



## Broadcasting Public Notice CRTC 2004-51

Ottawa, 15 July 2004

### Requests to add Al Jazeera to the lists of eligible satellite services for distribution on a digital basis

*The Commission **approves** the addition of the Arabic-language news and public affairs service Al Jazeera to its lists of eligible satellite services for distribution on a digital basis. A broadcasting distribution undertaking (BDU) may distribute Al Jazeera, on a digital basis only, provided that the BDU has a condition of licence that: (1) requires the licensee to retain an audio-visual recording of the Al Jazeera programming; (2) prohibits the licensee from distributing abusive comment as part of the programming of Al Jazeera, and (3) permits the licensee to alter or curtail the programming of Al Jazeera solely for the purpose of ensuring that no abusive comment is distributed. The Commission will consider expeditiously applications by licensees of BDUs for this condition of licence.*

#### The sponsors' requests

1. The Commission received requests from Vidéotron ltée (Vidéotron) and the Canadian Cable Television Association (CCTA), on behalf of its members, in their capacity as Canadian sponsors, to add the Arabic-language news and public affairs service, Al Jazeera, to the Commission's lists of eligible satellite services for distribution on a digital basis (the digital lists). Vidéotron filed its request on 12 February 2003 and the CCTA filed its request on 2 April 2003. Both sponsors included material from Reach Media Inc., the North American agent of Al Jazeera, as part of their requests.
2. The CCTA and Vidéotron (the sponsors) made a number of submissions in support of their requests. They stated that the Al Jazeera service focuses on news, information and expression of opinions, is produced in Qatar with reporters and correspondents in major Arab and other world capitals, has a strong reputation worldwide, is a strong promoter of freedom of expression, and provides unbiased and accurate coverage.
3. The sponsors submitted that adding Al Jazeera would contribute to the diversity of programming available in Canada, provide the Canadian Arab community with increased viewing choices and help keep Arab Canadians informed in their mother tongue.
4. The sponsors submitted that Al Jazeera was not totally or partially competitive with Canadian pay or specialty services. Additionally, they submitted that Al Jazeera holds all rights necessary to broadcast in Canada, would not sell advertising in Canada and would not prevent a Canadian broadcaster from obtaining rights to Al Jazeera's programming.

5. The sponsors submitted that there is a large Arab population base in Canada sufficient to support the request. Specifically, they noted that 148,555 persons in Canada claim the Arab language as their mother tongue, including 53,715 in Montréal.<sup>1</sup> They submitted that the Arab population is well integrated into the Canadian cultural fabric and that the majority would have the financial means to subscribe to Al Jazeera. The sponsors stated that several Canadian distributors have shown a marked interest in distributing Al Jazeera, including Vidéotron, Rogers Cable Inc. and Shaw Cable Inc.
6. The sponsors further argued that consumers presently turn to the grey and black markets, which offer services from distributors unauthorized to operate in Canada, to obtain ethnic services in Canada, including Al Jazeera, and that approving this request would help repatriate customers from these markets.

### **The proceeding**

7. In *Call for comments on proposals for the addition of non-Canadian satellite services to the list of services eligible for digital distribution*, Broadcasting Public Notice CRTC 2003-36, 11 July 2003 (Public Notice 2003-36), the Commission called for comments, to be filed by 11 August 2003, on the requests to add Al Jazeera to the digital lists.<sup>2</sup> In Public Notice 2003-36, the Commission noted that it was satisfied that the sponsors had provided the supporting information required in order for it to consider the requests, as set out in *Call for proposals to amend the lists of eligible satellite services through the inclusion of additional non-Canadian services eligible for distribution on a digital basis only*, Public Notice CRTC 2000-173, 14 December 2000 (Public Notice 2000-173).
8. In Public Notice 2000-173, the Commission also stated that it intended to assess requests for the addition of non-Canadian services to the digital lists in the context of its policy, which precludes the addition of new non-Canadian services that can be considered either totally or partially competitive with Canadian specialty or pay television services.

### **Comments**

9. The Commission received a large number of comments addressing the sponsors' requests to add Al Jazeera to the digital lists. Approximately 1,200 comments were filed in support of the requests, over 500 were filed in opposition, and 9 offered general comments. Comments were generally very polarized.

### **Comments in support**

10. Among the many individuals and organizations who filed supporting comments were the National Council on Canada-Arab Relations (NCCAR), the Canadian Muslim Forum, the Canadian Arab Federation (CAF), the Council on American Islamic Relations

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<sup>1</sup> According to Statistics Canada 1996 census data. Other statistics provided by the sponsors included that an estimated 300,000 to 350,000 Lebanese and 100,000 non-Lebanese Arabs live in Canada and that, according to the 1991 census, there are 253,260 persons in Canada with Islam as their religion.

<sup>2</sup> In *Extension of the deadline for submission of replies*, Broadcasting Public Notice CRTC 2003-36-1, 16 July 2003, the Commission indicated that the sponsors could file replies to any comments submitted by 15 September 2003.

Canada (CAIR-CAN), Alternative Perspective Media, Mr. David Lidov, the Arab Canadian Civil Liberties Association (ACCLA), Member of Parliament for Brampton West-Mississauga Colleen Beaumier, the Edmonton Council of Muslim Communities, the British Columbia Civil Liberties Association, the Muslim Canadian Congress and the Council of Muslim Communities of Canada.

11. In general, the supporting comments addressed three main areas:

- the Al Jazeera service itself;
- the market for the service in Canada, including the grey market; and
- issues raised by some of the programming on the service.

*The Al Jazeera service*

12. Supporting parties provided considerable additional detail on the Al Jazeera service. The CAF submitted that Al Jazeera is the pre-eminent Arabic-language television network and that it has earned a reputation in the Arab world for vehemently resisting state control and censorship.

13. The CAF submitted that Al Jazeera is objective and noted that its motto translates to “We get both sides of the story.” A number of supporting parties, including the CAF and CAIR-CAN, noted that prominent American political figures have appeared as guests on Al Jazeera, such as U.S. Secretary of State Colin Powell, U.S. National Security Advisor Condoleezza Rice and U.S. Secretary of Defense Donald Rumsfeld. Guests on the channel have also included British Prime Minister Tony Blair, Pakistani Prime Minister Pervez Musharraf, and Malaysian Prime Minister Mahathir Mohamed. These parties submitted that Al Jazeera also actively seeks out Israeli perspectives on the Middle East, noting that Israeli journalists and politicians, including former Israeli Prime Ministers Ehud Barak, Shimon Peres and Benjamin Netanyahu, regularly provide commentary and insight.

14. Many supporting parties argued that Al Jazeera is credible. They pointed out that Canadian and other Western media outlets frequently vie for feeds from Al Jazeera since the network has access to information and locations that are unavailable to Western media outlets. They noted that Al Jazeera has received awards, including the Prince Claus Fund first-place award for increasing freedom of the press in the developing world, an award from the National Council for Media in Lebanon and the prestigious Index on Censorship’s Freedom of Expression Award.

15. Many supporting parties submitted that Al Jazeera, with its emphasis on news in the Arab and broader Middle East and Muslim world, would provide a unique perspective not currently found on channels in Canada. The Canadian Muslim Forum submitted that Al Jazeera would provide Canadians with balanced coverage of the world’s events instead of one-sided views intensely influenced by American perspectives.

16. Supporting parties argued that adding Al Jazeera to the digital lists would promote the following goals of the *Broadcasting Act* (the Act): strengthening and enriching Canada's social, cultural and economic fabric; promoting and supporting multiculturalism and diversity; drawing on programs from international sources, thereby fulfilling a growing demand for ethnic programming within Canada's Arab community; and exposing the public to differing views on matters of public concern. They further submitted that approving the sponsors' requests would comply with the fundamental right to freedom of expression under the *Canadian Charter of Rights and Freedoms* (the Charter).

*The market for Al Jazeera in Canada, including the grey market*

17. Supporting parties provided detailed submissions addressing the potential market for the Al Jazeera service in Canada, including the current grey market for the service.
18. The CAF stated that the number of Canadians of Arab origin is widely estimated at 500,000 and that this figure continues to increase as immigrants from the Arab world represent the third fastest growing immigrant group arriving in Canada. The CAF stated that there is a minimal amount of Arab programming on Canadian television, and an online survey that they had conducted documented that 98% of respondents wanted to receive Al Jazeera in Canada in order to keep in touch with political and cultural events in their countries of origin.
19. A number of supporting parties, including NCCAR, CAIR-CAN and ACCLA, stated that grey-market satellite dishes currently deliver Al Jazeera to many homes in Canada. NCCAR stated that some Canadians are paying up to \$100 a month just to get Al Jazeera. CAIR-CAN submitted that an estimated several thousand Canadians tune to Al Jazeera, including those who get the channel via Internet from jumptv.com for a monthly fee.
20. ACCLA stated that thousands of Arab and Muslim Canadians presently seek out Al Jazeera's signal by "creative" means. According to ACCLA, the Arab and Muslim Canadian communities, which together number over one million, are looking to the Commission to give them a Canadian connection to Al Jazeera.

*Possible issues raised by some of the programming on Al Jazeera*

21. Some of the supporting parties discussed Al Jazeera's more controversial programming and possible issues that could be raised by some of the programming on the service.
22. NCCAR submitted that, although not all Al Jazeera reporting is agreeable, Canadians have the right to be exposed to different voices in order to have balanced perspectives, to develop informed opinions and to avoid being ignorant of and uninvolved in important issues. NCCAR added that to ban the service on the grounds that it has broadcast tapes attributed to Osama bin Laden and Saddam Hussein would be insulting to the intelligence of Canadians. It also stated that opposing the presence of Al Jazeera in

Canada undermines Canadian core values of freedom of thought and speech, ultimately serving extremists, alienating moderates and dealing a blow to Canadians' collective freedoms.

23. A number of supporting parties, including CAIR-CAN and the CAF, submitted that it was important to distinguish between the comments of Al Jazeera itself and those made by guests and viewers when determining if Al Jazeera promotes hatred. CAIR-CAN admitted that, on occasion, hateful language has been used on the service, but stated that studies conducted by the Columbia Journalism Review and others have concluded that hate-filled language heard on Al Jazeera does not come from its journalists, but from interview subjects on its programs and in news coverage. One particular reference to Jews as "apes and pigs" was in an e-mail from a viewer, read on a program a few years ago. CAIR-CAN stated that much can be gained by acknowledging the existence of anti-Semitism and providing a forum in which it can be challenged. It argued that to do so is not promoting anti-Semitism.
24. CAIR-CAN submitted that, in the unlikely event that Al Jazeera were to broadcast hateful material, the full brunt of the Canadian criminal law and the *Broadcasting Distribution Regulations* (the Regulations) could be brought to bear against the broadcasting distribution undertakings (BDUs) carrying Al Jazeera. It therefore considered that there is no need to censor the service in advance, and submitted that Canadian broadcasting is based on widespread access to information within the laws of defamation and hate. The Muslim Canadian Congress stated that what is broadcast by any service is subject to and regulated by Canadian law, the final arbitrator of which is the judiciary. Legal mechanisms for addressing concerns about hate are already in place and both civil and criminal courts provide for recourse and sanctions, should it be necessary. The Council of Muslim Communities of Canada stated that there are mechanisms in place to address racist behaviour in the media, including the Canadian Broadcast Standards Council (CBSC), with its code of practice for broadcasters. Mr. David Lidov submitted that to ban all of a bold and wide-ranging new experiment in Arabic broadcasting because some of the programming is reprehensible would not be appropriate, given that the Commission has provisions for review.
25. Many of the supporting parties submitted that to deny the requests to add Al Jazeera to the digital lists on the basis that it *could* incite hate or contravene Canadian broadcasting policy or Canadian law would be an unconstitutional prior restraint of freedom of expression that could not be justified under the Charter.

#### **Comments in opposition**

26. Among the over 500 comments received by the Commission in opposition to the sponsors' requests were those from Jewish Women International of Canada (JWIC), Global Television Network Inc. (Global), B'Nai Brith Canada (B'Nai Brith), the Canadian Jewish Congress (CJC), Christian Friends of Israel – Canada Inc. (CFI-Canada), Mr. Robert Fattal, and Asian Television Network International Limited (ATN).

27. Those opposing the requests to add Al Jazeera to the digital lists raised the following general concerns:
- Al Jazeera has a pattern of broadcasting hate propaganda during its programming, largely targeted at Jewish people, in contravention of Canadian laws and broadcast standards;<sup>3</sup> and
  - there are no regulatory mechanisms to deal with concerns about hate in non-Canadian services.
28. A less general concern, but one that was raised in some comments in opposition, was the argument that Al Jazeera is competitive with Canadian specialty services.

*The content of Al Jazeera programming*

29. Many opposing parties submitted that Canadians demand and are legally entitled to programming that reflects *Canadian* values of tolerance and respect. These parties submitted that Al Jazeera clearly endorses hate speech, as exemplified by the excerpts from its programming supplied in this proceeding and, as such, cannot be authorized by the Commission for distribution in Canada. They argued that although freedom of expression is central to the functioning of a free and democratic society, the constitutional right of freedom of expression is not absolute and must be viewed in light of other important values that safeguard the dignity and equality of all persons and groups in Canadian society. They were of the view that hate propaganda is contrary to the high purpose expressed in section 2 of the Charter. Further, they submitted that for the Commission to authorize Al Jazeera knowing that it broadcasts hate speech would be a clear violation of sections 3(1)(g) and (i) of the Act, would fly in the face of the Act's cultural diversity objective and would undermine the safety and dignity of Jewish people in Canada, contrary to section 3(1)(d).
30. The CJC stated that, under the guise of a seemingly legitimate news agency, Al Jazeera has provided hatermongers and terrorists with a platform for their views. It submitted that Al Jazeera regularly broadcasts stereotypical characterizations of Jews that resort to classic Judeophobic themes such as the image of the Jew as an alien, evil, world-dominating conspiratorial force, as well as references to Jews in coarse, insulting and repugnant language. Moreover, the CJC argued that Al Jazeera has gone further by broadcasting threats to the physical security of Jews and engaging in Holocaust denial. According to the CJC, all of these comments amount to abusive comment that, when taken in context, tends to, or is likely to expose individual Jews or the Jewish community to hatred or contempt on the basis of ethnic origin or religion.
31. Global submitted that, while much of Al Jazeera's schedule is devoted to news coverage, the service also broadcasts highly controversial talk shows and public affairs programming. Global stated that one of Al Jazeera's most popular programs, *The Opposite Direction*, a weekly talk show hosted by Dr. Faisal Al-Kassam, has included a

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<sup>3</sup> Examples from alleged past broadcasts were provided by a number of opposing parties and some of these examples are set out in the appendix to this notice.

variety of extreme and anti-Semitic views. Many parties argued that the notion that anti-Semitic, racist sentiments are acceptable because they are voiced by individuals being interviewed rather than by Al Jazeera's reporters is not a meaningful distinction. They submitted that anti-Semitic commentary on Al Jazeera is not suitable for broadcast in Canada, irrespective of whether such commentary is uttered by reporters or by various guests. The CJC noted that the Commission has, in the case of Canadian open-line programming, held that the licensee is responsible for the comments of both hosts and guests because licensees are solely responsible for selecting their journalists, hosts and guests.

32. Mr. Robert Fattal submitted that "Al Jazeera is the Arab news equivalent of the shock jock Howard Stern," and that it shows images that are admittedly real and truthful in such a way as to incite the ire of its viewers. Information is secondary, controversy is primary.

*Lack of regulatory mechanisms to deal with hate in non-Canadian services*

33. For many opposing parties, the problem of hateful comment on Al Jazeera was compounded by a concern that once a non-Canadian service is authorized for distribution, control of its content is beyond the reach of the Canadian regulatory regime. For this reason, the parties concluded that the request to add Al Jazeera to the digital lists must be denied at the outset. They submitted that, as an authorized non-Canadian satellite service rather than a Canadian licensed undertaking, Al Jazeera would not be subject to any of the regulatory requirements or standards imposed on licensed Canadian programming undertakings, including the provision requiring the retention of logger tapes. The parties considered that, in the absence of any regulatory obligations or accountability, the Commission would have no means of investigating complaints about Al Jazeera's programming or taking appropriate action as warranted. In fact, the parties were of the view that the Commission's only recourse would be to remove Al Jazeera from the digital lists in response to public pressure, a remedy that they considered to be "a blunt instrument." The CJC submitted that this unsatisfactory solution, which has rarely been used by the Commission in the past, would be tantamount to shutting the door after the proverbial horse has left the barn. Or, in the words of B'Nai Brith, once Al Jazeera was placed on the digital lists, the "genie would be out of the bottle."
34. Most opposing parties submitted that, for the reasons set out above, the Commission should deny the requests to add Al Jazeera to the digital lists. The CJC went on to submit that, in the alternative, the Commission should only authorize carriage of Al Jazeera under the following three conditions:
- Al Jazeera would be available only at the specific request of a subscriber. BDUs must fully block the service to subscribers who request that it not be receivable in their homes;
  - Initially, distribution of Al Jazeera should only be authorized for a 12-month period and BDUs should be required to file quarterly reports respecting complaints received about the service and setting out the actions they have taken to resolve the complaints. At the end of the 12-month period, the Commission

should issue a call for comments to discuss whether to continue authorizing Al Jazeera for distribution in Canada; and

- Al Jazeera should only be authorized for distribution if BDUs create a code similar to the Canadian Association of Broadcasters' (CAB) Code of Ethics and an enforcement mechanism such as the CBSC to deal with and resolve complaints. Such a mechanism should be the subject of a call for comments by the Commission, and its approval should be a condition precedent to authorizing carriage.

35. The CJC acknowledged the difficulties that would be posed by making BDUs responsible for the content of programming that they do not originate. However, it argued that it would be bizarre if licensees in the Canadian broadcasting system were subject to stringent rules respecting the portrayal of minority groups while non-Canadian services were able to blithely ignore those rules. The CJC noted that, in the mid 1990s, in the context of a complaint about violence unsuitable for children in the show *The Mighty Morphin Power Rangers*, the Commission expressed concern about divergent regulatory regimes applicable to Canadian and non-Canadian services. The Commission called for public input on the issue and suggested, as an approach, that BDUs be required to curtail any program, including a non-Canadian program, that the Commission determined would contravene an approved code on violence, or in the alternative, that the program be encrypted and scrambled. Ultimately, the Commission chose to implement a V-chip based ratings system.
36. The CJC argued that when BDUs seek authorization to carry a non-Canadian service, they are in effect originating programming for the purposes of section 8 of the Regulations. Therefore, according to the CJC, BDUs seeking authority to distribute Al Jazeera must establish that the service will not violate section 8 if it is authorized and must be prepared to take ongoing responsibility for the service.

*Competitiveness of Al Jazeera with Canadian services*

37. ATN submitted that any non-Canadian Arabic-language service would be totally competitive with the Arabic Category 2 service it has been authorized to provide. ATN also noted that it had been exploring the possibility of carrying Al Jazeera's programming as part of its service, and submitted that adding Al Jazeera to the digital lists would frustrate such a possibility.
38. Global and B'Nai Brith submitted that the Commission has already approved a number of as yet unlaunched Arabic Category 2 specialty services that proposed programming similar to that offered by Al Jazeera. The parties considered that adding Al Jazeera to the digital lists would be contrary to the Commission's policy that precludes authorization of non-Canadian services that are deemed to be competitive with Canadian services.



#### *Other comments*

39. A number of parties neither opposed nor supported the request to add Al Jazeera to the digital lists but commented on the issues of the programming standards applicable to non-Canadian services, either in general, or specifically in relation to Al Jazeera, and on the appropriate role of the Commission in this regard.
40. Although they did not specifically address Al Jazeera in their comments, both the CAB and Stornoway Communications Limited Partnership noted that Canadian services are subject to the direct oversight and regulation of the Commission through generally applicable policies and regulations and through specific conditions of licence. Canadian services are also required to adhere to the programming standards and codes of the CBSC, ensuring that their programming accords with Canadian values, aspirations and needs. These parties submitted, by contrast, that non-Canadian services are not subject to these safeguards, and there is an ever-increasing imbalance between the obligations and contributions of the Canadian services and the already numerous non-Canadian services enjoying an unregulated environment in Canada.
41. The Center for Research-Action on Race Relations (CRARR) commented on the requests to add Al Jazeera to the digital lists, but neither opposed nor supported the requests. It submitted that the relevant question was whether the Commission has the constitutional obligation to ensure that it does not approve non-Canadian services for distribution in Canada that have the effect of subjecting certain individuals or classes of individuals to situations where their civil rights may be violated or where they are exposed to hate, contempt and ridicule because of personal characteristics listed in section 15 of the Charter. CRARR submitted that options must be considered whereby a non-Canadian service can, and should, be distributed in Canada with programming and practices that meet Canadian broadcast standards, bearing in mind the desirability of having independent third-language ethnic broadcasters play a more active role in bridging Canada with the rest of the world.

#### **The sponsors' replies**

42. The CCTA noted the concerns that some of Al Jazeera's past broadcasts may have breached Canadian laws or broadcast standards and recognized that these concerns are serious and should not be lightly dismissed. Vidéotron stated that it does not intend to be involved in differences in the tastes of its clientele. However, Vidéotron also stated that, if any service on Videotron's distribution list were found by Canadian authorities to be unacceptable, it would stop distributing the service.
43. Both the sponsors attached a letter from Reach Media Inc., the North American representative of Al Jazeera, to their replies. In that letter, Reach Media Inc. stated that Al Jazeera will take full responsibility for the content it airs, will comply with all applicable regulations and will be a proud addition to the Canadian broadcasting system. Reach Media Inc. stated that Al Jazeera has great respect for Canadian laws and regulations. It also submitted that Al Jazeera enforces the principles put forward by the Commission concerning balanced programming by providing a reasonable opportunity

for the expression of various opinions and different views on matters of public concern. Furthermore, Reach Media Inc. stated that Al Jazeera will make sure that the proper balance is achieved on such matters within its programming schedule within a reasonable period of time.

44. Reach Media Inc. also stated that, while covering very tense and difficult events like the Iraqi war, some guests or persons interviewed may exceptionally make a poor choice of words or make comments that would gather very little, if any, support and that, sometimes, tempers can flare. Reach Media Inc. stated that, when this happens, Al Jazeera does not condone any excessive wording, poor judgment or reprehensible behaviour, and does not promote hatred or racism or endorse any criminal wrongdoing. Reach Media Inc. stated that “certain persons might do it, though, and sometimes, it is part of the news that particular day.” It further indicated that, if this happens, Al Jazeera will make sure that the proper perspective is restored with a professional counter-opinion as soon as possible, as any responsible broadcaster would do. Reach Media Inc. stated that Al Jazeera, as a corporate entity, would never support anti-Semitism, knowing that any unfair treatment of a person because of origin is a wrongful act, and that Al Jazeera is not favourable to abusive comments and will be more sensitive to the way opinions are expressed. It submitted that Al Jazeera does not condone abusive behaviour whatsoever, and that the service will take necessary steps to avoid abusive language situations and will make sure that nobody is able to act in such a way without being immediately corrected.
45. In its reply, the CCTA stated that Al Jazeera has clearly committed to take “full responsibility for the content it airs” and, in light of this, the Commission should refrain from pre-judging Al Jazeera’s ability to abide by Canadian law. The CCTA was of the view that, once it is authorized, if Al Jazeera broadcasts content that is found to be illegal, responsibility for content should and does reside with the originator of that content and Al Jazeera should be held fully accountable. In the event of a complaint, the CCTA submitted that the Commission has the ability to fully and fairly assess whether Al Jazeera has breached its commitment and, if necessary, to take steps to remove the service from the digital lists.

### **The Law**

46. The Commission considers that the following provisions of the Act, the Regulations and the Charter are relevant to the sponsors’ requests to add Al Jazeera to the digital lists.

### **The Act**

47. Section 5(1) of the Act provides, *inter alia*, that the:

...Commission shall regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy set out in subsection 3(1) and, in so doing, shall have regard to the regulatory policy set out in subsection (2).

48. Relevant portions of subsection 3(1) provide as follows:

3.(1) It is hereby declared as the broadcasting policy for Canada that

...

(d) the Canadian broadcasting system should

(i) serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada,

...

(iii) through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society,

...

(h) all persons who are licensed to carry on broadcasting undertakings have a responsibility for the programs they broadcast;

(i) the programming provided by the Canadian broadcasting system should

(i) be varied and comprehensive, providing a balance of information, enlightenment and entertainment for men, women and children of all ages, interests and tastes,

(ii) be drawn from local, regional, national and international sources,

...

(iv) provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern ...

49. Section 2(3) of the Act provides:

This Act shall be construed and applied in a manner that is consistent with the freedom of expression and journalistic, creative and programming independence enjoyed by broadcasting undertakings.

### **The Regulations**

50. Also relevant are sections 7 and 8 of the Regulations, which provide as follows:

7. A licensee shall not alter or delete a programming service in a licensed area in the course of its distribution except

(a) as required or authorized under a condition of its licence or these Regulations;

- (b) for the purpose of complying with subsection 328(1) of the *Canada Elections Act*;
- (c) for the purpose of deleting a programming service to comply with an order of a court prohibiting the distribution of the service to any part of the licensed area;
- (d) for the purpose of altering a programming service to insert an emergency alert message in accordance with an agreement entered into with the operator of the service or the network responsible for the service;
- (e) for the purpose of preventing the breach of programming or underlying rights of a third party, in accordance with an agreement entered into with the operator of the service or the network responsible for the service; or
- (f) for the purpose of deleting a subsidiary signal, unless the signal is, itself, a programming service or is related to the service being distributed.

8.(1) No licensee shall distribute a programming service that the licensee originates and that contains

- (a) anything that contravenes any law;
- (b) any abusive comment or abusive pictorial representation that, when taken in context, tends to or is likely to expose an individual or group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability;
- (c) any obscene or profane language or pictorial representation; or
- (d) any false or misleading news.

(2) For the purpose of paragraph (1)(b), sexual orientation does not include the orientation towards a sexual act or activity that would constitute an offence under the *Criminal Code*.

### **The Charter**

51. In addition, the following sections of the Charter are relevant:

- 1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

2. Everyone has the following fundamental freedoms: ...

- b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; ...

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

27. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

## **The Commission's analysis and determinations**

### **Competitiveness**

52. The Commission considers that the Canadian Arabic services that it has authorized to date are general interest programming services and that none of these services is devoted exclusively to news and public affairs. Given that Al Jazeera is a service specializing in news and public affairs in Arabic, the Commission finds that there is no material overlap between Al Jazeera and any Canadian pay or specialty service, and that Al Jazeera would therefore not be competitive.

### **Nature of the Al Jazeera service and the diversity it could provide**

53. The Commission is not persuaded by the minority of those who commented in this proceeding that Al Jazeera is something other than a legitimate news service, that it somehow operates under the guise of a seemingly legitimate news agency but that its real objective is to promote terrorism and hate, or that it is primarily a vehicle for shock, not information, and that it should be denied authorization on this basis.
54. The record of this proceeding includes evidence of the range of Al Jazeera's programming, its interviews with many of the most prominent political figures of our time, the many other media outlets that have used its feeds, and the awards that it has won. On the basis of this record, the Commission finds that the addition of Al Jazeera to the digital lists could provide more variety in the programming provided by the Canadian broadcasting system, specifically by offering the differing perspective of an Arabic-language international news programming service. It could also contribute to serving the needs and interests, and reflecting the circumstances and aspirations, of Arab-Canadian men, women and children. It could also contribute to serving the needs and interests of one of the multicultural and multiracial sectors of Canadian society by increasing the amount of programming available to Arab-Canadians in their language of comfort. In these respects, the Commission finds that authorizing the distribution of Al Jazeera could contribute towards the achievement of some of the objectives of sections 3(1)(d)(iii) and 3(1)(i)(i) and (ii) of the Act. In addition, the Commission finds that

distribution of Al Jazeera could provide an opportunity for the public to be exposed to the expression of differing views on matters of public concern and, accordingly, adding it to the digital lists could contribute to the achievement of the objective of section 3(1)(i)(iv) of the Act.

#### **Interest in Al Jazeera**

55. The Commission is persuaded by the record of this proceeding that many Canadians are interested in receiving Al Jazeera. The Commission further considers that authorizing the distribution of Al Jazeera could assist in counteracting the migration of consumers to the grey and black market, a serious concern identified by the sponsors, and could thereby strengthen the financial health of Canadian BDUs. Accordingly, adding Al Jazeera to the digital lists could also contribute to the achievement of some of the objectives set out in section 3(1)(d)(i) of the Act by safeguarding, enriching and strengthening the economic fabric of Canada.

#### **Concerns related to abusive comment**

56. A central factor in the Commission's consideration of the requests to add Al Jazeera to the digital lists is the submission of opposing parties that Al Jazeera has a pattern of broadcasting comments that expose Jews to hatred or contempt on the basis of religion or ethnic origin, contrary to Canadian values and the broadcasting policy objectives set out in the Act. A number of opposing comments included examples of abusive statements that the parties submitted had been broadcast by Al Jazeera in the past. Some of these statements are set out in the appendix to this notice. Because opposing parties argued that there are no regulatory mechanisms to deal with the broadcast of such statements by non-Canadian services, the preferred position of most of these parties was that the Commission deny the requests to add Al Jazeera to the digital lists.
57. The broadcast of hateful or abusive comment is contrary to Canadian broadcast standards and values. The Commission has, by regulation, prohibited broadcasting programming undertakings, and BDUs with respect to programming that they originate, from broadcasting or distributing any abusive comment or abusive pictorial representation that, when taken in context, tends to or is likely to expose an individual or group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability.
58. The Commission is required, pursuant to section 5(1) of the Act, to regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy set out in section 3(1) of the Act. The Act's definitions make clear that BDUs are part of the Canadian broadcasting system. Section 3(1) of the Act sets out an extensive declaration of the broadcasting policy for Canada, listing a number of policy objectives. The policy objectives that are relevant to the requests to add Al Jazeera to the digital lists in light of the allegations of abusive comments on that service, and are found in sections 3(1)(d)(i) and (iii), are paraphrased below:

1. The Canadian broadcasting system should serve to *safeguard, enrich and strengthen the cultural, political and social fabric* of Canada; and
  2. The Canadian broadcasting system should, *through its programming* serve the needs and interests, and reflect the circumstances and aspirations, of Canadians, including *equal rights* and the *multicultural and multiracial nature of Canadian society*.
59. The Commission's abusive comment regulation prohibits abusive comment that tends to or is likely to expose an individual or group or class of individuals to hatred or contempt on the basis of religion, ethnic origin or other grounds set out therein. The abusive comment regulation is intended to prevent the very real harms that such comments cause, harms<sup>4</sup> which undermine the policy goals set out above. The first harm caused by comments that tend to or are likely to expose a person or group to hatred or contempt is the emotional damage caused by the comments, which may be of grave psychological and social consequence to members of the target group. The derision, hostility and abuse encouraged by such comments have a severely negative impact on the targeted group or individual's sense of self-worth, human dignity and acceptance within society. In extreme cases, when the comment is so hateful that it could incite violence, it could also threaten the physical security of those targeted. This harm undermines the equality rights of those targeted; rights which the programming of the Canadian broadcasting system should reflect, according to Canadian broadcasting policy.
60. In addition to preventing the harm to targeted persons, the regulation prohibiting abusive comment is necessary to ensure that Canadian values are respected for all Canadians. The distribution of comment provoking hatred or contempt can cause further harm beyond the harm to targeted persons by attracting individuals to its cause and in the process creating serious discord between various cultural groups in Canadian society to the detriment of all of Canadian society. This further harm undermines the cultural, political and social fabric of Canada, which the Canadian broadcasting system should safeguard, enrich and strengthen. It also undermines the multicultural and multiracial nature of Canadian society, which the programming of the Canadian broadcasting system should reflect. Accordingly, protection from the harms of abusive comment is not only for the benefit of Jewish-Canadians, but for all Canadians, including Arab-Canadians. In fact, the Commission notes that the comments submitted by many parties supporting the distribution of Al Jazeera, including many organizations representing Arab-Canadians, indicated that they either assumed or were of the view that Canadian laws and broadcast standards would apply to the service.
61. In regulating and supervising the Canadian broadcasting system to prevent abusive comments that would undermine Canadian broadcasting policy objectives set out in the Act, the Commission must be mindful of section 2(3), which provides that the Act "shall be construed and applied in a manner that is consistent with the freedom of expression and journalistic, creative and programming independence enjoyed by broadcasting

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<sup>4</sup> These harms have been recognized by the Supreme Court of Canada: *R. v. Keegstra*, [1990] 3 S.C.R. 697 and (*Canada Human Rights Commission*) v. *Taylor*, [1990] 3 S.C.R. 892.

undertakings.” The Commission must also take into account the provision of section 2(b) of the Charter, which guarantees freedom of expression to everyone. The Commission must consider the freedom of expression rights of broadcasting undertakings as well as those of potential viewers.

62. In the Commission’s view, the objective of its abusive comment regulation justifies limiting the right to freedom of expression. The harms flowing from abusive comment threaten the values of equality and multiculturalism, values enshrined in Canadian broadcasting policy objectives and in sections 15 and 27 of the Charter. The regulation strikes the appropriate balance between protecting against the harms of abusive comment as discussed above, an objective that the Commission considers to be pressing and substantial, and respecting freedom of expression. The Commission notes that the Supreme Court of Canada has upheld the objective of hate propaganda laws as sufficiently compelling to justify limiting the expression right in a number of cases.<sup>5</sup>
63. In order to determine if it is appropriate to deny the requests to add Al Jazeera to the digital lists because of concerns about abusive comment, as proposed by opposing parties, the first question to consider is whether the statements from Al Jazeera’s broadcasts as supplied by these opposing parties would be contrary to Canadian broadcasting policy.
64. The starting point for this determination is a detailed examination of the statements themselves. The Commission notes that the CCTA and Vidéotron did not address any of these statements specifically in their replies, and did not deny that the statements had been broadcast.
65. There is no doubt that a statement that Jews are “sons of apes and pigs” and “the most despicable people ... worms ... all evil,” and that the U.S. should “get rid” of the Jews, would, in the absence of extenuating context, frustrate the achievement of the broadcasting policy objectives set out in the Act. The same can be said of a statement that “God ... will not be deterred unless there is a true holocaust that will exterminate all of [the Jews] at once ....” The distribution of such statements and others in the appendix has the potential to weaken the cultural and social fabric of Canada contrary to section 3(1)(d)(i) of the Act and, contrary to section 3(1)(d)(iii), would not serve the needs and interests, and reflect the circumstances and aspirations of Canadians, including Jewish Canadians, including equal rights and the multicultural and multiracial nature of Canadian society.
66. The Commission notes that a supporting party, CAIR-CAN, acknowledged that a reference to Jews as “apes and pigs” was broadcast on Al Jazeera. CAIR-CAN stated that the reference came from an e-mail from a viewer and was read on a show a few years ago. CAIR-CAN submitted that much can be gained by acknowledging the existence of anti-Semitism and providing a forum in which it can be challenged. It argued that that to do so is not promoting anti-Semitism. While the Commission accepts that some of the statements, if presented in the context of a forum challenging anti-

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<sup>5</sup> *Ibid.*



Semitism, might not be considered as likely to expose Jews to hatred or contempt, it notes that neither the sponsors nor any supporting parties submitted any evidence that the statements were actually presented in any such context.

67. The Commission also notes the submissions of a number of supporting parties that it is important to distinguish between the statements of Al Jazeera hosts and statements made by guests or viewers. In the view of these parties, if there was hate in some of the statements, it was hate that Al Jazeera “reported on” rather than expressed, condoned or adopted, and this distinction is meaningful. The Commission notes that relatively few of the statements included in the opposing submissions appear to have been made by employees of Al Jazeera, and that most occurred when Al Jazeera reported the controversial views of others or broadcast views provided by viewers or guests. However, the Commission also notes that the policy that it employs with its licensees, a policy most frequently used in terms of open line programming, is based on the principle that the licensee chooses its guests and the viewers or listeners calling in that it puts on the air. The licensee is therefore responsible for the statements made by such guests, viewers or listeners. Supporting parties also submitted that the reporting of news is vitally important to a free and democratic society. However, the Commission considers that there is a line between reporting on hate as news in newscasts or news coverage, as opposed to facilitating its expression or directly expressing, condoning or adopting it. In this case, it does not appear that any of the statements in the appendix were news reports.
68. At the same time, based on the record of this proceeding, the Commission finds that a decision to deny the requests to add Al Jazeera to the digital lists, which would mean that the service could not be distributed by any BDU in Canada, would *not* strike the appropriate balance between protecting against the harms of abusive comment and respecting freedom of expression for the reasons that follow.
69. First, the Commission notes that most of the statements from Al Jazeera broadcasts provided by opposing interveners were provided in isolation with almost no context in which to evaluate them. Context, including cultural context, is particularly important given that the statements provided were translations from Arabic and, as such, may not have conveyed the full intent and meaning of the original words in the Arabic culture. Other important considerations include the nature of the program and the circumstances during the program in which the statements were made. It would not be appropriate for the Commission to deny the requests to add Al Jazeera to the digital lists based on statements that the parties submitted were broadcast in the past but for which adequate context was not provided. In coming to this conclusion, the Commission does not, in any way, minimize the potential harmful effect of the statements or the possibility that, if considered in context, some or all of them might have been contrary to Canadian broadcasting policy.
70. A second reason why the Commission considers that it cannot demonstrably justify a decision to refuse to add the entire Al Jazeera service to the digital lists and thereby deny Arab Canadians and other potential viewers the benefits of the diversity such

programming would provide is because the Commission has before it only a relatively small number of statements that parties submitted were broadcast by the service. Parties did not always identify what Al Jazeera program statements came from. When the program source was identified, the Commission notes that only a few programs, mostly *The Opposite Direction*, were cited frequently. The Commission has no evidence that the majority of Al Jazeera programs raise any concerns about abusive programming. The relatively limited number of statements is too slim an evidentiary base upon which to characterize the entire programming of a service that has, to the best of the Commission's knowledge, been broadcasting 24 hours a day, 7 days a week, since 1996.

71. Finally, most of the statements cited were made well over two years ago and may not provide accurate examples of Al Jazeera's current programming. The Commission notes the commitments included in the reply comments of the CCTA and Vidéotron that Al Jazeera would take the necessary steps to avoid abusive comment and would be more sensitive to the way opinions are expressed. The Commission also notes the submissions in these reply comments that Al Jazeera "has a great respect for Canadian laws and regulations," and "will be a proud addition to the Canadian Broadcasting System." In light of the statements in the appendix to this notice, the Commission would have concerns about accepting at face value the statement from the representative of Al Jazeera that the service will not broadcast abusive comment, especially because the Commission has no regulatory power over Al Jazeera. On the other hand, the Commission has no basis on which to treat the statement as untrue or to disregard it.
72. Accordingly, the Commission has decided to add Al Jazeera to the digital lists. However, this alone does not fulfill the Commission's responsibilities. The Commission still has the duty under the Act to balance, on the one hand, freedom of expression, the broadcasting policy objectives of programming diversity, the provision of programming drawn from international sources, the provision of differing views on matters of public concern and a broadcasting system that safeguards, enriches and strengthens the economic fabric of Canada, with, on the other hand, the policy objectives of ensuring that programming reflects the equal rights of Canadians and the multicultural and multiracial nature of Canadian society and that the system safeguards the cultural, political and social fabric of Canada.
73. In light of the statements that Al Jazeera has, according to parties, broadcast in the past and the potential harmful effects of such statements, the Commission determines as a finding of fact that there is sufficient credible evidence to establish that future Al Jazeera programming, taken in context, could include abusive comment that could be contrary to Canadian law and be inconsistent with the section 15 Charter value of equality that underlies Canadian broadcasting policy. Given the seriousness of these matters and the fact that the Commission's abusive comment regulation does not apply to non-Canadian programming distributed by BDUs, the Commission has a duty to consider whether it is reasonable and necessary to authorize Al Jazeera, subject to certain measures, in an effort to prevent, to the greatest extent possible, the distribution of abusive comment on the service and thereby draw an appropriate balance among all of the objectives, rights and values articulated in the preceding paragraph.

74. Before considering specific measures, however, the Commission notes the arguments of a number of supporting parties that, even in the event that Al Jazeera were to broadcast hateful material, a number of mechanisms already exist to deal with such concerns *after* the broadcast. Some of the mechanisms identified by these parties were Commission regulations, the CBSC, criminal hate speech laws, defamation laws and the ability of the Commission to delist the service.
75. The Commission is not persuaded that these mechanisms are either currently available or, that if they are, they would be effective to deal with abusive comment that may be broadcast on Al Jazeera. First, the Commission notes that the prohibition on abusive comment contained in section 8(1)(b) of the Regulations applies only to programming that a distribution undertaking *originates* and, therefore, would not apply to the Al Jazeera service. Second, membership in the CBSC is not open to non-Canadian broadcasters. Third, the Commission is doubtful that hate and defamation laws would be effective to deal with Al Jazeera programming distributed in Canada. Finally, delisting would be disruptive to subscribers and is too blunt an instrument to be relied upon as the primary method to deal with concerns about a potentially small portion of the programming.

*Recordings to provide context*

76. The first measure considered to address concerns about abusive comment is a requirement that a licensee of a BDU that distributes Al Jazeera retain an audio-visual recording of each Al Jazeera program for a period of four weeks and provide such recording to the Commission upon request, if the Commission wishes to investigate whether any abusive programming has been distributed. The purpose of this measure would be to ensure that the Commission and licensees of BDUs will be able to verify and assess the context of the programming in the event of any future concerns about abusive comment on Al Jazeera's programming. Pursuant to section 5(2)(g) of the Act, the Commission must consider the administrative burden that this requirement would impose on licensees of BDUs wishing to distribute Al Jazeera. The Commission finds that the expense to a licensee of a BDU of retaining such recordings would be minimal. Most licensees of large BDUs are already required to keep such recordings pursuant to sections 28(2) and (3) of the Regulations for programming that they originate.
77. The Commission also finds that it would contribute to the achievement of the policy objectives of the Act if the Commission were to accept and investigate any complaints about abusive comment on Al Jazeera. The Commission would, of course, provide the relevant licensees an opportunity to comment before it would make a determination on any such complaints. Audio-visual recordings would permit a contextual and evidence-based examination of any future concern about potential abusive comment on Al Jazeera. The Commission considers that such an examination would be necessary before it could properly exercise its power to delist the service, given the right to freedom of expression. The Commission finds that the requirement for audio-visual recordings is necessary in conjunction with a public complaints process to ensure the right and proper balance between the various rights and broadcasting policy objectives.

*Responsibility of distributors*

78. The second measure considered is a requirement that a BDU distributing Al Jazeera not distribute, as part of that service, any abusive comment or abusive pictorial representation that, when taken in context, tends to or is likely to expose an individual or group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability. In conjunction with this measure, the Commission would permit a BDU distributing Al Jazeera to alter or delete the programming service in the course of its distribution *solely* for the purpose of complying with the requirement.
79. The Commission is of the view that it is necessary to impose the requirement that no abusive comment be distributed as part of the Al Jazeera programming service on licensees of BDUs distributing Al Jazeera to prevent, to the greatest extent possible, the distribution of abusive comment on the service pursuant to the Commission's statutory responsibility to regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy set out in section 3(1) of the Act. The policies that are most relevant to such a requirement are found in sections 3(1)(d)(i) and (iii) and section 3(1)(h) and are paraphrased as follows:
1. The Canadian broadcasting system should serve to *safeguard, enrich and strengthen the cultural, political and social fabric* of Canada;
  2. The Canadian broadcasting system should, *through its programming* serve the needs and interests, and reflect the circumstances and aspirations, of Canadians, including *equal rights* and the *multicultural and multiracial nature of Canadian society*; and
  3. All persons who are licensed to carry on broadcasting undertakings have a responsibility for the programs they broadcast.
80. The CCTA argued in its reply comment that responsibility for content should reside with the originator of the content, that is, Al Jazeera. The Commission considers that this is simply not viable. The Commission does not license Al Jazeera and has no direct jurisdiction over it. The only link the Commission would have to Al Jazeera is through the licensed BDU that makes the choice to distribute Al Jazeera and maintains a contractual relationship with that service.
81. The Commission recognizes that this measure is a restriction on the freedom of expression of BDUs and, potentially, of viewers of Al Jazeera. However, the right to freedom of expression is not absolute; it is subject to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. The Commission considers that this requirement is justified because it is demonstrably necessary, based on the record of this proceeding, to ensure that Al Jazeera programming distributed in Canada reflects the circumstances and aspirations of Canadians, including

equal rights and the multicultural and multiracial nature of Canadian society. The Commission also considers that the requirement is minimally impairing. It does not deprive BDUs and Canadian viewers of the Al Jazeera service.

82. How a licensee of a BDU exercises its responsibility, at first instance, will be up to the licensee. The Commission would not necessarily find it unreasonable if different licensees of BDUs exercised this responsibility in different ways. Some might be more proactive than others. No licensee of a BDU is actually required to alter or curtail the Al Jazeera signal as a result of this notice. The Commission considers that the relationship that a licensee of a BDU that is distributing the service will have with Al Jazeera, especially in light of the commitments made on Al Jazeera's behalf by its agent in this proceeding, may well provide the licensee with other options to deal with abusive programming concerns. If a licensee does alter or curtail the programming, the Commission requires it to exercise the power sparingly to alter or delete *only* to deal with abusive comment. The Commission recognizes the additional administrative burden that licensees wishing to distribute Al Jazeera will face as a result of this measure. The Commission, however, does not expect this administrative burden to be excessive, although it is difficult to determine the precise extent of such a burden before Al Jazeera is distributed.
83. The Commission also notes that, under this measure, the range of options available to licensees of BDUs to deal with any abusive comment on Al Jazeera is greater than those available to the Commission. Although the Commission retains the ability to delist the Al Jazeera service, many parties argued that delisting was too blunt a measure.

## Conclusion

84. In light of all of the above, the Commission **approves** the addition of Al Jazeera to the digital lists. The revised digital lists are set out in *Revised lists of eligible satellite services*, Broadcasting Public Notice CRTC 2004-52, 15 July 2004. These lists note that authorization to distribute Al Jazeera is subject to the licensee of the BDU having a condition of licence governing the distribution of Al Jazeera. The Commission is prepared to consider expeditiously applications by licensees of BDUs for a condition of licence that would:
1. Require a BDU distributing Al Jazeera:
    - a) to retain and provide a clear and intelligible audio-visual recording of each Al Jazeera program distributed on its undertaking for a period of
      - i) four weeks after the date of distribution of the program; or
      - ii) eight weeks after the date of distribution of the program, if the Commission receives a complaint about abusive comment from a person regarding the program or for any

other reason wishes to investigate abusive programming and so notifies the licensee before the end of the period referred to in paragraph (i); and

- b) not to distribute, as part of the Al Jazeera programming service, any abusive comment or abusive pictorial representation that, when taken in context, tends to or is likely to expose an individual or group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability.
2. Permit a BDU distributing Al Jazeera to alter or delete the service in the course of its distribution solely for the purpose of complying with requirement 1(b) above.

Secretary General

*This document is available in alternative format upon request, and may also be examined at the following Internet site: <http://www.crtc.gc.ca>*

## Appendix to Broadcasting Public Notice CRTC 2004-51

### Examples of statements from Al Jazeera's broadcasts as supplied by parties submitting comments

Faisal Al-Qassam (host of a two hour weekly call-in show entitled *The Opposite Direction*), discussing "Is Zionism worse than Nazism?" on 15 May 2001, chose to read, on air, a viewer's e-mail speaking of Jews as "the sons of Zion, whom our God described as the sons of apes and pigs."

In the same show, Faisal Al-Qassam also read a viewer's e-mail stating, "God...will not be deterred unless there is a true holocaust that will exterminate all of [the Jews] at once..."

- *CJC*
- *JWIC*
- *Global*

On 22 January 2002, program host, Faisal Al-Qassam, wondered whether Osama bin Laden was good or bad for Islam. A Saudi cleric, arguing in the affirmative, described Jews as "the most despicable people ... worms ... all evil" blaming Jews for 9/11 and calling on the United States to "get rid of them".

- *B'nai Brith*

Dr. Faisal Al-Kassam, host of one of Al Jazeera's most popular programs called *The Opposite Direction*, a weekly talk show, has included a broadcast with a Saudi Arabian cleric following 9/11 who apparently "blamed the attack not on al-Qaeda but on Jewish evil and deception" ... claiming "we warned the U.S. and advised it to get rid of the Jews".

- *Global*

Abdallah Bib Matruk Al-Haddal, a Saudi cleric, stated on *The Opposite Direction* on 22 January 2002 that the U.S. should "get rid" of the Jews.

- *CJC*

On the same show, Abdallah Bib Matruk Al-Haddal stated that "I believe it [September 11<sup>th</sup>] was ... a continuation of an ancient attack. It is a continuation of the Jewish deception and the Jewish-Zionist wickedness ... Jewish fingerprints have infiltrated the U.S. Jewish evil and deception are those who attacked the U.S."

- *CJC*

Malik Al-Teriki, the host of *Issues of the Hour*, commented, on air, that “the possibility of the Israelis having prior knowledge about those who conducted the September 11 attacks was very strong, and that they nonetheless decided not to inform their American allies.”

- *CJC*

24 October 2000: The Palestinian Liberation Army Mufti, Sheikh Col Nader Al-Tamini said in a television debate “there can be no peace with the Jews because they suck and use the blood of Arabs on the holidays of Passover and Purim.”

- *JWIC*

- *B'nai Brith*

Osama Bin Laden stated, in a sermon broadcast in March 2003, “Come let me tell you who the Jews are. The Jews have lied about the Creator, and even more so about His creations. The Jews are the murderers of the prophets, the violators of agreements, of whom Allah said: ‘Every time they make a promise under oath some of them violated it; most of them are unbelievers.’ These are the Jews: usurers and whoremongers. They will leave you nothing, neither this world nor religion. Allah said of them: ‘Have they a share in [God’s] dominion? If they have, they will not give up so much as would equal a spot on the stone of a date.’ Such are the Jews who, in accordance with their religion, believe that human beings are their slaves and that those who refuse [to recognize this] should be put to death...”

- *CJC*

Ayman Al-Zawahiri stated, in a tape broadcast on 21 May 2003, “Take revenge against your enemies, the Americans and the Jews,” and “The crusaders and the Jews do not understand but the language of killing and blood.”

- *CJC*

Sheikh Yosef al-Karudari, an influential Muslim cleric, also hosts a weekly show on Al Jazeera called *Sharia and Life*. The Sheikh said he “blesses Palestine suicide bombers as martyrs and justifies killing Israeli civilians, even women and children. Every man has the right to blow himself up inside this military society.”

- *Global*



Sheikh Yousif Al-Karadawi, a host of by many accounts the most popular weekly programme, *Sharia and Life* described Palestinian suicide bombings as “the supreme form of Jihad ... and a type of terrorism that is allowed by the Sharia [Muslim law].” He added that “the term ‘suicide operations’ is an incorrect and misleading term, because these are heroic operations of martyrdom ... the Mujahid [murderer] becomes a ‘human bomb’ that blows up at a specific place and time, in the midst of the enemies of Allah and the homeland, leaving them helpless...”

- *CJC*

Faisal Al-Qassam, host of *Opposite Direction*, a call-in show, stated, on 10 July 2001: “Hezbollah’ is a beautiful, mighty name, and as many have said, it succeeded in expelling the Zionists from southern [Lebanon] like dogs - my apologies to the dogs...”

- *CJC*

Sheikh Suleiman Abu Gheith, an Al Qaeda spokesman, phoned in to *The Opposite Direction* on 10 July 2001 and commented that “Muslim merchants must give charity to support the holy Jihad against the Jews and the Christians.”

- *CJC*

In an interview with CBC, Dr. Azman Al-Kamini, a stand-in host for *Sharia and Life* apparently commented that Sheik Al-Karadawi, the regular host, does not “incite” suicide bombings, but rather “motivates people to sacrifice themselves for a noble cause.”

- *CJC*

- *Global*

In a 1998 Al Jazeera interview, Osama bin Laden named his umbrella terrorist group the “International Islamic Front to confront Jews and crusader,” adding “We pray to God to grant them victory and revenge on the Jews and Americans.”

- *CJC*

In a letter read on air 23 September 2001, Osama bin Laden stated: “We hope these brothers [Muslims] are the first martyrs in the battle of Islam in this age. The new Jewish crusader campaign is led by the biggest crusader Bush under the banner of the cross” and “destroy the new Jewish Crusade campaign on the soil of Pakistan and Afghanistan.”

- *CJC*

In an audiotape broadcast on 11 February 2003, Osama bin Laden appealed to Muslims to fight any attack on Iraq, backing his appeal with a quotation from the Qur'an: "You shouldn't take the Jews and the Christians as friends and whoever helps them becomes one of them."

- *CJC*

Robert Faurisson, a French Holocaust denier, said via telephone interview broadcast on *The Opposite Direction* on May 15 2001: "We have proved and are still proving that there was no massacre or Holocaust of the Jews, and that there were no gas chambers for the Jews and that the figure of six million is exaggerated ... the biggest lie of the Twentieth and Twenty-First centuries, the lie of the Holocaust."

- *CJC*

Ibrahim Alloush called in to the same episode of *The Opposite Direction* to state: "The Holocaust myth has three aspects. First, there is the lie about the policy of extermination of the Jews; second, the lie about the killing of six million Jews in the Second World War; and third, the lie about the gas chambers, because they are where the Jews were supposedly exterminated. If we prove that the gas chambers did not exist, as the historians have done, the entire Holocaust myth will collapse."

- *CJC*