

In Breach

Two lectures by Anwar al-Awlaki

Iman FM, 14 June 2017, 08:15

Introduction

Iman FM is a community radio station broadcasting to the Muslim community in Sheffield and the surrounding areas. The licence for this service is held by Iman Media UK Limited (“Iman FM” or “the Licensee”).

The station broadcast a series of lectures throughout the holy month of Ramadan¹. Ofcom received a complaint from a listener who alleged two of the lectures encouraged violence and religious hatred.

The broadcast cited by the complainant consisted of two lectures by an unidentified male speaker in English, interspersed with recitations of verses from the Qur’an and Hadith² in Arabic. Ofcom asked Iman FM to clarify the identity of the speaker in these lectures. The Licensee confirmed to Ofcom the speaker was Anwar al-Awlaki.

Freely available information on Anwar al-Awlaki indicates that he was an American radical Muslim cleric of Yemeni descent who was designated a global terrorist by the US Government in 2010. In November 2011, the United Nations Security Council placed al-Awlaki on its UN Security Council Resolution list of individuals associated with al-Qaeda³, describing him as a leader, recruiter, and trainer for al-Qaeda in the Arabian Peninsula. His overt endorsement of violence as a religious duty in his sermons and on the internet is believed to have inspired several recruits to Islamic militancy to carry out terrorist attacks including: the attack on the Charlie Hebdo office in Paris in 2015; an attempt to blow up an American airliner in 2009; the Times Square bombing in 2010; the Fort Hood shootings in 2009; and the stabbing of Stephen Timms MP in 2010. In 2011, President Obama authorised the targeted killing of Anwar al-Awlaki in a drone strike in Yemen. Following his death, Mr al-Awlaki’s writings and sermons remain available online.

During the broadcast the following statements were made:

“Ka’ab⁴ was a Jew but ethnically an Arab, so that shows that our negative attitude towards Jews is not based on racism, not based on their ethnicity, so that proves we are not anti-Semitic. Our problem is not with their ethnicity but their mindset...the issue of the Muslims is not the ethnicity of the Jews but their mindset which leads such a people to become blasphemous against Allah, to speak against the prophet, and to reject his message, to plot against Muslims, cause disunity. It is against their evil actions themselves”.

¹ Ramadan in 2017 started on around 26 May 2017.

² Hadith: Sayings of Prophet Muhammad.

³ <http://www.un.org/press/en/2011/sc10468.doc.htm>

⁴ Ka’ab ibn Ashraf: A Jewish man of influence who opposed prophet Muhammad in eighth century Arabia.

“Prepare whatever strength you have for Jihad fi Sabilillah [holy war in the cause of Allah]. This is a form of worship, it is just like praying, fasting or paying the Zakaat [charity] it is Ibaada [worship]. So if Jihad is fardh [compulsory], then preparation [for Jihad] becomes fardh as well, so this Ghazu⁵ was equivalent to worshipping Allah with training, this was hands on military training”.

“Not all battles are played out on the battlefield, sometimes clandestine special operations are needed to inflict harm on the enemies of Allah”.

“This shows that that there are some special rulings for military operations. If the mission depends on the person hiding their identity [or] Islamic identity, then that is allowed”.

“[Military service/preparation] served a purpose as it was hands on military training, and this military training is a form of worship in itself... [In military service] to be a member of a group, a jamaat [community], because there is obedience, there is discipline there is sacrifice you’re not just an individual but part of a group”.

“History is repeating is itself the enemies of Allah are spending billions of dollars to kill the pious disciples of the Holy Prophet, rounding them up, capturing them, and tarnishing the reputation of Islam. Lots of money is spent. The Kuffar⁶ of today are no different to the Kuffar of the Quraysh [Arab tribe]”.

We considered this raised issues under the following rules of the Code:

- Rule 3.1: “Material likely to encourage or to incite the commission of crime to lead to disorder must not be included in television or radio services”.
- 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 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...discriminatory treatment or language (for example on the grounds of...religion...)”.

Ofcom requested comments from the Licensee to explain the context in which the material was broadcast.

⁵ Ghazu: A Bedouin raid, which early Muslims took part in and it is recorded that the Prophet Muhammad took part in such raids.

⁶ Kuffar [Arabic]/Kaafir [Urdu]: Literal translation meaning disbelievers. Ofcom understands that in modern Arabic and Urdu usage it is commonly used as a pejorative term to describe non-Muslims.

Response

Iman FM provided Ofcom with both written and oral representations.

Background to the broadcast of the lectures of Anwar al-Awlaki

Iman FM said it normally broadcasts a live daily breakfast show from 08:00 to 10:00, but that the regular presenter was not available during the month of Ramadan. Therefore, it decided to broadcast a series of pre-recorded lectures.

In selecting the lectures to be played on air, Iman FM told Ofcom they searched the internet for lectures “on the life of the Prophet Muhammad” and “lectures on Seerah”, adding that the lectures they selected to broadcast were “freely available”.

Iman FM told Ofcom that a total of 20 hours of recordings featuring Anwar al-Awlaki had been broadcast. However, once the Licensee has submitted a breakdown of the hours broadcast, Ofcom calculated the total number of lectures broadcast to be in excess of 25 hours, of which approximately 2 hours were repeats of earlier broadcasts.

The Licensee said it was “not aware of the background of the preacher and had no knowledge of him being proscribed by the United Nations”. It added that “had this fact been known” they would not have broadcast the lectures.

The Broadcast

In explaining how the material came to be broadcast Iman FM said:

- the first 20 lectures had been selected to be played in chronological order;
- 12 hours of the content was fully listened to and none of that content had raised compliance concerns;
- of the remaining 8 hours that were broadcast, only samples were assessed prior to broadcast;
- the material Ofcom had found in breach was only sample checked before broadcast;
- the lectures had been edited prior to broadcast to insert advertising breaks;
- the material was loaded into an automated schedule to be played out;
- the final decision to broadcast was made by the Station Manager and Production Manager;
- whilst Iman FM sometimes broadcasts disclaimers ahead of external content being played, no disclaimer accompanied this broadcast;
- normally lectures and sermons would be chosen to fit the station’s ethos;
- the speaker was not introduced on air, as the Licensee’s staff were rushing to prepare the lectures for broadcast ahead of Ramadan;
- during the broadcasts a volunteer was in the office but may not have been monitoring broadcast output from the studio;
- management did not pick up on the lectures because they thought they had been compliance checked. As they had been observing their religious practices late into the evenings, at the time of the broadcasts they were “probably catching up on sleep”.

Iman FM said the material it had reviewed before broadcast was “judged to be within the parameters” of the Code. The Licensee accepted that it had not fully listened to the recordings prior to broadcast, stating this was due to time constraints, with it being a small radio station and the

timing falling within the month of Ramadan. The Licensee also said “this was under the presumption that the events talked about are on the life of the prophet Mohammed, which ordinarily is a historical account, normally not controversial”. However, Iman FM went on to accept that the material broadcast was in breach of the Broadcasting Code.

Further submissions

In response to this incident, Iman FM said it had taken the following actions:

- the lectures were taken off air;
- it had decided not to broadcast the material again;
- Iman FM accepted their compliance procedures in this instance had not been adequate. Following this breach the Licensee said it had reviewed and enhanced its guidelines for presenters and content policy regarding compliance of lectures and speeches prior to broadcast. Iman FM said it would keep this policy under review;
- It would run due diligence checks in future on the background of speakers before broadcasting their speeches and lectures.
- During the Licensee’s “Feedback Show” broadcast on Friday 23 June the lectures by Anwar al-Awlaki were “strongly condemned”. An apology was broadcast to listeners for any offence caused. Iman FM told listeners the content “fell below the high standards that Iman FM holds in promoting good programming” and “Iman FM always advances the causes of a united community, regardless of background and such individuals and what they stand for are condemned in the strongest terms”. Listeners were told no lectures by Anwar al-Awlaki would be played on Iman FM in future. Iman FM sent Ofcom a recording of this broadcast shortly after transmission.
- A further broadcast was being prepared by the management of Iman FM for Saturday 24 June where the lectures of Anwar al-Awlaki broadcast by Iman FM would be condemned and the “detail of the content that was broadcast” would be discussed in “much more detail”.

However, when Ofcom requested a recording of this programme on the morning of Thursday 29 June, Iman FM said it had decided not to broadcast it because of the Eid celebrations. Iman FM said Eid was celebrated at different times in Rotherham and Sheffield and they needed to update the community they served on how and when to observe Eid with guests. Ofcom was advised that a programme with guests about the Anwar al-Awlaki lectures was scheduled for 1500 on Thursday 29 June. A recording of this programme was provided to Ofcom after transmission.

Iman FM told Ofcom whilst the 12 hours of lectures they listened to prior to broadcast had not initially raised compliance concerns, having listened to them “in hindsight” with knowledge of the background of Anwar al-Awlaki, some of the content may be problematic. However, the Licensee said the “vast majority” of the content was “not controversial”.

Whilst accepting this content had been a breach of the Code, Iman FM said the breach had not been an intentional breach and it had never happened before. We took this into consideration, along with Iman FM’s submission that management and volunteers were as “not aware of the background of the preacher and had no knowledge of him being proscribed by the United Nations” and that “had this fact been known” they would not have broadcast the recordings. The Licensee also argued that it went “against the grain” of the service and the inclusive nature of the work they did in the local community to promote cohesion. Iman FM said the broadcast of these lectures were an “isolated mistake” which was an “unwitting” oversight. The Licensee asked Ofcom to consider that its Station

Manager had run several RSL licences to observe Ramadan and had a good compliance record over 17 years.

The Licensee stated that whilst it appreciated that on this occasion “there was a clear breach of our internal procedures” the lectures were broadcast “unwittingly” and they “felt strongly the track record of the management and Iman FM” had not been given “sufficient weight” by Ofcom in reaching its preliminary view.

Decision

Ofcom has a general duty under the Communications Act 2003 to secure the application, in the case of all television and radio services, of standards that provide adequate protection to members of the public from the inclusion of offensive and harmful material in such services, and a duty to set standards to secure that material likely to encourage or to incite the commission of crime or to lead to disorder is not included in television or radio services⁷. These duties are reflected in Sections Two and Three of the Code.

Ofcom has taken account of the audience’s and broadcaster’s right to freedom of expression set out in Article 10 of the European Convention on Human Rights (“ECHR”). We have also had regard to Article 9 of the ECHR, which states that everyone “has the right to freedom of thought, conscience and religion”. Ofcom must seek an appropriate balance between ensuring members of the public are adequately protected from harmful or offensive material and the right to freedom of expression and the right to freedom of thought, conscience and religion.

We acknowledge that, at times, offence can be caused not just by the actual content of a programme but by the very fact that people with extreme and very controversial views are given airtime. The Code does not prohibit people from appearing on television and radio services because their views or actions have the potential to cause offence. 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.

Further, broadcasters should be able to, and can, report on terrorist groups, and individuals linked to such groups, that pose potential terror threats internationally and domestically. This is clearly in the public interest. However, if people or organisations are given the chance to articulate their views on television or radio, broadcasters must ensure they comply with the Code by challenging and placing those views in context, as appropriate.

In this case, Ofcom had serious concerns about the decision by the Licensee to give a platform to a widely-known terrorist leader and al-Qaeda recruiter, Anwar al-Awlaki, by broadcasting in excess of 25 hours of his lectures in the holy month of Ramadan (of which approximately 2 hours were repeats).

When broadcasting material of this nature, broadcasters must comply with: Rule 3.1 (prohibition on material likely to incite crime); Rule 3.2 (hate speech must be justified by the context); and Rule 2.3 (offence must be justified by the context).

Rule 3.1

Rule 3.1 of the Code requires that:

⁷ <http://www.legislation.gov.uk/ukpga/2003/21/section/319>

“Material likely to encourage or incite the commission of crime or lead to disorder must not be included in television or radio services”.

When considering whether material is in breach of Rule 3.1, Ofcom is required to assess the *likelihood* of it encouraging or inciting the commission of crime or leading to disorder. Ofcom is not required to identify any causal link between the content broadcast and any specific acts of disorder of criminal behaviour. Ofcom takes account of all the relevant circumstances, the nature of the content, its editorial context and its likely effects.

Content may contain a *direct* call to action – for example, an unambiguous, imperative statement calling viewers to take some form of potentially criminal or violent action. Material may also contain an *indirect* call to action if it includes statements that cumulatively amount to an implicit call to act.

In this case, Anwar al-Awlaki made the following statement:

“Prepare whatever strength you have for Jihad fi Sabilillah [holy war in the cause of Allah]. This is a form of worship, it is just like praying, fasting or paying the Zakaat [charity] it is Ibaada [worship]. So if Jihad is fardh [compulsory], then preparation [for Jihad] becomes fardh as well, so this Ghazu⁸ was equivalent to worshipping Allah with training, this was hands on military training”.

We considered the above statement amounted to a direct call to action to members of the Muslim community to prepare for and carry out violent action against non-Muslim people. Anwar al-Awlaki cited Jihad or holy war in the cause of Allah as a compulsory form of worship equivalent to other fundamental aspects of the Islamic faith such as praying and fasting.

We considered that the potential effect of this statement would have been exacerbated by other more indirect statements made by Anwar al-Awlaki which, in our view, served to condone violent acts and directly tell members of the Muslim community that it is acceptable to conceal their faith to perpetrate these acts:

“Not all battles are played out on the battlefield, sometimes clandestine special operations are needed to inflict harm on the enemies of Allah”.

“[Military service/preparation] served a purpose as it was hands on military training, and this military training is a form of worship in itself...[In military service] to be a member of a group, a jamaat [community], because there is obedience, there is discipline there is sacrifice you’re not just an individual but part of a group”.

“History is repeating is itself the enemies of Allah are spending billions of dollars to kill the pious disciples of the Holy Prophet, rounding them up, capturing them, and tarnishing the reputation of

⁸ Ghazu: A Bedouin raid, which early Muslims took part in and it is recorded that the Prophet Muhammad took part in such raids.

Islam. Lots of money is spent. The Kuffar⁹ of today are no different to the Kuffar of the Quraysh [Arab tribe]”.

In Ofcom’s view the cumulative effect of the above statements was to condone, promote and encourage violent behaviour towards non-Muslim people. Further, the lectures appeared to link violent acts of the past with actions that might potentially be taken today. Ofcom took the view that the content therefore amounted to a call to action which was likely to encourage or incite the commission of crime or lead to disorder.

Ofcom has published Guidance¹⁰ which accompanies Section Three of the Code. This makes clear that, under Rule 3.1, we take into account a range of contextual factors which could increase or decrease the likelihood of content inciting or encouraging crime or disorder. For example, the likelihood could be reduced if sufficient challenge or context is provided. However, in this case, no content was broadcast before or after these lectures that provided any challenge to, or criticism or explanation of, the violent behaviour that Anwar al-Awlaki’s statements served to condone. Further, the broadcasts did not appear to provide any other context to mitigate the more potentially harmful messages contained within these lectures.

We considered the Licensee’s representations that it had decided to broadcast pre-recorded lectures “on the life of the Prophet Muhammad”, adding that the lectures were “freely available” on the internet. We were concerned that the Licensee appeared to consider that the availability of content on the internet meant it was suitable for broadcast. We were particularly concerned that Iman FM told us that it had listened to approximately half of the content featuring Anwar al-Awlaki prior to broadcast, and appeared to have based its decision to broadcast Anwar al-Awlaki’s lectures on the “presumption that the events talked about on the life of the prophet Mohammed, which ordinarily is a historical account, are normally not controversial”. We also considered Iman FM’s submission that volunteers and management working there were unaware of the background of the speaker Anwar al-Awlaki. The Licensee provided Ofcom with the link they used to access the material on YouTube and information accompanying these lectures on the source site refers to Anwar al-Awlaki’s arrest and detention in Yemen in 2006. It also refers to his death in a US drone strike in 2011. In Ofcom’s view, given the notoriety of the Anwar al-Awlaki and the information provided at the YouTube source, it does not appear credible that the Licensee did not know any of the background information about the preacher before broadcasting his series of lectures.

For all the reasons above, we considered this content broadcast was likely to encourage or incite the commission of crime or lead to disorder.

Our Decision therefore is that Rule 3.1 was breached.

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”.

⁹ Kuffar [Arabic]/Kaafir [Urdu]: Literal translation meaning disbelievers. Ofcom understands that in modern Arabic and Urdu usage it is commonly used as a pejorative term to describe non-Muslims.

¹⁰ https://www.ofcom.org.uk/data/assets/pdf_file/0021/24258/section_3_2016.pdf

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, gender, gender reassignment, nationality, race, religion, or sexual orientation”.

In this case, Anwar al-Awlaki referred to a highly controversial event in Islamic history relating to the Prophet Muhammad’s alleged order to kill a Jewish opponent. Anwar al-Awlaki stated:

“Ka’ab¹¹ was a Jew but ethnically an Arab, so that shows that our negative attitude towards Jews is not based on racism, not based on their ethnicity, so that proves we are not anti-Semitic. Our problem is not with their ethnicity but their mindset...the issue of the Muslims is not the ethnicity of the Jews but their mindset which leads such a people to become blasphemous against Allah, to speak against the prophet, and to reject his message, to plot against Muslims, cause disunity. It is against their evil actions themselves”.

In our view this statement would have been interpreted justifying a “negative attitude” and critical view towards Jewish people, based on what it termed that community’s “mindset” and their “evil actions”. We considered this statement would have been perceived by listeners as justifying hatred or violence towards Jewish people, and therefore is a clear example of hate speech as defined by the Code.

We were also concerned by Anwar al-Awlaki referring to non-Muslim people with the Arabic term “kuffaar”¹² in the following statement:

“History is repeating is itself the enemies of Allah are spending billions of dollars to kill the pious disciples of the Holy Prophet, rounding them up, capturing them, and tarnishing the reputation of Islam. Lots of money is spent. The Kuffar of today are no different to the Kuffar of the Quraysh [Arab tribe]”.

Ofcom understands that in some contexts (such as in the Qur’an) this term is used as a plain descriptor for non-Muslim people, but that in other contexts it is considered highly derogatory. Considering the tone of these lectures and the contemporary use of this word in Arabic, we considered that it was likely the use of these terms in this context would have been perceived by the audience as being highly pejorative towards non-Muslim people.

Therefore, it was Ofcom’s view that some listeners were likely to have interpreted the use of the term “kuffaar” in this context as glorifying a violent and extreme perspective towards those who do not share the Muslim faith. We therefore considered that the lectures promoted hatred against non-Muslim people and was therefore hate speech, as defined by the Code.

Rule 3.2 permits the inclusion of hate speech in programming only when there is sufficient context. Our published Guidance to Rule 3.2 makes clear that there are certain genres of programming such as drama, comedy or satire 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.

Ofcom must also take proper account of the broadcaster’s and the audience’s right to freedom of expression and related right to freedom of thought, conscience and religion. We recognised

¹¹ Ka’ab ibn Ashraf: A Jewish man of influence who opposed prophet Muhammad in 8th century Arabia.

¹² See footnote 6.

theological sermons and lectures are an important form of religious expression for some Muslim people. As Iman FM is a community radio station with a strong Islamic ethos broadcasting to a primarily Muslim audience, we accepted that its listeners may well expect and enjoy religious content such as lectures from Imams.

In this case, we did not consider there was editorial justification for including these views given the strength of the cumulative message of these lectures. Further, there was no material broadcast immediately before or after these lectures that provided any challenge to, criticism or explanation of, the extreme interpretation of Islam that it condoned. In our view, the community radio's audience was unlikely to expect to hear content of this strength broadcast without sufficient context. The contextual factors in this case were not sufficient to justify the broadcast of this example of hate speech, and we therefore considered that it exceeded generally accepted standards.

As in the case of Rule 3.1, we took account of the Licensee's various representations as to why it had broadcast this content. However, for all the reasons above we considered that Imam FM had broadcast hate speech without appropriate context.

Our Decision is therefore that Rule 3.2 was breached.

Rule 2.3

Rule 2.3 of the Code states that:

"In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context. Such material may include...discriminatory treatment or language (for example on the grounds of...religion...)"

Context is assessed by reference to a range of factors including the editorial content of the programme, the service in which the material is broadcast, the time of broadcast and the likely expectation of the audience.

We first considered whether this content was potentially offensive. As already discussed above, we considered these lectures a direct call to action to members of the Muslim community to prepare for and carry out violent action against non-Muslim people. It is also our view the material amounted to hate speech, as it was both abusive and derogatory towards non-Muslim people, and in particular, Jewish people. In our view, this content had clear potential to be highly offensive.

Ofcom then considered whether the broadcast of these comments was justified by the context. Taking into account the factors set out above under Rules 3.1 and 3.2, we considered this potentially highly offensive material was broadcast without immediate challenge or criticism. In our view, the community radio's audience was unlikely to expect to hear content of this type broadcast without sufficient context.

As in the case of Rules 3.1 and 3.2, we took account of the Licensee's various representations as to why it had broadcast this content. However, we considered that the contextual factors in this case were not sufficient to justify any potential offence.

We considered that the two apology broadcasts provided some but not sufficient context to the speaker or his background.

Our Decision is therefore that Rule 2.3 was breached.

Conclusion

Overall Ofcom considered the breaches in this case to be extremely serious and has today issued a Notice under section 111B Broadcasting Act 1990 suspending the Licence

Decision: Breaches of Rules 3.1, 3.2, and 2.3