Mr Santamaria did not directly respond to Ms Tewari. We recognised that there was some dispute between the parties about whether or not the statement published by Mr Santamaria on his website on 12 October was made in response to the allegations contained in Ms Tewari's email of 10 October. Mr Santamaria said he was responding to pre-reported allegations, not those set out by Ms Tewari. However, we took into account that Mr Santamaria's statement made reference to a "Singapore-based journalist with the BBC" and was published 48 hours after Ms Tewari contacted Mr Santamaria with the allegations. We therefore considered that it was reasonable, in the particular circumstances, for Ms Tewari to have referred to, and to have considered that, Mr Santamaria's statement related to the allegations she had put to him on 10 October 2022.

In any case, we noted that the reporter did not state in the programme that Mr Santamaria had responded directly to the specific allegations she had put to him, only that he had apologised for "*behaviour that he said may have made anyone feel uncomfortable*". The on-screen text also stated that "*Mr Santamaria has admitted to, and apologised for, some behaviour*". We took into account the broadcaster's submissions that, by describing what Mr Santamaria had said in his public statement, Ms Tewari had ensured that his limited, public response was conveyed to the audience. Having reviewed Mr Santamaria's statement, we considered that the summary of his statement presented in the programme was an accurate reflection of what he had said publicly about various allegations made against him in the public domain. While we took into account Mr

⁶ The 02:00 broadcast excluded the words "*he said*" but was otherwise identical to the 01:00 broadcast.

Santamaria's representations that his statement was not a response to Ms Tewari's allegations, but other pre-existing allegations, we did not consider that the inclusion of this part of his statement in the programme resulted in unfairness to him.

We took into account Mr Santamaria's representations that he did not "admit to" anything, but that he had apologised for behaviour that "may have made anyone feel uncomfortable" [complainant emphasis added]. We considered that Ms Tewari had quoted verbatim this part of Mr Santamaria's statement in the programme. We considered too that viewers would have been likely to have understood that multiple specific allegations had been made against Mr Santamaria, and that he had not admitted to all of these allegations, but had apologised for some of his behaviour. We therefore took the view that the reporter represented Mr Santamaria's views in a fair manner in both the 01:00 and 02:00 reports.

Therefore, taking all these factors into account, we did not consider that Mr Santamaria was treated unfairly in the programmes as broadcast in this respect.

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

Online Material: *Al Jazeera staff allege harassment and bullying went unchecked*

Type of case	BBC Online Material Opinion
Outcome	The BBC observed its Editorial Guidelines
Service	BBC News Online
Date & time	Published on 17 October 2022
Category	Due Accuracy, Fairness and Conflicts of Interest
Summary	Ofcom’s Opinion is that the BBC observed the relevant provisions of Sections Three, Six and Fifteen of the BBC’s Editorial Guidelines and Ofcom does not make any recommendation to the BBC in relation to the online article.

Background

This is an Opinion given by Ofcom to the BBC on whether it has observed its own Editorial Guidelines in the content of an [online article](#) entitled: *Al Jazeera staff allege harassment and bullying went unchecked*, published on the BBC News website on 17 October 2022. The article included similar content to the programmes *Newsday* and *BBC News*, BBC News, 17 October 2022, 01:00 and 02:00.

We have issued this Opinion as the complaints about the content of the article and the programmes as broadcast were intrinsically linked. Given that we entertained a fairness and privacy complaint about the programmes as broadcast, and the article raised similar issues, Ofcom considered that it was proportionate in the circumstances of this case to set out its opinion.

Mr Santamaria raised several issues with the online article, which were similar in nature to the complaint about the programmes as broadcast, including that: the article included “many instances of materially inaccurate information, uncorroborated allegations and misleading claims” (Mr Santamaria provided examples of such instances); that his name was given undue prominence in the article; that the article falsely gave the impression that all 22 allegations put to Al Jazeera related to him; that his statement was not included in the article, only a link to it was embedded; that it was misleading for the article to refer to his statement as “*in response to the allegations made by the BBC*”; that he was not given an appropriate and timely opportunity to respond to the allegations because they were generic in nature and it did not include the allegation of “*textbook grooming*”; and, the article failed to disclose that Ms Tewari had previously worked at Al Jazeera with Mr Santamaria.

Under the [BBC’s Charter and Agreement](#), set by Government, the BBC is responsible for the editorial standards of its online material. Ofcom is not required to resolve complaints about standards in the

content of BBC online material and Ofcom does not have any related enforcement powers.⁷ Instead, the BBC Agreement provides that Ofcom must consider and give an Opinion, including such recommendations as it considers appropriate, on whether the BBC has observed the relevant editorial guidelines in the content of online material in the UK Public Services.⁸

We have considered the Online Article under our [Procedures for handling complaints relating to BBC online material](#) (the “Online Material Procedures”), in particular having regard to sections 3 (“Due Accuracy”); section 6 (“Fairness”) and section 15 (“Conflicts of interest”) of the [BBC’s Editorial Guidelines](#).

Ofcom’s Opinion

Ofcom agreed with the ECU’s finding in this case:

- the article set out the claims about Mr Santamaria’s behaviour as allegations, rather than explicit statements of fact, and that these allegations were attributed to a number of anonymous sources who had worked at Al Jazeera.
- it was appropriate to name Mr Santamaria as he had been subject to more complaints than others and had been publicly named in relation to various allegations. Mr Santamaria, in his public statement, had also acknowledged that he had been subject to allegations.
- the article made it clear that Mr Santamaria was not the only subject of the allegations and readers were unlikely to have concluded from the article that the 22 allegations put to Al Jazeera were all in relation to Mr Santamaria.
- the allegations were sufficiently specific for Mr Santamaria to respond to, and he had therefore been given an appropriate and timely opportunity to respond.
- the summary of Mr Santamaria’s statement presented in the article was a fair reflection of his publicly stated position on the various allegations made against him and was quoted verbatim. We therefore considered that readers were provided with sufficient information to form their own opinions as to the extent to which Mr Santamaria’s statement addressed the allegations made in the article.
- the reference to “textbook grooming” would have been understood to be a description of the behaviour in the context of the article and was not a separate standalone allegation. The behaviour described was also sufficiently covered in Ms Tewari’s email to Mr Santamaria.
- it was clear from the article that Ms Tewari was reporting on the experiences of other individuals that she had spoken to, and not on her own experience of working at Al Jazeera.

⁷ In accordance with the BBC Agreement, Ofcom has entered into an Arrangement (the “Online Arrangement”) with the BBC which outlines the respective roles of the BBC and Ofcom in handling complaints about BBC online material. The Online Arrangement provides that Ofcom will consider whether a complaint about the editorial standards of BBC online material raises potentially substantive issues under the relevant editorial guidelines which warrant consideration by Ofcom. Ofcom will do so by reference to the gravity and/or extent of the matter complained of and whether it considers the BBC reached an appropriate final view on the complaints.

⁸ Clause 60(1) of the BBC Agreement. The “relevant editorial guidelines” are defined as “those of the BBC’s Editorial Guidelines for the time being in force which reflect the standards set under section 319 of the Communications Act 2003 and the code in force under section 107 of the Broadcasting Act 1996 (together, the ‘Ofcom Broadcasting Code’)”: see the Schedule to the [Online Arrangement](#).

In any case, the BBC subsequently added a footnote to the article which said “*Suranjana Tewari was a journalist for Al Jazeera in Doha from 2010 to 2014*”.

Ofcom’s Opinion is that the BBC observed the relevant provisions of Sections Three, Six and Fifteen of the BBC’s Editorial Guidelines.