

## Complaint by Mr Shayan Ali about *Dunya News*

<b>Type of case</b>	Fairness and Privacy
<b>Outcome</b>	Upheld
<b>Service</b>	Dunya News
<b>Date &amp; time</b>	2 April 2022, 17:00
<b>Category</b>	Fairness
<b>Summary</b>	We have upheld a complaint about unjust or unfair treatment in the programme as broadcast.

### Case summary

The programme reported on an incident involving the complainant, Mr Shayan Ali, outside the headquarters of the Pakistan Muslim League (N) (PML-N)<sup>1</sup> in London, during which it was alleged that Mr Ali “*acting unmannerly tried to attack*” Mr Nawaz Sharif, a former Prime Minister of Pakistan, and that Mr Ali had injured a security guard by throwing his phone. Mr Ali complained that he was treated unjustly or unfairly because the allegations made about him in the programme were false, and that the broadcaster had not taken a “statement” from him before the programme was broadcast.

Ofcom found that the broadcaster did not take reasonable care to satisfy itself that material facts had not been presented, disregarded, or omitted in a way that was unfair to Mr Ali. Also, the broadcaster had not demonstrated that it had given him a timely and appropriate opportunity to respond to the significant allegation about his conduct made in the programme. This resulted in Mr Ali being treated unfairly in the programme as broadcast.

### Programme summary

Dunya News is an Urdu language channel broadcast under an Ofcom licence held by Dunya News Limited. As the programme was broadcast in Urdu, Ofcom provided an English translation to the complainant and the broadcaster for comment. A final version of the translation was sent to the parties who were informed that Ofcom would use this translation for the purpose of this investigation.

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<sup>1</sup> A political party in Pakistan.

On 2 April 2022, Dunya News broadcast an edition of its news bulletin, *Dunya News*. The programme included a report about an attempted attack on the former Prime Minister of Pakistan, Mr Nawaz Sharif. The presenter introduced the segment:

Presenter 1: *“Nawaz Sharif was coming out of his office when a young man acting unmannerly tried to attack Nawaz Sharif. When the [security] guards tried to stop him, he threw his phone at Nawaz Sharif which hit one of the guards”.*

Various photographs of Mr Sharif were shown as the presenter spoke. One photograph showed Mr Sharif sitting in the passenger seat of a car. Another showed him standing outside a car with his hand raised to his face. A second presenter then said:

*“Yes, we are updating you, a young man tried to attack Nawaz Sharif in London, a mobile phone was thrown at him, and a guard has been injured. Nawaz Sharif was coming out of his office when a young man acting unmannerly tried to attack Nawaz Sharif”.*

[A photograph of a man with a small cut to his forehead was shown.]

A reporter then described the incident as various photographs were shown:

Reporter: *“Certainly, this unfortunate incident occurred at British time around four o'clock in the evening. The former Prime Minister Nawaz Sharif was leaving the temporary headquarters of Pakistan Muslim League (N) near Hyde Park to go back home when a young man, who is said to be already there as part of a plan, misbehaved and tried to approach Nawaz Sharif.*

[The various photographs of Mr Sharif were repeated].

*When the guards tried to stop him, he became aggressive and threw his phone at Nawaz Sharif which hit the forehead of a guard and he got injured.*

[The photograph of the man with the cut to his forehead was shown again].

*The guards rushed Nawaz Sharif into his car in a protective circle while the injured guard was sent to hospital for medical aid. According to Nawaz Sharif's office manager, the police were immediately informed. The police arrived at the incident and, although there have been no arrests, the police confirmed that the incident did happen.*

[The various photographs of Mr Sharif were repeated].

*Nawaz Sharif has previously received threats and there has been an incident before after which Nawaz Sharif's security has been increased recently and there are three to four guards who accompany him. The injured guard also said that the young man tried to attack Nawaz Sharif and when he was stopped, he threw his phone at Nawaz Sharif, whereas the young man whose name is believed to be Shayan Ali said that he was showing someone Nawaz Sharif's office when the incident occurred. Shayan Ali is said to be an active worker of PTI<sup>2</sup> and he has participated in numerous protests against Nawaz Sharif and has made lots of statements against Nawaz Sharif.*

*So, according to the young man [Mr Ali], he was there to show someone Nawaz Sharif's office. But this is an unfortunate incident that has happened in London, and it can be seen that the accused is trying to approach Nawaz Sharif and the guards then pushed him to try to stop him, however one of the guards got injured after he was hit by a phone”.*

Throughout the report, the following text appeared on screen:

*“Breaking News: Attack on Nawaz Sharif*

*A young man tried to attack Nawaz Sharif in London*

*London: Young man threw a mobile phone at Nawaz Sharif*

*Mobile phone was thrown, phone hit a guard, guard injured*

*Nawaz Sharif was coming out of his office*

*A young man misbehaved and tried to attack Nawaz Sharif”*

Towards the end of the report, two short video clips were played. The first clip showed a man (the complainant) standing in a road facing two men, apparently Mr Sharif's security guards. One of the security guards appeared to push the complainant before approaching the person recording the video. The other security guard could be seen restraining the complainant's arms.

The second clip showed the two security guards walking away from the complainant, who was walking behind them slowly and holding up his phone as if to record a video. The complainant then touched one of the security guards on the shoulder. The security guard turned around quickly and swung his hand towards the complainant as if to knock the phone out of his hand. The phone appeared to remain in the complainant's hand.

One of the presenters then thanked the reporter, before the two video clips were played again. The photograph of the injured man was shown without commentary before moving onto the next story. There was no further reference to this incident or the complainant again in the programme.

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<sup>2</sup> Pakistan Tehreek-i-Insaf, a political party in Pakistan.

## Summary of the complaint and broadcaster's response

### The complaint

Mr Ali complained that he was treated unjustly or unfairly in the programme as broadcast because the programme had alleged falsely that he had attempted to attack Mr Sharif, and injured a security guard by throwing a phone at him. Mr Ali said that Dunya News did not take a statement from him or attempt to contact him before the programme aired. Mr Ali added that the programme had vilified him, a "16-year-old victim of assault" who, he said, had been attacked by two grown men in a public place, and that the programme had severely damaged his future and reputation.

In making his complaint, Mr Ali explained that he had been recording a video on his phone with a family friend outside the London headquarters of the PML-N when two men had run towards them as Mr Sharif's car drove away in the background. He said that he had not tried to throw his phone at anyone, and that the video clearly showed that his phone was in his hand the entire time.

### Broadcaster's response

Dunya News explained that the programme was broadcast for the purposes of covering the breaking news of an attempted attack on Mr Sharif outside the London office of the PML-N. The broadcaster said that Dunya News is one of the most watched news channels in Pakistan and that the story had been widely covered by national and international news channels. It said that news concerning an attempted attack on Mr Sharif in broad daylight outside his political party headquarters is a matter of public interest in the United Kingdom and Pakistan. It said that it was "duty bound" to disseminate information to its viewers, who are mostly citizens of Pakistan, pertaining to the attempted attack on Mr Sharif by supporters of the PTI, including the complainant, in an objective, impartial manner while insuring to assist them in making decisions with respect to their political and constitutionally protected rights.

In this case, the broadcaster said that it had received information from its sources that there had been a planned attack on Mr Sharif outside the PML-N headquarters in London. It said that the channel's reporter had gone to the scene to pursue the breaking news and had found, on his arrival, that police officers were at the scene carrying out a preliminary investigation. The broadcaster said that the reporter immediately gathered information from the individuals at the scene, including confirmation from the police that the incident had occurred. The broadcaster said that, according to the security guards stationed at the headquarters and the office manager, the complainant was waiting for Mr Sharif to exit the main door to "attack him before he went to his vehicle". Dunya News said that the security guard stationed at the headquarters had told the reporter that the complainant had thrown his phone towards Mr Sharif, but that the phone instead hit another security guard, who sustained an injury to his forehead and was taken to hospital. The broadcaster said that the reporter also sought an image of the security guard's injury, which was then shown in the broadcast.

The broadcaster said that the reporter had conveyed the breaking news in a fair and unbiased manner, after confirming the occurrence of the incident from the police, and hearing the narrative and counter-narrative of the parties present. The broadcaster said that an independent source, associated with the complainant, was present at the scene and had informed the reporter that the complainant had brought his friend along to show him Mr Sharif's office. It added that the complainant was not present at the scene when the reporter was there.

The broadcaster provided Ofcom with a link to a video uploaded on the complainant's Twitter account<sup>3</sup> which it said showed the security guards requesting that the complainant maintained a safe distance from Mr Sharif's car. The broadcaster said the video showed the complainant constantly touching the security guards and "provoking them in an aggressive manner and as a result one of the security guards, towards the end of the video, tried to stop Mr Ali from touching him and recording his video".

The broadcaster concluded by stating that the programme did not violate any laws and that its reporter had carried out their journalistic duty and presented the narratives of all the parties present at the scene, including that provided by an associate of the complainant, in equal prominence.

### **Ofcom's Preliminary View**

Ofcom prepared a Preliminary View that Mr Ali's complaint should be upheld. Both parties were given the opportunity to make representations on the Preliminary View, which, insofar as they are relevant to the complaint entertained and considered by Ofcom, are summarised below.

#### **Complainant's representations**

Mr Ali accepted Ofcom's Preliminary View to uphold his complaint of unjust or unfair treatment in the programme as broadcast, setting out that he agreed with the reasoning as set out in the Preliminary View.

#### **Broadcaster's representations**

The broadcaster disagreed with Ofcom's Preliminary View to uphold Mr Ali's complaint and reiterated that it took reasonable care to present facts in a way that was fair to the complainant.

The broadcaster said that Ofcom did not take into account the political context of the incident, namely that on the date of the incident Mr Imran Khan was Prime Minister of Pakistan and the political situation was very tense in Pakistan and within the Pakistani community in the UK. It said that there were widespread reports that the opposition parties (including PML-N) were preparing to remove Mr Khan from power. The broadcaster said that, given this very tense time, the story that Mr Sharif was allegedly attacked by the complainant who was a PTI activist, and that a guard was injured immediately became highly topical and required immediate "breaking news" coverage.

The broadcaster said that on the day of the incident it received information from its sources that there was a planned attack on Mr Sharif outside the PML-N headquarters in London and that when its reporter arrived at the scene to pursue the breaking news story, police officers were at the scene carrying out a preliminary investigation. The broadcaster said its reporter immediately gathered information from the people at the scene, including confirmation from the police that the incident had occurred. It said that any information received was, as far as possible, checked and verified.

The broadcaster said that, according to the security guards stationed at the headquarters and the office manager, Mr Ali was waiting for Mr Sharif to exit the main door to "attack him before he went to his vehicle" and that this information was, as far as possible, checked and verified, thus showing that the broadcaster took reasonable care. The broadcaster said that the security guard told the reporter

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<sup>3</sup> <https://twitter.com/ShayanA2307/status/1510287650497908739?s=20&t=NLmmDqvXkMDrGLw4pBjggw>

that Mr Ali had thrown his phone towards Mr Sharif but that the phone instead hit another security guard who sustained an injury to his forehead and was taken to hospital. The broadcaster said that to verify this the reporter sought a photograph of the security guard's injury, which was then shown in the broadcast and, according to the broadcaster, visually corroborated and demonstrated the injury the guard alleged.

The broadcaster said that it conveyed the breaking news in an unbiased manner as it confirmed the occurrence of the incident with the police and heard the narrative and counter-narrative of the parties present. It said that an independent source associated with Mr Ali was present at the scene and explained that Mr Ali had brought his friend along to show him Mr Sharif's office. The broadcaster said that at the time of broadcast, the breaking news report was based on information provided by sources and the police and that it took reasonable care to satisfy itself about what it was told and broadcast.

The broadcaster said that the complainant is a political activist and not a "naïve or ordinary" 16 year-old and that by treating him as such Ofcom's analysis in the Preliminary View was incorrect.

The broadcaster said that Mr Ali complained that he was the victim of the assault but that the police investigated and closed this case with no action taken against the security guard. This, it said, meant that it did not consider Mr Ali's allegations of being assaulted as correct or proven. The broadcaster said that this speaks for itself as to Mr Ali's version of the incident and his credibility.

The broadcaster said that Ofcom did not view the matter from the angle of viewers who are Pakistani or of Pakistani origin (i.e. British Pakistani). The broadcaster said that Ofcom's use of the word "viewers" in the Preliminary View must mean viewers of Dunya News in the UK who are Pakistani or of Pakistani origin, who can understand Urdu and have knowledge of or an interest in Pakistani politics. The broadcaster said it cannot mean the average British viewer who has no knowledge or interest in Pakistani politics. The broadcaster submitted that Ofcom reconsider the matter from the angle of Urdu speaking viewers of Pakistani origin who are aware of Pakistani politics, Mr Ali and his activism.

The broadcaster said that Ofcom's Preliminary View omitted certain important material information from the programme which changed the context of the incident and what happened, therefore leading to an incorrect conclusion. The broadcaster said that the programme made clear that what they were reporting on was based on what they had been told by sources present at the scene, the security guards and the police. It said that it therefore did not affirmatively "state" anything.

The broadcaster referred to Ofcom's assertion in the Preliminary View that the language used in the programme was "likely" to have materially and adversely affected viewers opinions of Mr Ali. The broadcaster said that by using the word "likely", Ofcom accepted that what it was saying was also possibly incorrect or improbable. It also said that it was incorrect for Ofcom to imply or speculate about the impression that Pakistani or British Pakistani viewers may "likely" have got.

The broadcaster disagreed with Ofcom's Preliminary View that the programme was "accusatory in tone" or gave the impression that Mr Ali was "aggressive". It said that the tone and content of the programme was consistent with a breaking news story about an alleged incident involving an ex-Prime Minister and reflected the tense time. The broadcaster also said that any impression that Mr Ali was "aggressive" would have come from what the guard alleged and the police investigation, which it said

are facts and so by definition cannot be unfair. The broadcaster said that the reporter simply reported on what he had learnt from his sources and those at the scene, and that the language used was balanced and reflected what he had learnt. It said that the guard's allegation that he was attacked by Mr Ali and the photograph of his injuries are facts and speak for themselves. The broadcaster said that if the impression was given that Mr Ali's behaviour was "aggressive", this was not because of any impression given by the broadcaster or its tone, but because these were the allegations made by the guard.

The broadcaster said that Ofcom incorrectly interpreted what happened and the tense political situation at the time of the incident. It said that Ofcom also excluded the fact that the videos of the incident clearly show Mr Ali shouting and moving forward and confronting the security guard and a photograph of the security guard who alleged that he was struck by Mr Ali. The broadcaster said the confrontational actions of Mr Ali speak for themselves. It also said that the video of the incident is undisputed and so it must be considered as factual, therefore any impression given to viewers was as a result of Mr Ali's own actions and so cannot be unfair or unjust.

The broadcaster disagreed with Ofcom's Preliminary View that the programme presented the claims made about Mr Ali as fact in the report. It said that Ofcom then acknowledged in the Preliminary View the broadcaster's position that the programme had reported on what the reporter had said he had been told from those at the scene after the actual incident itself had taken place. The broadcaster said it therefore follows that if Ofcom acknowledges that the broadcaster reported on what it had been told, then it did not claim any facts. The broadcaster said that the transcript of the broadcast shows very clearly that it simply reported on what it had been told by the witness, the guard and police.

In response to Ofcom's Preliminary View that the programme had incorrectly attributed a comment to Mr Ali, the broadcaster said that Ofcom had taken this comment out of context and placed undue weight to the word "said" in the sentence. The broadcaster said that in the rest of the report the reporter only mentions his sources and what witnesses, the security guard and police have told him but in one line he inadvertently said that Mr Ali "said" he was showing someone Nawaz Sharif's office. The broadcaster's view was that Ofcom had not looked at this word in the context of the whole transcript and that it is "abundantly obvious and clear" that the reporter inadvertently misspoke during a live broadcast on a breaking news story. The broadcaster said that it appeared that Ofcom had principally based the Preliminary View on this one inadvertent mistake which it considered was unreasonable. It also said that Mr Ali had not mentioned this issue in his complaint to Ofcom so it was unreasonable for Ofcom to place such emphasis on it.

The broadcaster said that Ofcom was incorrect to speculate in the Preliminary View that the programme was likely to have materially and adversely affected viewers' opinions of him. It said that if the circumstances of the incident are in dispute and Ofcom cannot determine the facts, then it cannot say with certainty that the allegations were likely to have materially and adversely affected viewers' opinions of him. It said that this was pure conjecture and speculation and was unreasonable.

The broadcaster disagreed with Ofcom's Preliminary View that it did not give Mr Ali an appropriate and timely opportunity to respond to the allegations made in the programme. The broadcaster said that Mr Ali has not provided Dunya News or other news channels with his mobile number and that it

understands that Mr Ali's mother manages his media representation. The broadcaster enclosed an email dated 3 December 2022 from a reporter who confirmed this. The broadcaster said that on the date of the broadcast (2 April 2022), it did not have Mr Ali's mother's contact number. The broadcaster also referred to the tense political situation including the alleged attack on Mr Sharif, that the broadcast was live and Mr Ali was not at the scene. The broadcaster said that as it did not have Mr Ali or his mother's phone numbers and he was not at the scene, it was clearly not possible to get his response before, during or immediately after the broadcast on 2 April 2022. It said that Ofcom's comments were therefore incorrect and did not reflect the facts and circumstances.

The broadcaster then enclosed an email dated 1 December 2022 from the reporter who covered the incident, explaining that he was unable to obtain Mr Ali's response on the matter on 2 April 2022 because Mr Ali was not at the scene of the incident when he arrived. The reporter also said that he attempted to obtain Mr Ali's response on 3 and 10 April 2022, but that both Mr Ali and his mother refused to provide one.

The broadcaster reiterated that Ofcom had incorrectly treated Mr Ali as if he was an "ordinary 16 year old". The broadcaster said that the alleged actions of Mr Ali on 2 April 2022 were not isolated and there is a pattern of behaviour. It said that Mr Ali is a British Pakistani who seems to have become an activist for the PTI in the UK (Imran Khan's political party) as clearly shown by his attendance at demonstrations and political rallies/events against certain Pakistani politicians. The broadcaster provided multiple examples of Mr Ali's political activism, including various Twitter posts from 28 October 2022 and news articles from November 2022.

## Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unjust or unfair treatment in programmes in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In reaching this Decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording and translated transcript of the programme, as well as both parties' written submissions, including representations made by the complainant and the broadcaster on Ofcom's Preliminary View. After careful consideration of the representations, we considered that the points raised did not materially affect the outcome to uphold the complaint.

When considering complaints of unjust or unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of Ofcom's Broadcasting Code (the "Code")<sup>4</sup>. In addition to this Rule, Section Seven (Fairness) of the Code contains "practices to be followed" by

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<sup>4</sup> See the [version of the Code](#) in force at the date of broadcast.

broadcasters when dealing with individuals or organisations participating in, or otherwise directly affected, by programmes. Following these practices will not necessarily avoid a breach of Rule 7.1 and failure to follow these practices will only constitute a breach where it results in unfairness to an individual or organisation in the programme.

Ofcom began by considering Mr Ali's complaint that he was treated unjustly or unfairly in the programme as broadcast because the programme alleged falsely that he had attempted to attack Mr Sharif and injured a security guard by throwing a phone at him. The complainant said that Dunya News did not take a statement from him or attempt to contact him before the programme aired.

In considering this complaint, Ofcom had regard to the following Code practices:

Practice 7.9: "Before broadcasting a factual programme, including programmes examining past events, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation...".

Practice 7.11: "If a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerns should normally be given an appropriate and timely opportunity to respond".

In assessing this complaint, we recognised that the parties disputed the events that had unfolded outside the PML-N's London headquarters. However, it is important to note that Ofcom's role is not to reach a finding of fact in relation to the allegations about Mr Ali that were made in the programme, but to consider whether the material was presented in the programme as broadcast in a way that, overall, resulted in unfairness to him. Whether a broadcaster has taken reasonable care to present material facts in a way that is not unfair to an individual or organisation will depend on all the particular facts and circumstances of the case, including, for example, the seriousness of any allegations made against them and the context in which such allegations are made. Therefore, we began by considering whether the matters complained of had the potential to materially and adversely affect viewers' opinions of the complainant in a way that was unfair to him.

As set out in the "Programme summary" above, the programme stated that *"a young man tried to attack Nawaz Sharif in London, a mobile phone was thrown at him, and a guard has been injured. Nawaz Sharif was coming out of his office when a young man acting unmannerly tried to attack Nawaz Sharif"*. The programme referred to the man as being *"there as part of a plan"* and said that this man *"became aggressive and threw his phone at Nawaz Sharif which hit the forehead of a guard and he got injured"* as a photograph of a man with a minor head injury was shown. The programme explained that the *"guard was sent to hospital for medical aid"*. The programme said that the police had been present at the incident, and that *"although there have been no arrests, police confirmed that the incident did happen"*. The programme also made reference to previous alleged threats that had been made against Mr Nawaz Sharif and then said that *"the young-man whose name is believed to be Shayan Ali said that he was showing someone Nawaz Sharif's office when the incident occurred"* before making reference to the complainant as being *"an active worker of PTI [who] has participated in numerous protests against Nawaz Sharif and has made lots of statements against Nawaz Sharif"*.

We also took into account the text that appeared on screen, such as *“mobile phone was thrown, phone hit a guard, guard injured”* and *“a young-man misbehaved and tried to attack Nawaz Sharif”*.

The programme also included two short video clips apparently showing part of the incident. The first of which showed the complainant being pushed and restrained by a security guard. The second clip showed the two security guards walking away from the complainant, who was walking behind them slowly and holding up his phone as if to record a video. When the complainant touched one of the security guards on the shoulder, the security guard turned around and swung his hand towards the complainant as if to knock the phone out of his hand.

In considering this case, we also took into account the overall background context in which the programme was broadcast. We acknowledged the broadcaster’s submissions that this was not an isolated incident and that viewers would be aware of Mr Ali’s past actions and reputation including for his political activism, support of the PTI and his opposition to PML-N. In addition, we recognised that at the time of broadcast, the political situation was very tense in Pakistan and within the Pakistani community as there were widespread reports that the opposition parties were preparing to remove Mr Imran Khan from power. Given this background, we considered that a story about an attempted attack on Mr Nawaz Sharif would be of particular interest to its viewers. However, Ofcom considers that the profile and status of an individual does not negate the need for broadcasters to ensure that they are not the subject to unjust or unfair treatment.

We took into account the broadcaster’s view that the programme was not *“accusatory”* in tone. However, taking what was said in the report overall including that the programme described the complainant as *“the accused”* and alleged that he had *“misbehaved and tried to attack Nawaz Sharif”*, we considered that the language used in the programme was likely to have left viewers with the impression that Mr Ali’s behaviour had been *“aggressive”* and violent, to the extent that it was said that he had thrown his phone which had resulted in a security guard being injured and being taken to hospital. We also took into account that the programme stated that *“the police confirmed that the incident did happen”* which we considered viewers would have understood to mean that the police had confirmed the version of events reported in the programme, namely that Mr Ali had instigated an attack on Mr Nawaz Sharif and had injured a security guard in the process.

In Ofcom’s view, this created the overall impression that the complainant was responsible for the alleged violent incident that took place and the security guard’s subsequent injury. Therefore, given the above, we considered that the comments made in the programme about the complainant were serious in nature and, in our view, amounted to significant allegations which had the clear potential to materially and adversely affect viewers’ opinions of the complainant in a way that was unfair.

We then considered whether the presentation of these comments in the programme as broadcast resulted in unfairness to the complainant. In doing so, we took into account the overall background context (as set out above) relating to the political situation in Pakistan at the time of broadcast and viewers understanding of Mr Ali.

Ofcom acknowledged the broadcaster’s right to freedom of expression and allowing them to broadcast programmes on matters of public interest which in this case, included being able to make a news programme which reported on the allegations that the former Prime Minister of Pakistan was

attacked near his residence by a PTI activist. We also acknowledged that this was likely to be a matter of particular interest to Pakistani and British Pakistani viewers, with it being important for the broadcaster to be able to report the matter quickly and as it developed, particularly in light of the developing political situation at the time of broadcast. Nevertheless, broadcasters still need to take reasonable care to ensure that material facts are presented in a fair manner.

From the information provided to Ofcom by both parties in their submissions, we recognised that the circumstances surrounding the incident were in dispute. We acknowledged that Mr Ali claimed to be the victim of assault by the security guards, whereas the broadcaster has submitted that its sources claimed that Mr Ali had tried to “attack” Mr Sharif which resulted in his security guard being injured. We also recognised that there was a dispute as to which party complained to the police about the incident. As already mentioned above, Ofcom’s role is not to make findings of fact as to the specifics of how the incident occurred or who was responsible for it, but to consider whether the way the information was presented in the programme as broadcast, overall, resulted in unfairness to the complainant. As such, it would neither be possible or appropriate for Ofcom to determine the accuracy or otherwise of what was reported in the programme, or the information given by the parties to this complaint in their submissions that supported their respective positions.

We took into account that in the captions the story was referred to as “*Breaking News*” and that the programme presented the claims made about the complainant as fact, and without including the complainant’s view on, or response to, them. Ofcom acknowledged the broadcaster’s submission that it did not present the claims as fact, but rather reported on the narrative of those at the scene after the actual incident itself had taken place, namely the security guards, office manager and the police. However, having reviewed the programme and transcript, we did not consider that it was made sufficiently clear to viewers that these were allegations made by one party to the incident, as opposed to a factual account of what had happened. We considered that the report clearly portrayed Mr Ali as the aggressor and the person who had instigated the attack, when this was a matter of dispute.

We also took into account the broadcaster’s submission that the videos shown in the programme demonstrated that Mr Ali had acted inappropriately and instigated the attack and that any adverse opinion the viewers may have of Mr Ali would be as a result of his own actions shown in the video. However, having carefully reviewed the videos, Ofcom considered that, while they showed Mr Ali approaching the security guards, the videos did not show Mr Ali acting aggressively or throwing a phone. Further, the videos did not show that Mr Sharif was present at the scene or that Mr Ali had tried to approach him. We therefore considered that it was the report itself, rather than the videos, that had the potential to adversely affect viewers’ impressions of the complainant.

Ofcom understood that the report was presented live as “*Breaking News*” in the programme, and we recognise that reporting on news stories as they unfold can present particular challenges to broadcasters. It is Ofcom’s view, therefore, that for live programmes it may not always be possible for the broadcaster to obtain responses from others prior to, or during, the programme. However, in such circumstances, broadcasters need to be particularly aware that they have a duty to ensure that reasonable care is taken that the broadcast material is consistent with the requirements of the Code. It must not mislead viewers or portray people or organisations in a way that is unfair.

We took into account that in the programme the reporter had said: “...the young man whose name is believed to be Shayan Ali said that he was showing someone Nawaz Sharif’s office...”. However, from the broadcaster’s submissions, it was clear to Ofcom that Mr Ali had not been at the scene when the reporter had been there and that, according to the broadcaster, the reporter had spoken to an “independent source associated with the complainant” at the scene who had told the reporter that Mr Ali had brought “his friend along to show him Mr Sharif’s office”. In our view, we considered that this explanation was presented in the programme as being a direct response from Mr Ali, rather than being a comment made by a third party. We took into account the broadcaster’s representations that the reporter misspoke when he stated “Shayan Ali said that he was showing someone Nawaz Sharif’s office” and that Ofcom had placed undue emphasis on the word “said” in its Preliminary View. While Ofcom recognises that live coverage of a “breaking news” story can invite human error and that it may be the case that the reporter had not intended to say “said”, we considered that the comment itself appeared to relate to the purported reason why the complainant was in the vicinity of the PML-N headquarters, rather than a response to the significant allegations that Mr Ali had tried to attack Mr Sharif and that he had thrown his phone which had injured one of the security guards. Therefore, we considered that the comment in the programme that was attributed, wrongly (either intentionally or unintentionally), to Mr Ali could not be reasonably taken to be a legitimate account of Mr Ali’s viewpoint in response to the allegations made about him in the programme.

Therefore, from the factors set out above, it was clear to Ofcom that the viewpoint of Mr Ali on the allegations was absent from the programme. As already stated above, we considered that the allegations made about Mr Ali were serious in nature and had the potential to materially and adversely affect viewers opinions of him. While we acknowledged that the report was broadcast live as “*Breaking News*”, given the seriousness of the allegations made, we considered that it was incumbent on the broadcaster to have given Mr Ali a timely and appropriate opportunity to respond, or at least to have made attempts to provide Mr Ali with that opportunity, and that this should have been made clear in the programme.

Therefore, in Ofcom’s view, given all the factors above, we considered that the comments made in the programme about Mr Ali amounted to significant allegations, and that the broadcaster had not demonstrated that it had given Mr Ali an appropriate and timely opportunity to respond to those allegations made about him. We acknowledged the broadcaster’s submission that it was unable to obtain a response from the complainant on the day of the incident because he was not present at the scene when the reporter arrived and the broadcaster did not have the complainant’s contact details. However, we took into account that the programme had not attempted to place the allegations into context by explaining that they were, for instance, unverified as fact and that the report did not reflect Mr Ali’s interpretation of events.

In these circumstances and taking in to account the particular circumstances of this case, we considered that the broadcaster did not take reasonable care to ensure that material facts were not presented, disregarded or omitted in a way that was unfair to Mr Ali in the programme as broadcast. We also considered that the programme made significant allegations made in the programme about him were likely to have materially and adversely affected viewers’ opinions of him, and that he did not have the opportunity to put forward his viewpoint, or response, to the serious allegations that had been made about him in the programme.

**Ofcom has upheld this complaint of unjust or unfair treatment in the programme as broadcast.**