



# Australian Broadcasting Authority

## INVESTIGATION SUMMARY

File No: 2001/0054  
Complaint No: 12454  
Investigation No: 962

<b>Licensee</b>	Islamic Council of New South Wales Inc
<b>Station</b>	Voice of Islam Radio
<b>Type of Service</b>	Temporary Community Broadcasting Licence
<b>Name of Program</b>	'Think and Win'
<b>Date/s of Broadcast</b>	24 and 25 December 2000
<b>Date of Complaint</b>	7, 12 and 16 January 2001
<b>Name of Complainant (if not confidential)</b>	Mr Amjad Ali Mehboob
<b>Relevant Legislation/Codes</b>	Community Broadcasting Code of Practice Clauses 2.1(a) and 2.4(b)
<b>Issues</b>	Inciting or provoking violence Not presenting factual material accurately
<b>Decision Date</b>	8 August 2001

### DECISION:

The ABA determined that the broadcast of the program 'Think and Win' on 25 December 2000 by the licensee of Voice of Islam Radio, Islamic Council of New South Wales Inc, breached clause 2.4(b) of the Community Broadcasting Code of Practice.

## INVESTIGATION REPORT

### THE COMPLAINT

On 6, 12 and 16 January 2001, the Australian Broadcasting Authority (ABA) received written complaints from Mr Amjad Ali Mehboob (on behalf of the Australian Federation of Islamic Councils Inc - AFIC). The complaints concerned the program 'Think and Win', broadcast by temporary community radio station Voice of Islam on 24 and 25 December 2000.

The licensee of Voice of Islam is Islamic Council of New South Wales Inc (ICNSW).

The complainant alleged that the 'Think and Win' program:

- made inaccurate statements about AFIC, alleging that AFIC supported the Islamic Charity Projects Association (the Ahbash Group, which operates Muslim Community Radio - MCR);
- was "inciting listeners to rise up against the leadership of AFIC by telling them that AFIC leadership was associating, supporting and promoting the Ahbash group"; and
- provoked violent incidents.

The complainant made a written complaint to the station about the matter on 4 January 2001 but was dissatisfied with the station's response. The complainant then referred the matter to the ABA for investigation. On 23 January 2001 the ABA sought a copy of the program and comments from the licensee about the matter.

### RELEVANT LEGISLATION/CODES/LICENCE CONDITIONS

#### CODE NO. 2

##### Guidelines For General Programming

The purpose of the code is to reflect the need to avoid and break down prejudice and discrimination, and to prevent the broadcasting of material which is contrary to community standards, government regulations and the principles of community broadcasting.

- 2.1 Community broadcasting licensees shall not broadcast material which may:
- (a) incite, encourage or present for their own sake violence or brutality;

...

##### Guidelines For News And Current Affairs Programs

These guidelines are intended to promote accuracy and fairness in news and current affairs programs.

- 2.4 News and current affairs programs (including news flashes) should:
- ...
  - (b) present factual material accurately and ensure that reasonable efforts are made to correct substantial errors of fact at the earliest possible opportunity;

## ASSESSMENT

In forming its assessment, the ABA examined the audiocassette provided by the Licensee, copies of correspondence, comments by the complainant, by the licensee and submissions made by the licensee's legal representative, as well as previous decisions by the ABA.

Both the complainant and the licensee provided translations of the matter broadcast (see Annexures A and B respectively). The ABA notes that only the licensee has provided a translation from a translator accredited with the National Accreditation Authority for Translators and Interpreters (NAATI).

The ABA also notes that the translation provided by the complainant (which is anonymous) states that 'the tape from which we took down these points is somewhat jumbled. It is not clear where the beginning was, so there are things at the beginning of the document that chronologically belong on a different page, however, we have kept all the talk of the callers and the announcers together'.

In investigating this complaint, the ABA sought to determine whether the licensee:

- ♦ broadcast material 'which may incite, encourage or present for their own sake violence or brutality' and/or
- ♦ did not 'present factual material accurately and ensure that reasonable efforts are made to correct substantial errors of fact at the earliest possible opportunity'.

### Clause 2.1(b)

The complainant alleged that the broadcast incited 'listeners to rise up against the leadership of AFIC by telling them that AFIC leadership was associating, supporting and promoting the Ahabash group', and that it provoked violent incidents. In particular, the complainant alleged that:

I am informed that throughout the program that evening Mr Zoabi was heard calling for the Arab community to join the Voice of Islam Radio for 'jihad' against the AFIC leadership and the non-Arab members of the Muslim community. I am also informed that Mr Zoabi openly called for the Arab listeners to cause physical violence against the AFIC leadership and the non-Arab community of ours adding that the time has come for the spilling of blood to save the Arab leaders from AFIC's attempts to dislodge them from the leadership of the community.

The ABA has examined the translated transcripts of the broadcasts of 24 and 25 December 2000 (see Annexures A and B). While there is evidence of the use powerful and florid imagery within the broadcasts, the ABA can find no evidence to support the complainant's allegations that the program called for:

- ♦ 'jihad',
- ♦ 'physical violence against the AFIC leadership and the non-Arab [Islamic] community' or
- ♦ 'for the spilling of blood to save the Arab leaders from AFIC's attempts to dislodge them from the leadership of the community'.

The complainant also alleged members of ICNSW organised a violent demonstration by 'a group of people numbering at least 150 armed with guns and various other dangerous weapons' against members of AFIC. The ABA has been unable to obtain independent, verifiable evidence that the

violence described in his complaint occurred. Nor has the ABA been able to obtain independent, verifiable evidence linking the alleged violence to any broadcast by ICNSW.

As a result, the ABA has determined that ICNSW did not breach clause 2.1(b) of the Code.

#### **Clause 2.4(b)**

The complainant further alleged that the broadcasts made inaccurate statements about AFIC, alleging that AFIC supported the Islamic Charity Projects Association, also known as the Habash/Ahbash group or Muslim Community Radio.

On 25 December 2000, ICNSW broadcast the following:

The Australian Federation of Islamic Councils has a newspaper called 'The Muslim News'. In its second last issue], the Australian Federation of Islamic Councils wrote an article on the second page, or an article was sent to the Australian Federation of Islamic Councils by the Habashi group and they published this article and the article says that the Habashi group is offering the Muslim community great services and the whole article praises the Habashi group.

...

The people in charge were contacted and they said that the Australian Federation of Islamic Councils will refute or clarify this matter in the next issue and the issue came out and there was nothing of the sort. What happened is that the president of the Federation who is the editor of this newspaper was invited to attend the Eid festival at Lakemba mosque as a token of appreciation for publishing this article, and he will be present on Eid day as he was invited to make a speech at Lakemba mosque.

On 24 May 2001, the ABA sought from the licensee the evidence upon which it relied when making these statements. The ABA has received no material from the licensee to substantiate the claims made in this segment of the broadcast and, as a result, the ABA has determined that ICNSW breach clause 2.4(b) of the Code.

#### **SUMMARY**

The ABA has determined that ICNSW did not breach clause 2.1(b) of the Code, but did breach clause 2.4 (b) of the Code.

#### **ACTION TAKEN**

Other than alerting ICNSW to the findings of its report, the ABA does not intend to take any further action in this matter.

#### **DECISION**

I, Phyllis Fong, Acting Director Policy and Content Regulation Branch, being the appropriate delegated officer of the Australian Broadcasting Authority, determine for the above reasons that the licensee of Voice of Islam Radio, Islamic Council of New South Wales Inc, breached clause 2.4(b) of the Community Broadcasting Code of Practice on 25 December 2000.

Signed: -----  
*Phyllis Fong*