



Ref: IBA/RP/23/35

Mr. Eshan Kodarbux
Executive Chairman
Radio Plus Ltd
4B, Labourdonnais Street
Port Louis

13 April 2023

Dear Sir,

**Re: Breaches in the programme 'Au Coeur de L'Info' broadcast by Radio Plus Ltd
on 28 March 2023**

I am directed, by the Independent Broadcasting Authority, to inform you that:

1. On 28 March 2023, Radio Plus had broadcast, in the programme 'Au Coeur de L'Info', the following:

Around 18h37 (Extract)

Arvin Boolell:

*Et c'est extrêmement grave, ou koné sa bann, ce problème-là, li pou aussi être sujet de débat au sein de la Commission de l'océan indien. Parce que en euh euh entre-aide ein, judiciaire très très important, et chaque fois mo pé, mo pa kapav pa pa rédire ou, nou pé koz enn enn enn crime transfrontalier, nou pé koz blanchiment l'argent et nou koné enn enn Réunionnais ki ti vinn à Maurice, li eme linn dire comien l'argent linn amener concernant sa trafic za, euh nou appel zamal à la Réunion aussi parski nou consommer couma monsieur Navarro pé dire, et malheureusement et malheureusement l'état mauricien, mo pa lé faire politique, mais sur, mais ce gouvernement pa réagir et pa agir. C'est sa la question, kifer, ki sa la force de monsieur Franklin. Moi mo demande la question parski li li extrêmement sérieux et zot inn traine les pattes. **Premier euh demande d'extradition 2020, la noun arrive 2023, deuxième demande d'extradition.** Et kan mo, mo mo redire enkor, le gouvernement pena la volonté politique et diplomatique pou ki sa dossier la kapav euh être étudié et être avancé.*

Around 18h52 (Extract)

Jean Luc Emile:

Arvin Boolell, ou ou ou penser ou ki euh, bon kifer sa question la compte tenu tout ce ki nou finn trouver, compte tenu de de la la, le délai, le retard apporté dans dans ce dossier, et ki maitre Navarro pé dire la Réunion meme ti, kan linn ferme dossier la, kan li dire ki li finn tellement habituer avek sa bann réponses ki gagner ou sinon l'absence de réponse ki gagner dan bann dossier pareil, donc eski ou penser euh au vue de tout cela, ena enn ena enn possibilité ki sa demande la abouti ?

Arvin Boolell :

Couma monn dire ou, dépann si gouvernement la responsable, nou kan nou ti au ...

Jean Luc Emile:

Mais la, la question n'est pas entre les mains du gouvernement, c'est entre les, la justice.

Arvin Boolell :

Mo dakor, nou ena, mo espérer ki nou enkor dan enn état de droit, nou bizin laisse la cour suprême agir maintenant, et mo sure la cour suprême pou pran en considération ein, **ki depuis 2016 à ce jour, pa finn ena grand euh, ok, euh grand avancement dan, euh pou pran bann décision, et à deux reprises finn ena demande d'extradition**, nanien pann faire, noun arrive enn situation, aujourd'hui nou espérer ki la décision va être prise et ki pa pou ena justice delayed, mo faire confiance au système judiciaire, parce que à chaque fois, guet par exemple mo pran le cas de de madame Kistnen...

Around 18h59 (Extract)

Arvin Boolell :

Alors aujourd'hui li, c'est incroyable ki ki ki pé passer dans ce pays, et dimoune inquiet énormément. Nou calculer la drogue inn vinn enn l'économie parallèle, dans nou gâteau national, la drogue représente enn somme énorme. Soit nou enn nou enn pays ki décider oui pou et agir avek force, ou bien nu continuer renvoye de jour la vérité ziska ki enn issue aussi important trouve euh... être euh euh laisser, laisse passer et et pena pena outcome, nou pa em koné kinn arriver. Nou pa kapav contigne coumsa, parce que seki pé arriver, **mo revini de 2016 à 2023, entre finn ena deux demandes d'extradition** et le gouvernement pa finn agir et pa finn lasse les institutions agir, mo dire li haut et fort.

2. In the Hansard of the National Assembly – Debate No 01 of 2023 (Unrevised) – Tuesday 28 March 2023, the Prime Minister stated, *inter alia*, that:



'The Prime Minister: Because you said - should I be surprised by the way in which this matter has been handled, and that the Réunion Authorities have not requested an extradition? Okay, fair enough. If that was the case, it would still apply till today. Why is it now that on 21 and 22 of February, the Ministry of Foreign Affairs had received a request from the Embassy of France in a Note Verbale for the extradition to the French Authorities of Mr J. C. and Mr J. D.' [Page 26-27]

3. Having considered the content of the extracts of the programme 'Au Coeur de L' Info' broadcast by Radio Plus Ltd on 28 March 2023, Hansard of the National Assembly – Debate No 01 of 2023 (Unrevised) – Tuesday 28 March 2023 and the explanations of Radio Plus Ltd the Independent Broadcasting Authority has determined that the explanations of Radio Plus Ltd are unsatisfactory and:

(a) Radio Plus Ltd has breached paragraph 3A(2)(b)(iii) of the Code of Conduct for Broadcasting Services; and

(b) Radio Plus Ltd has breached paragraphs 23.2 and 25.2 of its licence.

4. The Authority reminds Radio Plus Ltd that it is bound by the IBA Act, the Code of Conduct for Broadcasting Services, Code of Ethics and its licence.

5. The Authority highlights that paragraph 3A(2)(b)(iii) of the Code of Conduct for Broadcasting Services reads as follows:

'3A. Programmes on radio and television

(2) (a) *Where a broadcasting licensee attempts to seek alternative views, but these are not readily available (for example, an individual or organisation declines to give an interview or give comments), he shall comply with a range of editorial techniques for maintaining due impartiality.*



- (b) A broadcasting licensee –
- (i) shall seek alternative viewpoints from a range of sources;
 - (ii) summarise with due objectivity and in context the alternative viewpoints, for example, through interviewees expressing alternative views, make clear with appropriate frequency and prominence that a broadcasting licensee has sought alternative viewpoints from particular individuals or organisations; and/or
 - (iii) **ensure that the views expressed in a programme are challenged critically by presenters and reporters within the programme'**

6. Paragraphs 23.2 and 25.2 of the Licence of Radio Plus Ltd read as follows:

"23.2 The Licensee shall ensure that its broadcasting services are provided in conformity with the Code of Conduct for Broadcasting Services set out in the Second Schedule to the Act.

25.2 The Licensee shall ensure that all its broadcast contents are accurate. Any news given in whatever form shall be presented with due accuracy and impartiality. Any mistake that does occur shall be corrected as quickly as possible and an apology broadcast, where appropriate during peak listening hour at more than one frequency."



7. Pursuant to its powers under section 5(1)(a) of the Independent Broadcasting Authority Act, the Authority hereby issues the following direction to Radio Plus Ltd:

*“Radio Plus Ltd is hereby directed to broadcast an **unreserved apology with the reasons thereof together with the stand of the Authority** as set out below:*

- (a) On 19 April 2023 in the 07h00 News Bulletin*
- (b) On 19 April 2023 in the 08h00 News Bulletin;*
- (c) On 19 April 2023 in the 09h00 News Bulletin;*
- (d) On 19 April 2023 in the 12h00 News Bulletin;*
- (e) On 19 April 2023 in the 15h00 News Bulletin;*
- (f) On 19 April 2023 in the 16h30 News Bulletin; and*
- (g) On 19 April 2023 in the 19h00 News Bulletin.*

The apology, pursuant to this Direction, should read as follows:

« Au cours de l'émission 'Au Cœur de l'info' diffusée le 28 Mars 2023 sur les ondes de Radio Plus, le Dr. Arvind Boolell a affirmé à trois reprises qu'il y a eu deux demandes d'extradition dans le sillage de l'affaire Franklin. Les faits énoncés s'avèrent être incorrects et infondés dans la mesure où selon le Hansard de la séance parlementaire du 28 mars 2023 le Premier Ministre, Pravind Kumar Jugnauth, fait état d'une seule demande d'extradition. De ce fait, Radio Plus tiens à rétablir les faits par le biais de ce communiqué et présente ses excuses a ses auditeurs»

“During the programme 'Au Coeur de L' info' broadcast by Radio Plus on 28 March 2023, Dr. Arvind Boolell had on three occasions averred that there were two extradition requests



in the Franklin Case. The averments referred to are untrue and inaccurate in as much as in Hansard of the National Assembly sitting of Tuesday 28 March 2023, the Prime Minister, Honourable Pravind Kumar Jugnauth, stated that there was only one extradition request. Radio Plus hereby presents its unreserved apologies with regard to the above”

8. Radio Plus Ltd is further reminded that a failure to comply with a direction issued by the Authority is a criminal offence. Sections 5(1)(a) and 5(1)(b) of the Independent Broadcasting Authority Act read as follows:

“5. Powers of Authority

(1) (a) *The Authority may, for the purposes of this Act, give written directions to the Corporation or any licensee and they shall comply with those directions.*

(b) *Any licensee who fails to comply with paragraph (a) shall commit an offence.”*

9. The Authority reminds Radio Plus Ltd that sections 37(1)(g) and 37(2) of the Independent Broadcasting Authority Act provide as follows:

“37. Offences

(1) Any person who—

(g) **otherwise contravenes any provision of this Act,**

shall commit an offence.

(2) Any person who commits an offence shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 5 years.”

10. Radio Plus Ltd is directed to strictly adhere to the provisions of the Independent Broadcasting Authority Act, the Code of Conduct for Broadcasting Services, the Code of Ethics, and its licence, failing which, more severe sanctions may be applied.

11. Radio Plus Ltd is further reminded of section 22(5) of the IBA Act which reads as follows:
“(5) The Authority shall consider the past conduct of a licensee prior to determining whether or not to renew a licence.”

Yours faithfully,



K. Ramphul
Acting Director