

[GB] Broadcasting licence revoked because of hate speech in newspaper linked to broadcaster

IRIS 2018-10:1/15

*Tony Prosser
University of Bristol Law School*

Ofcom, the UK communications regulator, has revoked the broadcasting licence of Ausaf UK Limited even before its broadcasting has begun. Ofcom did so because of content in a newspaper (the Daily Asaf) closely linked to the holder of the licence and produced in London and Pakistan.

Ofcom is obliged by the Communications Act 1990 not to grant a licence to any person unless satisfied that the applicant is a fit and proper person to hold it, and, if they cease to be so satisfied, to secure that the person does not remain holder of the licence. It recognises that revocation represents a serious interference with freedom of expression and so adopts a high threshold for finding that the licence holder is not a fit and proper person. In particular, it considers whether the licence holder can be expected to be a responsible broadcaster, and whether there will be compliance with regulatory standards and the conditions of the licence.

Asaf TV was granted a licence on 24 January 2017; its major audience was to be people from Kashmir, but it had not yet started broadcasting. In October 2017, Ofcom opened an investigation relating to links between the broadcaster and the Daily Ausaf newspaper after a BBC investigation had alleged that the newspaper had published articles promoting intolerance of the Ahmadiyya community, celebrating militant groups and individuals proscribed in the UK, and promoting a violent interpretation of Jihad. This had included endorsing the former militant commander of a terrorist group proscribed in the UK, endorsing Osama bin Laden, and claiming that members of the Ahmadiyya community were working against the interests of the Muslim world and Pakistan. There had also been material which was anti-Semitic. There was evidence that material from the Pakistan version of the newspaper had been published in the UK edition without being checked.

The sole director and shareholder of Ausaf UK Limited controlled the licensed broadcaster, and also had responsibility for the publication and distribution of the Pakistan edition of the newspaper. He denied being the same person as the editor of the Daily Asaf Pakistan, but Ofcom rejected his evidence, which was contradicted by other evidence, including his Facebook page and his LinkedIn profile; his name appeared as editor on the masthead of the Pakistan editions.

Ofcom concluded that the licence holder had responsibility for and control over the newspaper. It was also seriously concerned that he had given false and misleading information about his role. This called into question the licence holder's ability and commitment to comply with the regulatory regime. There was a material risk that the licensee might fail to comply with the Broadcasting Code and so a clear risk of substantial harm to audiences if the licensee was allowed to broadcast. The licence was thus revoked with immediate effect.

Ofcom, 'Notice of Revocation of Licence Number TLCS101719 Held by Ausaf UK Limited', 4 September 2018

https://www.ofcom.org.uk/_data/assets/pdf_file/0027/119781/Notice-of-Revocation-Ausaf-UK-Ltd.pdf

