

This is a letter about the decision by the West Midlands Police to refer Channel 4 to OFCOM in relation to its Dispatches programme "Undercover Mosque". This decision raises serious questions about media freedom in Britain, and about whether public authorities tasked with upholding the rule of law are now, as a matter of policy, giving special assistance to those who seek to undermine the rule of law, and the pluralist, liberal, democratic culture which both underpins it and guarantees community cohesion. As you know, the decision has caused widespread concern.

I saw "Undercover Mosque" when it was originally broadcast. You'll be aware that the programme illustrated the separatist political ideology preached by extremists in Britain - an ideology which deliberately targets the moderate mainstream Muslim majority, and seeks to convert vulnerable young Muslims in particular to separatism and extremism.

You'll also be aware that at least some of the separatists shown on the programme were offered the right of reply, and that moderate Muslims, some of whom work in partnership with the Government, were shown on the programme expressing their alarm about the ideology in question.

The following quotes from the programme help to portray the nature of this ideology, as made by Abu Usumah, a separatist extremist –

“No-one loves the kuffaar, no-one loves the kuffaar, not a single person here from the Muslims loves the kuffaar, whether those kuffaar are from the UK or the US. We love the people of Islam and we hate the people of kufr, we hate the kuffaar.”

“I don't believe them, because they are kuffaar, lying is part of their religion.”

“It has come to pass that the Christians and the Jews, America, the UK, France, Germany, they have come against the religion of Islam. Why give up your religion and your long legacy of Islam, to please someone who is an enemy to you?”

“Muslims shouldn’t be satisfied with living in other than the total Islamic state.”

“We want the laws of Islam to be practised, we want to do away with the man-made laws.”

“Whoever changes his religion from Islam to anything else – kill him in the Islamic state.”

“Allah has created the woman, even if she gets a Phd, deficient. Her intellect is incomplete, deficient. She may be suffering from hormones that will make her emotional. It takes two witnesses of a woman to equal the one witness of the man.”

“Do you practise homosexuality with men? Take that homosexual man and throw him off the mountain.”

“If the imam wants to crucify him, he should crucify him. The person is put up on the wood and he is left there to bleed to death for three days.”

“I encourage all of you to be from amongst them, to begin to cultivate ourselves for the time that is fast approaching where the tables are going to turn and the Muslims are going to be in the position of being uppermost in strength, and when that happens, people won’t get killed – unjustly.”

“I don’t agree with those individuals [the 7/7 bombers], but at the same time they are closer to me than those criminals of the kufr.”

“He’s better than a million George Bushes, Osama Bin Laden, and he’s better than a thousand Tony Blairs, because he’s a Muslim.”

The joint statement issued recently by the Crown Prosecution Service and the West Midlands Police which explained the decision to refer said that some parts of the programme "*may* [my italics] have been considered offensive". It also said that the CPS was asked by West Midlands Police "to consider whether a prosecution under the Public Order Act 1986 should be brought against Channel 4 for broadcasting a programme including material likely to stir up racial hatred"; that "there was insufficient evidence that racial hatred had been stirred up as a direct consequence of the programme", but that West Midlands Police had none the less referred the matter to OFCOM as a formal complaint.

The statement also quoted Bethan David of the CPS as saying that it was "dealing with a heavily edited television programme apparently taking out of context aspects of speeches", and that the technique used in making the programme "appears to have completely distorted what the speakers were saying".

I appreciate that television companies have particular obligations of which OFCOM is the arbiter, and that the media in general has broader public responsibilities, which include a sensitivity to community cohesion. However, this referral raises the serious questions to which I've already alluded, and I'm writing to ask some of these in detail, since the Home Office is responsible for policing matters and the Ministry of Justice for the CPS. I've also written separately to the CPS and the West Midlands Police to ask them to provide any answers that you may not be able to give, and enclose copies of these letters.

In relation to the decision to refer –

- * Since "there was insufficient evidence that racial hatred had been stirred up by the programme", on what basis was the decision to refer by West Midlands Police made?
- * How many referrals to OFCOM have been made by West Midlands Police, or an equivalent body, during the past five years, and on what basis?
- * Since the decision to refer was apparently made by the West Midlands Police alone, why was the joint statement with the CPS issued?
- * Is it unusual for the CPS and West Midlands Police, or an equivalent body, to make such joint statements, and how many have been made during the past five years?
- * Will the CPS and/or the West Midlands Police publish a full account of their dealings in this matter and if not, why?
- * Channel 4 claims that it was informed of the decision to refer on the same basis as other media outlets, that no objections were raised with it during extensive examination of the footage, and that it was not consulted about the

decision beforehand. Is this correct and, if so, why was Channel 4 not consulted?

* Were West Midlands Police asked to investigate the programme, and if so by whom?

* Was either the Home Office or the Ministry of Justice in contact with either the CPS or West Midlands Police between the start of the investigation by the West Midlands Police and its decision to refer to OFCOM?

In relation to broader issues -

* On what basis do West Midlands Police believe that the quotes from the programme contained in this letter may not be offensive?

* Which of the quotes contained in this letter, as well as other material from the programme, does the CPS believe apparently to have been taken out of context, and therefore misrepresented? For example, how can the statement "I don't believe them, because they are kuffaar, lying is part of their religion" be claimed to be misrepresented?

* Which of the quotes contained in this letter, as well as other material from the programme, does the CPS believe "to have *completely* [my italics] distorted what the speakers were saying?"

There may be satisfactory answers to these questions but, on the evidence available, it's hard to avoid the conclusion that this is a politically motivated referral, driven by the mistaken belief that the best means of dealing with separatist extremists is to appease them.

If so, this referral is likely to encourage extremists, discourage moderates (including those who appeared on the programme), damage public confidence in the CPS and West Midlands Police, compromise media freedom and undermine the Government's stated community cohesion policy. As you know, Ruth Kelly, the former Communities Secretary, said last year that "our strategy of funding and engagement must shift significantly towards those organisations that are taking a proactive leadership role in tackling extremism and defending our shared values. It is

only by defending our values that we will prevent extremists radicalising future generations of terrorists".

I look forward to hearing from you. I'm copying this letter to James Purnell and to Hazel Blears.

Yours sincerely,

Paul Goodman
Shadow DCLG Minister