



ADJUDICATION NO: 23/A/2025

NAME OF PROGRAMME: FAKE PASTORS
DATE AND TIME OF BROADCAST: 25 MAY 2025 AT 20:00
BROADCASTER: MULTICHOICE CHANNEL 157
COMPLAINANT: SITHOLE

COMPLAINT

That the impugned episode invaded the privacy of the Complainant (the Pastor) without affording him a right to reply.

APPLICABLE CLAUSES

The following clauses of the Code of Conduct for Subscription Broadcasting Service Licensees:

28.3 Controversial issues of public importance

28.3.2 A person whose views are to be criticised in a broadcasting programme on a controversial issue of public importance must be given a right to reply to such criticism on the same programme. If this is impracticable, however, an opportunity for response to the programme should be provided where appropriate, for example in a right to reply programme or in a pre-arranged discussion programme with the prior consent of the person concerned.

28.4 Privacy

Insofar as both news and comment are concerned, broadcasting

licensees must exercise exceptional care and consideration in matters involving private lives, private concerns and dignity of individuals, bearing in mind that the rights to privacy and dignity may be overridden by a legitimate public interest.

ADJUDICATION

[1] A complaint was lodged by Mr Sithole (*hereinafter referred to as 'the Pastor'*) with the BCCSA against MultiChoice (*hereinafter referred to 'the Broadcaster'*) Channel 157, regarding an episode of *Fake Pastors* which had been broadcast on 25 May 2025 at 20:00. The Pastor is of the view that he had not been given an opportunity for an opposing view and that his dignity and reputation was impaired.

[2] **The complaint reads as follows:**

"I, ... Sithole, hereby lodge a formal complaint against Moja Love Channel 157 Dstv. The channel defamed my name without giving me a chance to respond. This demands the serious attention of the Commission. On May 25, 2025, the channel broadcast episode 11 of Fake Pastors, in which I was the subject, my name was referenced and tarnished. The show was publicised and watched by several people. The presenter of the show was Sihle Sibisi, and the complainant was Ms ... Mathobela. I am the Founder and Apostle of Oasis of Life Family Church with branches around the country, and the claims made in the show have caused irreparable damage to my good name. I confirm that I have personally watched the episode when it was broadcast on 25 May 2025 at 20:00 DSTV channel 157.

Defamatory statements were uttered against my name by the complainant of the show, whereby from 21:55 to 22:02 minutes and seconds of the episode, it is mentioned that I perform a coffin burial against members of the church. This is the quotation from the episode "others have done coffin burial, which was a ritual that you did IN Sithole." I challenge the show to adduce evidence of the coffin burial. The community now knows me as someone who performs coffin rituals, which is something I have never performed and will never perform. This statement was both untrue and harmful to my reputation. I was not contacted for comment, nor was I given an opportunity to present my version. I believe this was a violation of BCCSA's Code of Conduct for subscription broadcasting service licensees, clause 28.4 for privacy, which provides that comments concerning broadcasting licensees must exercise exceptional care and consideration in matters involving the dignity of individuals. The program's presentation of me was humiliating and lacked any justifiable public interest. The statements were misleading and degrading.

I was not given a fair and adequate right to reply by the show. The show did not communicate with me about the matter through email, phone call, or appointment.

Instead, the show chose to ambush me for the reply. The show came to the premises of the church during a church service while I was delivering a sermon to the congregation.

I believe that BCCSA's Code of Conduct for subscription broadcasting service licencees clause 28.3.2 was violated under controversial issues of public importance, the clause read as follows:

A person whose views are to be criticised in a broadcasting programme on a controversial issue of public importance must be given a right to reply to such criticism on the same programme. If this is impracticable, however, an opportunity for response to the programme should be provided where appropriate, for example in a right to reply programme or in a pre-arranged discussion programme with the prior consent of the person concerned.

The matter falls under controversial issues of public importance because it involves significant community concern. It involves religious accountability, alleged financial misconduct, and public trust in community leadership. The episode is not just entertainment but also contributes to national debates about the exploitation of vulnerable followers and fraud in religious institutions. The show came to the premises to demand an immediate reply, while I delivered the sermon and during a church service, without prior arrangements. I could not provide a reply because I was delivering the sermon. Even a proper reply I could not give, because the show came abruptly, demanding an immediate response. This was an unreasonable opportunity to respond to the matter presented by the show, where my name was tarnished and criticised. I hereby request the BCCSA's intervention in this matter.

I seek the following reliefs:

- Instruct the channel to remove the episode from the streaming platform.
- Instruct the channel to issue a public apology.

I trust that you find the above in order and that my complaint will be attended to.”

[3] The Broadcaster responded as follows:

IN RE: SITHOLE// MOJA LOVE TV (PTY) LTD (IRO FAKE PASTORS) EPISODE)

Introduction and background:

1. We refer to the complaint lodged by Mr .. Sithole (“**Mr Sithole**”) against Moja Love TV Channels (Pty) Ltd (“**the Channel**”) with the BCCSA dated 23 June 2025.
2. The Complaint arises out of show titled “Fake Pastors” (“**the Show**”) which was aired on 25 May 2025.
3. The Channel will demonstrate below, that whilst the Complaints relate to a purported violation of the BCCSA Code (“**the Code**”) specifically clause 28.4 of the Code i.e. ‘**PRIVACY**’, the BCCSA ought to dismiss the Complaint as the Show does not infringe on the Code nor violates any other provision of the Code.
4. The essence of the Complaint by Mr Sithole is that the Channel defamed him by not affording him an opportunity to respond to the allegations made by the Complainant that wrote into the Show. The Channel will demonstrate below that he was on numerous time requested to avail himself and share his response.

The Merits:

Purpose of the Show

5. The Show is an intervention Show and it is a social reconciliatory justice show.
6. The Show explores the dynamics of religion and pastors who at times take advantage of unsuspecting congregants and more importantly, reconcile differences in opinions in circumstances where the situation allows without discriminating on any religion and/or church or person.
7. Ultimately, the Show opens up very difficult conversations on religion and enables Viewers to be able to make value judgments on issues that are at times often seen as taboo and/or those that should be kept under the carpet.
8. Furthermore, the Show provides those who are often seen as victims, with an opportunity to state their case and confront in a civilised and non-violent manner, their alleged perpetrators and/or wrongdoers.

The Channel's Response:

9. The Complaint, Ms Mathobela ("Ms Mathobela") wrote into the Show following his various unsuccessful interventions relating to her interactions with Mr Sithole over the past years.

Her Complaint and what she stated on the Show can briefly be summarised as follows:

- 9.1 Mr Sithole and her parents, co-founded the Oasis of Life Family Church ("the Church") many years ago.
 - 9.2. The Church grew from humble beginnings to a now renowned Church and has and is generating monies.
 - 9.3 A few years ago, according to Ms Mathobela, Mr Sithole had allegedly abused her and this matter was reported to the Church Elders and nothing came out of it.
 - 9.4 Given her report of Mr Sithole to the Church, she was subsequently chased away from the Church.
 - 9.5 She now requires a discussion with Mr Sithole on what transpired and ensure there is a reconciliatory approach to the matter.
10. Following the above complaint, the Channel then approached Mr Sithole's Church and what transpired on the footage/Show cannot be construed as denying Mr Sithole a right of reply. The following occurred:
 - 10.1 The Presenter of the Show together with Ms Mathobela attended at the Church.
 - 10.2 Upon arrival and at the gate of the Church, the Presenter was met by various security personnel, who appear to be bodyguards for the Church and Mr Sithole.
 - 10.3 At the gate of the Church, the following transpired:
 - 10.3.1 The Presenter identified herself and stated that she was from the Channel.

- 10.3.2 She informed the bodyguards that she was there to have a discussion with Mr Sithole following what she heard from Ms Mathobela and afford Mr Sithole a right of reply.
 - 10.3.3 Whilst engaging the bodyguards at the gate on the purpose of her visit, the Presenter met and had a chat with Mr Sithole's wife and informed her of the purpose of the visit.
 - 10.3.4 Mr Sithole's wife then instructed the bodyguards to let the Presenter inside the premises so that the discussion can be held. She then drove out of the premises.
 - 10.3.5 Despite Mr Sithole's wife instruction, the bodyguards refused to let the Presenter inside the premises and for her to discuss with Mr Sithole.
 - 10.3.6 The Presenter was at all material times non-confrontational as evident in the footage, kept on emphasising the reason for her visit and that she wanted to provide Mr Sithole with a right of reply.
 - 10.3.7 The Presenter's repeated requests were all declined and they (with Ms Mathobela) left the premises.
11. Following their non-discussion and interventions at the Church, the Presenter is clearly heard on the Show that she tried to engage Mr Sithole and do so respectfully however she was denied access.
 12. The Presenter further pointed out the importance of the Show and the need to have victims to tell their stories and such stories to be tested and the alleged perpetrators to share their side.
 13. Accordingly, it cannot be said that Mr Sithole was not afforded a right of reply. In essence, he refused the said right of reply through his bodyguards.
 14. Insofar as Mr Sithole states in his complaint to the BCCSA that the Complainant stated that he performed coffin burials. This was indeed stated by the Complainant and not the Presenter.
 15. This allegation, had Mr Sithole granted the Presenter and the Complainant an opportunity to discuss, would have easily been resolved and/or clarified therein.
 16. Finally, it cannot from all facts construed that Mr Sithole was defamed in circumstances where he is Public Figure, and moreover, in the past, there have been various allegations against him relating to Sexual Abuse and/or abuse.
 17. For ease of reference on the above, please see below the newspaper links relating to Mr Sithole which are and have been on national leading platforms such as News24 and Sowetan:
 - 17.1 <https://www.news24.com/citypress/news/police-confirm-another-rape-charge-against-ekurhuleni-pastor-20240511>
 - 17.2 <https://www.facebook.com/share/v/19Jk5A2Ga3/?mibextid=wwXlfr>
 - 17.3 <https://www.sowetanlive.co.za/amp/news/2009-08-11-pastor-nabbed-with-police-cap-and-shirt/>

18. This Show is a social justice programme and in the event that the BCCSA finds that the Show has breached Mr Sithole's privacy, the Show is prepared to afford Mr Sithole a right of reply at his earliest convenience.

Conclusion:

19. Having stated the above and contextualised episode, it is the Channel's view that the BCCSA should find as follows:

19.1 The Complaint by Mkhonza Snr is dismissed. [sic]

19.2 The Channel did not violate any provisions of the Code."

[4] The Pastor replied as follows:

- "1. I, Sithole, hereby reject the arguments advanced by Moja Love TV (hereinafter the channel). The channel has failed to adduce evidence of coffin burial they broadcast on their channel. This was mentioned emotionally and unprovoked. The mandate of the episode was about the claim of millions by the complainant; this is stated by Ms Mathobela on the initial stage of the episode. It did not involve sexual allegations as the matter is subjudice before the court. I cannot respond on matters before the court. I would be violating the principle of subjudice which prohibit judicial matters before the court from public discourse. Herself, she violated the subjudice principle. Just because I am a public figure it does not mean untrue and false allegations must circulate about me, my dignity and reputation as the public figure must be protected.
2. How would I have made the reply on coffin burial comments? Because the comments were firstly outside the mandate of the episode and were uttered after they had come to the church for the undue process of the reply.
3. Therefore, because the channel has failed to simply adduce evidence of coffin burial, This was a violation of BCCSA's Code of Conduct for subscription broadcasting service licensees, clause 28.4 for privacy, which provides that comments concerning broadcasting licensees must exercise exceptional care and consideration in matters involving the dignity of individuals. The channel's presentation of me degraded my dignity and the channel failed to exercise exceptional care.
4. Again, the channel has failed to prove I was given adequate right to reply. BCCSA's Code of Conduct for subscription broadcasting service licencees clause 28.3.2 was violated under controversial issues of public importance, the clause read as follows:

A person whose views are to be criticised in a broadcasting programme on a controversial issue of public importance must be given a right to reply to such criticism on the same programme. If this is impracticable, however, an opportunity for response to the programme should be provided where appropriate, for example in a right to reply programme or in a pre-arranged discussion programme with the prior consent of the person concerned.

5. I am the person who was going to be criticised by the channel and had to be given right to reply. Because it was impractical to give the reply as I was delivering a sermon, attending church service, counselling members of the church, had to attend emergency church issue in one of my church branches and ambushed without time to properly apply my mind for the reply. Provisions were not made for me to be provided with appropriate response in a pre- arranged discussion programme with my prior consent as the person

concerned. Their plan was never to provide appropriate right to reply, it was to create content and a dramatic scene. The channel has the duty to provide me with appropriate right to reply under the code of conduct, this was an undue right to reply.

6. Ms Sibongile Sithole gave instructions to the bodyguards with an impression that Ms Sibisi is a member of the community or church and genuinely seek counsel from Apostle Sithole. Ms Sibisi did not properly introduce herself to Ms Sithole. Hence, when Ms Sithole realizes that Ms Sibisi is from the channel and is accompanied with cameras together with Ms Mathobela She drove away. Her instruction to the bodyguards is neither here nor there, because She is not the subject of the episode.
7. Against this background, the BCCSA should dismiss the arguments advanced by the channel and order the following reliefs:
 - Instruct the channel to remove the episode from the streaming platform.
 - Instruct the channel to issue a public apology.
8. I trust that you find the above in order.”

EVALUATION

[5] I viewed the broadcast in question and read the complaint and subsequent responses. According to the Broadcaster the broadcast was an episode of a long-running social reconciliatory justice series, where those who are considered victims are afforded an opportunity to state their cases and confront their alleged perpetrators/wrongdoers.

[6] In a previous BCCSA adjudication¹ regarding the same programme, the Broadcaster describes the protocol followed by producing the shows. After evaluating the complaint and consulting with the person who lodged the complaint with the Show **[for the purpose of clarity in this case hereinafter the complainant]**, the production team visits the alleged person against whom a complaint has been lodged. They inform him/her that a complaint was lodged with the Show, explain the nature of the complaint, introduce themselves and indicate where they are from.

¹ Adjudication no: 40/A/2024

- [7] Before I evaluate the Pastor's main complaint that his dignity and reputation was impaired by the complainant's statements, I need to refer to his additional complaint that the Broadcaster did not afford him an opportunity to respond to the allegations made against him by the complainant.
- [8] Clause 28.3.2 states a person whose views are to be criticised in a broadcasting programme on a controversial issue of public importance must be given a right to reply to such criticism on the same programme. If this is impracticable, however, an opportunity for response to the programme should be provided where appropriate, for example in a right to reply programme or in a pre-arranged discussion programme with the prior consent of the person concerned.
- [9] Controversial issues of public importance or public interest refer to what benefits the general community and society as a whole, rather than just individual interests.² The impugned broadcast did not constitute a controversial issue of public importance since it centred around money that is allegedly owed to a family and a reference to a coffin burial (see paragraph [11] below). Therefore, Clause 28.3.2 is not applicable to this case.
- [10] The remaining question is whether the Broadcaster exercised exceptional care and consideration in so far as the Pastor's dignity is concerned. Firstly, the complainant is aggrieved that in 2003 (22 years ago) the Pastor allegedly abused her by attempting to hug, caress and kiss her. However, she pushed him away and he failed in his attempt. The matter was reported to the Church Elders at the time, but nothing came of it and subsequently the complainant was chased away from the Church. In the broadcast, she requires a discussion with the Pastor on what

² Available on the Internet at <https://www.legalbriefai.com/legal-terms/public-interest>. Accessed 10.9.2025

transpired that day to ensure that there is a reconciliatory approach to the matter. In my opinion this was not the true intention of the complainant (see paragraph [12] below).

[11] Secondly, the Pastor is aggrieved about the complainant's statement that he performed a coffin burial against members of the Church. He states that: *"Defamatory statements were uttered against my name by the complainant of the show, whereby from 21:55 to 22:02 minutes and seconds of the episode, it is mentioned that I perform a coffin burial against members of the church".* And that: *"The community now knows me as someone who performs coffin rituals, which is something I have never performed and will never perform. This statement was both untrue and harmful to my reputation."* In my opinion, this fleeting remark made by the complainant about a coffin burial is not relevant to this case due to the absence of any submissions by the Pastor himself regarding the elements of a coffin burial and why his self-esteem had been impaired by it.

[12] After watching the Show, in my opinion, the main aim of the complainant was, as she stated in her own words, to claim money (R5 million) from the Pastor, which she argued is money that is due to her and her family as her father was a co-founder of the Church many years ago. After a number of years, the Church grew from humble beginnings to a now renowned Church which is generating monies. In my view, the alleged sexual 'abuse' was used as an excuse to convince the Show to confront the Pastor, seemingly about the alleged abuse, but in reality about the money that he allegedly owes her and her family. The Pastor also confirms that *"the mandate of the episode was about the claim of millions by the complainant; this is stated by Ms Mathobela (complainant) in the initial stage of the episode. It did not involve sexual allegations as the matter is sub-judice before the court"*.

[13] Clause 28.4 reads as follows:

Insofar as both news and comment are concerned, broadcasting licensees must exercise exceptional care and consideration in matters involving the private lives, private concerns and dignity of individuals, bearing in mind that the rights to privacy and dignity may be overridden by a legitimate public interest. This case that centres around money and a fleeting comment about a coffin burial does not constitute a legitimate public interest.

[14] Insofar as the Pastor's claim that his reputation was impaired, he has not sufficiently shown that he had an existing good reputation which was subsequently impaired by the broadcast.

[15] **I therefore find that the Broadcaster has not contravened Clauses 28.3.2 and 28.4 of the Code and the complaint is dismissed.**

DR. LINDA VENTER

COMMISSIONER: BROADCASTING COMPLAINTS COMMISSION