

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST
BEFORE RICE COLLINS J
B E T W E E N : -

SHAHINUR LIZA BEGUM

Claimant

and

BRITISH BROADCASTING CORPORATION

Defendant

STATEMENT IN OPEN COURT

Mark Henderson (Doughty Street Chambers), Counsel for the Claimant:

1. My Lady, in this claim for defamation, I appear for the Claimant, Ms Shahinur Liza Begum.
2. Ms Begum is a Labour councillor in the London Borough of Westminster. At the relevant time, she was an activist in the Labour Party; involved in charity and voluntary work; and a community and social housing campaigner, notably leading a campaign to save the Westminster social housing estate where she lives from demolition. In the 2019 General Election, she was listed by the Labour Party's NEC for consideration as their parliamentary candidate for the Cities of London and Westminster constituency.
3. On 29 October 2020 at 6:30pm on BBC London News on BBC1, during an exchange between the presenter and the BBC London Political Correspondent, the presenter said: "*I understand housing fraud allegations have been made against a Labour MP*". The Political Correspondent replied:

"Yeah, this is Apsana Begum who is a Labour MP for Poplar and Limehouse, being the MP for just under a year and it follows an investigation into how she got the tenancy to her housing association flat. She faces 3 charges of dishonesty, failing to disclose information to make a gain for herself. She is due to appear before Magistrates in December and through her lawyer she said in a statement today she, "vigorously contests these malicious and false allegations".

4. As those words were broadcast, the BBC simultaneously broadcasted footage of the purported subject of the charges. However, the video in fact showed the Claimant, Liza Begum speaking from the podium at the launch of the Labour Party's Race and Faith Manifesto for the 2019 General Election at the Bernie Grant Arts Centre in Tottenham, London.

5. This conveyed the serious, false and defamatory imputation that there were reasonable grounds to suspect Ms Begum had engaged in housing fraud. Ms Begum was concerned about many people believing that she, a known housing campaigner, was the subject of the report. The misidentification caused Ms Begum particular distress because it seemed another example of the BBC, and the media generally, misidentifying BAME people, which fed into racist tropes. She was particularly distressed that the confusion was of two women of colour appearing at a Race and Faith event, and that nobody in the BBC corrected it before the film of her was broadcast.
6. Ms Begum complained to the BBC on the night of the broadcast and asked for an apology to be broadcast on the following evening's bulletin. The next day, she was told by a BBC editor that *"I can reassure you that thorough conversations have been had with the people responsible for the error and we have made sure all archive is labelled clearly and correctly"* and that an apology would be broadcast.
7. She asked for an apology to be broadcast that evening and informed the BBC that *"I am minded to seek compensation which is commensurate with the level of harm, pain, loss and suffering your article has caused as it relates to allegations of a criminal nature and by virtue of the video footage alluded to implicate me in such alleged criminality."* In response, the BBC informed her that same day that it considered that *"the steps we have taken since the error and the offered broadcast apology are reasonable in the circumstances"*.
8. The BBC gave her sight of the draft correction and apology that it proposed to broadcast that evening. Ms Begum agreed in order to avoid any delay in it being broadcast. However, she also made this request:

"I would also like to know what processes you will be taking as an organisation to ensure this does not happen again - this is not the first time that people of colour have been mixed up, the BBC is a reputable and trusted organisation, you really must do better"

9. The editor responded less than 20 minutes later saying that:

"You are of course correct to say that we should ensure this does not happen again. I have alerted all the relevant people, teams and departments to the specific error in this case, but to also to your wider point that such instances are highly regrettable."

10. The BBC broadcast the following statement on the 6.30pm bulletin that evening:

"Last night we reported on charges brought against the Poplar and Limehouse MP Apsana Begum. In one of our bulletins we made a mistake and incorrectly used pictures of another person, Liza Begum, to illustrate it. We would like to make it clear Liza Begum has nothing to do with the story and we sincerely apologise to her for the error and the distress caused."

11. Ms Begum notified the BBC of a defamation claim. This has resulted in the BBC making a statutory admission that the ordinary “*actual meaning of the Broadcast*” is that “*there are reasonable grounds to suspect that [Ms Begum] had engaged in housing fraud*” and in agreeing to pay substantial damages.
12. Her distress was, however, increased by the BBC’s refusal, when it made its offer of amends, to issue any public statement apologising specifically for the defamatory imputation that it had now admitted (arguing there was no need to do so because of the apology broadcast the following day) and in refusing to publicly commit to new processes as an organisation to prevent the misidentification of BAME people.
13. In her letter of claim, Ms Begum had explained that:

“The fact that the video in which our Client was unaccountably misidentified, and which was chosen to link her with charges of dishonesty, was of her speaking at the launch of Labour’s Race and Faith Manifesto, a presentation aimed at overcoming such racist attitudes, makes your conduct all the more concerning, aggravating, offensive, and inexplicable.”
14. At the same time as it made the offer of amends, the BBC offered her this explanation:

“Here, the error arose because the video in question was incorrectly labelled as identifying your client because she and Apsana Begum appeared at the same Labour event where the recording in question was captured. That was what caused the original confusion in the archive. That does not make the mistake “racist” as your client has claimed online.”
15. Ms Begum was upset by what she felt was the rejection of her concern about racism with the explanation that her misidentification as a different BAME woman was the result of confusion caused by both women appearing at the same Race and Faith event. She felt the BBC was overly dismissive of her concern in reassuring her that it was not racist because it was just a mistake.
16. The BBC also stated that Ms Begum’s letter of claim had “cite[d] *examples of misidentifications by other media organisations which have nothing to do with race or background*”. Ms Begum was distressed that the BBC appeared to her to ignore the examples she had cited of the BBC confusing black Labour MPs Dawn Butler MP and Marsha de Cordova MP, and the black basketball players, LeBron James and Kobe Bryant, and what she felt again was a dismissive approach to her concerns.
17. Ms Begum told the BBC in response that “*The reason that this mistake is not the same as confusing the identities of two non-BAME individuals is because of the classic racist trope that BAME people look the same and a long history of BAME people being treated as one and the same rather than individuals in their own right*”. She asked whether the BBC would put in place processes as an organisation to guard against misidentification of BAME people in light of this case and previous incidents and the distress they cause. The BBC has not identified any processes beyond the email responses the day after the broadcast. It subsequently said that it could not agree the statement proposed by Ms Begum because to “report to her on processes that it will put in place to guard against such misidentification” would be inconsistent with its independence and accountability to its regulator. Ms Begum disagreed but nevertheless offered

to accept an apology for the defamatory imputation and a statement that “*The BBC is putting in place processes to guard against such misidentification*”. She was further upset by the BBC’s refusal to do so, and its disinclination to make any public statement committing to processes to guard against misidentification of people from BAME communities has exacerbated the distress caused to Ms Begum by the defamatory imputation broadcast about her as a result of confusing her with another woman of the same race appearing at the same event.

18. The matter has settled with Ms Begum accepting the BBC’s offer of £30,000 damages, which reflects the seriousness of the libel.
19. With this Statement being read, the Claimant is prepared to bring the matter to a close.

Zillur Rahman
Rahman Lowe Solicitors
Solicitors for Shahinur Liza Begum
14 June 2022