[GB] Regulator fines broadcaster for hate speech broadcast by terrorist

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The UK communications regulator, Ofcom, has recently had to take a number of decisions on broadcasters, including decisions on material advocating terrorism. One such example relates to Ariana International, a general entertainment channel originating from Afghanistan and broadcast by satellite in the United Kingdom. Its licence is held by Ariana Television and Radio Network.

The broadcast featured a video by a 17-year-old individual, Muhammed Riyad, before he stabbed five people on a train in Germany and was subsequently killed by security forces. In the video, he brandished a knife, boasted about the forthcoming attack and made statements describing in highly positive and graphic terms his intentions, and those of “Islamic State”, to carry out acts of extreme violence against the German population. Ofcom considered that the statements had the clear potential to influence impressionable viewers by encouraging serious crime, up to and including murder, leading to disorder. This likely effect was made worse by the fact that he spoke uninterruptedly for two and a quarter minutes and no views or statements were put forward in the programme to challenge or otherwise soften the inflammatory effect or the considerable level of potential offence caused by the statements.

Riyad also spoke in positive terms about jihad and about both the violent capabilities of ‘Islamic State’ and his own intention to kill non-Muslims and Muslims who renounce their faith. This amounted to spreading, inciting, promoting or justifying hatred based on the intolerance of those who are of a different religion, and it is thus considered to be a form of hate speech. Therefore, the network had broadcast a prolonged example of highly offensive hate speech in a news bulletin with no surrounding content that sought to challenge, rebut or otherwise contextualise Riyad’s highly extreme views.

The broadcaster accepted that the showing of the video without a “vehement reaction” to Riyad’s “call to action” was a serious error. Ofcom found that it breached three provisions of its Broadcasting Code; these require that material which may cause offence is justified by the context; that material likely to encourage or to incite the commission of crime or lead to disorder must not be included in television or radio services; and that material which includes hate speech must not be included in television and radio programmes except where it

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is justified by its context.

Ofcom fined the Network GBP 200,000, and required it to broadcast a statement of the findings at a time and date to be determined by Ofcom.

Ofcom, "Notice of Sanction", in Broadcast and On Demand Bulletin, Issue no. 333, 17 July 2017, p.6

https://www.ofcom.org.uk/__data/assets/pdf_file/0021/104637/Issue-333-of-Ofcoms-Broadcast-and-On-Demand-Bulletin.pdf

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