[GB] Ofcom Determines “Khara Sach” Breached Rules Concerning Fair Treatment of a Member of the Public

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Ofcom has an obligation to consider whether a broadcaster has avoided unjust or unfair treatment of individuals and organisations featured in a broadcast pursuant to Rule 7.1 of Ofcom’s Broadcasting Code (The Code). This Rule was applied by Ofcom in determining a complaint against a Pakistan Community TV Station based in the UK called ARY News. They determined that the broadcaster had unfairly or unjustly treated a Mr Mansoor Ijaz during a broadcast.

On 14 February 2014, ARY News broadcast a current affairs programme called Khara Sach (translated as “the Plain Truth”), which made various allegations against Mr Ijaz. The programme concerned the former Chief of Justice of Pakistan, Mr Iftikhar Chaudhary. There was an alleged plot to overthrow the civilian Pakistan government and, allegedly, the Pakistan Ambassador in the US, Mr Hussein Haqqani, had written to the US government asking for the US intervention to avert the uprising. The letter from Mr Haqqani had purportedly been delivered to the US government by Mr Ijaz; Mr Ijaz had written an article for the Financial Times newspaper stating that he had delivered the letter at the behest of Pakistan’s President Zardini. According to ARY News, the consequence of this admission by Mr Ijaz was that Mr Haqqani lost his job and President Zardini lost the elections.

One of the guests on Khara Sach, Mr Abid Saaqi, when asked what was Mr Ijaz doing these days, answered by saying Mr Ijaz was “trying to commit another fraud” citing that he was unable to raise US$15m for investment purposes in Lotus Cars. Also, that Mr Ijaz had “embezzled” from Citibank in the US. Further, he had procured videos that demeaned women by organising women wrestling events.

Mr Ijaz complained about the allegations suggesting that they had caused “great [and] potentially irreversible harm to him and his financial interests.”

Ofcom prepared a Preliminary View of Mr Ijaz’s complaint and both he and ARY News had an opportunity to respond. After considering further responses, Ofcom reached a decision.

Apart from applying Rule 7.1 of the Code, Ofcom applied Rule 7.9 of the Code, which provides that before broadcasting a factual programme broadcasters

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should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to the individual or organisation.

Ofcom found that the programme had failed to rely upon evidence that one could have found easily to demonstrate that the allegations were either untrue or out of context. In the case of the Lotus Cars allegation, ARY News had failed to mention that Mr Ijaz successfully raised EUR 120 million for Lotus Cars and it was wrong to suggest Mr Ijaz was trying to commit a fraud.

There had been a dispute between Mr Ijaz and Citibank and he had agreed to pay damages. ARY News failed to state that the presiding New York judge had found no finding of fraud on the part of Mr Ijaz.

Regarding Mr Ijaz's apparent organisation of female wrestling involving scantily clad women, evidence showed Mr Ijaz had been invited to take part in a pop video in place of an actor who was not available. The pop video included images of women wrestling in a wrestling ring. Unbeknown to Mr Ijaz, the video also included also images of naked women.

Ofcom determined that the programme had failed to properly research the material. However, Ofcom did not consider that the references to women's wrestling would have materially and adversely affected viewers' opinion of Mr Ijaz, as he had knowingly been involved in a video that depicted women wrestlers although he had not been the organiser of the event.

Otherwise, Ofcom considered that ARY News had not properly researched their material ahead of broadcast to ensure accuracy or context nor had they given Mr Ijaz a right of reply.

Ofcom recognised that there had to be an appropriate level of freedom of expression by broadcasters. But Ofcom considered that ARY News had treated Mr Ijaz in an unjust or unfair way.

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