[GB] Ofcom Fines Broadcaster after it Surrenders its Licences

IRIS 2013-3:1/18

Glenda Cooper
The Centre for Law Justice and Journalism, City University, London

An Arabic news and current affairs broadcaster has been fined GBP 25,000 by the UK Telecommunications regulator, Ofcom, for promoting a political movement in Tunisia. The regulator found that Al Mustakillah Television Ltd had breached rules concerning impartiality and political reporting in two programmes broadcast around the time of the Tunisian general election in October 2011. Unusually, Ofcom went ahead with the sanction despite Al Mustakillah handing back its UK licences last year, because of the seriousness of the breach, and to "act as an effective deterrent to other licensees."

Three viewers had complained that two programmes were used to promote the Popular Petition for Freedom, Justice and Development - a manifesto written by Dr Mohamed Elhachmi Hamdi, who appeared in both programmes. Dr Hamdi was also the sole director of Al Mustakillah, the sole director and majority shareholder of its holding company and the Ofcom compliance contact. As such, Ofcom considered Dr Hamdi was the 'person providing the service' and was therefore in breach of Rule 5.4 of the Ofcom broadcasting code, which says that programmes must exclude all expressions of the views and opinions of the person providing the service on matters of political controversy and current public policy.

Ofcom found that the first programme - broadcast before the election - consisted of almost entirely positive statements about the Popular Petition, and pejorative references to other parties, breaching rules 6.1 (election coverage), 5.11 (due impartiality) and 5.12 (the need to give significant views due weight). The second programme broke Rule 5.5 because the broadcaster did not provide evidence that the other parties' viewpoints were included when considering their programmes as a whole.

Al Mustakillah argued it had invited other parties' leaders to appear in the first programme - but they had declined to do so. Furthermore, it said that parties adopting the Popular Petition and Dr Hamdi were excluded from the mainstream Tunisian media, despite significant electoral support.

Ofcom considered Al Mustakillah's right to freedom of expression against the Code's requirement of due impartiality - and concluded that the broadcaster had breached the code in such a way as to require statutory sanction. In November

© European Audiovisual Observatory (Council of Europe) 2026

2012, Al Mustakillah surrendered its television broadcast licences; but Ofcom still considered the sanction relevant due to the seriousness of the breach, the possibility it could have influenced the Tunisian general election outcome and, while Al Mustakillah was no longer broadcasting under Ofcom's jurisdiction, it would "act as a deterrent and effective incentive to compliance to other licensees".

In setting the level of the fine, Ofcom looked at precedents such as the 2007 Islam Channel decision concerning Respect party candidate Yvonne Ridley (GBP 30,000), the 2008 Talksport case when presenter James Whale urged listeners to vote for Boris Johnson (GBP 20,000) and Aden Live in 2012, supporting the Southern Movement and independence of South Yemen (GBP 10,000).

Decision by Ofcom Imposed on Al Mustakillah Television Limited in respect of the service: Al Mustakillah Television, 4 January 2013

http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/Al-Mustakillah-TV.pdf)

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026