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CASE NUMBER: 25/2017

DATE OF HEARING: 29 NOVEMBER 2017
JUDGMENT RELEASE DATE: 13 DECEMBER 2017

CASSIM

COMPLAINANT

vs

702

RESPONDENT

TRIBUNAL: PROF HP VILJOEN (CHAIRPERSON)
MR R KHARIDZHA
DR L VENTER

For the Complainant: Mr Cassim in person

For the Respondent: Ms Nomvuyiso Batyi Group Human Capital and Regulatory Affairs Executive and Mr Tebogo Mokoena, Regulatory Affairs Officer, Primedia Broadcasting.

Complaint against 702 regarding alleged tardy, inaccurate news reports concerning mass shooting in Las Vegas in Oct 2017, which allegedly perpetuated existing stereotype of link between Islam and terrorism. Balance in interview with expert was questioned, as well as interviewee's credentials. Tribunal held that 702 relied on information from international news agencies and considering time differences, news reports were not late or inaccurate, and did not contain information out of context or information unnecessarily emphasised which could perpetuate existing stereotype. Held that balance was irrelevant since interview was not a debate and that interviewee was qualified on basis of her work position. Complaint not upheld – Cassim vs 702, Case No:25/2017(BCCSA)

SUMMARY

Complaint against 702 regarding alleged tardy, inaccurate news reports concerning mass shooting in Las Vegas in Oct 2017, which allegedly perpetuated existing stereotype of link between Islam and terrorism. Balance in interview with expert was questioned, as well as interviewee's credentials. Tribunal held that 702 relied on information from international news agencies and in terms of journalistic practices and customs, the refutation regarding ISIS involvement was broadcast within a reasonable time bearing in mind that various sources, emanating over different time zones, had to be correlated. Held that news reports were not inaccurate, and did not contain information out of context or information unnecessarily emphasised which could perpetuate existing stereotype. Held that balance was irrelevant since interview was not a debate and that interviewee was qualified on basis of her work position. No contravention of any of the applicable clauses of the Code could be found, and complaint was not upheld.

JUDGMENT

HL VENTER

[1] The Registrar of the BCCSA received a complaint from Mr Fasil Cassim against 702 regarding the content of certain news items in various bulletins on 2 October 2017 concerning the mass shooting in Las Vegas on 1 October 2017. According to Mr Cassim some of the reports contained material that was tardy, inaccurate and perpetuated the existing stereotype of the link between Islam and terrorism.

[2] **The complaint reads as follows:**

"I need to once again bring 702 to book.

During their 4 30pm news on Monday 2 October 2017 it led with the headline that the person responsible for the massacre in Las Vegas was reportedly a new recruit to Islamic State and was a recent convert to Islam.

As if that was not enough aligning on Islam it continued with that particular narrative later on the same show by interviewing a questionable "terrorism expert" Jasmin Opperman....Even after she refuted the possibility of an Islamic State connection to the

Las Vegas, the host goes on to questioning her about the possibility of Islamic State activity in South Africa....the relevance of it remains unclear.

My concern here is that despite official evidence given by security officials in Las Vegas discounting the atrocity as having been perpetrated by Islamic State and terming it rather as a mass shooting ...

I cannot accept that a claimed reputable station like 702 can lay claim to breaking news by relying on unreliable sources to blurt out a lie or perpetuate one.

Kindly address this matter with 702 and apply the necessary sanction.”

[3] **The Broadcaster responded as follows:**

“Fazil Cassim v 702 – News Item

1. Background

The Broadcasting Complaints Commission of South Africa (“the BCCSA”) Registrar has requested 702 to respond to the complaint in terms of Clauses 11 (1) to 11 (6) of the BCCSA Free–To–Air Code of Conduct for Broadcasting Service Licensee 2009 (“the Code”) and clause 13(1) of the Code

2. Broadcaster’s Response

- 2.1 The news report in question relates to a shooting that took place in Las Vegas on the night of 1 October 2017, during a music concert. On 2 October 2017, it was reported in the 16h30 news bulletin that ISIS had claimed that the shooter had converted to Islam a few months prior. The report on ISIS’ claims was based on what at the time of reporting was widely reported by leading news networks such as Reuters, and ISIS’ own news agency known as AMAQ. The news bulletin at 16h30 read as follows:

“The Islamic State has claimed responsibility for today’s terror attack in Las Vegas that killed at least 50 people and has wounded more than 400 others. ISIS claims the attacker 64-year-old Stephen Paddock had converted to Islam just a few months ago, thousands of panicked people fled the scene in some cases trampling one another as law enforcement officers scrambled to locate and kill the gunman who had opened fire from a high-rise building. It’s believed the gunman turned his weapon on himself...” [Underlining own emphasis.]

- 2.2 Clause 11 (1) of the Code provides that:

“Broadcasting service licensees must report news truthfully, accurately and fairly.”

In determining whether a broadcaster has contravened clause 11(1), the news item must have failed to comply with one of the three elements of the provision namely: that the news report is truthful, accurate and fair. In determining whether the news report was truthful, accurate and fair, one must objectively look at whether the news report captured or depicted the story in a truthful, accurate and fair manner. In this instance the news story was aimed at reporting on two issues that occurred, the first being the shooting that took

place, which in our view was reported on truthfully, accurately (based on the reports emerging from the scene) and fairly; the second issue being ISIS' claim that the attacker had converted to Islam a few months before. As already highlighted in paragraph 2.1 above, the report on ISIS's claims was based on information that was emerging after the shooting, which information was been reported on by many other news networks around the world and what was reported by ISIS itself. We are of the view that at the time and based on the fact that the story was still developing, the story was reported on accurately, truthfully and fairly based on what was emerging at the time.

2.3 Clause 11 (2) of the Code provides that:

"News must be presented in the correct context and in a fair manner, without intentional or negligent departure from facts, whether by:

- (a) Distortion, exaggeration or misrepresentation;*
- (b) Material omissions; or*
- (c) Summarisation"*

We are of the view that the news report in question did not contravene clause 11 (2) of the Code in that there was no intentional or negligent departure from the truth [underlining own emphasis] in the presentation of the news report. The news report was based on what was at the time reported and the claims made by ISIS; The news report did not go as far as to state as a fact that the shooter had indeed converted to Islam.

2.4 Clause 11 (3) of the Code provides that:

"Only that which may be reasonably be true, having reasonable regard to the source of the news, may be presented as fact, and such fact must be broadcast fairly with reasonable regard to context and importance."

We reiterate our submission at 2.1 above that the report was based on what was widely reported at the time by news agencies such as Reuters and the ISIS news agency AMAQ. Furthermore, the report did not state as fact that ISIS was responsible for the attack. The report clearly stated that ISIS had claimed that the attacker had converted to Islam. The word "claims" in itself suggests that someone has made a statement that is not backed by evidence. Therefore 702 cannot be found to have contravened clause 11 (3) of the Code [Underlining own Emphasis].

2.5 Clause 11 (4) of the Code provides that:

"Where a report is not based on fact or is founded on opinion, supposition, rumours or allegations, it must be presented in such manner as to indicate, clearly that such is the case."

As already stated above, the 16h30 report was based on what had been reported by other news agencies as well as AMAQ and at the time the story was still developing and many facts were still emerging from the scene. This is the reason why the story was reported as claims and not fact and was presented in a manner to indicate that it was claims.

2.6 Clause 11 (5) of the Code provides that:

“Where there is reason to doubt the correctness thereof, it must be verified. Where such verification is not practicable, that fact must be mentioned in the report.”

Following the initial report at 16h30, 702 reported in its 17h00 news bulletin that ISIS claims could not be independently verified. This position was also highlighted during the 18h00 news bulletin wherein it was reported that authorities had said that there was no evidence to support ISIS’ claims. It is important to note that when the story was reported on in the 16h30 bulletin, was a developing story and facts were still emerging from the scene. Therefore, as soon as EWN became aware of the unverified claims, the angle of the story was changed to indicate that the claims were not verified.

2.7 Clause 11 (6) of the Code provides that:

“Where it subsequently appears that a broadcast was incorrect in a material aspect, it must be rectified forthwith, without reservation or delay. The rectification must be presented with such a degree of prominence and timing as in the circumstances as may be adequate and fair so as to readily attract attention.”

As with any developing story, various other reports emerged throughout the cause of the afternoon and none supported the claims made by ISIS. It is at this point that the angle of the story was changed to indicate that ISIS claims could not be independently verified during the 17h00 and 18h00 news bulletins.

2.8 Clause 13 (1) of the Code provides that:

“In presenting a programme in which a controversial issue of public importance is discussed, a broadcaster must make reasonable efforts to fairly present opposing points of view either in the same programme or in a subsequent programme forming part of the same series of programmes presented within reasonable period of time of the original broadcast and within substantially the same time slot.”

2.8.1 The Complainant states in his complaint that:

“As if that was not enough aligning on Islam it continued with that particular narrative later on the same show by interviewing a questionable "terrorism expert" Jasmin Opperman....Even after she refuted the possibility of an Islamic State connection to the Las Vegas, the host goes on to questioning her about the possibility of Islamic State activity in South Africa....the relevance of it remains unclear...”

2.8.2 After the initial reports of ISIS’ possible involvement in the shooting, the host of the Afternoon Drive Show conducted a 5-minute interview with Ms. Jasmine Opperman who is a Director at the Terrorism Research Consortium. The interview was done in response to the ISIS’ claim which was widely reported on. The interview was done to seek further clarity and analysis of the possibility of ISIS involvement. Ms. Opperman clarified that it is highly unlikely that the shooter could have converted to Islam as the attacker lacked the hallmarks of an extremist. Like in any other interview conducted on the platform, the interview with Ms. Opperman evolved into a discussion on early warning signs of terrorist attacks and whether South Africa was exempted from a possible attack

such as the one in Las Vegas and what it is we must do as South African to avoid such.

2.8.3 We reiterate the point that the interview was aimed at getting clarity and an analysis of whether ISIS claims could be correct. Even though we agree that this was an interview on a controversial issue of public importance (i.e. the shooting that took place) this was not an interview aimed at getting one particular view on the issue but rather an analysis of what had happened and whether the incident had any element of an extremist attack. Ms. Opperman made it clear that from the facts emerging from the scene it would seem that the attacker was an inspired lone individual and not an extremist of a mass organised institution. We would like to point out listeners had an opportunity to call in to studio if they did not agree with the view presented by Ms. Opperman or how the interview was conducted. We therefore are of the view that 702 cannot be found to have contravened clause 13(1) of the Code.”

[4] **The Complainant replied as follows:**

“I read the reply by Radio 702 and feared its predictability.

I don't buy the argument that ISIS media can be considered reputable and Radio 702 did absolutely nothing about correlating the news report at 16h30.

All indications at that time were that there was NO ISIS involvement, and Radio 702 was premature in pronouncing ISIS involvement and persisting with the malignment of Islam by association.

The fact that Radio 702 sobered up to the facts in the subsequent 5pm and 6pm news bulletins is of no effect as there were no subsequent interviews with any expert refuting the ISIS involvement.

In a previous complaint, laid by myself; the commissioner found that Radio 702 was “sailing close to the wind” in term of transgression of the broadcasting code.

It is my view that Radio 702 has not learnt from prior and has transgressed the code this time.

I am attaching an extract report from Reuters on this incident wherein the ISIS claim is highly discounted but reported on by Radio 702 refuting the times and dates.

- **Islamic state claims Las Vegas shooting, U.S. officials skeptical**

Islamic State claimed responsibility for a shooting in which a 64-year-old American man killed at least 50 people and wounded more than 400 in Las Vegas, but U.S. officials said there was no evidence so far linking the gunman to any international militant group.

In its claim, Islamic State said the gunman had converted to Islam a few months ago, according to the group's news agency Amaq.

U.S. officials said American security agencies were examining the claim of responsibility. "The Las Vegas attack was carried out by a soldier of the Islamic State and he carried it out in response to calls to target states of the coalition," Amaq news agency said in reference to the U.S.-led coalition fighting the group in the Middle East.

U.S. authorities said the gunman, who lived in a retirement home in Mesquite, Nevada, and was armed with more than 10 rifles, opened fire on a Las Vegas country music festival on Sunday night from a 32nd-floor window. (Full Story)

The man, identified by police as Stephen Paddock, killed himself before police entered the hotel room he was shooting from, police said.

Two senior U.S. government officials told Reuters that Paddock's name was not on any database of suspected terrorists. There was reason to believe that Paddock had a history of psychological problems, one official said.

(Reporting by Ali Abdelaty and Arwa Gaballa in Cairo and Mark Hosenball in Washington; Editing by Ahmed Aboulenein and Grant McCool)

by *cassandra.garrison* 10/2/2017 3:50:11 PM [October 2 at 5:50 PM](#) “

[5] **Additional information requested by the Tribunal:**

“At the Tribunal hearing of the matter between Mr. Cassim and 702, held at the BCCSA offices on Thursday 9 November 2017, 702 was requested to send through a timeline of the reporting on the Las Vegas shooting.

Below is the timeline in chronological order from 08h15 to 18h30 on Monday 2 October 2017, we have also attached the audio of each broadcast news bulletin.

Please Note: Timeline is based on South African time which is 10 hours ahead of Las Vegas. A search on the internet shows that the shooting happened between 22h05 and 22h15 (Las Vegas Time) on Sunday 1 October 2017.

DATE	TIME	DESCRIPTION
02/10/2017	08h15	Reports start emerging from the US that there has been a shooting on the Las Vegas strip and a number of people have been wounded.
02/10/2017	08h30	The first report of the shooting is broadcast on 702. The report states that police are investigating reports of an active shooter in the Las Vegas strip and that there are unconfirmed reports on social media that the shooting happened at a country music concert and that a number of people have been killed.
02/10/2017	09h00	702 (EWN) reports that several people have been wounded and that at least one gunman is reported to have opened fire at the music concert.
02/10/2017	09h30	702 reports that at least two people have died from the shooting and numerous others injured.
	10h00	702 reports that 24 people have been wounded and two have died from the shooting.
	10h30	702 reports that the Las Vegas strip is under lockdown after the deadly shooting.
	11h00	702 reports that police have confirmed that at least 20 people have died and more than 100 wounded. Las Vegas Metropolitan police say the gunman has been killed.
	11h30	702 reports that shots were fired from an elevated hotel position and that police are searching for a possible accomplice.

	12h00	702 reports that 20 people have been killed and the suspect was acting alone and has been killed. Authorities say the shooter is not believed to be connected to any militant groups.
	12h30	702 reports that police are now searching for an Asian woman believed to be connected to the shooting
	13h00	702 reports that the death toll from the shooting has now risen to 50.
	13h30	702 reports that the death toll has risen to 50, making the shooting the deadliest in US history. Police have also identified the shooter as Stephan Paddock.
	14h00	702 reports that the death toll is at 50 and that they have no information about the shooter's motive
	14h30	702 reports that US hospitals are treating more than 200 people injured from the shooting.
	15h00	702 reports that the US is reacting to the deadliest shooting in its history.
	15h30	702 reports that the Las Vegas Metropolitan police are reporting that at least 406 people have been rushed to hospital and at least 50 have been killed in the shooting.
	16h00	702 reports that in an update, Police have revealed that the gunman was armed with at least 10 rifles.
	16h20	Reuters news flash reports that, ISIS has claimed responsibility.
	16h30	702 reports that ISIS has claimed responsibility for the attack.
	17h00	702 reports that details are emerging about the shooter and that ISIS claims of responsibility have not been independently verified.
	17h30	702 reports that the US President has labelled the attack as an act of pure evil.
	18h00	702 reports that the death toll has risen to 58 and the injured are now at 518 and that there is no evidence to support ISIS claims.
	18h30	702 reports that the shooter was not on a watch list.

[6] The Complainant replied as follows:

This is my response/ observations to the news coverage provided by 702.

Please refer to attachment:

10/2/2017 Coverage of Las Vegas shooting by EWN (702)

News Time	Content
08h30	Reported as Active Shooter
09h00	Several People wounded!
09h30	2 people killed!
10h00	2 people killed!
13h00	Breaking News Staggering Rise in Death toll. 50 killed.

13h30	Staggering Rise in Death toll. 50 killed. Shooter identified as Stephen Paddock
14h00	Breaking News Staggering Rise in Death toll. 50 killed. Deadliest shooting in US history.No motive as yet.
14h30	Hospitals treating wounded
15h00	Details are emerging of suspect. Eye Witness News Nadia Neophito reported. Direct Report
15h30	406 people injured! No motive. Identified the shooter as Stephen Paddock
16h00	Suspect was armed with over a dozen rifles!
16h30	Report on ISIS claim!
17h00	ISIS claiming responsibility! ISIS claims Paddock had converted to ISLAM
17h30	Trump comments that attack was an act of pure evil. Sought investigation. No comment on ISIS by US president.
18h00	Latest Breaking News. Identified as Stephen Paddock. No confirmation of ISIS affiliation.
18h30	Death toll risen to 58.

BBC timeline coverage

2017/10/02 16:19

IS say they are behind Las Vegas attack

The so-called Islamic State group has released a statement through its news agency saying it was behind Sunday night's mass shooting.

Police had previously said that they did not believe the gunman - Las Vegas local Stephen Paddock - was connected to any group.

They said they had no idea what Paddock's motive or belief system was and described him as a "distressed individual"

<link href="http://static.bbc.co.uk/news/1.221.02199/icons/generated/icons.fallback.css" rel="stylesheet">
2017/10/02 18:09

IS claim 'very unusual'

BBC Monitoring

The world through its media

BBC Monitoring's Mina al-Lami looks at the IS claim of responsibility.

IS's claim of responsibility for the Las Vegas attack is very unusual in that the perpetrator's profile does not fit that of supporters or "soldiers" that the group has claimed in the past.

Unlike the mainly young men in previous claims of attacks in the West, the suspect is a 64-year-old white man, identified as Stephen Paddock.

Police say Mr Paddock killed himself as officers stormed his hotel room. If true, his suicide would be deemed wholly "un-Islamic".

Jihadist suicides involve the assailant blowing himself up in order to kill those around him.

Mr Paddock's anomalous background was not lost on IS, who rushed to explain that he had "converted to Islam a few months ago".

But the jihadist group has yet to offer any evidence to support this assertion, just as with many similar attacks in the West that the group has claimed seemingly opportunistically.

IS supporters online have already started sharing images of the unlikely "solider", hailing him as a martyr.

They are also trying to capitalise on Las Vegas to incite similar attacks, publishing a flurry of posts and posters calling for further violence.

Supporters are mentioning the Las Vegas shooting along with yesterday's fatal stabbings in the French city of Marseille, to say that Islamic State is still a potent force despite its setbacks in Syria and Iraq.

Posted at 17:52 2 Oct
FBI: 'No connection' to IS

The FBI says the gunman has no connection to IS.

"We have determined at this point no connection to an international terrorist organisation," they said.

Earlier today, the so-called Islamic State group released a statement through its news outlet saying it was behind the attack.

1. The incident is not covered in any of their news items between 10h30 and 13h00 despite confirmation of the severity of the incident;
2. In the 3pm news EWN;s own correspondent gives coverage and this is the only one;
3. BBC reports first ISIS claim at 2.19pm SA time. 702 first reports this in its peak news bulletin at 4.30pm! Nearly 2 hours later.
4. At 4.09pm SA time; significant doubt is placed on the ISIS claim yet 702 proceeds to report it as breaking news at 430pm! (BBC monitoring)
5. Doubt on the ISIS affiliation was placed by FBI at 3.52 pm as well!

Following the timeline of this news item by 702 and BBC it is clear that the broadcaster should have known of the inaccuracy of the news report; having its own correspondent as a resource as well as being a 24 hour news channel prior to 4.30pm; and despite that went onto pursuing the narrative of ISIS involvement; mentioning the gunman's purported conversion to Islam and the potential for such radicals carrying out violence in South Africa, when the analysis could have revolved around the mental state of the gunman!

In my view 702 has transgressed the broadcasting code specifically paragraph Clause 11 read together with Clause 4!

[7] **The Broadcaster responded as follows:**

- Point 1: it is not true that we did not cover the incident between 10h30 and 13h00 (news clips attached);
- Point 2: I am not sure what the issue is there;
- Point 3: Mr Cassim's own record attached to the email shows that the BBC report is published at 16h19 SA Time;
- Point 4: the "BBC Monitoring report" is at 18h09 as shown on Mr. Cassim's record;

Point 5: The FBI report is posted at 17h52, EWN reported on the claim not being independently verified in its 17h00 news bulletin. (the independent first reported this at 16h52).

We reiterate our submission that there has been no contravention of clause 11 and we will not respond to Mr Cassim's submission that the news contravened clause 4 as this did not form part of the initial complaint.

[8] The Complainant commented as follows:

1. Of the clips forwarded to me i did not get the ones I reported as being absent!
2. 702 needs to be reminded that there is a 2-hour time difference between SA and UK!
3. It is my contention that the code cannot be read in isolation given that they were warned about a very similar incident on 2 June 2017!

EVALUATION

[9] In order to pinpoint the gist of the complaint, the complainant was requested at the hearing to clearly formulate and summarise his main objection. Mr Cassim replied that his main objection was the link between the perpetrator and the Islam religion. He said Reuters and all major news agencies refuted this link.

In a later e-mail he writes:

*I wish to out it in writing as follows:-
That 702 uses inaccuracies in its news reports and commentary in order to malign the Islamic faith. Specifically, to the latest complaint filed, 702 makes reference to the perpetrator's alleged reversion to Islam, which subsequently is proven to be false; but by which time the perception of religious association has already been painted.
In my view therefore the paragraphs in the code cannot be interpreted in isolation but within the ambit of the entire code...viz Clause 11 read together with Clause 4!*

At the hearing, Mr Cassim stated that this kind of inaccurate news coverage perpetuates an automatic association between Islam and terrorism. Mr Cassim's sentiments are understandable since a stereotype regarding this linkage does exist, mainly because IS/ISIS was indeed responsible for many terrorist attacks in the past.

- [10] Mr Cassim further complained about 702 mentioning the shooter's purported recent conversion to Islam. As this formed part of the news flow from international news agencies, it was covered by 702, but it was not broadcast out of context or unnecessarily emphasised.
- [11] Mr Cassim complained about the time lapse between information as disseminated by international news agencies and information as broadcast by 702. At the hearing, 702's representative emphasised that we should distinguish between initial reports on the shooting and later reports on the ISIS claim. The incident happened at about 22h00 Las Vegas time on 1 October. According to the timeline submitted by 702 (based on SA time, which is 10 hours ahead of Las Vegas time), 702 started reporting on the shooting from 08h30 the morning of 2 October (bearing the time difference in mind, this was very close to real time) and updated the information throughout the day as the story developed. At 16h20 Reuters reported in a news flash that ISIS had claimed responsibility. 702 broadcast this in their 16h30 bulletin, but did not report it as a fact that ISIS was responsible. At 17h00, 702 reported that ISIS' claims of responsibility have not been independently verified. At 18h00, 702 repeated that there was no evidence to support the ISIS claim.
- [12] Part of Mr Cassim's complaint is that 702 did not report the doubt that was placed on the ISIS claim (by BCC) soon enough. Clause 11 (6) of the Code provides the following:

"Where it subsequently appears that a broadcast was incorrect in a material aspect, it must be rectified forthwith, without reservation or delay. The rectification must be presented with such a degree of prominence and timing as in the circumstances as may be adequate and fair so as to readily attract attention."

It must be kept in mind that this was a major breaking story that was still developing and that it was reported on by many international news agencies, including AMAQ, the Islamic State news agency. With international news stories, local radio stations mainly rely on reports published by news agencies around the world. It is, however, time-consuming to correlate all such different

reports and 702 most probably had only one or two journalists working on the story (which was not the only story of the day). In terms of journalistic practices and customs it was a reasonable time within which the rectification was broadcast bearing in mind that various sources, emanating over different time zones, had to be correlated.

- [13] Mr Cassim referred to a “questionable terrorism expert”, namely Ms Jasmin Opperman, who was interviewed by 702. He wrote: *“Even after she refuted the possibility of an Islamic State connection to the Las Vegas, the host goes on to questioning her about the possibility of Islamic State activity in South Africa....the relevance of it remains unclear”*.

At the hearing, we listened to the interview and more or less the following transpired:

Q: How do we unpack the shooting? Deadliest such attack in American history.

A: What is totally confusing at this time is that the Islamic State has taken credit for this via AMAQ, their semi-official channel. If we look at the profile of the person, his background, there does not seem to be any link to the Islamic State. They say he is a recent convert - that brings a complete new angle to this. The Islamic State has claimed the attack, therefore we are sitting with a most likely inspired attack by an individual that has gone in and has killed the people.

Q: Could the Islamic State take advantage of this strategy, I mean, do we believe that they are behind this, how does it all work?

A: There are 2 videos (in 2016 and in 2017) depicting the livelihood and simple life of Westerners and why they are being targeted. Basically, this is nothing new - this Islamic State propaganda. The 2nd concern is that the Islamic State does not make claims left, right and centre, they've made their mistakes - we know that there were one or two false claims, but false claims are the exception. So, what would be interesting now is to see how they will prove that there is actually a link with the shooter. Yes, they are relying on propaganda value, they need to convey their successes to their supporters and they need to encourage their supporters to stay loyal, also important for new recruits. Highly likely that what we are seeing now is an inspired attack by a lone individual.

Q: How do we deal with this kind of thing - with information from the people around you? I see the brother of the shooter said the news hit him like a

falling asteroid falling from the sky, he had absolutely no idea that a family member could participate or be involved in a thing like this, there is just no way to predict it. And if your family can't, the authorities can't either.

A: It's extremely difficult. We are moving now into a phase in the world where we are seeing more and more unsophisticated attacks - relying on mass organised structures to execute attacks like 9/11 and in France. They are attacking Canada, although the Islamic State has not claimed that attack. A warning: it is going to become more and more impossible to predict and the only way is to collaborate with communities and watching for a change in behaviour.

Q: Could something like this happen here?

A: Where we are standing in S.A. with the Islamic State - we are talking small preach elements, not even of groups, but individuals. What is important is that we have not crossed the threshold for attack, but we are in a third phase where there has been a clear message for Islamic State supporters on S.A. soil to expand their footprint, so, the possibility of an attack in S.A. must not be underestimated, let's rather be over-careful than being naive in how we respond to these kinds of incidents.

At the hearing, Mr Cassim again questioned Ms Opperman's qualifications and said she is clearly coming from a right-wing school. He further complained that her view is not questioned by 702 and that there is no balance in the interview. However, Ms Opperman is a Director at the Terrorism Research Consortium, which qualifies her to be interviewed in this regard. The question of balance is not relevant because it was not a debate - the representative for 702 explained that the interview was done in response to the ISIS claim which was widely reported on and that it was done to seek further clarity and analysis of the possibility of ISIS involvement. The discussion on early warning signs of terrorist attacks and whether it was possible that something like this could happen in South Africa and what should be done to avoid this, is indeed relevant to South Africa as it is to most other countries in the world.

[14] Mr Cassim later complained that there were no further interviews with an expert to comment on the refutation of the ISIS involvement. In our opinion this was not necessary since it was already sufficiently refuted in the interview with Ms Opperman.

- [15] In essence the broadcaster's responses to clause 11(1) to (6) as quoted above, are accepted by the members of the tribunal. We are satisfied that the journalists of 702 adhered to the requirements of the Code.
- [16] Regarding Mr Cassim's insistence that the complaint should also be evaluated according to the hate speech clause (Clause 4), it should be noted that this did not form part of the initial complaint and therefore 702 was not ready to address the tribunal on it. In any event, Clause 4(2) lays down two criteria that are required for material to be classified as hate speech based on religion, namely: (i) advocacy of hatred, and (ii) incitement to cause harm. *Advocating* and *inciting* refer to the promotion of an action of some kind. In this case, there was no encouragement of any action at all. There was also no incitement to cause harm to Muslims. Moreover, the news coverage of the incident was clearly a matter of public importance and is therefore excluded from the provisions of the hate speech clause.
- [17] Clearly the complainant has strong views about the accuracy of news coverage by 702 since it is not the first time that he filed a similar complaint against 702. In South Africa, with its complex and multicultural society, huge sensitivities exist regarding statements concerning religion. In this time of political upheaval, instability and conflict, the media (and especially radio, because of its wide footprint) play an important role in shaping public opinion, perceptions and attitudes. Therefore, it is understandable that the complainant (and many other people) are sensitive when religious issues are involved. In the light of prevailing circumstances in the world and in this country concerning international terrorism and political unrest and uncertainty, we are of the view that in general, all or most South African broadcasters keep in mind that unsubstantiated, generalised statements may reinforce existing stereotypes and therefore they handle any news in this context very carefully.

No contravention of any of the applicable clauses of the Broadcasting Code could be found, therefore the complaint is not upheld.



**DR LINDA VENTER
BCCSA COMMISSIONER**

The Chairperson Viljoen and Commissioner Kharidzha concurred in the above judgment.