[DK] Complaint of the Turkish Embassy against the Kurdish ROJ TV

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Elisabeth Thuesen
Law Department, Copenhagen Business School

The Turkish Embassy in Denmark has on 12 January 2005 lodged a complaint against ROJ TV, a Kurdish satellite television channel registered in Denmark, before the Danish Radio- og TV-Nævnet (Radio and Television Board). The Turkish embassy asserts firstly that ROJ TV has maintained relations with illegal organisations and persons, secondly that it has violated sections 114 and 114 a-d of the Danish Criminal Code, thirdly that it has maintained relations with organisations registered on the EU terror list, and that it has violated the Bekendtgørelse nr. 1174 af 17.12.2002 om radio- og fjernsynsvirksomhed ved hjælp af satellit eller kabel, samt om programvirksomhed ved hjælp af kortbølgesendemuligheder (Executive Order no. 1174 of 17 December 2002 on radio and television activities by means of satellite or cable and on programme activities by means of possibilities of short wave transmission - referred to as the Order), section 11, para. 3, by broadcasting programmes which incite to hatred based on race, sex, religion, nationality or sexual orientation. ROJ TV has dismissed the entire complaint.

On 21 April 2005, the Board made the following decision:

- The first and third points of the complaint have been rejected as the Board is not competent to make decisions concerning relations between broadcasters and organisations. The Board is not competent either to decide on offences of the Criminal Code and on matters concerning the EU terror list. All these complaints have to be reported to the police.

- Concerning the last point, the Turkish Embassy wants the Board to withdraw the registration - and consequently the broadcast permission - of ROJ TV on the grounds of violation of the Order section 11, paragraph 3. The Turkish Embassy has annexed two videotapes to the Complaint. Having seen the videotapes the Board has found that all the news presented in the programme concerns fights between Kurdish guerrillas and the Turkish military, Turkish troop movements and Kurdish guerrilla attacks on different targets. The discourse following the movies consists of reading of texts. There are no interviews or guest speakers.

Interpreting the expression “incitement to hatred” (tilskyndelse til had) the Board emphasizes that the fact that an organisation or person etc.... holds a certain

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opinion does not in itself involve an incitement. Furthermore, the information capable of being understood as an incitement has to be given with the purpose of inciting to hatred. The mere passing on of information does not in itself constitute the notion of “incitement” (tilskyndelse).It is completely legal for the free press to give relevant information on these matters. The mere transfer of information is expected to affect people with various preconceived opinions differently. This does not violate section 11, paragraph 3 of the Order.

Thus, the Board has not found any incitement to hatred of any sort expressed in the information passed on by ROJ TV and has concluded that section 11, para. 3, of the Order has not been violated.

Radio- og TV-Nævnets afgørelse om klage over ROJ TV, af 21. april 2005

http://www.mediesekretariatet.dk/bilag/rtv/afglokalrtv/rojtv210405.doc

Decision by the Radio- and TV-Board on complaint against ROJ TV, of 21 April 2005

Bekendtgørelse nr. 1174 af 17.12.2002 om radio- og fjernsynsvirksomhed ved hjælp af satellit eller kabel, samt om programvirksomhed ved hjælp af kortbølgesendemuligheder

http://www.kum.dk/sw5344.asp

Executive Order no. 1174 of 17 December 2002 on radio and television activities by means of satellite or cable, and on programme activities by means of possibilities of short wave transmission

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