

CASE STUDIES OF RULINGS BY MEDIA REGULATORS

UK:

Ofcom fines Islamic Television Channel DM Digital for inciting hatred and murder live on air

ARTICLE EXTRACT: <http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/10162099/Muslim-television-channel-fined-after-preacher-of-hate-incited-murder-live-on-air.html>

“The new fines announced by Ofcom related to the programme Rehmatul Lil Alameen, or Mercy Unto the Worlds, broadcast in October 2011, and another entitled POAF Conference, broadcast in November and December 2011.

Rehmatul Lil Alameen featured a live lecture by Abdul Qadir Jilani, an Islamic scholar, which included material that Ofcom considered was “likely to encourage or incite the commission of crime or to lead to disorder”.”

Ofcom ruled that News Channels including the BBC, ITV, Al Jazeera etc were not in breach of regulations in the reporting of the Lee Rigby murder. The ruling is attached.

Summary of the ruling:

“Ofcom received almost 680 complaints about the broadcast news coverage of the killing of Fusilier Lee Rigby in Woolwich on 22 May 2013. In summary, complainants considered the television coverage of the incident on several channels and programmes (which included mobile telephone footage taken at the scene of the incident) was too graphic and distressing, insensitive and disrespectful to the family of Fusilier Rigby, and gave one of the alleged attackers a platform to justify and explain his actions. Many complainants also expressed concern at the effect that the content may have on younger viewers.

Ofcom assessed all the broadcast material complained of and opened an investigation. Separately Ofcom conducted a monitoring exercise to examine how radio and television broadcasters reported the incident on the day itself.

Ofcom concluded that none of the broadcasts breached Rule 1.3 (material unsuitable for children must be appropriately scheduled) or Rule 2.3 (offensive material must be justified by the context) of the Code. We also concluded that LBC did not breach Rule 1.5 (radio broadcasters must have particular regard to times when children are particularly likely to be listening). While the coverage was detailed and at times distressing, we did not consider that the images were too offensive for broadcast given they were appropriately scheduled and justified by the context. We have however set out some guidance to broadcasters about, for example, the need to give appropriate warnings to viewers before broadcasting material which might cause offence or distress to viewers.”

Australia

Ruling issued by the Australian Communications and Media Authority

Service provider	Title/program or topic (PDF download)	Outcome	Date of website publication
Al-Manar Television	<u>2413</u> With the Viewers, on 15 November 2009, With the Event, on 28 February 2009	Breach - clause 1.2 of the Open Narrowcast Code [program was not presented fairly] Breach - clause 1.3 of the Open Narrowcast Code [gratuitously vilify a group on the basis of ethnicity and religion] Non Breach of the relevant provisions of the BSA, the Open Narrowcast Code or the Open Narrowcast Standard in the nine other programs assessed by the ACMA.	Dec 2010

PAKISTAN—Considering the banning of live coverage of terrorism

Lesson: While the Electronic Media Regulatory Authority has the ability to issue directives, their ability to enforce them is a big issue.

ARTICLE: http://www.ifex.org/pakistan/2013/08/28/live_tv_coverage/

The Pakistan Electronic Media Regulatory Authority (Pemra) had issued directives to end live coverage of a 5-hour standoff on August 15, 2013 but the TV Channels did not abide by the directives

In a separate development, on August 26, on the orders of Supreme Court of Pakistan, police registered a case under the Anti-Terrorist Act of 1997 of the constitution against Salman Iqbal, the chief executive of leading television channel ARY News, Owais Tohid, Executive Director, Shahid Hameed Rind, Quetta bureau chief and Sabir Shakir, Islamabad bureau chief of the same organisation. The case is related to the broadcast of a video showing the bombing of a national monument by a separatist group in the restive province of Balochistan.

TURKEY

Jul 17 2014- The broadcasting authority (RTUK) imposed a ban on media reporting about the seizure by Islamic militants of Turkish diplomats and soldiers from the country's consulate in Mosul. The ban was made on the grounds of protecting the safety of those held

Full article: <http://www.bloomberg.com/news/2014-06-17/erdogan-warning-media-yields-blackout-on-turks-captured-in-iraq.html>

CASE STUDY OF REGULATION LACKING –

River Ibar Mitrovica Incident

Article: “It was on March 15 when the media reported that at least two Serbs and a dog had chased four Albanian boys into the river Ibar in Mitrovica. According to the heart-catching story, three of the boys drowned, and only one made it to the safety of the other side.

"Revenge followed swiftly. Reprisal attacks on Serbs claimed 30 lives and wounded 600," said *Canadafreepress.com* in its May 3 cover story.

When United Nations representative Derek Chappell bravely stepped forward to say the river event of March 15 was "definitely not true", he was promptly pulled by the UN and transferred to another job.

"The UN said he was too frank in telling the truth," said James Bissett, former Canadian ambassador to Yugoslavia and member of a minority trying to get the truth out on widespread lies and deception about Kosovo.”

Full article from 2004: <http://www.canadafreepress.com/2004/cover083004.htm>

Mumbai 2008 Massacre

The bench dismissed arguments justifying the television coverage under the ambit of freedom of speech and expression, ruling that “An action tending to violate another person’s right to life guaranteed under Article 21 or putting the national security in jeopardy can never be justified by taking the plea of freedom of speech and expression.”

The article goes into significant depth in exploring how a ban on certain details being transmitted by the media would have greatly aided rescue efforts and the work of security forces.

“The coverage of the Mumbai terror attack by the mainstream electronic media has done much harm to the argument that any regulatory mechanism for the media must only come from within.”

<http://www.niticentral.com/2012/08/30/its-official-media-helped-2611-terrorists-5832.html>