



Programming

Type of case	Broadcast Standards
Outcome	In Breach
Service	Salaam BCR
Date & time	17 October 2023, 14:00 and 16:38
Category	Hate speech, abusive and derogatory treatment, and generally accepted standards
Summary	The programme broadcast a speech that included several statements which amounted to hate speech against, and abusive and derogatory treatment of, Jewish people. The content was also potentially offensive and was not sufficiently justified by the context. In breach of Rules 3.2, 3.3 and 2.3 of the Broadcasting Code.

Introduction

Salaam BCR was a community radio station broadcasting entertainment, religious and current affairs programming to the Muslim community of Bury, including in Urdu, English and Arabic. The licence for Salaam BCR was held by Markaz-Al-Huda Limited (“Markaz-Al-Huda” or “the Licensee”). On 1 October 2024 Markaz-Al-Huda Limited handed back its community radio licence (licence number CR100168).

Ofcom received a complaint from a listener who raised concerns about statements made by the speaker in a programme broadcast on 17 October 2023 at 14:00. The listener raised concerns that the programme contained incitement to violence against the Jewish community. The complaint alleged that the programme had contained a call to ‘Jihad’¹ against ‘the enemies of Islam’, and more

¹ Ofcom understands that while the term “Jihad” can have multiple meanings, in this context, it referred to a holy war or armed struggle against the perceived enemies of Islam.

specifically, Jewish people². Ofcom noted that the programme was repeated at 16:38 on the same day.

As the programme was broadcast in Urdu, Ofcom translated the contents of the programme and provided a copy of the translation to the Licensee for comment. The Licensee stated it could not comment on the accuracy of the translation “for it is the understanding of either Mr Google or and individual/s, which is merely their perception” and did not raise any substantive issues related to the translation. Since the translation was first provided to the Licensee, we made a number of non-substantive updates to the translation, which we provided with the Preliminary View for further comment. The Licensee did not raise any issues with the updated translation, and we therefore relied upon Ofcom’s translation for the purposes of our investigation.

Background

Since 7 October 2023, there has been a period of escalating tension in the Middle East following the attack on Israel by the proscribed terrorist organisation Hamas³, and the subsequent military response by the Israeli Government. These events provided the backdrop to the broadcast of the programme on Salaam BCR on 17 October 2023.

The Programme

The programme featured a recording of Shujauddin Sheikh (“Mr Shujauddin” or “the speaker”) delivering a speech to an audience outside the Karachi Press Club in Pakistan on 12 October 2023⁴. Mr Shujauddin is the leader of Tanzeem-e-Islami, a religious organisation in Pakistan. During the 38-minute speech, Mr Shujauddin presented his views on the ongoing situation in the Middle East and, in particular, what he considered to be a lack of response by Muslim leaders around the world to the suffering of Palestinian Muslims in Gaza.

During the speech, Mr Shujauddin made the following comments:

“This is the nation that has gone astray, on whom is the wrath of Allah. This is the nation that has martyred prophets. It is recorded in history, the people of Banni Israel⁵ martyred 43 prophets in one day. Bibi Maryam who Allah calls [recites Qur’anic verses], ‘oh Maryam, we have bestowed upon you the virtue of all women’. The people who maligned her were these very Jews. The people who created difficulties in the life of Jesus were these very Jews. It was these Jews who

² Following assessment of the content, Ofcom did not consider that there were grounds to pursue our investigation under Rule 3.1 as there was no direct or indirect call to action in the programme.

³ Hamas or Harakat al-Muqawamah al-Islamiyyah is proscribed by the UK Government. See: [Proscribed terrorist groups or organisations](#).

⁴ Although the speaker was not introduced or identified within the programme, Ofcom understands, and the Licensee confirmed the speaker was Mr Shujauddin Sheikh, the current head of [Tanzeem-e-Islami](#), a religious organisation in Pakistan founded by the late Dr Israr Ahmed, that was likely to have been known to the UK audience.

⁵ Banni Israel or the ‘Children of Israel’ is a Qur’anic reference to the historic Jewish communities that were present at the time of Moses, Saul, David, Jesus, as well as Muhammad. See: [Encyclopaedia of the Quran volume 1, page 303](#).

created obstacles in the missions of the prophets. According to the Qur'an, it was these Jews who delayed Allah's book. Making a decision that suits them, whether they make it by themselves, or through an outsider, the Jews make the final call. Their religious book is Talmud in which it is written if a Jew should receive a judgment of a case in his favour by a Jewish judge, he should go to that court. However, if he receives a judgment of the case in his favour by a non-Jewish judge, he should go to that court instead. These are the Jews, the worst enemies of humanity whose [religious] book, the Talmud says the rest of mankind are animals. And this is what the current Israeli Government officials are saying, [spoken in English]: 'These Palestinians are animals, they have no right to live'; 'The people living in Palestine are animals'; 'They have no right to live'. These things are being said openly".

"...These are the Jews who were envious of the last prophet. Satan was envious of the first prophet, Prophet Adam. He became the enemy of humanity. The Jews were envious of the last prophet, Prophet Muhammad, and the Jews are the biggest enemies of humanity. Their history is from killing prophets to only protecting their own interests, to instigating war, to instigating war and then lending money with interest and strengthening their economy, to achieving a bigger purpose for themselves and a very big reason for that is for their vision of a 'Greater Israel'. Which now feels as if we will be seeing rapid progress in achieving this objective...These Jews⁶ being cruel, being oppressive, the Zionist state of Israel being the illegitimate child of the West, them being cruel, them being oppressive, them occupying the land of Muslims, murdering Muslims, ruining the sanctity of Al-Aqsa Mosque – there is no doubt in this. This is not a matter of uncertainty. This is not something uncertain; it is as clear as the light of day".

We considered this content raised issues under the following rules of Ofcom's Broadcasting Code ("the Code"):

- Rule 3.2: "Material which contains hate speech must not be included in television and radio programmes...except where it is justified by the context".
- Rule 3.3: "Material which contains abusive or derogatory treatment of individuals, groups, religions or communities, must not be included in television and radio services...except where it is justified by the context".
- Rule 2.3: "In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context [...]. Such material may include but is not limited to...discriminatory

⁶ Ofcom understands the English translation of the Arabic word 'Yehud' or 'Yehudi' which was used by the speaker would be understood by Salaam BCR's Arabic and Urdu speaking audience as both 'Israelis' and 'Jews' depending on the context. As such, in this instance, where we have understood the speaker to have been critical of the state or a political ideology, we have considered a reasonable interpretation of the word was 'Israelis'.

treatment or language (for example on the grounds of...race, religion, or belief...Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

Ofcom requested comments from the Licensee on how the programme complied with these rules.

Response

Initial response from the Licensee

The Licensee set out the aims and objectives of Salaam BCR. It said that its “intended listenership is across all communities”. It added that they are “trying to educate, entertain and help all members of the local communities to live peacefully in our vast multicultural communities”, citing the volunteering opportunities that they provide to all members of their local communities.

Markaz-Al-Huda explained within its response that it had “considered” the speech “worth[y] of sharing...from an informative perspective” as it was from “a credible speaker from a well-respected organisation in the Muslim world”. It stated, “no content [included in the programme] in our humble opinion was considered inciting hatred to any section of the community” and broadly, that the content had only narrated historical events or quoted the Qur’an and/or Hadith⁷. It added that it “do[es] not advocate or condone criticism of any nature of others” but rather “[looks] to identify and rectify our own failings as individuals and of our own community (MUSLIMS in general and Pakistanis in particular)” (emphasis added by Licensee).

In addition, Markaz-Al-Huda stated that it was concerned that this broadcast was identified as a result of either “the current situation in Israel/Palestine...and Muslim stations being monitored and under scrutiny, or it was a malicious attempt...to cause harm to our community efforts and our community radio”.

Finally, the Licensee said that “Markaz Al Huda Ltd and Salaam BCR radio do not and will not ever condone any type of racism or targeting any section of our multicultural communities and will never stand by or tolerate any community being the subject of hate or violence”.

Response from Tanzeem-e-Islami

As well as Markaz-Al-Huda’s own representations, the Licensee provided comments from a representative of Tanzeem-e-Islami, the organisation of which the speaker of the programme is the leader, containing their views on how the statements complied with the Code. Markaz-Al-Huda stated that it felt Tanzeem-e-Islami’s response “verifies our initial thoughts that the speech was quoting either history or the Quran or Hadith”. Ofcom considered Tanzeem-e-Islami’s representations in conjunction with the Licensee’s own response summarised above.

Tanzeem-e-Islami’s response said that the speech (which originally took place on 12 October 2023) was part of a “peaceful and non-violent protest (demonstration)” to “condemn the Israeli bombing and aggression against the Palestinians, especially in Gaza”. It explained, “the speech made references to the texts of the Holy Qur’an, Hadith...and authentic historical facts, events and quotations”. It added, “the use of religious texts does not amount to hate speech” and that

⁷ Refers to the sayings or traditions of the Prophet Muhammad.

“freedom of religion or belief is guaranteed by Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights”.

Furthermore, Tanzeem-e-Islami said, “it was crucial to examine the context in which the Qur’anic verses and Hadith were quoted”. It explained they “were not intended to promote hate speech”, rather, “to provide a platform to protest and condemn genocide, war crimes and crimes against humanity being committed by Israel against the Palestinian people”. It noted that the statements were “presented in an informative manner, with reference to authentic historical facts, events and quotations and in the context of Israeli aggression against the Palestinians” and “thus, it should be distinguished from hate speech”. It also said the “speech was critique of a political movement”, providing “critical examination of Zionism⁸...and the policies associated with it, and the beliefs of the adherents of Zionist, particularly in the context of the state of Israel”. It therefore added “that the content does not include statements regarding all members of the Jewish community and does not raise potentially substantive issues under Ofcom’s Broadcasting Code”.

Licensee’s representations on Ofcom’s Preliminary View

The Licensee provided both written and oral representations on Ofcom’s Preliminary View.

In its written representations, the Licensee stated that it felt Ofcom desired to “punish” Markaz-Al-Huda for including quotes “referenced from religious literature”, and that this was “victimisation” and “petty”. The Licensee said that it felt this was a “malicious complaint using the current situation in Gaza” and that it “strongly repudiate[d] claims of antisemitism”. It added that “as a broadcaster of cultural and religious programmes the last thing we [Salaam BCR] would ever wish to do is insult or badmouth another religion or community”.

Within Markaz-Al-Huda’s written representations, the Licensee also requested a face-to-face meeting with “the persons offended by the broadcast” and “independent scholars from the various religions, to get their interpretation and opinion”. Given the circumstances of this case and in accordance with paragraph 1.33 of Ofcom’s Procedures for investigating breaches of content standards for television and radio⁹, Ofcom considered that it would be appropriate to offer the Licensee the opportunity to provide oral representations. The oral hearing took place in July 2024.

In its oral representations, the Licensee stated that the programme broadcast was “totally innocent” and without any “intended malice or anything prejudicial” and that it was not broadcast with the “intent of causing anybody any distress”. The Licensee reiterated the assertions made in its written representations on the Preliminary View, namely that it felt that Muslim stations were being targeted after the events of 7 October 2023 and raised further concerns about whether Ofcom would reach its Decision in an impartial manner, stating: “So, it’s important for me to feel that, that I am talking to people where there is hopefully no bias at all”. The Licensee went on to say that it had “made [its] position clear” in its representations, however, it felt “it would be detrimental to [its]

⁸ Zionism is a movement founded by Theodore Herzl in 1897 advocating for a home for the Jewish people in Palestine.

⁹ See: Ofcom’s Procedures for investigating breaches of content standards for television and radio: <https://www.ofcom.org.uk/siteassets/resources/documents/tv-radio-and-on-demand/broadcast-guidance/march-2017/breaches-content-standards.pdf>

organisation if [they] didn't know the ethnicity or even the religious bias of [the Ofcom] individuals concerned".¹⁰

The Licensee said that the Salaam BCR had been set up "to do something positive towards the community". It said that it did "not feel that [the speaker's] reference was antisemitic" and said the speaker made the comments "from out of the country" and "he's not in the UK". It added that the programme predominantly mentioned "*these Jews*" and that he could "send examples of the people that he's probably referring to", recounting one recent event relating to actions of Israeli soldiers in Gaza¹¹. The Licensee went on to say that he believed the words used by the speaker in the programme "were not intended in generalisation" and that "they were intended exactly at the people who are involved in that".

The Licensee stated, "we've seen them since 7 October [2023], and they are very prominent in media, in our broadcasting circles, but our regulated media, they shy away from it". It further reiterated that the content was not broadcast with the "intent of causing anybody any distress", and added, "people of all ethnicities, people of all religions, people of all ages, people of all sizes have gone on demonstrations against what's going on in Gaza and what the Israeli Government is doing, and the complicity of our government here".

Decision

Reflecting our duties under Section 319 of the Communications Act 2003, Section Three of the Code requires that material containing hate speech or abusive and derogatory treatment of individuals, groups, religions, or communities must not be included in television or radio programmes except where it is justified by the context. Section Two of the Code requires that generally accepted standards are applied to the content of television and radio services to provide adequate protection for members of the public from the inclusion of harmful and/or offensive material in programmes.

Ofcom must have regard to the audience's and the broadcaster's right to freedom of expression set out in Article 10 of the European Convention on Human Rights ("ECHR"). We must also have regard to Article 9 of the ECHR, which states that everyone "has the right to freedom of thought, conscience and religion". The right to impart information and ideas is not limited to statements deemed "correct" by authorities but extends to information and ideas that may shock, offend, and disturb. Ofcom has taken account of these rights when considering the Licensee's compliance with the Code.

In the exercise of its functions, Ofcom must also have due regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between those who share a relevant protected characteristic, such as religion or belief, and those who do not.¹²

¹⁰ In response to these concerns about bias and ethnicity, Ofcom reminded the Licensee that it is an independent and impartial regulator. Ofcom also reiterated that it approaches all its broadcast standards investigations in accordance with its statutory duties and published procedures, regardless of factors such as ethnicity, race, or religion.

¹¹ Following the oral hearing, the Licensee provided Ofcom with several news articles and clippings about the ongoing conflict in Gaza.

¹² Under section 149 of the Equality Act 2010.

In line with the right to freedom of expression, broadcasters should be able to, and can, transmit programmes that include opinions that some viewers may find offensive, or that address controversial subjects this is clearly in the public interest. The Code does not seek to prevent people from being able to express views rejecting or criticising differing views or beliefs. To do so would, in our view, be a disproportionate restriction of the broadcaster's right to freedom of expression and the audience's right to receive information. However, when dealing with sensitive or controversial topics and views, broadcasters must comply with the Code.

Rule 3.2

Rule 3.2 of the Code states:

"Material which contains hate speech must not be included in television and radio programmes...except where it is justified by the context".

The Code defines "hate speech" as:

"All forms of expression which spread, incite, promote or justify hatred based on intolerance on the grounds of disability, ethnicity, social origin, gender, sex, gender reassignment, nationality, race, religion or belief, sexual orientation, colour, genetic features, language, political or any other opinion, membership of a national minority, property, birth or age".

As part of our consideration, we also had regard to the International Holocaust Remembrance Alliance's ("IHRA") working definition¹³ of antisemitism which states:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities".

Whether the broadcast material constituted hate speech

We first considered whether the programme included statements which constituted hate speech.

We took into account that the programme included the following statements:

"These are the Jews who were envious of the last prophet. Satan was envious of the first prophet, Prophet Adam. He became the enemy of humanity. The Jews were envious of the last prophet, Prophet Muhammad, and the Jews are the biggest enemies of humanity".

We considered these statements compared Jewish people with Satan because, according to the speaker, both were envious of prophets: "*Satan was envious of the first prophet*" and "*The Jews were envious of the last prophet*". By likening both Satan and the Jewish people to one another, the speaker asserts that they are both therefore the "*biggest enemies of humanity*". We considered these statements evoked antisemitic tropes that depict Jewish people as the devil, by implicitly and

¹³ See: [What is antisemitism? \(International Holocaust Remembrance Alliance\)](#). The UK Government agreed to adopt the IHRA's working definition in December 2016.

collectively associating them with characteristics commonly associated with Satan (for example, malevolence, power, and treachery).¹⁴

We also took into account the programme included several statements from the speaker which associated Jewish people with derogatory and antisemitic stereotypes that characterised Jewish people as being dishonest, deceitful, and predatory¹⁵:

“Making a decision that suits them, whether they make it by themselves, or through an outsider, the Jews make the final call. Their religious book is Talmud in which it is written if a Jew should receive a judgment of a case in his favour by a Jewish judge, he should go to that court. However, if he receives a judgment of the case in his favour by a non-Jewish judge, he should go to that court instead. These are the Jews, the worst enemies of humanity whose [religious] book, the Talmud says the rest of mankind are animals”.

“...The Jews were envious of the last prophet, Prophet Muhammad, and the Jews are the biggest enemies of humanity. Their history is from killing prophets to only protecting their own interests, to instigating war, to instigating war and then lending money with interest and strengthening their economy, to achieving a bigger purpose for themselves and a very big reason for that is for their vision of a ‘Greater Israel’. Which now feels as if we will be seeing rapid progress in achieving this objective...”.

We considered that the above references to Jewish people “*instigating war*” and then using the situation to practice usury, evoked a number of common derogatory stereotypes about Jewish people being engaged in forms of societal control and corruption, such as by controlling money lending businesses, or being in positions of power, and creating wars¹⁶. We also considered these statements depicted Jewish people as acting in collective self-interest, being driven by greed, and being unwilling to forgo money to the detriment of other people.

In our view, the statements above drew upon common antisemitic tropes which portrayed Jewish people in an overwhelmingly negative light. In doing so, the speaker implied that the acts of the state of Israel within the context of the Israel-Hamas conflict, have been taken because they are Jewish, and that these actions are consistent with purported past behaviour of Jewish people.

Ofcom was also concerned that the speaker conflated the policies of the Israeli Government and Zionist policies and attributed them to all Jewish people. We noted that the second quote drew an explicit connection between the purported “history” of Jewish people and current actions of Israel: “*Which now feels as if we will be seeing rapid progress in achieving this objective*”. Similarly, in the following statement, the speaker again draws an explicit connection between his interpretation of the Talmud and the current actions of Israeli officials:

¹⁴ See: [Antisemitic Imagery and Caricatures \(Antisemitism Policy Trust\)](#) and [Fact Sheet on the Elements of Antisemitic Discourse](#).

¹⁵ See: [Antisemitism, Southern Poverty Law Centre](#).

¹⁶ See footnote 14.

“These are the Jews, the worst enemies of humanity whose [religious] book, the Talmud says the rest of mankind are animals. And this is what the current Israeli government officials are saying, [spoken in English]: ‘These Palestinians are animals, they have no right to live’. ‘The people living in Palestine are animals’. ‘They have no right to live’. These things are being said openly”.

In the context of the statements described above, we had regard to three contemporary examples of antisemitism which accompany the IHRA’s working definition of antisemitism are as follows:

- “Making mendacious, dehumanising, demonising, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions”;
- “Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews”;
- and
- “Holding Jews collectively responsible for actions of the state of Israel”.

We considered the Licensee’s oral representations which stated the words *“these Jews”* used by the speaker “were not intended in generalisation” of all Jewish people but were referring to the “people who are involved” in the ongoing conflict which we understood to be a reference to the Israeli Government and its armed forces. However, in our view, we considered the speaker’s statements outlined would have been understood by the audience as holding all Jewish people collectively responsible for the actions of the state of Israel, for the reasons described above.

We further considered Tanzeem-e-Islami’s representations that “the speech provided a critical examination of Zionism...and the policies associated with it...particularly in the context of the state of Israel”. We acknowledged there were statements which could be categorised as being political discourse in that they were critical of Zionism and the policies associated with it e.g. *“These Jews being cruel, being oppressive, the Zionist state of Israel being the illegitimate child of the West, them being cruel, them being oppressive, them occupying the land of Muslims, murdering Muslims, ruining the sanctity of Al-Aqsa Mosque...”*.¹⁷

Ofcom recognised that as a community radio station which serves a Muslim audience, it would be legitimate and within audience expectations, to offer listeners both commentary and perspectives on the ongoing conflict between Israel and Hamas. We also understood that within this context, it may be legitimate to include criticism of the actions of the Israeli Government, Zionism, and the perceived lack of response by Muslim leaders. However, we considered that the statement outlined above went beyond mere criticism of a state or political ideology such as Zionism, and failed to distinguish between Jewish people and the state of Israel. The lack of differentiation and clarity on the part of the speaker conflated the two. Overall, the narrative of the programme may have been understood by the audience as implying that the actions of Jewish people depicted negatively across history mirrored the actions of the state of Israel today.

¹⁷ As outlined in footnote 6 above, we have considered a reasonable interpretation of the word ‘Yehudi’ in the original translation as ‘Israelis’ given the broader context of the statement which criticises the State of Israel and political ideology of Zionism.

In our view, the speaker used the programme as a platform to evoke examples of antisemitic stereotypes against all Jewish people, such as holding all Jewish people collectively responsible for actions of the state of Israel. The statements made by the speaker, in our view, used criticism of Zionism and the actions of the state of Israel to spread, justify and promote antisemitic hatred towards all Jewish people more generally.

The Licensee also stated that it did “not feel that [the speaker’s] reference was antisemitic” as the programme only narrated historical events or Qur’anic verses, and asserted that Ofcom desired to “punish” the Licensee for including “quotes which are referenced from religious literature”. While we acknowledge that some elements of the speech constituted direct references to the Qur’an and Hadith, the statements that we consider amounted to antisemitic hate speech were not direct quotes from these texts. The statements we consider amounted to antisemitic hate speech appeared to be the speaker’s personal interpretation of religious material, in which he referred to Jewish people as the “*enemies of Islam*”, likened them to “*Satan*” and referred to antisemitic tropes such as the practice of usury for furthering personal interests. Therefore, we considered that the speaker was expressing a justification for hatred of Jewish people based on intolerance on the grounds of ethnicity, race, religion, or belief that went beyond the narration of religious and historical references.

As such, our Decision is that the statements highlighted above were clearly antisemitic and an expression of hatred based on intolerance of Jewish people, the broadcast of which had the potential to promote, encourage and incite such intolerance among listeners. The statements made therefore amounted to antisemitic hate speech within the Code’s definition of hate speech.

Context

We went on to consider whether there was sufficient context to justify the broadcast of hate speech in this case. Our published [Guidance Notes](#) which accompany Rule 3.2 make it clear that there are certain genres of programming where there is likely to be editorial justification for including challenging or extreme views in keeping with audience expectations, provided there is sufficient context. However, the greater the risk the material may cause harm or offence, the greater the need for contextual justification.

In assessing whether there was any contextual justification, Ofcom is required to take proper account of the broadcaster’s and the audience’s right to freedom of expression, which includes the right to receive information, and related rights to freedom of thought, conscience, and religion.

The Code states that contextual factors relevant to Rules 3.2 of the Code may include, but are not limited to:

- the service on which the programme is broadcast and the likely size and expectations of the audience;
- the genre and editorial content of the programme;
- the extent to which sufficient challenge is provided; and
- the status of anyone featured in the material.

We therefore considered whether these, or any other contextual factors, were relevant to this case.

We considered that the nature of the statements made, in being antisemitic and acting as an expression of hatred based on intolerance of Jewish people, carried a high risk of the broadcast

material causing harm. We were particularly concerned that the programme was broadcast in the weeks following the attack by Hamas on 7 October 2023 and the subsequent military response in Gaza by the Israeli Government, and at a time where there had been a 400% increase in antisemitic crimes recorded in the UK between 8 – 12 October 2023 compared to the same period in 2022¹⁸. We also had regard to the fact that broadcasting is a powerful medium and that broadcasters are regulated to meet generally accepted standards in relation to harm and offence. Therefore, we deemed that the need for strong contextual justification was of particular importance in this case.

We also considered the service on which the programme was broadcast and the likely size and expectations of the audience. We acknowledged that Salaam BCR was a community radio station delivering religious and current affairs programming to the Muslim community of Bury. Given the genre and editorial content of the channel, and as the programme was led by a speaker who is the current head of an Islamic organisation (Tanzeem-e-Islami)¹⁹, we therefore accepted the audience of this programme could have expected to listen to a programme promoting Islamic beliefs and including robust and informative discussions about religious and political issues in Pakistan and those impacting other Muslim majority countries, such as the ongoing events in the Middle East. We took into account the Markaz-Al-Huda's representations, reflected in the response from Tanzeem e-Islami, that the purpose of the speech was to: "condemn the Israeli bombing and aggression against the Palestinians"; "critique...a political movement"; and provide a "critical examination of Zionism". We considered that listeners of Salaam BCR may have expected to hear criticism of Israel's military response to the 7 October 2023 attack, and of Zionism more broadly. However, we considered it was unlikely they would have expected a programme to include antisemitic hate speech without very careful contextualisation. We considered this to be particularly the case given Salaam BCR's initial response stated its aim of helping its audience to live peacefully in multicultural communities.

We then went on to consider the extent to which sufficient challenge or context was provided within the programme itself. We noted that this 38-minute programme provided the speaker, Mr Shujauddin, with a platform to present an uninterrupted monologue that went unchallenged and without the presentation of alternative viewpoints. Furthermore, when the speech was broadcast at 14:00 and repeated at 16:38, it was broadcast without an introduction or closing statement from a Salaam BCR presenter or other guests which could have provided listeners with some context or challenge to the statements made in the programme. The result being that at no point in either of the two broadcasts were the speaker's comments countered by other content which could have challenged the pejorative, discriminatory and inflammatory stereotypes that were presented. In this regard, we consider that the potential for harm or offence may be greater when a programme offers an unchallenged, singular interpretation involving other religions or groups, particularly interpretations that promote hatred of a group sharing a protected characteristic.

We took into account the status of the speaker featured in this programme. We acknowledged that Mr Shujauddin was not the presenter and the views he expressed were not presented as the editorial voice of the programme or the radio station. We also noted the Licensee's representations that the speaker was not in the UK and made this speech outside the UK. However, Ofcom acknowledged that Mr Shujauddin is the current head of a religious organisation in Pakistan, an organisation that was likely to have been known to the UK audience and therefore the fact that he was speaking from outside the UK was not relevant context that would mitigate the antisemitic

¹⁸ See: [PM announces new support to keep British Jewish communities safe - GOV.UK](#).

¹⁹ See footnote 4.

statements made in the programme. Mr Shujauddin quoted from the Qur'an and Hadith and was likely to have been perceived by listeners as a person of religious authority, or as the Markaz-Al-Huda stated in its representations, "a credible speaker from a well-respected organisation in the Muslim world". We considered the comments made by the speaker would be likely to have been perceived by its listeners as authoritative and carrying religious weight, particularly because he represented a religious organisation that was likely to be known to the UK audience. In our view, this was likely to have increased the potentially harmful impact of the hate speech.

We acknowledged the Licensee's representations that the content was not broadcast with "malice", "the intent of causing anybody any distress", or to "target any section of our multicultural communities". We also considered Markaz-Al-Huda's argument that "no content in [its] humble opinion was considered inciting hatred to any section of the community" as the "speech was considered either narrating historical events or quoting the Holy Quran and sayings of the Prophet Muhammad known as hadith". We were mindful that some aspects of the speech did include references to Qur'anic and Hadith text and specific historical events by the speaker. However, in Ofcom's view, the statements that we found constituted hate speech were expressed by the speaker as his personal views and the fact that Mr Shujauddin referred to historical events or religious verses did not provide sufficient contextualisation to effectively mitigate the antisemitic hate speech which was included in the programme.

For these reasons, we do not agree with the Licensee's argument, reflected in the response from Tanzeem-e-Islami, that the "use of religious texts does not amount to hate speech" and that the speech is therefore protected by the right to freedom of religion. While Ofcom acknowledges the importance of the right to freedom of religion under Article 9 of the ECHR, and considers that Licensees are free to broadcast programming in which scholars analyse religious texts, our view is that the views expressed by Mr Shujauddin in the speech went beyond merely expressing a religious opinion or simply referencing religious texts for the reasons set out above. Further, although the right to freedom of expression under Article 10 of the ECHR does extend to information and ideas that may shock, offend, and disturb, our view is that Mr Shujauddin's comments amounted to an expression of opinions that we consider promoted hatred towards Jewish people. Taking each of the above factors into account, in our view, there was insufficient context to justify the inclusion of hate speech in this programme.

Our Decision, therefore, is that this programme breached Rule 3.2 of the Code.

Rule 3.3

Rule 3.3 of the Code states:

"Material which contains abusive or derogatory treatment of individuals, groups, religions or communities, must not be included in television and radio services...except where it is justified by the context".

The Code does not prohibit criticism of any religion, country, or citizens of that country. However, such criticism must not spill over into pejorative abuse. The Code has been drafted in light of the Human Rights Act 1998 and the ECHR, and seeks to strike an appropriate balance where broadcast content engages competing rights. In the context of Rule 3.3, it does so in particular in relation to the right to freedom of expression, which encompasses the broadcaster's and audience's right to receive material, information, and ideas without unnecessary interference, as well as the right to

freedom of thought, conscience and religion and the right to enjoyment of human rights without discrimination on grounds such as ethnicity or religion.

We first considered whether this programme contained abusive or derogatory treatment of individuals, groups, religions, or communities. As set out within our assessment of Rule 3.2 above, we considered that a number of statements in the speech constituted antisemitic hate speech by evoking antisemitic tropes such as associating Jewish people with characteristics of the Devil, being in control of money lending businesses and in positions of power, and conflating Israel, and Jewish people in its criticism of Zionism and the current acts of Israel. These statements contributed to a narrative that may also have been understood by the audience as being derogatory and abusive towards Jewish people, because it characterised Jewish people in a negative and stereotypical light. In this context, we considered a reasonable interpretation of the speaker's statements would be an implication that "Jews were collectively responsible for actions of the state of Israel" in accordance with the IHRA's working definition of antisemitism outlined above.

In addition, during parts of the programme, we considered that the terms "Jews" was used by the speaker in a manner which, in our view, amounted to a term of abuse. For example, we considered the following statements constituted abusive and derogatory treatment of Jewish people:

- *"The people who maligned her were these very Jews. The people who created difficulties in the life of Jesus were these very Jews. It was these Jews who created obstacles in the missions of the prophets".*
- *"These are the Jews, the worst enemies of humanity..."*
- *"These are the Jews who were envious of the last prophet...The Jews were envious of the last prophet, Prophet Muhammad, and the Jews are the biggest enemies of humanity".*

We considered that the term "Jews" was used in a pejorative manner which would be considered as an abusive and derogatory criticism towards Jewish people. In our view, this was particularly the case in the context of a programme in which the speaker presented an overarching narrative that drew upon common antisemitic tropes that portrayed Jewish people in an overwhelmingly negative light and in doing so, implicated Jewish people collectively in the acts of the state of Israel in the context of the Israel-Hamas conflict, as described above. In our view, the repetitive use of the term "Jews" in the programme amounted to abusive or derogatory treatment of Jewish people. The Licensee acknowledged that the programme predominantly mentioned "*these Jews*" but argued that it was "*not intended in generalisation*" and said that it could "send examples of the people that he's [the speaker] referring to". However, for the reasons outlined above, we considered that the audience would have understood the use of the term "Jews" within the context of the programme as a whole as being derogatory.

We noted the representations provided by Tanzeem-e-Islami stated the speech included a "thoughtful and informed critique of Zionism" and that "it is important to distinguish between critique of a political movement and promoting hate against a particular group". We also acknowledged that Markaz-Al-Huda submitted that it "do[es] not and will not ever condone any type of racism...or tolerate any community being the subject of the hate or violence".

While Ofcom recognised the Licensee has the right to be critical of the Israeli Government and Zionist policies, in order to comply with the Code, the content cannot amount to uncontextualised abusive and derogatory treatment of individuals, groups, religions, or communities. In our view, the speaker's critique of Israel and Zionism evoked a number of antisemitic stereotypes and failed to

distinguish between Jewish people and the state of Israel. Therefore, it was our view that the broadcast contained material that went beyond political speech, and which amounted to abusive or derogatory treatment of Jewish people and the Jewish community on the basis of their ethnicity or religion.

Context

We next considered whether there was sufficient context to justify the broadcast of this abusive and derogatory treatment.

As previously discussed in relation to Rule 3.2, we consider that the inclusion of antisemitic hate speech within programming broadcast by Salaam BCR would have exceeded listeners expectations. We took into account that no material included in the speech, or broadcast before or after the programme, provided any challenge to, criticism of, to the speaker's intolerant and derogatory views about Jewish people. We again considered the authority of the speaker, Mr Shujauddin, and that by virtue of being a leader of a religious group likely to be known to a UK audience, listeners would have been likely to have perceived his comments as authoritative and carrying religious weight. We acknowledged the Licensee's representations stating the "speech was critique of a political movement", and a "critical examination of Zionism" but in Ofcom's view the speaker went beyond mere commentary on a political issue and used abusive and derogatory terminology towards Jewish people.

Taking all the elements set out above under Rule 3.2 into account, we considered that there were insufficient contextual factors to justify the abusive and derogatory treatment of Jewish people included in this programme. Therefore, our Decision is that this programme also breached Rule 3.3 of the Code.

Rule 2.3

Rule 2.3 of the Code states:

"In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context...Such material may include but is not limited to...discriminatory treatment or language (for example on the grounds of...race, religion, or belief...Appropriate information should also be broadcast where it would assist in avoiding or minimising offence".

The Code does not prohibit the broadcast of material or the inclusion of people or groups whose views and actions have the potential to cause offence. To do so would, in our view, be a disproportionate interference with the broadcaster's right to freedom of expression and the audience's right to receive information. Rule 2.3 places no restrictions on the subjects covered by broadcasters, or the manner in which such subjects are treated, as long as potentially offensive content is justified by the context.

We considered whether the material in the programme had the potential to cause offence. As discussed under our analysis of Rules 3.2 and 3.3 above, our Decision is that the programme contained material that constituted hate speech and abusive and derogatory treatment towards Jewish people. Ofcom therefore considered this programme had the potential to cause significant offence.

Context

We went on to consider whether the broadcast of potentially offensive material was justified by the context. As previously described above, Salaam BCR was a community radio channel which broadcasts to the Muslim community in Bury. For this reason, it was legitimate for the channel to explore discussion about the ongoing conflict in the Middle East, and for such content to include challenging and critical views of the Israeli Government and Zionism. Markaz-Al-Huda said that the content broadcast on its community radio station was intended “across all communities” in order to try “educate, entertain and help all members of the local communities to live peacefully in our vast multicultural communities”. However, in our view, this programme contained potentially highly offensive material, including antisemitic hate speech towards the Jewish community, and clear abuse of Jewish people on the basis of their ethnicity or religion. In our view, this material went beyond political discussion and discourse about the ongoing Israel-Hamas conflict and would have exceeded the expectations of listeners.

We acknowledged the Licensee’s representations that it said that the content was not broadcast with “malice”, “the intent of causing anybody any distress”, or to “target any section of our multicultural communities”. However, in light of our assessment of all relevant contextual factors set out above under Rules 3.2 and 3.3 and given the high potential for the speaker’s comments to cause significant offence to the audience. It is Ofcom’s view that listeners were unlikely to have expected to hear content of this type of broadcast without sufficient contextual justification or appropriate information to avoid or minimise the level of potential offence.

Our Decision therefore is that this programme also breached Rule 2.3 of the Code.

Conclusion

Taking all of the above, it is our Decision that the programme, which was broadcast on two occasions, contained antisemitic hate speech and abusive and derogatory statements, which were highly offensive and not sufficiently justified by the context.

Breaches of Rules 3.2, 3.3 and 2.3 of the Code.

The breach decision-maker’s initial view is that these breaches were serious, and they will therefore be considered for the imposition of a statutory sanction. The sanctions panel will re-consider this during that process.