

COMPLAINT ADJUDICATION

Khayaal Theatre Company

and

5PillarsUK (online)

Clause 1. Accuracy

1.1. Publishers must take all reasonable steps to ensure accuracy.

1.4. Whilst free to be partisan, publishers must not misrepresent or distort the facts.

Clause 4. Discrimination

4.3. Publishers must not incite hatred against any group on the basis of that group's age, disability, mental health, gender reassignment or identity, marital or civil partnership status, pregnancy, race, religion, sex or sexual orientation or another characteristic that makes that group vulnerable to discrimination.

Complaint Dismissed

No breach of Code

Before IMPRESS Regulatory Committee A

Andrea Wills, David Leigh, David Robinson, Emma Jones, Pam Vick, Patrick Swaffer and Walter Merricks (Chair)

12 February 2020

1. Summary of Complaint

- 1.1. The complaint is being made by Khayaal Theatre Company (“the Complainant”), a directly affected party of the alleged breach of the Code.
- 1.2. The Respondent is 5Pillars Media Ltd, which publishes online as 5PillarsUK and is a publication, focusing on British Muslim news, that has been regulated by IMPRESS since 05/04/18.
- 1.3. Legal representatives of the Khayaal Theatre Company made a request that the name of Mr Luqman Ali should not be disclosed in the Committee’s decision. The IMPRESS regulatory scheme sets out at 5.6 that it will take account of requests by a complainant to remain anonymous and to redact any personal information which may cause a further intrusion into privacy or cause harm or considerable distress to the complainant or a third party.
- 1.4. Mr Luqman Ali is the managing director of the Khayaal Theatre Company and closely associated with it. He is named in the article complained of. The initial complaint to the Publisher was made by Mr Ali and he engaged directly with the Publisher. Subsequently, the Khayaal Theatre Company instructed legal representatives to refer the complaint to IMPRESS on its behalf.
- 1.5. In considering the request for anonymity, the Committee agreed that it was impractical for it to reach an adjudication that did not identify Mr Ali. It is inevitable that the decision by the Khayaal Theatre Company to make this complaint will have involved Mr Ali, and that the investigation of this complaint may receive public scrutiny. To that extent, the Committee did not consider that any further intrusion into Mr Ali’s privacy or harm or distress would be caused to him by being named in this adjudication.
- 1.6. The complaint concerns an article that first appeared on 5PillarsUK on 29/05/19 with the headline, “*NZF funded individuals linked to Israel and counter extremism*”.
- 1.7. The complaint is assessed against the IMPRESS Standards Code, the relevant clauses are:

Clause 1 (Accuracy)

- 1.1. *Publishers must take all reasonable steps to ensure accuracy.*
- 1.4. *Whilst free to be partisan, publishers must not misrepresent or distort the facts.*

Clause 4 (Discrimination)

- 4.3. *Publishers must not incite hatred against any group on the basis of that group's age, disability, mental health, gender reassignment or identity, marital or civil partnership status, pregnancy, race, religion, sex or sexual orientation or another characteristic that makes that group vulnerable to discrimination.*

2. Background

- 2.1. The subject of the article concerned the National Zakat Foundation (NZF) and a leaked document which the article claimed showed that the NZF financially supported individuals that the publication alleged were linked to the "Israel lobby" and the Government programme "Prevent".

The relevant statements from the article are:

"NZF funded individuals linked to Israel and counter-extremism

5Pillars has learned that the National Zakat Foundation (NZF) has been funding individuals who are linked to the Israel lobby and counter extremism work through a Muslim leadership scheme.

A leaked document which 5Pillars have seen shows that in 2017, NZF funded Julie Siddiqi, who is linked to several pro Israel organisations and individuals, and Luqman Ali, who has carried out counter extremism work although he insists he does not support Prevent.

Siddiqi was given nearly £29,500 by NZF out of Zakat funds and Ali was given over £38,500."

"Julie Siddiqi

According to the internal NZF document, a total of £29,442.41 was paid to Julie Siddiqi to help her with two projects – Ansar Volunteering

Network (AVN) and Sadaqa Day – which appear to be modelled on Jewish community projects of a similar nature.

This may be down to Siddiqi's close connection with the Zionist Laura Marks, the ex Senior Vice President of the pro-Israel Board of Deputies of British Jews (BoD).

The Jewish-Muslim women's organisation Nisa-Nashim (NN) was founded by Siddiqi and Marks with £30,000 of funding from the government and BoD backing. NN trustees include Hifsa Haroon-Iqbal, the regional Prevent lead for Further and Higher Education and Judith Flacks whose CV includes working with BICOM, the influential pro Israel lobby in the UK.

Last year NN put out a statement against the former L'Oreal model Amena Khan for denouncing Israel during the 2014 Gaza attack in which 526 children were killed by the IDF.

Moreover, during the period 2007-8, Siddiqi helped deliver the Slough Against Violent Extremism Action Plan, devised to "build community resilience" to violent extremism in line with the government's much-criticised Prevent Strategy.

Siddiqi also appears on platforms organised by the secular liberal "reformist" organisation New Horizons in British Islam, which sells itself as "a forward-looking organisation that works for reform in Muslim thought and practice," and repeatedly hosts a plethora of controversial reformist figures (such as "gay Muslims") on discussions about Islam."

Luqman Ali

Meanwhile, with the year ending 2017, Luqman Ali received £38,565.27 from NZF.

Ali is the co-founder of the Khayaal Theatre Company, a theatre and drama education company which explores Muslim world literature and the experience of Muslims in the modern world for the stage, radio and screen.

From 2007-11, via the government's Preventing Violent Extremism fund, Khayaal received £129,541 to build its organisational capacity and deliver counterextremism plays.

Ali told 5Pillars that he does not support Prevent but decided to take government funding because of the good work that he knew he could deliver with the money.

He said that accepting the money does not mean he agrees with the government's agenda and it is unfair to tar him with a "counter-extremism" image when he has been a dedicated community activist for 30 years.

Commenting on the revelations, Abdullah Noorudeen, of the Coolness of Hind blog which first revealed the leaked document's contents, questioned whether NZF was abusing Zakat funds.

He said: "When NZF set out to deform Islam to fit their own agenda, it exposed the Muslim community to the threat of potential abuse of zakat funds. NZF, Mufti Faraz Adam and his theological stamp of approval have indeed opened a can of worms which are burying themselves into agendas that seek to deconstruct Islam.

The funding of the likes of Luqman Ali and Julie Siddiqi and their projects which dovetail counter-extremist, deformatist, pro-Israel agendas, should be a wake-up call for the Mufti, and the Muslims that give their zakat money to NZF."

2.2. The article discusses the work of Mr Ali and the Khayaal Theatre Company with reference to a blog post which appeared on the website, *Coolness of Hind*, which made various connections between Mr Ali, the Company and other organisations. That blog was posted under the name of Abdullah Noorudeen on 25 May 2019, with the title, "NZF: 'Give Zakat locally' to counter-extremists, deformatists and purveyors of pro-Israel activism?", and alleged that the Khayaal Theatre Company was an unfit recipient for the National Zakat Foundation funds.

3. The Complaint

3.1. Mr Ali contacted 5PillarsUK on 30 May 2019 and made a complaint on the grounds of accuracy. 5PillarsUK dismissed the complaint, but offered to add further context to the article. The Publisher informed Mr Ali that he could

escalate his complaint to IMPRESS. A full copy of correspondence between the parties was provided to the Regulatory Committee.

- 3.2. The Khayaal Theatre Company subsequently made a complaint to IMPRESS, on the grounds of both Accuracy and Discrimination. IMPRESS requested that the Khayaal Theatre Company contact the Publisher regarding the discrimination complaint, as it had not been raised in the initial complaint.
- 3.3. The Khayaal Theatre Company contacted 5PillarsUK again on 2 October 2019 and made a complaint on the grounds of discrimination. 5PillarsUK dismissed the complaint but reiterated its offer to add further context in the article.
- 3.4. After seeking clarification of the basis of the complaint, IMPRESS confirmed the substance of the complaint as follows, a full copy of which was provided to the Committee.
- 3.5. The Khayaal Theatre Company argues that a breach of Clause 1.1 of the IMPRESS Standards Code has occurred. The Theatre Company disagrees with the claims made in the headline, specifically that the NZF funded individuals are “linked to Israel”; it says that the claims are not substantiated in the article (and are false).
- 3.6. The Khayaal Theatre Company states that the content of the article specifically identifies two individuals. However, in neither case, it argues, does the article substantiate any “link” to Israel. The Theatre Company argues that this link is “tenuous and conspiratorial at best” and that it does not address how the Theatre Company is alleged to be linked to Israel.
- 3.7. Further, the Company states that because the headline suggests or gives the reader the impression that the article establishes links between “individuals” and Israel, and because the article only discusses two individuals there is a clear implication that the headline refers to Mr Ali and his work with the Company. The Company states that the claim that either Mr Ali or the Khayaal Theatre Company has ties to Israel is false. The Company also noted that the Publisher asserted in its reply that it did not claim Khayaal Theatre Company, or its management are linked to Israel. The Company asserted that this was a concession that the Publisher had no basis to link it to Israel.

3.8. Regarding Clause 1.4., which states that whilst free to be partisan, publishers must not misrepresent or distort the facts, the Company argues that the characterisation of the Company's work with the government anti-extremism program, Prevent, omits crucial facts, the result of which is that a misleading impression is created. The Company says that in evaluating the accuracy of the content of the article itself, inaccuracy can result from omission, quoting the Guidance for Clause 1, "... a story may mislead through the omission of a crucial fact, or facts, as well as through the inclusion of inaccuracies." The Company says that the Publisher made no attempt to contact Mr Ali to corroborate the allegations made in the Coolness of Hind Blog. It says that it was Mr Ali who had taken the initiative to contact the Publisher at the 11th hour when he heard from mutual contacts that it was about to publish a critical article about his activities. The Company says that a transcript of their conversation clearly shows that Mr Ali made various statements to the Publisher that were not included in the article. The Company says that the transcript clearly shows that Mr Ali made it clear to the Publisher that he wanted the whole story to be told. It says that Mr Ali told the Publisher that the Government's support for Khayaal was discontinued in 2011 because the Company was not uncritical of Prevent's agenda. The Company says that Mr Ali told the Publisher that Khayaal's central counter-extremism play, *Hearts & Minds*, deals specifically with the dangers of reactionary approaches to extremism.

3.9. The Company also says that Mr Ali told the Publisher that it had only received Zakat as a last resort in the past 2-3 years and that this was after 20 years of serving Muslim communities and the wider societies in which they live nationally and internationally. During the 3 years (out of 23 years of work) that it was involved in Prevent, it received no support from Zakat funds and has never applied Zakat funds to work related to Prevent. The Company argues that the omission of those statements was materially misleading. The Company states that the Publisher paraphrased Mr Ali's comments and did not include context responsibly and accurately when it summarised Mr Ali's comments. The Company says that the Publisher should have included specific and independently verifiable facts related to its denial, as part of the factual reporting in the article. Therefore, through the omission of those facts, the Publisher created the misleading impression that those facts did not exist.

3.10. The Company references the Committee's decision in the adjudication between Graham Hindson and The Canary (Case Reference 0117/2019), stating that the obligations established by Clause 1.1 and 1.4 extend to the

content of headlines, which should accurately reflect the content of the article to which it refers.

- 3.11. Regarding Clause 4.3, the Company states that the article discriminated against Mr Ali as a Muslim and against Jewish people and those who associate with them for the purpose of interfaith work. The Company states that the Publisher attempts to use vague connections between individuals and interfaith or Jewish organisations to claim links to “Israel” and the “Israel lobby”.
- 3.12. The Company states that, by blindly associating people linked to interfaith organisations as connected to “Israel” and the “Israel lobby”, the Publisher deploys a “dog-whistle tactic” which implies that work between Muslims and Jewish people is unacceptable or unbecoming to Muslims. It says that this is, on its face, likely to contribute to racial hatred against Jewish people. The Company argues that the article has the aim or effect of deterring interfaith work to the detriment of both Muslim and Jewish communities.
- 3.13. The Company says that the Publisher applies a different standard for behaviour to Mr Ali and Khayaal Theatre Company than it evidently would to, for example, a Christian or a Christian organisation. It states that “the editorial perspective of the article judges these actions only because of the actor's practice of their faith and engagement in their culture”. The Company says that this is discriminatory and risks inciting hatred towards Khayaal Theatre Company as a Muslim organisation. Moreover, the Company alleges that Mr Ali has faced harassment and hateful comments, which make reference to the position taken by the article, in the period since it was first published.
- 3.14. The Company states that the Publisher’s decision to link to the Coolness of Hind post and endorse it as “comment” on the issue of Khayaal Theatre Company’s Zakat funding was likely to incite racial hatred.
- 3.15. IMPRESS provided the Complainant with 5PillarUK’s response (included in Section 4 below) and gave the Complainant the opportunity to provide a reply to that response. The Complainant also requested a copy of the transcript that IMPRESS had made from the digital recording of the Publisher’s telephone conversation with Mr Ali and IMPRESS gave the Complainant the opportunity to provide final comments arising from it.

4. Response of Publication

4.1. IMPRESS invited 5PillarsUK to provide additional information in response to the Complaint. The Publisher's response is summarised below.

4.2. Regarding Clause 1.1, the Publisher says that all reasonable steps to ensure accuracy were taken. The Publisher says that the article was based on a leaked document that revealed NZF's funding for 2017 and that it considered the two named individuals to be the most controversial individuals named in the document, from a Muslim Community point of view.

4.3. The Publisher says that it had always been its intention to contact Mr Ali before publication and that is what it did. It sought to verify the allegations that were made in the Coolness of Hind blog post with Mr Ali during a 20-minute telephone conversation prior to publication of the article. The Publisher says it made a digital recording of the conversation for personal use in order to ensure accuracy. The recording was provided to IMPRESS who transcribed it for the Committee. The Publisher later agreed for a copy of the transcript to be disclosed to the Complainant. The Publisher says that Mr Ali told the Publisher that he did not want to be quoted in the article and did not specify exactly how he wanted his side of the story to be presented. Therefore, the Publisher, instead, included a summary of what it understood his position to be, which made it clear that he did not support Prevent.

4.4. The Publisher offered to amend any inaccuracies in the article if the Complainant provided specific examples of factual inaccuracies. Furthermore, the Publisher says that it offered to add further context in the article by way of clarification. The Complainant did not accept either of the offers. Moreover, the Publisher says the Complainant did not request that the Publisher correct the headline or publish a clarification about Mr Ali's work with Prevent in its initial complaint.

4.5. Furthermore, the Publisher disagrees with the Complainant's point, that it does not substantiate any 'link' between Julie Siddiqi and Israel. It says the article provides evidence to confirm links to several pro-Israel organisations and individuals. It adds, Julie Siddiqi also writes for the Times of Israel.

- 4.6. Moreover, the Publisher says that the article does not state that the Theatre Company was linked to Israel.
- 4.7. Regarding Clause 1.4, the Publisher says that it did not misrepresent or distort the facts. The Publisher says that the purpose of the article was to question the appropriateness of the NZF funding individuals involved in activities that Muslims would be likely to find controversial.
- 4.8. The Publisher says that it made it clear in the article that the two individual's cases had different characteristics, one concerned connection to Prevent and the other to Israel, two issues that the Publisher considers to be highly controversial issues within the Muslim community.
- 4.9. The Publisher says that the quote included from the Coolness of Hind blog was the commentary of another party and was not the opinion of the Publisher. Similarly, it said that the Iqbal Nasim quote used in the article was commentary.
- 4.10. The Publisher says that it simply stated that the Company had received the Prevent money and considered whether it was appropriate for Zakat money to be used to fund an individual "who has been involved in such a controversial counter-extremism programme who many feel is targeted at British Muslims".
- 4.11. The Publisher says that the article did not breach Clause 4.3, it did not incite hatred against any groups referenced to in the complaint. The Publisher says that the article simply put information into the public domain that was of interest and value to its readership. It says that it posed the question as to whether it was appropriate for Zakat money to be used by an individual who had been involved with Prevent, to the public. Furthermore, the Publisher says that a full right of reply was given to the mentioned parties.
- 4.12. The Publisher says that it was careful to distinguish between Israel as a political entity and Jewish people as a religion and a race, in its reporting. It says that it opposes Israel as a political entity because the Publisher considers it akin to Apartheid South Africa, in regard to how it was founded and the oppression of Palestinians. The Publisher says it respects Judaism as a religion and Jews as a race; it opposes religious or racial discrimination.
- 4.13. The Publisher reiterates that links between Ms Siddiqi and Israel were substantiated. However, the Publisher says that it does not oppose Jewish-

Muslim interfaith work as a general principle; that this work can be very positive, and it has recommended it.

- 4.14. Further, the Publisher says that it has not seen evidence of harassment or hateful comments towards the Complainant. However, if Mr Ali has been subject to this behaviour, it is sorry to hear about this, but does not consider itself responsible for it.
- 4.15. The Publisher says that the Coolness of Hind comment was included in the same way other quotes in the article were included as comment. It says that it considered the comment was the blog's opinion on how NZF chose to dispense its funding and that the comment had no racial connotations or implications.
- 4.16. The Publisher reiterates that it does not oppose Jewish-Muslim interfaith work. However, the Publisher says that it opposes Muslim groups working with 'hardcore supporters of Israel', on political grounds.
- 4.17. Though there is no public interest justification for Clause 1 (Accuracy) and Clause 4 (Discrimination), the Publisher says that the information in the article was in the public interest and was published responsibly. Furthermore, as a Muslim community news website, it is within its remit to investigate and put information into the public domain, which is accurate, even if parties do not want the information to be made public.
- 4.18. A full copy of the Publisher's response, and further comments were considered by the Regulatory Committee in determining the outcome of the complaint.

5. Response of Directly Affected Party

- 5.1. IMPRESS identified that Ms Siddiqi and National Zakat Foundation (NZF) were likely to be directly affected, as a party, by the outcome of an investigation and provided them with an opportunity to comment.
- 5.2. Ms Siddiqi did not provide comment on the matter other than to request that personal information about her be removed from the published adjudication. The Committee determined that it would not be able to fairly and transparently adjudicate on the complaint without making some reference to her because she

was referred to in the article, in the complaint itself and in the Publisher's response to the complaint.

5.3. Mr Iqbal Nasim, CEO of NZF informed IMPRESS that it completely rejects any assertion that NZF had ever used Zakat funds (or any other funds) to support Prevent, counter-extremism or "Israel lobby" related activities. Moreover, he says that it has never received any funding related to any of these agendas. He says NZF is bound by Islamic ethics, data protection regulations and their commitments to more than 12,000 beneficiaries since 2011 to keep the circumstances of individuals who may have received Zakat from NZF under any of its programmes, confidential.

5.4. The Publisher responded to this comment by stating that, it gave Iqbal Nasim the full right of reply in the article, an offer which he took up. The Publisher stated that it never accused him, or his organisation of funding Prevent, counter extremism or the "Israel lobby"; rather, it stated that he had used Zakat funds to fund individuals who were linked to these entities.

6. Compliance with the IMPRESS Regulatory Scheme

6.1. 5PillarsUK complied with the requirements of the IMPRESS Regulatory Scheme (Paragraph 3.2) by acknowledging the complaints within seven calendar days, issuing final decision letters within 21 calendar days and informing the complainant of their right to refer the complaint to IMPRESS.

7. The Committee's Conclusion

Accuracy

7.1. The Committee considered that the article did not breach the accuracy clause of the code for the following reasons. While the article's headline alleged that individuals linked to Israel and counter extremism were funded by NZF, the article went on to clearly explain which allegation applied to which of the two named individuals. An ordinary and reasonable reader would not necessarily have drawn the conclusion that the headline statements necessarily applied to those individuals. The Committee did not consider that the article misrepresented or distorted the facts.

7.2. The article factually republished information that had originally been put in the public domain in the Coolness of Hind blog. The Publisher sought comment

from Mr Ali before the article was published; Mr Ali requested that he not be quoted in the article and the Publisher was entitled to make an editorial decision as to how to best summarise Mr Ali's position. The evidence provided did not show that that summary was inaccurate. Mr Ali did not take up the Publisher's offer to correct or clarify the article post-publication. The Committee was not provided with any particular evidence to support the allegation that Mr Ali had faced harassment.

Discrimination

- 7.3. The Committee decided that the Publisher did not breach clause 4.3 (Discrimination) of the IMPRESS Standards Code. The Guidance on clause 4.3 states that hate speech refers to all forms of expression that spread, incite, promote or justify hatred based on intolerance, and includes insulting, abusive or threatening words related to a person's protected characteristic. In relation to religious groups in particular, this clause should be interpreted in line with section 29J of the Racial and Religious Hatred Act 2016, which gives a list of matters that do not constitute incitement to hatred: 'discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents.'
- 7.4. The article was written in a critical tone and questioned whether the two individuals were appropriate recipients of Zakat funds. However, in making its criticisms, the article did not include any expressions of malice or hostility towards any religious group, their beliefs or practices. The Publisher's decision to include a link to the Coolness of Hind blog, which was clearly expressing opinion, was a legitimate editorial decision the Publisher was entitled to make. That decision did not incite hatred. The Committee therefore concluded that the article did not incite hatred against any group on the basis of its religion.