[GB] Ofcom imposes GBP 120,000 fine on Al Arabiya News

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On 25 January 2018, Ofcom issued a sanction decision concerning Al Arabiya News, which is an Arabic language news and current affairs channel. The Ofcom licence for Al Arabiya News is held by Al Arabiya News Channel FZ-LLC. The issue concerned unfair treatment and unwarranted infringement of privacy in connection with the obtaining of material included in a programme broadcast by Al Arabiya News in February 2016 about an attempt in February and March 2011, by a number of people (including the complainant, Mr Hassan Mashaima) to turn Bahrain from a kingdom into a republic. The programme included footage of the complainant as he explained the circumstances which had led to his arrest and conviction for his participation in these activities. In Ofcom's adjudication published on 24 April 2017, Ofcom's executive body found that the programme had breached Rules 7.1 and 8.1 of the Ofcom Code namely, that "[b]roadcasters must avoid unjust or unfair treatment of individuals or organisations in programmes" and that "[a]ny infringement of privacy in programmes, or in connection with obtaining material included in programmes, must be warranted". Ofcom found that the programme omitted to state that the Bahrain Independent Commission of Inquiry had confirmed in 2011 that Mr Mashaima had been mistreated and tortured while in detention, leading to his confession, and that the BICI had also recommended that the court case against him be dropped.

According to the wording of the sanction decision, Ofcom found that the programme had included footage of an interview with Mr Mashaima which had had the potential to materially and adversely affect viewers' perception of him and the broadcaster had not made clear what steps it had taken to ensure that material facts had not been presented, omitted or disregarded in a way that was unfair to Mr Mashaima. Furthermore, the broadcaster had not provided Mr Mashaima with an appropriate and timely opportunity to respond to the allegations of wrongdoing being made about him in the programme as broadcast. Mr Mashaima had had a legitimate expectation of privacy in relation to the filming and subsequent broadcast of the footage of him without his consent. In the circumstances, Mr Mashaima's legitimate expectation of privacy had not been outweighed by the broadcaster's right to freedom of expression and the audience's right to receive information and ideas without interference. The broadcaster had therefore unwarrantably infringed Mr Mashaima's privacy in respect of the obtaining of the material included in the programme and in the

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programme as broadcast.

Ofcom's decision is that the appropriate sanction should be a financial penalty of GBP 120,000 and that the licensee should be directed to broadcast a statement of Ofcom's findings, on a date to be determined by Ofcom, and that it should be directed to refrain from broadcasting the material found in breach again. Ofcom considered that the degree of harm caused to the complainant was very serious. The programme was found to be unjust or unfair to the complainant, such that a reasonable viewer would consider that he was confessing to having committed the crimes for which he was convicted and that he was willingly providing details of those events, when that may not have been the case.

Ofcom Sanction Decision: Sanction 108 (17) Al Arabiya News Channel FZ-LLC, 25 January 2018

https://www.ofcom.org.uk/__data/assets/pdf_file/0030/109767/Al-Arabiya-sanction.pdf

Ofcom Broadcast and On-Demand-Bulletin, Issue No. 327, 24 April 2017, p. 69

https://www.ofcom.org.uk/__data/assets/pdf_file/0013/101227/Issue-327-of-Ofcoms-Broadcast-and-On-Demand-Bulletin.pdf

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