

## **Initiated Investigation Report**

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**303 - 5Pillars UK**

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### **Investigation finding on matters concerning Clause 1.4 and Clause 4.3**

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

**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.**

**Breach of Clause 4.3. No breach of Clause 1.4**

**Before IMPRESS Regulatory Committee A**

**Andrea Wills, Chris Elliot, Cordella Bart-Stewart, David Leigh, Debrah Harding, Liz Munro and Walter Merricks (Chair)**

**Decision confirmed by the IMPRESS Board**

## 1. Executive summary of Case

- 1.1. On 3 July 2020 IMPRESS issued a press release stating that it was gathering information in relation to allegations and concerns raised about the standards of content of 5Pillars UK. Between 3 July 2020 and 3 November 2020, IMPRESS received representations from 7 different individuals and organisations; those parties did not wish to engage in the formal complaints process.
- 1.2. Their submissions were gathered and tabled in a report, put to a Regulatory Committee on 17 December 2020 for consideration. 16 items of published material were then considered by the Committee. The Committee was tasked with deciding whether the published material fell within the regulatory remit of IMPRESS, and if it did, whether IMPRESS should investigate potential breaches of the Code on its own initiative.
- 1.3. The Committee considered that 12 items did not engage the Code or were outside of its remit to consider. It considered that four of the published items should be considered further:

An article published on 25 May 2013 under the headline “*Was Michael Adebolajo an MI5 Agent?*.”

An article published 14 August 2014 under the headline “*Did Western Intelligence murder James Foley?*”

A podcast published on 5 September 2019, titled, “*Blood Brothers #10: Glorifying drug dealers, sectarianism and Sunni unity*”

A video published from 5Pillar UK’s Facebook page on 14 June 2019, titled, “*The people of Sodom, Prophet Lut and the LGBT movement*”

- 1.4. The first ground is whether the following published material misrepresented or distorted facts in order to further the Publisher’s worldview, titled:

“*Was Michael Adebolajo an MI5 Agent?*.”

“*Did Western Intelligence murder James Foley?*”

“*Blood Brothers #10: Glorifying drug dealers, sectarianism and Sunni unity*”

- 1.5. The relevant Code standard is Code Clause 1.4: Whilst free to be partisan, publishers must not misrepresent or distort the facts.
- 1.6. After IMPRESS notified the Publisher of the investigation, the Publisher offered to remove two of the articles that were published on the 5Pillars UK website: “Was Michael Adebolajo an MI5 Agent?” and “Did Western Intelligence murder James Foley?” which had been published before 5Pillars UK became regulated by IMPRESS on 5 April 2018.
- 1.7. The Publisher stated that it had decided to join IMPRESS in 2018 as it wanted to hold itself to the highest standards. It said that it would not necessarily publish these articles again today. It offered to remove the articles and, as of 12 January 2021, the two articles no longer appeared on the Publisher’s website.
- 1.8. The Committee noted that position, and further considered that the articles were archived material which had been published many years before the Publisher had entered into a Regulatory Agreement with IMPRESS and had adopted the IMPRESS Standards Code. As the articles had since been removed, the Committee ceased consideration of the two articles.
- 1.9. The Committee turned its consideration to whether the podcast titled, “Blood Brothers #10: Glorifying drug dealers, sectarianism and Sunni unity” amounted to a breach of the Code. The Guidance sets out that the IMPRESS Code safeguards a journalist’s right to present partisan opinions. However publishers must ensure the information underpinning the expression of their opinions and their ‘take’ on a given story is accurate.
- 1.10. The Committee considered that the ordinary reasonable listener would clearly regard the views expressed in the podcast as partisan political opinion. Evidence provided by the Publisher supported the position that the opinions expressed in the podcast were views shared by other sources. The Committee accepted that the Publisher was entitled to express or share partisan political views that were controversial or even deemed offensive, so long as it did so without misrepresenting or distorting facts. The Committee noted that the views expressed regarding the intention of nation states were not underpinned by discrete factual statements which could be subject to proof and, therefore, the Committee did not consider that the Publisher had misrepresented or distorted facts. There was no breach of Code Clause 1.

- 1.11. The second ground is whether the following published material incites hatred against any group on the basis of that group's race, religion or sexual orientation, titled:

*"Blood Brothers #10: Glorifying drug dealers, sectarianism and Sunni unity"*

*"The people of Sodom, Prophet Lut and the LGBT movement"*

- 1.12. The relevant Code rule is Code Clause 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.
- 1.13. The Committee considered that the podcast titled, "Blood Brothers #10: Glorifying drug dealers, sectarianism and Sunni unity", did not feature views about any particular race or religious group, rather, that the particular sections of the podcast were confined to expressions of political opinion about various nation states. The Committee, therefore, did not consider that the podcast was discriminatory.
- 1.14. In the video titled "The people of Sodom, Prophet Lut and the LGBT movement", the Publisher's deputy editor declaimed vehemently that homosexuality was "a gross crime against Allah". The Publisher's view was that it was expressing opinion according to its religious tradition. While the Committee accepted that the Publisher was entitled to freely express opinion on matters of sexual morality in accordance with its traditional religious beliefs, it did not agree that the Publisher had sufficiently contextualised its explanation of homosexuality in the video.
- 1.15. The Committee considered that the ordinary reasonable viewer would not consider crime, criminality and sinfulness as equivalent or synonymous terms. It considered that crime has a clear and persuasive meaning to audiences and to associate this with the LGBT community was more likely to encourage or legitimise real world threat against those in the LGBT community, as opposed to mere association with 'sin' or 'sinfulness'. The Committee noted that the emphasis of tone and repetition used by the Deputy Editor of the publication in the video was pointed and could evoke a strong reaction, which resonated in a way that could put a person or group in fear.

- 1.16. For these reasons, the Committee decided that the video met the threshold of discrimination set out in Clause 4.3 and a breach of the Code had occurred.
- 1.17. The outcome of the investigation was that of the 16 published items presented, four were further considered. Consideration was withdrawn for two of those items. With respect to two remaining items, no breach of Code Clause 1 had occurred. A breach of Code Clause 4.3 was upheld concerning one of the published items.
- 1.18. The Committee directed that the video which appeared on 5Pillar UK's Facebook page, titled, "The people of Sodom, Prophet Lut and the LGBT movement", be amended to remove references to homosexuality being criminal or a crime, or alternatively, if those references were not removed, where it was made accessible to audiences either on its Facebook page or via a link on its website, the entire video be removed.

## 2. Background

- 2.1. On 17 June 2020, the Public Interest News Foundation (PINF) announced that 5Pillars UK was one of twenty recipients of a £3000 Covid-19 emergency grant. PINF was contacted by counter extremism and Jewish groups who objected to the grant being made on the grounds that 5Pillars UK has an editorial agenda which promotes a divisive political ideology that promotes conspiracy theories and which encourages extremism, antisemitism, and opposition to LGBT rights.
- 2.2. PINF contacted IMPRESS to alert it to the allegations and encouraged the various parties to raise their concerns with IMPRESS, in its capacity as the regulator of 5Pillars UK. On 24 June 2020, PINF issued a press release which included the following statement:

*On 18 June, the trustees became aware of concerns relating to the journalism and related social media activity of 5 Pillars. By this point, the grant to 5 Pillars had been paid and could not be withdrawn. We take extremely seriously the concerns that were raised about some of the material on the 5 Pillars website and related social media accounts. PINF exists to promote active citizenship and community engagement by supporting public interest journalism with high standards. We do not wish to support journalism that does not provide a benefit to the public. In response to this situation, PINF is taking the following steps: We are encouraging anyone with concerns about the journalism and related*

*social media activity of 5 Pillars to raise these concerns with IMPRESS as a matter of urgency; We have confirmed with 5 Pillars that the grant must only be used for charitable objects and activities and must be repaid if 5 Pillars is the subject of an adverse regulatory decision by IMPRESS; and We are reviewing our grantmaking policies and procedures to ensure that our expectations of public interest journalism are set out more clearly in future, and that future grantees meet these expectations.*

2.3. Following this announcement and press release, IMPRESS received seven complaints about the news content published by 5Pillars UK. In engaging with these complainants, IMPRESS directed them towards the Standards Code and Regulatory Scheme rules.

2.4. The PINF decision to make a Covid-10 emergency grant to 5Pillars UK received some media coverage at the time:

An article published in Private Eye with the headline, “LESS THAN IMPRESS-IVE”, Issue 1524, on 19 June 2020. The article concerned PINF’s decision to award the grant to 5Pillars UK and the response from Quilliam Foundation and the Commission for Counter Extremism, highlighting some of the articles written by the publication.

An article published in the Mail on Sunday and Mail Online with the headline, “Press watchdog’s offshoot funds website accused of publishing conspiracy theories about terror attacks – including one suggesting MI5 may have arranged the murder of British soldier Lee Rigby”, on 5 July 2020. The article concerned PINF’s decision to award the grant to 5Pillars UK and the ‘dossier’ of articles that Quilliam considered were ‘fake news’ and ‘conspiracy theories’. The article stated that 5Pillars UK was “a website that ran an article suggesting that MI5 may have arranged the murder of British soldier Lee Rigby in 2013”.

2.5. 5Pillars UK published an article in response to the press coverage with the headline, “Quilliam and Mail on Sunday attack 5Pillars over journalism grant”, on 5 July 2020. That story was shared on twitter. The article alleged that 5Pillars UK was being ‘attacked’. The article went on to quote the editor and deputy editor, making various claims about Quilliam Foundation and the lack of support that organisation has received from Muslims.

2.6. IMPRESS was contacted by PINF on 3 July 2020 and thereafter, issued the following press release to encourage complainants to contact IMPRESS if they had concerns:

*In recent weeks, IMPRESS has been made aware of allegations about 5pillars, an online news publication that has been regulated by IMPRESS since April 2018. We are in the process of gathering information in relation to these allegations, so we can assess whether there is a case to answer. IMPRESS has not received any formal complaints about these allegations to date. To avoid compromising the fairness of any potential investigation into these matters, IMPRESS cannot comment further at the present time.*

*IMPRESS is an approved regulator under the post Leveson Royal Charter on self-regulation of the press. Any concerns about the standards of content or news gathering activity of any of the titles that we regulate should be referred to us without delay. IMPRESS is independent of the publishers it regulates and will investigate any concerns that are brought to our attention fairly and impartially.*

2.7. IMPRESS was contacted by three individuals and four organisations in response to the press release, expressing concerns regarding 5Pillars UK. None of these individuals or organisations formally complained to the Publisher and/or escalated their complaint to IMPRESS through the procedures set out in the Regulatory Scheme.

### **3. Standards Investigation**

3.1. IMPRESS derives its authority from the Regulatory Scheme Agreement entered into with news publishers. That Agreement grants IMPRESS the authority to exercise its powers in response to complaints (including complaints that are withdrawn), or to information received via its whistleblowing hotline, or on its own initiative. IMPRESS requires publishers to uphold and adhere to the IMPRESS Standards Code ('The Code') and use it in their assessment of complaints in respect of all material. For these reasons, IMPRESS will only accept complaints that engage the Code. It will not investigate matters beyond the terms set out in the Code and the Agreement.

3.2. IMPRESS has powers to investigate potential Code breaches whether in response to a complaint or not. This is set out in the introduction to and in paragraph 5.1 of the IMPRESS Regulatory Scheme:

*(5.1.) IMPRESS may investigate potential Code breaches or breaches of its internal governance requirements whether in response to a complaint or not. Publishers are required to cooperate with IMPRESS in any investigation, and to produce information and documents that IMPRESS considers necessary.*

3.3. The extent of IMPRESS remit is set out in paragraph 2.6 of the IMPRESS Regulatory Scheme:

*(2.6) The effective date of such Agreement marks the commencement of IMPRESS's regulatory remit and the publisher's regulatory obligations. IMPRESS's regulatory remit in relation to a publisher extends to materials first published and acts occurring after its commencement.*

3.4. IMPRESS considered that serious and multiple allegations had been brought to its attention by multiple parties about an IMPRESS regulated publisher and noted that the matter had been reported on by national media outlets. Individuals had also told IMPRESS that they were reluctant to come forward in a personal capacity due to fears of reprisal. Therefore, IMPRESS decided to open an own-initiative investigation into the allegations.

3.5. The concerns brought to IMPRESS's attention by multiple parties can be summarised as follows: the editorial mission of the publisher is to encourage Islamic extremism and to promote hate and division. It is suggested that this represents a serious and systemic breach of the Code in the following respects:

- Publishing material which references the LGBT community and their supporters in a pejorative and discriminatory way such that it incites hatred and amounts to a breach of the Discrimination clause of the Code.
- Publishing material which references women in a pejorative and discriminatory way such that it amounts to a breach of the Discrimination clause of the Code.
- Publishing material which references the Jewish community in a pejorative and discriminatory way such that it incites hatred and amounts to a breach of the Discrimination clause of the Code.



- Publishing conspiracy theories in relation to the state of Israel and its people which have no basis in fact and amount to a breach of the Accuracy clause of the Code.
- Providing a platform for Islamic preachers that promote hatred against women, the LGBT and Jewish communities, which encourages extremism amongst the Muslim community such that it amounts to a breach of the Discrimination clause of the Code.
- Failing to represent facts accurately about the above-mentioned groups and issues to further its Islamist extremist worldview.

3.6. A Regulatory Committee was convened to consider the material submitted during the information gathering stage. The Committee was tasked with deciding whether the evidence presented was within IMPRESS' regulatory remit to investigate, and if it was, whether IMPRESS should investigate potential breaches of the Code on its own initiative.

3.7. As part of the information gathering that took place between 3 July and 3 November 2020, IMPRESS reviewed a total of 16 pieces of material that related to the aforementioned concerns. IMPRESS also did not assess any material that was first published before the Publisher entered into a regulatory scheme agreement with IMPRESS, unless attention was drawn to specific statements that had potential to engage the Code.

3.8. The 16 items included: two articles which had been first published prior to the Publisher entering into an Agreement with IMPRESS; three items which had been published from the personal Twitter account of the Editor of the publication; and three podcasts, two videos and six articles which had been published since the Publisher had entered into an Agreement with IMPRESS.

3.9. Having reviewed the 16 items, the Committee decided that three items were outside of IMPRESS' remit to consider and a further nine items did not engage the Code in any way.

3.10. The Committee decided that four of the items did engage the Code and should be considered further.

#### **4. Scope of Investigation**

4.1. The Committee did not consider that it had seen evidence which warranted investigation into all the allegations and concerns levelled by various parties during the information gathering. The Committee were not provided with any material which referenced women or Jewish people in a pejorative and

discriminatory way, for instance. Rather, the Committee noted that many of the allegations concerned the partisan position or worldview held by the Publisher on news, current events and matters of public interest. The Code makes clear that publishers are free to be partisan, and the Guidance further sets out that IMPRESS's members are in a fundamentally different position from broadcasters such as the BBC; publishers are free to present their own opinions on the issues of the day and they are not required to engage in 'balanced' or 'impartial' reporting.

4.2. For these reasons, the Committee determined that based on four published items it had authority to consider, the scope of the investigation should be limited to:

- Whether the material published misrepresented or distorted the facts, to further the Publisher's worldview, per Code Clause 1.4.
- Whether the material published incites hatred against any group on the basis of that group's sexual orientation, race or religion, per Code Clause 4.3.

4.3. The Committee's assessment of those questions related to the following four published items:

4.4. An article published on 25 May 2013 under the headline "Was Michael Adebolajo an MI5 Agent?"

The article is an opinion piece labelled "Editors Desk" and "Opinion". It was published five years before 5Pillars UK became regulated by IMPRESS and at the time of the investigation was still searchable on the Publisher's website. The article questioned whether Michael Adebolajo was an MI5 agent who was ordered to hack British soldier (Lee Rigby) to death. It discussed the relationship between MI5 and the Muslim Community.

4.5. An article published 14 August 2014 under the headline "Did Western Intelligence murder James Foley?"

The article was an opinion piece labelled "Editors Desk" and "Opinion" and questioned whether an online video which showed the beheading of American journalist James Foley was staged by Western Intelligence. It was published four years before 5Pillars UK became regulated by IMPRESS and at the time of the investigation was still searchable on the Publisher's website.

- 4.6. A podcast published on 5 September 2019, titled, “Blood Brothers #10: Glorifying drug dealers, sectarianism and Sunni unity” (podcast length 1 hour, 55 minutes and 51 seconds).

The podcast features Dilly Hussain (Deputy Editor), Aki Hussain and Shaykh Asrar Rashid. The podcast concerns a range of issues affecting Islam and Muslims. The article accompanying the podcast claims that the podcast discusses Rashid’s encounters with different Islamic groups and movements and discusses topics including, ‘the glorification of Muslim drug dealers, the current state of the Ummah, and signs of the Day of Judgement.’ A specific part of the conversation discusses the manipulation of the people of Syria by foreign groups, the evacuation of Syria, the acceptance of Syrian refugees by Germany and the alleged emptying of Syria to create an expanded Israeli state.

- 4.7. A video published from 5Pillar UK’s Facebook page on 14 June 2019, titled, “The people of Sodom, Prophet Lut and the LGBT movement” (video length 5 minutes and 6 seconds).

The video is of Dilly Hussain (Deputy Editor of 5Pillars UK), who is shown at the Cave of Lut, Jordan Valley, Jordan. The video features the following introductory text: "The story of Prophet Lut and the people of Sodom in light of Muslim parents opposing pro-LGBT lessons in primary schools." Mr Hussain tells a version of the story of the people of Sodom, who allegedly committed the ‘crime’ of homosexuality and were punished. He ends his monologue by saying that Muslim minorities in western secular society must stop these ‘crimes against Allah’ from being ‘normalised’ and imposed on them.

## **5. Response of Publication**

- 5.1. On 7 January 2021, IMPRESS invited 5Pillars Media Ltd to provide additional information in response to the investigation.

- 5.2. After IMPRESS notified the Publisher of the investigation, the Publisher offered to remove two of the articles that were published on the 5Pillars UK website, which had been published before 5Pillars UK became regulated by IMPRESS on 5 April 2018: an article published on 25 May 2013 under the headline “Was Michael Adebolajo an MI5 Agent?” and an article published 14 August 2014 under the headline “Did Western Intelligence murder James Foley?”.

- 5.3. The Publisher stated that it had decided to join IMPRESS in 2018 as it wanted to hold itself to the highest standards. It said that it would not necessarily publish these articles again today. It offered to remove the articles and, as of 12 January 2021, the two articles no longer appear on the Publisher's website.
- 5.4. The Committee noted that position, and further considered that the articles were archived material which had been published many years before the Publisher had entered into a Regulatory Agreement with IMPRESS and had adopted the IMPRESS Standards Code, and that the articles had since been removed, and, for those reasons, ceased its consideration of the articles.
- 5.5. The Publisher does not consider that it misrepresented or distorted the facts in the podcast published 5 September 2019 and titled, "Blood Brothers #10: Glorifying drug dealers, sectarianism and Sunni unity", for the following reasons.
- 5.6. It states that the podcast is opinion-based and features a wide variety of mainly prominent Muslim guests who are often known for their strident opinions. The Publisher considers that this podcast is like other podcasts, and is not news reporting, and that the entire purpose is to debate opinion and exchange ideas.
- 5.7. The Publisher considers that the interviewee, Shakykh Asrar Rashid, a mainstream British Muslim scholar, was merely expressing his personal political opinion on a geopolitical issue: that the 'people of Syria had been manipulated by foreign groups, foreign organisations or foreign intelligence services to evacuate Syria so that space for Greater Israel could be created'.
- 5.8. The Publisher considers that the 'idea' that Israel's occupation of Palestine and the destabilisation of Syria is part of a plan to create 'Greater Israel' has been expressed by non-Muslim historians, Zionist thinkers, and senior Israeli politicians. The Publisher states that Israel, throughout its history, has been expansionist in nature and has annexed or occupied Palestinian, Syrian, Egyptian, and Lebanese territory. The Publisher considers that this is the basis for speculation about Israel's intentions, as well as comments and documents emanating from Israel itself. The Publisher accepts that others may disagree that Israel has these intentions and that they are free to disagree with the opinions expressed in the podcast.

5.9. The Publisher drew attention to the fact that Dilly Hussain went on to clarify Shaykh Asrar's comments, with the comment 'Stating the view of some Israelis and Zionists about plans for Greater Israel to encompass Transjordan and parts of Egypt'. The Publisher considers that, in doing so, Dilly Hussain was not expressing an opinion, but factually stating a well-known position of some Israelis and Zionists. Furthermore, the Publisher does not consider that it distorted any underlying facts as the intentions of nation states are not necessarily known facts but are a legitimate subject for analysis and even speculation. Furthermore, the Publisher argues that speculating on the intentions of nation states is a normal part of freedom of speech in a democratic society, and therefore, the podcast did not breach the IMPRESS Standards Code.

5.10. In addition, the Publisher does not consider that the podcast incited hatred against any of the relevant groups identified in the Code. The Publisher states that there never has been and that there never will be any criticism of Jews as an ethnicity or Judaism as a religion on its publication, as this would go against the Publisher's beliefs and principles. Rather, the Publisher says that it criticised the actions of Israel as a state.

5.11. The Publisher states that it regularly features criticism of Israel and Zionism as political entities and ideologies, respectively. The Publisher considers that, in doing so, it is reflecting the views of the communities that it serves and that this is also in line with free speech and the IMPRESS Code.

5.12. The Publisher also does not consider that it had incited hatred against any of the relevant groups identified in the Code in the video published on its Facebook page on 14 June 2019, titled, "The people of Sodom, Prophet Lut and the LGBT movement" for the following reasons.

5.13. The Publisher states that this video was a travel vlog by Dilly Hussain the deputy editor, during his visit to Lut's Cave in the Jordan Valley and that the video was not a news story. The Publisher considers that Dilly Hussain factually narrated the story of the Prophet Lot and the people of Sodom and Gomorrah, as mentioned in the Quran and Old Testament. The Publisher considers that the vlog was relevant to its audience as it was filmed when Muslim parents were protesting outside UK schools about what they considered was pro-LGBT teaching. The Publisher states that the video concluded with praise for Muslim, Christian and Jewish parents who were peacefully protesting the RSE curriculum in the UK. The Publisher considers that, in doing this, the deputy editor reflected the views of the vast majority of British Muslims, the community that it serves.

- 5.14. The Publisher states that the belief that same-sex relationships are a sin and therefore a 'crime against God' (like any other sin) is a mainstream Islamic, Christian, and Jewish belief. The Publisher goes on to state that this is a sentiment shared by all the other major world religions, which make up most of humanity. Therefore, the Publisher considers that this religious belief, that homosexual relationships are a sin, to be overwhelmingly mainstream and normative.
- 5.15. The Publisher considers that the video narrated the Quranic story, provided advice to Muslim, Christian and Jewish parents, and stressed the importance of communities not imposing their respective beliefs and lifestyles on each other. In support, the Publisher states that there are two occasions in the video when Dilly Hussain emphasises that Muslims should not impose their religious beliefs on the LGBT community in the same way that the LGBT community should not impose their beliefs on primary school children against the wishes of parents.
- 5.16. The Publisher does not consider that the video incited hatred or violence against the LGBT community at any point. The Publisher states that some members of the LGBT community, especially those who identify as Muslim, will undoubtedly find this video offensive, in the same way that Muslims and people who believe in God may find content of a humanist or atheist's blog offensive. The Publisher states that there can never be absolute conformity in beliefs, values, and morals when people come from a diversity of religious, philosophical, and ideological persuasions, stating that this is the reality of a multicultural society. The Publisher considers that the right to offend and be offended should be upheld even if there is disagreement with a view expressed, as long as the red lines of hate speech and incitement to violence are respected.
- 5.17. The Publisher does not consider that the video misrepresented or distorted facts, as it considers Dilly Hussain accurately quoted the Quran and Islamic beliefs. The Publisher considers the video accurately explained the Islamic position and called for non-Islamic views not to be imposed on Muslims regarding this matter.
- 5.18. The Publisher says to understand the use of "crime" and "criminality" in the podcast, the full quotation of the words used should be considered. These were: "Now regards to what the specific crime was of the people of Sodom and Gomorrah in the Biblical context and as well in the Islamic tradition, they were the first people to commit homosexuality, same-sex

relations as well as engaging in other criminal acts" [at 00:45]. "People were the first people to have committed this crime, and that is what it is, let's be absolutely and unequivocal and uncompromising in this, that engaging in same-sex relations is a gross crime against Allah..." [at 02:58]. The Publisher considers that the video clearly referred to homosexuality as a crime against God as understood in the Christian, Jewish and Islamic traditions. The Publisher does not consider the video refers to homosexuality as a crime in the secular state. The Publisher states that the mention of other criminal acts was in reference to other crimes not linked to homosexuality.

- 5.19. Furthermore, the Publisher states that the homosexual act (as opposed to homosexual inclinations) is considered a major sin in the Islamic tradition. The Publisher states that this is a mainstream position adopted by all mainstream Islamic scholars. Therefore, the Publisher maintains that the references in the video should be understood in that context, as a reaffirmation of a religious position.

## **6. Analysis and Findings**

- 6.1. On matters of remit, the Committee noted that the Preamble to the IMPRESS Standards Code stated the following, 'Publishers will be held directly responsible for compliance with this Code, which applies to all content and newsgathering activities for which publishers are responsible under the terms of their Regulatory Scheme Agreement with IMPRESS, regardless of the medium or platform of publication'. The Committee noted the Publisher's position, that the podcast and the video were not news items. Nonetheless, the Code clearly states that it is the Publisher's responsibility to ensure all its content complies with the Code regardless of medium or platform.
- 6.2. The Guidance sets out that the IMPRESS Code safeguards a journalist's right to present partisan opinions. It also requires that publishers ensure the information underpinning the expression of their opinions and their 'take' on a given story is accurate. The Committee considered that the ordinary reasonable listener would clearly regard the views expressed in the podcast as partisan political opinion. The Committee noted that the evidence provided by the Publisher supported the position that the opinions expressed in the podcast were views shared by other sources. The Committee accepted that the Publisher was entitled to express or share partisan political views that were controversial or even deemed offensive, so long as it did so without misrepresenting or distorting facts. The Committee noted that the views expressed regarding the intention of states were not underpinned by discrete factual statements which could be subject to proof and, therefore, the

Committee did not consider that the Publisher had misrepresented or distorted facts. There was no breach of Code Clause 1.

- 6.3. The Code states that 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. The Guidance sets out 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. Language that qualifies as hate speech is that which is intended to, or is likely to, provoke hatred or to put a person or group in fear. The disputed words, therefore, must be more than provocative, offensive, hurtful or objectionable: this provision is about hate speech, not speech that merely hurts feelings. It includes, but is not limited to, speech that is likely to cause others to commit acts of violence against members of the group or discriminate against them (for example, by refusing to serve them in a shop). However, the 'threat' that certain groups will 'burn in hell' should not be seen as constituting hate speech: threats must be of adverse consequences in this life, not an after-life.
- 6.4. The Committee accepted that the podcast did not feature views about any particular race or religious group, rather that the relevant sections were confined to expressions of political opinion about various nation states. The Committee, therefore, did not consider that the podcast was discriminatory.
- 6.5. Regarding the video, the Committee noted the Publisher's view that it was expressing an opinion according to its religious tradition; further, the Committee accepted that the Publisher was entitled to freely express an opinion on matters of sexual morality in accordance with its traditional religious beliefs. However, the Committee did not agree with the Publisher's position, that it had sufficiently contextualised its explanation of homosexuality being a criminal act in the video. The Committee noted that the Publisher did not quote directly from religious text, nor did it explicitly qualify its use of the terms crime and criminality as only representing a theological belief. The Committee further considered that the ordinary reasonable viewer would not consider crime, criminality and sinfulness as equivalent or synonymous terms. The Committee noted the Publisher's view that the intended audience for the video are Muslims living in the UK, and therefore the ordinary reasonable viewer test should be informed by that perspective. However, the website is accessible to all UK audiences. The ordinary reasonable viewer, while aware of the purpose of the publication and



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of its intended audience, will bring an objective mind to bear in assessing the video. The Committee considered that crime has a clear and persuasive meaning to audiences and to associate this with homosexual people was more likely to encourage or legitimise real world threat against them, as opposed to mere association with 'sin' or 'sinfulness'. The Committee noted that the emphasis of tone and repetition used by the Deputy Editor of the publication in the video was pointed and could evoke a strong reaction, which resonated in a way that could put a person or group in fear: '...were the first people to have committed this crime, and that is what it is, let's be absolutely and unequivocal and uncompromising in this, that engaging in same-sex relations is a gross crime against Allah...this is something we cannot normalise within our communities or give legitimacy within our tradition...". The Committee also considered that, in the light of the strong impression conveyed by the video, viewers may feel encouraged and empowered to take active steps to discriminate against LGBT Muslims who may or may not identify as members of the LGBT community, steps that might include threats of, or use of, physical violence. For these reasons, the Committee decided that the video met the threshold of discrimination set out in Clause 4.3 and a breach of the Code had occurred.

## **7. Publisher's further reply**

7.1. Upon receipt of the proposed adjudication, the Publisher made further points in support of their position. The Publisher considers that the finding of a Code breach impinges on its freedom of speech, the rights of Muslims and goes against IMPRESS' regulations.

7.2. The Publisher considers that it is a Muslim website, and most of its readers are Muslims. It says that the Quran refers to the perpetrators of homosexuality as transgressors (Chapter 26, Verse 166) doing a hateful deed (Chapter 26, Verse 168) for which they were destroyed (Chapter 26, Verse 172); it also refers to the people who committed homosexuality as "criminals." (Chapter 15, Verse 58). It therefore questions whether it could use the language of its Holy Book, and to what extent, to comply with the decision. It disagrees that the use of the term 'criminal' was not well-contextualised and considers that "crime against God" would be understood as "a sin" by a reasonable viewer, as the word "God" is the contextualisation. Further, the Publisher considers that the phrase "gross crime" was used in the context of wrongdoing that, to it, was obvious and unacceptable.

7.3. The Publisher considers that the Guidance to the IMPRESS Code regarding clause 4.3 sets a very high bar for what constitutes hate speech; however, it considers that the finding sets a low bar. It considers that evidence should be required to demonstrate the video would have provoked "fear" or represented a "real world threat" to the LGBT community. Finally, it considers that the outcome is a direct attack on Muslims' rights to express themselves within the law.

7.4. In accordance with part 5.2 of the Regulatory Scheme, the Committee considered the further points made by the Publisher but did not disturb its findings and issued its final adjudication.

## **8. Outcome**

8.1. In summary, the Committee concluded the investigation with the following findings:

Of the 16 published items presented, there was cause for concern with respect to four of the items, which were further considered.

Consideration was withdrawn for two of those items.

With respect to two remaining items, no breach of Code Clause 1 occurred. A breach of Code Clause 4.3 was upheld concerning one of the published items.

## **9. Sanctions and Remedies**

9.1. The Committee directed that the video which appeared on 5Pillar UK's Facebook page, titled, "The people of Sodom, Prophet Lut and the LGBT movement", be amended to remove references to homosexuality being criminal or a crime, or alternatively, if those references were not removed, where it was made accessible to audiences either on its Facebook page or via a link on its website, the entire video be removed.

9.2. The Committee considered that a proportionate remedy for the breach would be for 5Pillars UK to publish the full adjudication, towards the top of the homepage of 5Pillars UK for 48 hours and that the adjudication should be released and pinned to the top of the same social media channels as the original video.

9.3. 5Pillars UK should include alongside the adjudication a notice which reads as follows:

*Notice of Adjudication:*

*A video first published by 5Pillars UK Facebook page on 14 June 2019, titled, "The people of Sodom, Prophet Lut and the LGBT movement" was found by IMPRESS to have breached Clause 4.3 (Discrimination) of the IMPRESS Standards Code. [Click here to read the full adjudication by IMPRESS.](#)*