



ADJUDICATION NO: 01/A/2026

NAME OF PROGRAMME: KWENA MOABELO SHOW

DATE AND TIME OF BROADCAST: 10 DECEMBER BETWEEN 13:10 AND 13:30

BROADCASTER: POWER 98.7 FM

COMPLAINANT: MATLAILA

COMPLAINT

Complaint that the presenters' comments allegedly portrayed hate speech, bias, incitement and glorification of violence.

APPLICABLE CLAUSES

- Clause 3(b)** Broadcasting service licensees must not broadcast material which sanctions, promotes, or glamorises violence or unlawful conduct.
- Clause 4(1)** Broadcasting service licensees must not broadcast material which sanctions, promotes, or glamorises violence or unlawful conduct based on race, national or ethnic origin, colour, religion, gender, sexual orientation, age, or mental or physical disability.
- Clause 4(2)** Broadcasting service licensees must not broadcast material which, judged within context, amounts to (a) propaganda for war; (b) incitement of imminent violence or (c) the advocacy of hatred that is based on race, ethnicity, religion or gender and that constitutes incitement to cause harm.
- Clause 12(1)** Broadcasting service licensees are entitled to broadcast comment on and criticism of any actions or events of public importance.
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ADJUDICATION

[1] On Monday 15 December 2025, a complaint was lodged with the BCCSA against Power 98.7 FM for broadcasting, during the Kwena Moabelo Show, comments that allegedly glorify unlawful conduct and vigilante violence, frame violence against men as heroic and justified and incite violence.

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

“1. Complainant Details

2. Broadcast Details

- **Station:** Power 98.7 FM
- **Programme:** Kwena Moabelo Show
- **Date:** 10 December 2025
- **Time:** Between 13:10 and 13:30

3. Nature of Complaint

During the above broadcast, Mr. Kwena Moabelo praised a Limpopo woman who had been arrested for conducting unlawful “citizen arrests” against men who owed her money at her tavern and those allegedly abusive when drunk. He went further to say she was “doing a country duty” and deserved the **Order of Ikhamanga**, a presidential honour.

This commentary is problematic because:

- It **glorifies unlawful conduct and vigilante violence**.
- It **frames violence against men as heroic and justified**, despite South Africa’s high rates of male victimization in gender-based violence (GBV).
- It **incites violence** by suggesting women who commit crimes against men should be celebrated.

4. Relevant BCCSA Code of Conduct Provisions Violated

The broadcast appears to contravene the following provisions of the **BCCSA Code of Conduct**:

- **Clause 3: Violence and Hate Speech**
 - (a) Broadcasting service licensees must not broadcast material which contains violence that does not play an integral role in developing the plot, character, or theme of the material as a whole.
 - (b) Broadcasting service licensees must not broadcast material which sanctions, promotes, or glamorises violence or unlawful conduct.
- **Clause 4: Hate Speech and Incitement**

- (1) Broadcasting service licensees must not broadcast material which sanctions, promotes, or glamorises violence or unlawful conduct based on race, national or ethnic origin, colour, religion, gender, sexual orientation, age, or mental or physical disability.
- (2) Broadcasting service licensees must not broadcast material which amounts to:
 - (a) Propaganda for war;
 - (b) Incitement of imminent violence; or
 - (c) Advocacy of hatred based on race, ethnicity, religion, or gender that constitutes incitement to cause harm.

5. Harm Caused

- **Incitement:** The broadcast risks encouraging women to commit violence against men under the guise of social duty.
- **Bias:** It perpetuates a narrative that male victimization is trivial or acceptable.
- **Public Safety:** It undermines lawful policing and due process, potentially destabilizing respect for the justice system.

6. Relief Sought

I respectfully request that the BCCSA:

- Investigate this broadcast for violations of the Code of Conduct.
- Direct Power 98.7 to issue a **public apology and correction**.
- Consider appropriate sanctions to prevent recurrence.”

[3] The Broadcaster responded as follows:

“Kindly receive our considered response below, following a listener complaint to the BCCSA.

POWER 987 hereby submits its formal response to the complaint lodged by Mr. Sammy Matlaila regarding commentary made by the presenter during The Kwena Moabelo Show on 10 December 2025. The station has reviewed the full broadcast segment.

1. Context of the Broadcast

The broadcast in question formed part of a live, talk-radio discussion responding to a widely reported current-affairs news story concerning a Limpopo tavern owner who had been arrested by authorities. The discussion was clearly framed as social commentary and opinion, a format that is core to talk radio and expressly protected under freedom of expression principles, provided it does not amount to incitement or endorsement of unlawful conduct.

The presenter’s remarks were hyperbolic and rhetorical in nature, a common stylistic device used to provoke debate and public reflection. When considered in full context, the commentary did not amount to a literal call for action, nor did it instruct listeners to emulate or engage in unlawful behaviour.

2. No Glorification or Incitement of Violence

POWER 987 respectfully submits that the broadcast did not sanction, promote, or glorify violence, nor did it incite imminent harm, as contemplated under Clauses 3 and 4 of the BCCSA Code of Conduct.

A careful listening of the audio reveals that:

- The presenter did not encourage listeners to engage in vigilante action.
- There was no instruction, endorsement, or operational guidance on committing violence.
- The remarks were opinion-based commentary on perceived failures of social order and alcohol-related harm, not advocacy of unlawful conduct.
- Importantly, the discussion did not celebrate the criminal act itself, but rather interrogated broader societal frustrations around gender-based violence, alcohol abuse, and the perceived inadequacy of enforcement mechanisms. At no point did the presenter suggest that the rule of law should be replaced or ignored.

3. No Hate Speech or Gender-Based Incitement

The station further submits that the broadcast does not meet the threshold for hate speech or gender-based incitement under Clause 4 of the Code.

The commentary was not directed at men as a protected group, nor did it advocate harm against men.

There was no expression of hatred, dehumanisation, or call to violence based on gender.

The remarks were situational and contextual, referencing a specific news event rather than making a generalised statement about men or women.

The BCCSA has consistently held that robust, even uncomfortable opinion does not in itself constitute hate speech unless it crosses the clear threshold of advocacy of hatred that incites harm, which is not present in this case.

4. Public Interest and Editorial Freedom

The segment falls squarely within the realm of public-interest discourse, addressing crime, social breakdown, and gender dynamics, issues of legitimate concern in South Africa. Talk radio, by its nature, allows presenters latitude to express strong views to stimulate public debate.

Suppressing such commentary would have a chilling effect on editorial independence and free expression, values which the BCCSA has repeatedly sought to balance against harm.

5. In Conclusion

POWER 987 respectfully submits that:

- The broadcast does not contravene Clauses 3 or 4 of the BCCSA Code. The commentary does not incite violence, promote vigilantism, or constitute hate speech.
- When assessed holistically and in context, the segment remains within acceptable bounds of opinion-based broadcasting.

Accordingly, POWER 987 requests that the complaint be dismissed.

We trust that this response, read together with the audio recording we have already submitted, adequately addresses the concerns raised.”

[4] **The Complainant replied as follows:**

“1. Context of the Broadcast

Power FM argues that the remarks were “hyperbolic and rhetorical” and therefore protected as opinion.

- **Rebuttal:** While talk radio allows robust opinion, the BCCSA Code makes clear that **context does not excuse content that sanctions, promotes, or glamorises violence or unlawful conduct** (Clause 3(b)). Praising a tavern owner for conducting unlawful arrests and suggesting she deserves a national honour **crosses into glorification of unlawful conduct**, regardless of rhetorical style.

2. Glorification and Incitement of Violence

Power FM claims there was no glorification or incitement.

- **Rebuttal:** The presenter explicitly stated the woman was “doing a country duty” and deserved the **Order of Ikhamanga**. This is not neutral commentary; it **celebrates and elevates unlawful conduct** to the level of national honour.
- By valorising vigilante action, the broadcast **normalises violence against men** and undermines respect for lawful policing. This falls squarely under Clause 3(b): “must not broadcast material which sanctions, promotes or glamorises violence or unlawful conduct.”

3. Hate Speech and Gender-Based Incitement

Power FM argues the remarks were situational, not directed at men as a group.

- **Rebuttal:** The broadcast framed men who drink and fail to pay, or who are allegedly abusive when drunk, as legitimate targets of vigilante punishment. This **generalises men as a group associated with criminality and abuse**, and **celebrates unlawful acts committed against them**.
- This contravenes **Clause 4(1)**: “must not broadcast material which sanctions, promotes or glamorises violence or unlawful conduct based on... gender.”
- Even if not explicit hate speech, the commentary **creates a climate of gender-based hostility** by portraying violence against men as socially beneficial.

4. Public Interest and Editorial Freedom

Power FM invokes freedom of expression and editorial independence.

- **Rebuttal:** Freedom of expression is not absolute. The BCCSA Code balances editorial freedom against the prohibition of content that **incites violence or glorifies unlawful conduct**.
- The public interest is not served by **endorsing vigilante justice** or trivialising male victimisation in GBV contexts. Instead, it undermines lawful order and perpetuates harmful gender stereotypes.

5. Conclusion

Power FM's defence fails to address the **core violation**: the presenter's remarks **glorified unlawful conduct and gender-based violence**, contravening Clauses 3 and 4 of the BCCSA Code.

I respectfully request that the BCCSA:

- Uphold the complaint.
- Direct Power 98.7 to issue a public apology and correction.
- Consider sanctions to deter future broadcasts that glorify unlawful conduct or incite gender-based hostility."

EVALUATION

[5] From the onset, it is important to state that BCCSA, bases its judgments on certain basic principles. The first principle is that freedom of expression is one of the pillars on which our democracy is founded. Freedom of expression is a basic human right that includes broadcasters and listeners and is protected in terms of section 16 of the Constitution of South Africa. It is also a founding principle of the BCCSA. In line with this principle, (the flip side of the coin, as it were), freedom of expression, includes tolerance of the different views.

In support of the above principles, the BCCSA often refers in its judgments to a judgment by the European Court of Human Rights, namely *Handyside v The United Kingdom*¹ where the following was said:

The Court's supervisory functions oblige it to pay the utmost attention to the principles characterising a "democratic society". Freedom of expression constitutes one of the essential foundations of such a society, one of the basic conditions for its progress and for the development of every man. Subject to paragraph 2 of Article 10 (art. 10-2), it is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population.

¹ 1976 ECHR par. 49. This dictum has been accepted by our Constitutional Court in *Islamic Unity Convention v Independent Broadcasting Authority* 2002(4) SA 294 (CC) at par. 26

Such are the demands of pluralism, tolerance, and broadmindedness without which there is no "democratic society. (own emphasis)

The test used is that of a reasonable audience member who is broadminded, balanced and not overly sensitive. The question, therefore, is not whether the Complainant has been offended or disturbed, but whether the impugned broadcast objectively constituted a contravention of the Code.

- [6] In *Laugh It Off Promotions CC v South African Breweries International (Finance) BV trading as Sabmark International and Another*², Justice Albie Sachs, who concurred with Moseneke's judgment, filed a separate opinion on the role of parody and humour in sustaining constitutional democracy. He referred to the often-quoted rhetorical question:

Does the law have a sense of humour? This question is raised whenever the irresistible force of free expression, in the form of parody, meets the immovable object of property rights, in the form of trademark protection.

And in the same judgment, wrote:

The Constitution cannot oblige the dour to laugh. It can, however, prevent the cheerless from snuffing out the laughter of the blithe spirits among us.

- [7] I firstly considered the Complainants' argument about advocacy and incitement. Black's Law Dictionary³ defines Advocacy and Incitement to *mean promoting, calling for, encouraging, urging, or persuading*. This means to rouse, stimulate, place in motion, to move to action, to spur or to move on.

- [8] Informed by Black's definition and the BCCSA jurisprudence, I then established whether the Broadcaster complied with the conditions as set out in Clause 3 and

² [2005] ZACC 7; 2006 (1) SA 144 (CC); 2005 (8) BCLR 743 (CC)

³Black, H.C. Black's Law Dictionary. 4th edition, St. Paul, Minn, West Publishing Co,1968.

4 of the Broadcasting Code. The comments made during the impugned programme need to fulfil the requirements of Clause 4 in order to constitute a contravention of the clause. The requirement is that the broadcast or comments should amount to advocacy of hatred and constitute incitement to cause harm. I concluded that the comments do not contravene Clauses 3 and 4 of the BCCSA Code of Conduct as the impugned comments did not sanction, promote or glamorise violence or unlawful conduct. Neither did it encourage imminent violence; or urged or persuaded hatred that is based on gender that constitutes incitement to cause harm.

[9] The complainant, again, states that the presenter's comments are biased and undermine public safety. Having read all the correspondence and listened to the context of the broadcast, I find the comments about the woman *doing the country duty and deserving the order of Ikhamanga* as simply tongue in cheek. The presenter merely "mentioned" a social media posting, which was not meant to be discussed or debated or to offend. As such, the comment was "just a brief mention" and not a "jovial tribute" to the woman. To argue otherwise would be to deny the Broadcaster's right to freedom of speech, a "hard-won" right, as is frequently acknowledged by the BCCSA. Furthermore, it should be noted that mere offensiveness is not prohibited by the Code.

[11] Having looked at everything in context, I therefore conclude that there was not any contravention of the BCCSA Code of Conduct. **The complaint is therefore not upheld.**



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