[GB] Claim for damages against the BBC for libel in respect of a broadcast fails

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On 28 October 2016, the English High Court held that the comments made by a BBC interviewer during a live broadcast to the effect that the claimant, the Chief Imam of Lewisham Islamic Centre, “is an extremist speaker” who has “promoted and encouraged religious violence” were “substantially true”, i.e., the defence to the libel action which succeeded was “justification” (meaning that the words complained of are substantially true). The complainant first used the BBC’s complaints procedure before applying to the Court for relief.

The Court held that the words complained of meant that the complainant is “an extremist Islamic speaker who espouses extremist Islamic positions” and that Mr Begg had “recently promoted and encouraged religious violence by telling Muslims that violence in support of Islam would constitute a man’s greatest deed”. The BBC relied on speeches, a document, invitations to speakers, and a PR release extending back to 2006. Responding to the claimant’s points about his inter-faith work, work with the police and general standing in the community, the Court concluded that Mr Begg “was something of a ‘Jekyll and Hyde’ character: he presented a (benign) face to the local Lewisham and inter-faith community and another (extremist) face to receptive Muslim audiences on chosen occasions”.

Perhaps the key matter of legal interest is the timing of the remarks relied on by the BBC. However, the judge rejected an argument that an error of fact as to the timing of the claimant’s remarks was of “sufficient significance to undermine the BBC's case on justification”. The BBC had stated that the claimant “is an extremist speaker (i.e. in the present tense” and “had recently" told Muslims that violence would “constitute a man's greatest deeds”. The judge held that the “substance of the charge by the BBC” remained “substantially true”, and there had also been no disavowal of the position expressed in the statements by the time of the November 2013 broadcast, and the most egregious 2009 speech remained available online.

Shakeel Begg v BBC [2016] EWHC 2688 (QB)

http://www.bailii.org/ew/cases/EWHC/QB/2016/2688.html

Judiciary of England and Wales, Press Summary - Shakeel Begg v BBC, [2016] EWHC 2688 (QB)

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https://www.judiciary.gov.uk/wp-content/uploads/2016/10/shakeel-begg-v-bbc-press-summary-final-20161028-2.pdf

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