

## In Breach

### ***Kitaab-ut-Tawheed - Part 59***

**Peace TV Urdu, 11 November 2019 at 18:28;**

**Peace TV Urdu, 12 November 2019 at 01:52;**

**Peace TV Urdu, 12 November 2019 at 10:27**

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### **Introduction**

Ofcom has a specific duty to suspend a broadcast licence if it is satisfied that the licensee has broadcast a programme likely to encourage or to incite the commission of crime, that it has therefore contravened its licence conditions; and that the contravention justifies the revocation of the licence.<sup>1</sup>

In exercise of this duty, Ofcom wrote to Club TV Limited (“Club TV”), the licensee for the channel Peace TV Urdu, on 12 and 13 November 2019. This was because Club TV had three times rebroadcast the programme *Kitaab-ut-Tawheed - Part 59*, which Ofcom had previously found to incite murder.

On 18 November 2019, having received Ofcom’s draft suspension notice, Club TV surrendered its licence. Its sister company Lord Production Inc Limited (“Lord Production”), which held the licence to broadcast the English language Peace TV service, also surrendered its licence at the same time. The Peace TV and Peace TV Urdu services are not broadcasting.

As Club TV has surrendered its licence, Ofcom no longer needs to proceed with the suspension/revocation process.

Any person who wishes to hold a broadcast licence must be fit and proper to hold it. Ofcom has a duty to be satisfied of that. Broadcasts which incite murder are clearly relevant to that duty. If these broadcasters, or those controlling them, were to apply for a broadcast licence in the future, Ofcom’s commencement of this suspension process, this decision and the full compliance history of the former licensees would be major factors.

Ofcom can make decisions after a licence has been surrendered relating to broadcasts that took place before it was surrendered. We consider it important to record our position publicly and to complete the compliance history for Club TV, and so Ofcom has decided to reach final breach decisions in relation to the three rebroadcasts.<sup>2</sup>

### **Background**

Peace TV Urdu was an international satellite television channel which broadcast religious programmes from an Islamic perspective.

On 19 July 2019, Ofcom sent a decision (“the Breach Decision”) to Club TV in which Ofcom found that a religious programme, *Kitaab-ut-Tawheed – Part 59* broadcast on Peace TV Urdu on 22

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<sup>1</sup> Section 239 of the Communications Act 2003.

<sup>2</sup> Our sanctions processes against the two former licensees for two other serious breaches of the Code which took place previously remain ongoing.

November 2017 at 09:00 breached Rules 3.1, 3.2, 3.3 and 2.3 of the Ofcom Broadcasting Code (“the Code”). The programme, broadcast in Urdu, discussed the Islamic punishment for magicians (and those who practise magic). Ofcom found a significant proportion of the UK audience of the programme would understand magic to encompass users of Taweez<sup>3</sup> and practitioners of Ruqya<sup>4</sup>. Ofcom understands that within the UK, many South Asian and Sunni Muslim people consider such practices as part of a rich long standing historical Islamic tradition which they believe in, and in some cases practice. In the breach decision, Ofcom noted the recent case of *R v Syeedy*<sup>5</sup> in which a Muslim cleric was murdered for his involvement in such practices. Ofcom found that the programme incited murder.

The Breach Decision was published in [issue 383](#) of Ofcom’s Broadcast and on Demand Bulletin on 22 July 2019. In the Decision, Ofcom put Club TV on notice that Ofcom considered the breach to be very serious and would be considering the imposition of a statutory sanction. The sanction process is ongoing.

### The relevant broadcasts

On 12 November 2019, during monitoring of the service, Ofcom identified a programme had been broadcast on 11 November 2019 at 18:28 on Peace TV Urdu which it believed to be a repeat of the *Kitaab-ut-Tawheed - Part 59* programme broadcast on 22 November 2017. On 13 November 2019, Ofcom identified what it believed to be two further repeats of the *Kitaab-ut-Tawheed - Part 59* programme on Peace TV Urdu on 12 November 2019 at 01:52 and at 10:27.

Having been alerted to the broadcast of the relevant content by Ofcom, Club TV broadcast an apology in English on 13 November 2019, at 18:26. The apology was shown during the broadcast of the beginning of *Kitaab-ut-Tawheed - Part 60*. A rolling ticker at the bottom of the screen showed the following text (in English save for the salutation) for a period of approximately six minutes:

*“Apology: Kitaab ut Taweed, Part 59 broadcast 11 November 2019 at 18:26. Dear Peace TV Urdu Viewers As Salaamu-alaikum warahmatullahi we sincerely apologise that the above programme was broadcast in error yesterday. Ofcom have ruled that it was in breach of the Broadcasting Code when we broadcast it previously. We wish to make it clear that when referring to Islamic penalties for the practice of [magic] the programme was not intended to refer to penalties to be imposed for any such practices in the UK or elsewhere in Europe. The UK broadcasters of Peace TV Urdu do not endorse violence towards those practising magic and Islamic penalties are for Islamic states. We deeply regret the mistake in re-broadcasting this programme which arose due to human error. Steps have been taken to ensure it does not happen again”.*

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<sup>3</sup> This term was explained in the case of *R v Syeedy* (2016) Manchester Crown Court Case No: T20167130 (unreported) as follows: “amulets, that is small objects which can be carried by the people who wish to be healed. The Arabic word for the amulets of this kind is “taweez” and a taweez commonly takes the form of writing on a small piece of paper which is then folded up or rolled up and is either wrapped in some other paper or is put into a small receptacle of some kind.”

<sup>4</sup> Advertisements for those who practice Ruqya are widely found online and in popular UK based Urdu language newspapers. Examples include treatment (<https://www.rugyainlondon.com/>) and therapy (<http://rugyacentre.com/>) offered online, and advertisements appearing in *The Daily Jang* offering services to customers to rid them of black magic on Friday 29 September 2017, Saturday 4 August 2018 and 10 September 2018. Often referred to as Ruqya centres, these centres can be found across the UK.

<sup>5</sup> (2016) Manchester Crown Court Case No: T20167130 (unreported).

The broadcast of *Kitaab-ut-Tawheed – Part 60* was preceded by a short piece of content which showed a silhouette of one person stabbing another followed by an image of a hand holding a knife which was partially covered in blood.

The content began by showing a young man drawing a knife and holding this up in the vicinity of his face. A close-up image of a bloodshot eye was shown, and then the young man's eyes. Subsequently, a silhouetted image of a person being stabbed in the chest by another person, whose silhouette bears a resemblance to the man shown earlier in the scene, was shown and a person can be heard crying out. Another close-up image of the same blood shot eye was shown again and what appeared to be a globe from the Peace TV logo appeared over the iris, then the eye closed. Finally, an image of a hand holding a knife which was partially covered in blood was shown. The hand and knife appeared to be the same as those shown at the beginning of the scene. The scene then ended and a screen showing a drop of water falling into a large body of water and then the "Peace Network TV" logo in the middle of the screen was shown. Three smaller logos for other Peace TV channels appeared under the "Peace Network TV" logo.

Club TV told us it also broadcast an apology in Urdu on 13 November 2019 at 21:00 and on 14 November at 18:29.

On 12 November 2019, we wrote to Club TV to inform it that Ofcom was minded to commence a suspension process in relation to the broadcast of the programme shown on Peace TV Urdu on 11 November 2019 at 11:28. On 13 November 2019, Ofcom again wrote to Club TV about these broadcasts. Ofcom informed Club TV that, having considered the representations made earlier that day, Ofcom remained of the view that it was appropriate to consider whether the duty under section 239 applied in relation to the broadcast of the programmes it believed to be repeats of the *Kitaab-ut-Tawheed – Part 59* programme. A draft notice of suspension of the broadcast licence under Section 239 was enclosed. Club TV was invited to make representations.

Club TV surrendered its TLCS licence on 18 November 2019. The TLCS Licence for Peace TV, held by Club TV's sister company Lord Production,<sup>6</sup> with which it shared a compliance function, was surrendered at the same time.

### **Club TV's representations**

Club TV made representations in response to Ofcom's letter of 12 November 2019 by letter dated 13 November 2019. It made further representations in a letter dated 20 November 2019.

Club TV confirmed that the programme broadcast on Peace TV Urdu on 11 November 2019 at 18:28, and again at 01:52 and 10:27 on 12 November 2019 was a repeat of the *Kitaab-ut-Tawheed – Part 59* programme broadcast on 22 November 2017.

It also stated that it accepted the Breach Decision although it stated that it believed that Ofcom had not engaged with certain points that it had made and expressed disappointment about this.

Club TV explained that the re-broadcast of the programme was a "genuine error" and apologised for the mistake. It stated that after Ofcom wrote to it on 21 December 2017 alerting it to concerns over the content: "schedulers were informed via telephone call to remove the above programme from all future broadcasts and to rename the file so it couldn't be used again". It provided screenshots which it explained showed that the programme had been renamed to signal that it should not be used.

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<sup>6</sup> Both Club TV and Lord Productions are subsidiaries of Universal Broadcasting Corporation Limited.

In its representations of 20 November 2019 Club TV stated that the files had been deleted from Peace TV Urdu's storage systems. However, it said it was unaware "that this particular file was ... on the live machine and media server" of its third-party broadcasting service playout provider "until this incident came to light". It added that both Club TV and the scheduler have limited access to the live machines.

It explained that whilst deleting old files to create extra storage space, the operator at the third-party broadcasting service playout provider "copied all old files back onto the Peace TV Urdu media server" to avoid losing them. It added that during this process, a technical error caused a change in file names, which meant that "when a previously used playlist was auto synchronised it did not highlight red" to alert the scheduler to change or remove the programme. It said that the playout provider manager acknowledged that these "files should not have been copied over to the Peace TV Urdu media server" and that this process should not be repeated.

Club TV said that the re-broadcast was a result of a technical issue and that it had no "intention to re-broadcast any content that Ofcom have ever raised concerns about". It confirmed that "since Ofcom's decision *Kitaab-ut-Tawheed - Part 59* had not been re-broadcast up until this technical error".

Club TV said that, as a result of the incident, its playout provider had taken further steps in an effort to prevent similar occurrences in future, including permanently deleting programmes that raise issues from the live systems and storage systems, regularly meeting with Club TV's scheduler to review the processes and channel workflow, and thoroughly checking the current files on its live machines and media servers.

Club TV also stated that it was aware of the importance of complying with the Broadcasting Code and with Ofcom's rulings. It stated that it sincerely regretted the re-broadcast of the programme and added that it would take further steps to ensure that such errors did not occur in future.

In its first set of representations, Club TV offered to "broadcast an on-air apology for the re-broadcast of this programme at 18:30 confirming that it was an error and will not happen again." In its subsequent representations, it highlighted that it had broadcast an apology in English and Urdu. Club TV also stated that it believed that "it was necessary to apologise for the mistake immediately" as "Club TV is well aware of the importance of compliance with the Broadcasting Code and Ofcom rulings" and noted that "the English apology had to be broadcast first whilst arrangements were being made to get the text translated into Urdu and then create an MPEG file for broadcast which took some time".

Regarding the content broadcast prior to the *Kitaab-ut-Tawheed – Part 60* programme, Club TV stated that "*the tear drop falling into the Ocean [...] is the key to understanding that when a person watches Peace TV and then he repents for the violence and the wrong act done by him, he becomes a good non-violent human being. The clip needs to be viewed with the name of the TV channel in mind and depicts someone turning their back on violence and looking to Allah via our programming.*" Club TV added that "*Peace TV Urdu content is aimed at the more mature adult audiences (not young and impressionable) to further understand the religious viewpoints on various aspects of day to day life and is definitely not there to cause or encourage any acts of violence.*"

Finally, Club TV explained that it had surrendered its broadcasting licence because "*on the 18th November 2019 the board of trustees of Islamic Research Foundation International (1122086) had conveyed to us that they have decided to stop all funding. We are unhappy with the decision because this error was not because of us but rather a technical one.... We should add that we do not accept*

*that it would have been necessary, fair or lawful for our licence to be suspended or revoked had it not been surrendered.”*

## **Decision**

Ofcom took account of Club TV’s representations (as summarised above) when reaching a decision.

Ofcom had previously decided, having taken account of Club TV’s representations on the matter, that the broadcast of the *Kitaab-ut-Tawheed – Part 59* programme amounted to a breach of Rules 3.1, 3.2, 3.3 and 2.3 of the Code.

The Licensee accepted that the *Kitaab-ut-Tawheed – Part 59* programme was rebroadcast on three occasions<sup>7</sup> subsequent to the Breach Decision. It also accepted Ofcom’s Breach Decision.

For the reasons set out in the Breach Decision,<sup>8</sup> Ofcom’s decision is that Rules 3.1, 3.2, 3.3 and 2.3 of the Code were breached again on each of the three occasions in November 2019 that the *Kitaab-ut-Tawheed – Part 59* programme was rebroadcast on Peace TV Urdu.

We took into consideration that the Licensee had apologised for the rebroadcasts, had provided some evidence that it was the result of a technical error and said it had taken steps to prevent a recurrence. We also took into account the fact that the Licence has been surrendered. However, Ofcom considered the steps initially taken by the Licensee were insufficient to secure that the programme was not repeated. We also noted that the programme was repeated three times in two days, and yet the Licensee was apparently unaware that this was taking place until alerted to it by Ofcom. We noted that the full name of the programme including which episode it was, *Kitaab-ut-Tawheed - Part 59*, appeared in the Licensee’s programme schedule, as published on the Peace TV Network website, for the broadcast on 11 November 2019, and the two further broadcasts on 12 November 2019. We did not accept the Licensee’s explanation of the content broadcast before the English language apology, the nature of which we considered to be violent and threatening in such a way as to negate the apology.

### **Breach of Rules 3.1, 3.2, 3.3 and 2.3.**

**Overall, Ofcom considered these repeated breaches to be very serious.**

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<sup>7</sup> The three occasions being: on 11 November 2019 at 18:28, on 12 November 2019 at 01:52 and on 12 November 2019 at 10:27.

<sup>8</sup> The reasons set out in the Breach Decision are incorporated in full by reference.