



ADJUDICATION NO: 06/A/2026

NAME OF PROGRAMME: GANGLAND 2 (EPISODE 4)

DATE AND TIME OF BROADCAST: 15 JANUARY 2026 at 21:30

BROADCASTER: eNCA

COMPLAINANT: THE NEO BLACK MOVEMENT AFRICA, OF SOUTH AFRICA (NBM)

COMPLAINT

Complaint that no opportunity for a reply or opposing view was provided during or soon after the broadcast of an investigative documentary programme which contained alleged inaccurate facts that allegedly distorted the reality of the situation and damaged reputation.

APPLICABLE CLAUSES

THE BCCSA'S CODE OF CONDUCT FOR SUBSCRIPTION BROADCASTING SERVICE LICENSEES

28.2 Comment

- 28.2.1** Licensees may broadcast comment on and criticism of any actions or events of public importance.
- 28.2.2** Comment must be an honest expression of opinion and must be presented in such manner that it appears clearly to be comment, and must be made on facts truly stated or fairly indicated and referred to.

28.3 Controversial issues of public importance

28.3.1 In presenting a programme in which controversial issues of public importance are discussed, a licensee must make reasonable efforts to fairly present opposing points of view either in the same programme or in a subsequent programme forming part of the same series of programmes presented within a reasonable period of time of the original broadcast and within substantially the same time slot.

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.

ADJUDICATION

[1] A complaint was lodged with the BCCSA against *episode 4 of Gangland 2*, which is an investigative current-affairs programme that was broadcast by eNCA on 15 January 2026.

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

“The Neo Black Movement of Africa, South Africa (NBM of Africa SA), Registered with the Companies and Intellectual Property Commission (CIPC): Reg No: 2007/026508/08.

Respondent: eNCA (eNews Channel Africa), Programme Complained of: Gangland 2 (Episode 4), Date Broadcasted: 15th January 2026, Time of Broadcast: 21:30pm, Presenter/Producer: Annika Larsen.

A. INTRODUCTION AND LOCUS STANDI

This complaint is submitted on behalf of The Neo Black Movement of Africa, South Africa (NBM), a Pan-African cultural, intellectual, and social organization, founded in 1977 at the University of Benin, Nigeria.

The Neo Black Movement of Africa, South Africa is a registered and lawful organization, in South Africa with international chapters and a long-standing commitment to Africa cultural development, social justice, equality, education, and community upliftment.

The Neo Black Movement of Africa, South Africa expressly condemns criminal conduct and maintains disciplinary processes to expel any member proven to have engaged in unlawful activity.

The complainant has the requisite standing to lodge this complaint as a representative of the organization expressly named and portrayed in the broadcast.

B. NATURE OF THE COMPLAINT

The eNCA documentary Gangland 2, Episode 4 broadcasted on the 15th of January 2026 portrayed The Neo Black Movement of Africa, South Africa as a criminal organization, money laundering, organized crime, ritual practices, and violence.

These portrayals were presented as statement of facts, were unverified, false, unfair, and sensational, and caused serious reputational harm to The Neo Black Movement of Africa, South Africa and its members.

The broadcast constitutes multiple breaches of the BCCSA subscription Code of Conduct.

Please take note that wherever Black Axe or Nigerian syndicate is mentioned, the presenter Annika Larsen is referring to The Neo Black Movement of Africa, South Africa members. This conclusion is drawn from her statement at the opening of the documentary, "who are these Nigerian syndicates? Black Axe or The Neo Black Movement of Africa."

Detailed below:

C. BREACHES OF THE BCCSA SUBSCRIPTION CODE OF CONDUCT

Clause 28.

1. Accuracy, Fairness:

Clause 28.1.1, requires broadcasters to ensure that news and factual programming is reported truthfully, accurately, and without material misrepresentation.

The programme repeatedly made unsubstantiated assertion linking The Neo Black Movement of Africa to criminal activity without credible evidence, verification, or corroboration. Allegations were presented as facts, creating a misleading impression that The Neo Black Movement of Africa, South Africa is an organized criminal syndicate.

The broadcaster is required to treat individuals and organizations fairly and avoid unjust or prejudicial portrayals. No attempt was made to contact The Neo Black Movement of Africa, South Africa for a comment, clarification, or response, despite being explicitly named and accused of serious criminal conduct.

The programme failed to distinguish between individual criminal suspects and the organization itself, unfairly imputing criminal conduct of individuals to The Neo Black Movement of Africa, South Africa as a whole.

If a report is not based on fact or is founded on opinion, supposition, rumors or allegations, the broadcaster must present such report, or comment in a way that clearly indicates this. In other words, broadcasters must label or frame these elements clearly so the audience understand they are not established facts. (Referring to all statements from the interviewees)

This constitutes a clear breach of Clause 28.1.1 and 28.1.

2. Clause 28.3.2- Right of Reply:

Clause 28.3.2, requires that a person or organization subjected to serious allegations be afforded a reasonable opportunity to respond.

No right of reply was afforded to The Neo Black Movement of Africa, South Africa either prior to or following the broadcast. This constitutes a breach of Clause 28.3.2.

3. Clause 28.4- Privacy, Dignity and Reputation:

Clause 28.4, requires broadcasters to respect human dignity and avoid content that unfairly stereotypes or prejudices groups.

Statements such as “Mexicans cook it and Nigerians move it” and repeated references to “Nigerian syndicate,” “rituals,” and “voodoo” promote racial and group stereotyping.

These depictions fuel xenophobic sentiments and undermine the dignity of individual groups lawfully residing and contributing to South African Society.

This constitutes a breach of Clause 28.4.

D. DEFAMATORY AND PUBLIC INTEREST HARM

The cumulative effect of the broadcast is defamatory in nature, unjustly damaging The Neo Black Movement of Africa's reputation and exposing its members to stigma, discrimination, and potential harm.

The programme failed to serve the public interest by prioritizing sensationalism over verified, balanced, and responsible journalism.

E. ANNEXURE A

TABLE OF IMPUGNED STATEMENTS, TIMESTAMPS, AND CODES
BREACHED Statement/Representation
Time Stamp, Nature of Breach

Clause 28.1.1- 00:31

“Nigerian syndicates who know how to corrupt systems from inside”
Unverified factual allegation; Stereotyping.

Clause 28.1.1 -00:36

References to “Nigerian syndicates”, Without distinction, Unfair generalization.

Clause 28.1.1 and 28.4 -00:57

“The Neo Black Movement of Africa” (NBM) described as money launderers
and a cult. False factual assertion

Clause 28.1 and 28.4 -01:53

The Neo Black Movement of Africa alleged to run drug routes and money laundering.
Serious unverified allegation.

Clause 28.1-02:20

Interviewee claim to have worked for “The Neo Black Movement of Africa”

Lack of verification, The Neo Black Movement of Africa do not and have never employed anyone to work for it, the organization does not have a physical office, meetings and events are held at public hired centers, meetings are held every 2 to 3 months depending on the availability of funds. All members are people with individual careers and businesses not associated with the organization, who give free will donations to help run the organization. Leaders of the organization are elected by members to see to the running of the organization for a 2 years period before another election is held, all elected leaders are volunteer members.

Clauses 28.1.2.1, 28.1.2.2, 28.1.2.3 -03:46

Selective narrative and dismissing The Neo Black Movement of Africa lawful history. Misleading context, distortion and exaggeration.

Clause 28.1 -04:36

Claim that The Neo Black Movement of Africa is “fighting for drug turf.” Fabricated allegation.

Clause 28.1.3 -06:59

“Mexicans cook it and Nigerians move it.” Group stereotyping.

The Complainant respectfully requests that the BCCSA: Uphold this complaint in full. Find that eNCA breached Clauses 28.1.1, 28.1.2, 28.1.3, 28.1.2.2, 28.1.2.3, 28.3.2, and 28.4 of the Subscription Code of Conduct. Direct eNCA to broadcast a public apology and retraction, in the same programme slot, correcting the false allegations against The Neo Black Movement of Africa.

Impose appropriate sanctions on eNCA or compensation for The Neo Black Movement of Africa to deter future violations.

F. CONCLUSION

The Neo Black Movement of Africa, South Africa remains available to provide further submissions if required. Kindly acknowledge receipt of this complaint in accordance with BCCSA procedures.”

[3] The Broadcaster responded as follows:

“FORMAL RESPONSE TO COMPLAINT: “GANGLAND 2, EPISODE 4” (15 JANUARY 2026)

INTRODUCTION

1. This is eNCA's response to the complaint lodged by the Neo Black Movement of Africa, South Africa (“**NBM SA/Complainant**”) dated 27 January 2026, concerning a broadcast of Gangland 2, Episode 4 on 15 January 2026 at 21:30.
2. The complaint was brought in terms of the BCCSA Code of Conduct for Subscription Broadcasting Service Licensees (“**the Code**”), and allege breaches of clauses 28.1.1, 28.1.2.1, 28.1.2.2, 28.1.2.3, 28.1.3, 28.3.2 and 28.4.
3. eNCA denies any contravention of the Code. Gangland 2, Episode 4 is an investigative current-affairs documentary dealing with organized crime, a matter of clear and compelling public importance. The programme was produced with appropriate care, based on extensive expert input and documentary material, and falls squarely within the protection afforded by clauses 28.2 (comment) and 28.3 (controversial issues of public importance).
4. For convenience, we first address (i) the nature of the programme and applicable Code provisions; (ii) the factual basis for the impugned statements; and (iii) the specific clauses alleged to have been breached.

NATURE OF THE PROGRAMME AND APPLICABLE CODE

5. Gangland 2, Episode 4 is an investigative current-affairs programme. It is not a news bulletin or news insert in the sense contemplated by clause 28.1 of the Subscription Code.

6. The BCCSA has repeatedly distinguished between news reporting, to which the strictures of clause 28.1 apply; and current-affairs discussion, analysis, and documentary content, in which comment, opinion and critical investigation predominate, governed primarily by clauses 28.2 (comment) and 28.3 (controversial issues of public importance).
7. The Registrar already informed the Complainant that the broadcast did not fall within the ambit of the news clause and we will not deal with it in this response.
8. eNCA therefore submits that the primary applicable provisions are: clause 28.2: comment; clause 28.3: controversial issues of public importance; and clause 28.4: privacy, dignity and reputation.

FACTUAL BASIS FOR THE PROGRAMME'S TREATMENT OF BLACK AXE / NEO BLACK MOVEMENT

Confraternities, Black Axe and the Neo Black Movement

9. The episode examines Nigerian confraternities — including Black Axe, the Neo Black Movement of Africa (“NBM”), the Maphites, Airlords and Vikings/Norsemen — and their role in transnational organised crime, particularly in relation to South Africa’s synthetic drug trade, cyber-enabled fraud, and money-laundering.
10. Extensive open-source and judicial material, much of it predating the broadcast, supports the proposition that: the “Neo Black Movement of Africa” originated as a student movement at the University of Benin in Nigeria in the late 1970s and has, over time, been associated with violent “campus cult” activity and criminal fraternities; and various authoritative sources treat “Black Axe” and the Neo Black Movement as synonymous, or as historically and organisationally intertwined, particularly in the context of organised crime.
11. A detailed 2020 investigative article in the *Frankfurter Allgemeine Zeitung*¹ describes the Neo Black Movement and Black Axe as originally the same confraternity, with NBM/Black Axe members implicated in violent campus cult activity, international fraud schemes, drug trafficking and human trafficking. It records law-enforcement findings in Canada, Italy and elsewhere, and quotes a Canadian financial-crimes detective as saying that no other organisation shows such a correlation between membership and criminal activity.
12. The Immigration and Refugee Board of Canada, in *Minister of Public Safety v Peter Chukwudi Alika*², after extensive documentary and police-evidence analysis, found on reasonable-grounds evidence that: the Neo Black Movement and Black Axe are “one and the same” organisation engaged in, inter alia, fraud, money-laundering, kidnapping, drug trafficking, prostitution, and other serious crimes across multiple jurisdictions.
13. In the Italian courts, in prosecutions in Palermo, have treated Black Axe and the Neo Black Movement as a single “mafia-like” organisation when sentencing members involved in drug trafficking and forced prostitution. Investigations noted that Black Axe/NBM cells operated as closed, violence-prone groups, using the names “Black Axe” and “Neo-Black Movement”

¹ <https://www.faz.net/aktuell/gesellschaft/kriminalitaet/investigation-on-the-neo-black-movement-a-k-a-black-axe-16898417.html>

² Reasons and Decision of 1 August 2019 (we have attached a copy for ease of reference)

interchangeably, and that membership in the NBM Italy “zone” was an aggravating factor in sentencing.³

14. Multiple journalistic and academic sources, including the BBC Africa Eye documentary “Black Axe: Nigeria’s Mafia Cult”⁴ and subsequent analyses, describe Black Axe as a “mafia-style” or “mafia-like” gang with roots in the Neo Black Movement, engaged in cybercrime, human trafficking, illegal drug trade, and violence across continents.
15. In South Africa specifically, the Hawks and US Secret Service have, in joint and coordinated operations, dismantled Nigerian-linked online fraud and money-laundering syndicates and, in at least one instance, have publicly linked such activity to the Black Axe network. Interpol operations⁵ (notably Operation Jackal III and prior global initiatives) have targeted “West African fraud syndicates”, explicitly identifying Black Axe as a key organised-crime group involved in cyber-enabled financial crime, romance scams and money-laundering, with operational presence in South Africa.
16. South African media have reported repeatedly on the arrest of alleged Black Axe members in Johannesburg and Cape Town for romance-scam, fraud and money-laundering offences, including arrests executed on behalf of the FBI and other foreign agencies.⁶
17. A recent ENACT/Institute for Security Studies event titled “Nigerian confraternities in South Africa: brotherhood or criminal enterprise?”⁷ summarises research findings that Nigerian confraternities operating in South Africa — particularly Black Axe — are deeply enmeshed in transnational organised crime, including cybercrime, trafficking, drug trade and money-laundering.⁸
18. The broadcast’s core proposition — that Black Axe and related confraternities are deeply involved in organised crime globally, and have operations in South Africa — is therefore firmly grounded in a substantial body of law-enforcement, judicial and research material.

Relationship between Black Axe and NBM and the SA Registered NPC

19. The Complainant relies on the fact that “The Neo Black Movement of Africa, South Africa” is registered as a non-profit company (Reg No. 2007/026508/08) with declared objects including “promotion of human equality, social justice, HIV awareness [and] orphanage and related activities”, and asserts that it is a lawful cultural and social organisation that condemns criminal conduct.
20. That an entity bearing the name “Neo-Black Movement of Africa” is registered as a section 21 non-profit company in South Africa is not in dispute. However, registration as a non-profit company and the adoption of charitable objects do not, of themselves, negate or disprove evidence that the same name and movement are used internationally by confraternity

³ <https://ecpr.eu/Events/Event/PaperDetails/47913#:~:text=Abstract,%2C%20omerta%2C%20territorial%20control;https://journals.openedition.org/qds/4839#:~:text=7To%20answer%20these%20questions,5%20Liberia;%2013%20Ghana>

⁴ <https://www.bbc.com/news/world-africa-59614595>

⁵ <https://www.interpol.int/en/News-and-Events/News/2024/INTERPOL-operation-strikes-major-blow-against-West-African-financial-crime>

⁶ <https://www.interpol.int/en/News-and-Events/News/2022/Financial-crime-South-African-fraud-gang-dismantled>

⁷ <https://issafrica.org/events/nigerian-confraternities-in-south-africa-brotherhood-or-criminal-enterprise>

⁸ <https://businesstech.co.za/news/lifestyle/841496/another-new-mafia-thriving-in-south-africa/>

structures that have repeatedly been linked by courts and law-enforcement agencies to serious organised crime. Indeed, both law-enforcement evidence and academic/journalistic investigations note that NBM/Black Axe chapters abroad frequently present as cultural, pan-African or charitable organisations while providing cover for, or overlapping with, criminal activity. The FAZ article records that NBM chapters abroad are often registered as associations and that the leadership itself has, at times, acknowledged reputational problems caused by member criminality.

21. The Canadian IRB decision found that NBM/Black Axe in Canada had registered as a non-profit, yet concluded (on the evidence of police operations, financial-intelligence reports and criminal convictions) that it was an organised-crime group.
22. The broadcast expressly reflects this dynamic: confraternities that “pretend to be charitable organisations who like to promote black consciousness but in fact do very little actual charity and it is all a front for their criminal activities”. That statement is a fair and reasonable comment on the international evidence described above.
23. It is important to stress that the broadcast does not accuse every person who claims membership of NBM, or any SA-registered NPC, of personal criminality. Rather, it treats “Black Axe or the Neo Black Movement of Africa” as the nomenclature of a confraternity that, as a matter of fact and credible evidence, has demonstrated deep and structural links with organised crime, including in South Africa.

SOURCES RELIED ON IN THE BROADCAST

24. In addition to extensive open-source research (including the foreign judicial and law-enforcement material noted above), the broadcast relied on the following expert sources:
25. A senior specialist from the Directorate for Priority Crime Investigation (Hawks) dealing with synthetic drug-lab investigations, who confirmed that: Mexican nationals are consistently arrested when such labs are raided; Nigerian nationals are regularly implicated in facilitating the entry of Mexican cartel members into South Africa; Nigerian networks assist in moving synthetic drugs domestically; and these cartels utilise existing Nigerian money-laundering networks.
26. A US Secret Service expert specialising in cyber-enabled financial crime and West African fraud syndicates, with operational experience of Nigerian confraternity-linked networks.
27. A Nigerian national who infiltrated Black Axe and acted as a police-intelligence informant, who is also an academic researcher on Nigerian confraternities. He is described in the voice-over as having “worked inside Black Axe” — accurately conveying that he operated within the organisation, not that he was employed “by” it.
28. A US-based expert who consults for Interpol on Nigerian confraternities and has advised on their structures, modus operandi and use of violence, ritual practice and intimidation.
29. It is clear that these are not anonymous social-media allegations. They are law-enforcement and specialist sources with direct, operational knowledge of the syndicates under discussion. Their evidence is corroborated by the international material referred to above.
30. In this context, there were strong and credible grounds to believe that: Black Axe/Neo Black Movement structures constitute, or are intertwined with, organised-crime groups; and

Nigerian confraternities, including Black Axe, are active in South Africa in relation to drug trafficking, cybercrime and money-laundering.

RESPONSE TO ALLEGED CLAUSE BREACHES

Clause 28.2 – Comment

31. The broadcast was based on multiple foreign court decisions; documented law-enforcement operations (INTERPOL, Hawks, FBI, USSS, etc.); and in-depth interviews with operational experts and an informant.
32. The statements that NBM/Black Axe are “money launderers” and a “cult movement using violence, ritual practices and voodoo” accurately reflects international characterisations of Black Axe/Neo Black Movement and the repeated association of its members and cells with money-laundering schemes of substantial value. The statement that these confraternities “are now in South Africa, running the cartels’ drug routes and money laundering operations” is a reasonable shorthand, in an investigative show, for the evidence that Mexican-linked synthetic drug-production is facilitated and distributed in South Africa through Nigerian-linked networks, including confraternity-linked structures; and Nigerian-linked syndicates provide money-laundering infrastructure for proceeds of international cartels.
33. The complainant suggests the programme should have “labelled” the interviewees’ statements as “opinion” or “allegation”. That is not what the Code requires. As the Commission has noted in prior adjudications, “facts truly stated or fairly indicated and referred to” means that the underlying basis for comments must be made clear, not that each inference be tentatively couched as mere rumour.
34. The Commission has also stressed, in cases such as *Karson v MultiChoice*⁹ and *Price v Power FM*¹⁰, that “facts” in this context are those genuinely perceived as such by the person making them, and that the Code does not require those facts to be incontrovertibly correct, only that they be fairly indicated and referred to. The programme comfortably meets that standard.
35. The Commission, in *South African Jewish Board of Deputies v SABC News*¹¹ reaffirmed the high value of robust opinion and debate on controversial matters. Too rigid a reading of the Code in this area would chill broadcasters from investigating and criticising powerful entities, including organised-crime groups.

Clause 28.3.1 – Balance

36. The subject matter of the broadcast is plainly a “controversial issue of public importance”. Clause 28.3.1 requires broadcasters to make “reasonable efforts” to fairly present opposing points of view, either in the same programme or subsequently within the same series and time-slot
37. The BCCSA has consistently held that “Reasonable efforts” do not mean parity of airtime for each conceivable viewpoint. Rather, balance is assessed over time, and with due regard to editorial freedom to choose focus, participants and structure¹².

⁹ 15/2017

¹⁰ 38/A/2022

¹¹ 27/A/2024

¹² See, 20/A/2023 and 27/A/2024.

38. In this context, eNCA was under no obligation to provide such organisations with equal airtime in a single episode. Gangland 2, Episode 4 is not a platform for confraternity representatives to promote their narratives, but an investigative exposé of organised-crime structures. The episode does, however, include the historical narrative that the Neo Black Movement/Black Axe began with “noble ideas” as a student movement in 1970s Nigeria. The academic/informant source explains the ideological self-presentation of these groups and the tension between professed ideals and criminal practice; and• the script distinguishes between confraternity members and the broader Nigerian community, emphasising that these are specific “syndicates” and not ordinary Nigerians.
39. eNCA is willing, in future current-affairs content, to reflect perspectives from lawful pan-African or cultural organisations that explicitly distance themselves from confraternity-linked criminality. That is not a concession of breach, but a reflection of our ongoing commitment to robust and inclusive debate on organised crime and its social impact.

Clause 28.3.2 – Right of Reply

40. The complainant alleges breach of clause 28.3.2 on the basis that “no attempt was made to contact NBM SA” despite the Neo Black Movement being mentioned by name.
41. Clause 28.3.2 protects “a person whose views are to be criticised in a broadcasting programme on a controversial issue of public importance”. The Commission, in the case of *South African Jewish Board of Deputies v SABC News*, declined to extend that right of reply to organisations that were neither: directly identified as parties to the impugned conduct; nor clearly authorised representatives of the criticised entity (e.g. a private body not speaking for a foreign government).
42. Applying that reasoning, the criticism in Gangland 2 is directed at Nigerian confraternities (including Black Axe/Neo Black Movement) as organised-crime structures, not at a specific South African registered NPC as such. NBM SA was not named in the programme with reference to its CIPC registration number, directors, address or organisational details. No individual SA-based office-bearer is identified, and no personal allegations are made.
43. At the time of production and broadcast, the producers tried in vain to contact someone from the “Neo-Black Movement of Africa” in South Africa. Public-facing contact details for such an entity were not reasonably accessible through ordinary journalistic methods. We made several attempts through our Nigerian source. The source contacted confraternity members. He tried to persuade them to do an interview but they declined as they were concerned it could be a law enforcement trap.
44. Our actions were reasonable in the circumstances. In fact, even upon receiving the BCCSA complaint and doing a reverse search online with the Complainants’ details does not provide any specific contact information for the organisation in South Africa. It appears that they do not wish to be easily contacted. Similarly, the official NBM website has no contact information whatsoever.
45. In these circumstances, clause 28.3.2 is not triggered in the strict sense, as there is no clearly identified, contactable “person whose views are to be criticised” in the broadcast. Nonetheless, now that NBM SA has come forward and asserted a lawful, charitable identity in South Africa, eNCA does not object in principle to the possibility of a follow-up segment, within an appropriate current-affairs programme, in which: the distinction between NBM SA’s asserted activities and confraternity-linked criminal groups can be explored; and the complex

relationship between confraternities, diaspora organisations and criminal networks can be debated with suitable experts.

Clause 28.4 – Privacy, Dignity and Reputation

47. The complaint alleges that the programme unfairly stereotypes Nigerians through statements such as “Mexicans cook it and Nigerians move it”; and undermines the dignity and reputation of NBM SA and Nigerians lawfully resident in South Africa.
48. Clause 28.4 requires broadcasters to exercise exceptional care in matters involving private lives, dignity and reputation, but recognises that these rights may be overridden by legitimate public interest.
49. We submit that the broadcast does not identify any individual Nigerian — or any individual NBM SA member — as a criminal. Names used in case-studies relate to persons publicly charged or convicted in South Africa, the United States or Nigeria, with explicit reference to court proceedings.
50. The phrase “Mexicans cook it and Nigerians move it” appears in the specific context of an expert explanation of how Mexican cartels, on the evidence of Hawks and US authorities, rely on particular Nigerian-linked networks for distribution and money-laundering. It is a description, drawn from operational experience, of the nationality profile of participants in a specific transnational crime pattern, not a blanket stereotype of all Mexicans or all Nigerians.
51. The broadcast repeatedly distinguishes between “Nigerian syndicates” or “confraternities” and the general Nigerian population. It is clear that the focus is on structured groups implicated in serious crime, not on a nationality as such.
52. The subject matter — organised crime— is of the highest public importance. To require that broadcasters avoid robust description of the national origins of identified transnational-crime groups, when those origins are operationally and evidentially relevant, would seriously impede meaningful reporting.
53. Against this, the reputational interest of an organisation whose international movement has, as shown, been repeatedly and credibly linked to organised crime — and which itself acknowledges the need to expel criminal members — must yield to legitimate public-interest reporting.
54. There is no advocacy of hatred, incitement to violence, or demeaning language directed at Nigerians as a group. The broadcast therefore falls within clause 28.4’s allowance for public-interest overrides.

CONCLUSION

55. The broadcast represents a serious, carefully researched attempt to expose the nexus between international cartels, Nigerian confraternities and South African gangs, and the devastating impact of that nexus on local communities.
56. eNCA therefore respectfully submits that the complaint be dismissed in its entirety.”

[4] The Complainant replied as follows:

“REPLY TO RESPONDENT’S FORMAL RESPONSE

INTRODUCTION

1. The Neo Black Movement of Africa, South Africa (“NBM-SA” / “the Complainant”) hereby files this reply to the Respondent’s formal response opposing the complaint lodged with the Broadcasting Complaints Commission of South Africa (“BCCSA”).
2. NBM-SA notes that eNCA’s response is largely an attempt to justify defamatory conclusions through broad generalisations, selective foreign materials, and speculative associations, rather than demonstrating compliance with the Code of Conduct for Subscription Broadcasting Service Licensees (“Code 28”).
3. NBM-SA reiterates that the programme wrongfully and unfairly portrayed NBM-SA and its name as synonymous with an international criminal syndicate, thereby violating the Code, including clauses 28.2, 28.3, and 28.4, regardless of whether eNCA insists the programme falls outside clause 28.1.
4. The Respondent’s attempt to escape accountability by classifying the programme as a “current affairs documentary” is misplaced. The Code applies equally to documentaries, particularly where reputational harm is caused by factual allegations presented as truth.

THE CORE DEFECT IN eNCA’S DEFENCE: “GUILT BY ASSOCIATION” IS NOT EVIDENCE

5. A central and fatal weakness in eNCA’s defence is its reliance on arrests, allegations, convictions, and law enforcement opinions involving individuals to justify labelling an organisation as a criminal syndicate.
6. NBM-SA submits that the arrest or conviction of individuals who may claim association with an organisation is not proof that the organisation itself is criminal, nor does it justify presenting the organisation’s identity as synonymous with organised crime.
7. The Respondent repeatedly cites criminal prosecutions, police investigations, and media reports involving individuals allegedly linked to “Black Axe” or “NBM”, and then uses these as the foundation to assert that NBM-SA is itself a “cult”, “mafia-like group”, or a criminal cartel.
8. This reasoning is fundamentally flawed. It amounts to collective guilt, which is not journalism—it is prejudice dressed as investigative reporting.
9. The Code does not permit broadcasters to make sweeping defamatory conclusions about an organisation based on misconduct by alleged members or persons who “happen to belong” to a group, whether proven or alleged.
10. It is common cause internationally that criminals often join legitimate organisations, political movements, charities, religious bodies, unions, clubs and associations. The criminal conduct of certain individuals cannot lawfully be used as evidence that the entire organisation is a criminal syndicate, unless there is credible proof that the organisation itself authorises, directs, funds, or formally participates in such criminal activity.
11. eNCA has produced no evidence of any official resolution, constitution clause, leadership instruction, or organisational mandate proving that NBM-SA as a South African entity engages in crime.

MISCHARACTERISATION OF THE COMPLAINANT AS SYNONYMOUS WITH “BLACK AXE”

12. eNCA's response repeatedly asserts that "Black Axe" and "Neo Black Movement" are synonymous, interchangeable, or "one and the same."
13. NBM-SA submits that this assertion is precisely the defamatory misrepresentation complained of. It is not enough for eNCA to say "foreign sources say so." The issue is whether eNCA acted in accordance with the Code by ensuring fairness, context, and proper verification.
14. NBM-SA is a South African registered lawful organisation with registration Number 2007/026508/08. The broadcast, however, presented "The Neo Black Movement" as inherently criminal, without distinction, and without clarifying that there are lawful chapters and registered bodies using the name in different jurisdictions.
15. The Respondent's argument that "we did not mention the registration number" is an artificial technicality. The reputational harm does not require a registration number. It is the name itself that was publicly and repeatedly framed as criminal.
16. The Respondent cannot escape liability by claiming it did not identify directors or addresses when the programme explicitly names "Neo Black Movement" and associates it with money laundering, violence, and drug cartels.

FOREIGN MATERIALS AND FOREIGN COURT CASES DO NOT JUSTIFY BROADCASTING DEFAMATION IN SOUTH AFRICA

17. eNCA relies on foreign sources such as:
 - (a). foreign newspaper reporting;
 - (b). foreign immigration tribunal decisions;
 - (c). foreign prosecutions in Italy;
 - (d). documentaries such as BBC Africa Eye;
 - (e). Interpol operations targeting "West African fraud syndicates."
18. NBM-SA submits that foreign sources may be useful background, but they are not proof of criminality of NBM in South Africa, nor do they justify presenting NBM-SA's name as a criminal cartel operating locally.
19. Critically, the Respondent fails to show that any of these foreign sources made findings against NBM-SA as a South African entity, registered under South African corporate law.
20. The Respondent's approach effectively states:

"If people in other countries commit crimes and are said to belong to something with the same name, then any organisation bearing that name is criminal."
21. This is not investigative journalism. It is irresponsible reputational destruction and directly violates the Code's standards of fairness and dignity.

"REGISTERED AS AN NPC" IS NOT A MERE TECHNICALITY — IT IS A FACT THAT DEMANDS CAREFUL TREATMENT

22. The Respondent concedes that NBM-SA is a registered non-profit company.

23. Yet eNCA dismisses this fact as meaningless and implies that registration may itself be a cover for criminal activity.
24. NBM-SA submits that this is an extraordinary allegation, bordering on malice, because it implies that lawful compliance with South African corporate requirements is itself suspicious.
25. If eNCA wished to claim that NBM-SA is a criminal front, the Code required eNCA to have direct evidence, not assumptions based on foreign commentary.
26. eNCA has not produced any South African criminal conviction, judgment, or factual finding against NBM-SA proving that it is engaged in organised crime.

CLAUSE 28.2: COMMENT MUST BE BASED ON FAIRLY INDICATED FACTS

27. eNCA seeks refuge under clause 28.2, arguing that the documentary is comment and analysis.
28. However, clause 28.2 does not permit reckless conclusions. Comment must still be based on facts that are fairly presented and properly contextualised.
29. The broadcast did not present the material as “comment” or “analysis.” It presented it as investigative truth, using authoritative tone, expert interviews, and definitive statements.
30. The programme stated, as fact, that “Neo Black Movement / Black Axe” are money launderers, criminals, and cartel facilitators. This was not framed as opinion—it was presented as established truth.
31. NBM-SA submits that eNCA cannot claim the protection of “comment” while simultaneously presenting allegations as confirmed fact.

CLAUSE 28.3: CONTROVERSIAL ISSUES REQUIRE FAIRNESS AND REASONABLE BALANCE

32. The Respondent argues that the programme is a controversial matter of public importance and thus falls under clause 28.3.
33. NBM-SA agrees that organised crime is a controversial issue of public importance. However, that is precisely why the broadcaster must exercise heightened responsibility.
34. eNCA failed to make reasonable efforts to obtain opposing viewpoints from NBM-SA, despite repeatedly naming the Neo Black Movement.
35. The Respondent’s claim that it “tried” but could not find contact information is unconvincing. NBM-SA is registered with the CIPC, and the Respondent is a sophisticated media institution with the resources to locate and contact registered entities.
36. Even if the Respondent could not locate NBM-SA, clause 28.3 still required it to clearly reflect that:
 - (a).NBM-SA denies being a criminal organisation;
 - (b).NBM-SA exists lawfully in South Africa;
 - (c).and allegations about “Black Axe” cannot automatically be equated with NBM.

37. Instead, the programme made sweeping conclusions and left viewers with a singular impression:

that the NBM-SA is a violent criminal cartel.

38. This is exactly what clause 28.3 is designed to prevent.

CLAUSE 28.3.2: RIGHT OF REPLY WAS TRIGGERED

39. eNCA argues clause 28.3.2 was not triggered because NBM-SA was not “specifically identified.”
40. This is incorrect. The broadcast explicitly referenced “Neo Black Movement of Africa” by name, repeatedly.
41. Once the Respondent directly criticises and implicates an organisation by name in organised crime, it is irrelevant that they did not provide a registration number or address. The organisation is identifiable through its name and public existence.
42. The Respondent’s argument that “the BCCSA Registrar already said clause 28.1 does not apply” is irrelevant to clause 28.3.2.
43. NBM-SA submits that the Respondent had a duty to offer NBM-SA a meaningful opportunity to respond, particularly because the allegations involved criminality, violence, and organised crime.
44. Failure to do so is a clear breach of clause 28.3.2.

CLAUSE 28.4: REPUTATION, DIGNITY AND NATIONALITY-BASED STEREOTYPING

45. The Respondent attempts to justify the statement “Mexicans cook it and Nigerians move it” as a neutral crime analysis.
46. NBM-SA submits that the statement is plainly stereotyping and racially inflammatory, especially within South Africa’s social context where foreign nationals are frequently targeted for xenophobic violence.
47. Such phrasing, broadcast nationally, has a foreseeable consequence: it fuels public hostility toward Nigerians and reinforces dangerous prejudices.
48. The Respondent cannot justify this by saying “it was based on expert input.” Clause 28.4 requires exceptional care where dignity and nationality-based reputation are at stake.
49. The programme’s overall tone and narrative repeatedly painted Nigerians as facilitators of cartels and criminal networks, and NBM-SA as a key part of that machinery.
50. NBM-SA submits that eNCA failed the exceptional-care standard required by clause 28.4.

eNCA’S CLAIM THAT IT DID NOT ACCUSE “EVERY MEMBER” IS MEANINGLESS

51. The Respondent argues that it did not accuse every person who claims membership of NBM of personal criminality.
52. This defence is hollow. The broadcast’s message was unmistakable:

- (a).that NBM/Black Axe is a criminal organisation;
 - (b).that it uses charity as a front;
 - (c).and that it operates in South Africa.
53. This directly attacks the NBM-SA's reputation as an organisation and inevitably causes the public to view its members as criminals.
54. The harm is therefore organisational and collective, regardless of whether every member was not named.

CONCLUSION

55. NBM-SA submits that eNCA's response confirms the very breach complained of: it relies heavily on "association reasoning," foreign material, and individual criminal prosecutions to brand an entire organisation as criminal.
56. NBM-SA emphasises that individual arrests, convictions, or allegations — whether in South Africa or abroad — cannot lawfully be used as evidence that an organisation they happen to belong to is a criminal syndicate, absent proof that the organisation itself directs or authorises such crimes.
57. The broadcast failed to distinguish adequately between:
- (a).criminal suspects;
 - (b).alleged foreign confraternity networks; and
 - (c).NBM-SA as a lawful South African organisation.
58. The programme therefore violated the Code, particularly clauses 28.2, 28.3, 28.3.2 and 28.4, by presenting defamatory allegations as fact, failing to provide fair opportunity for reply, and causing serious reputational and dignity harm.
59. NBM-SA accordingly requests that the BCCSA uphold the complaint and grant appropriate relief, including a directive for correction, apology, and/or broadcast of NBM-SA's response in a comparable timeslot and platform."

EVALUATION

- [5] The impugned episode followed an investigative approach which went beyond surface-level reporting to uncover complex and concealed information in order to hold a powerful entity accountable and to inform the public. Complaints are typically evaluated by taking the context of the programme and the applicable clauses of the Code into consideration, cognisant of constitutional values. In paragraph 32 of its response, the Broadcaster provides a detailed and sufficient

description of the episode in question. The broader context will be discussed later.

[6] The Complainant writes:

“Please take note that wherever Black Axe or Nigerian syndicate is mentioned, the presenter Annika Larsen is referring to The Neo Black Movement of Africa, South Africa members. This conclusion is drawn from her statement at the opening of the documentary, “who are these Nigerian syndicates? Black Axe or The Neo Black Movement of Africa”.

The presenter, however, more than once named and referred to three additional Nigerian syndicates, namely the Maphites, Airlords and Vikings/Norsemen. She referred to Black Axe ten times during the episode, but apart from her opening statement, the only other reference to NBM was a very fleeting placard with the acronym NBM displayed on it. Most of her references were to “Nigerian syndicates or “Nigerian confraternities”.

[7] The Complainant relies, inter alia, on Clause 28.1.1, which requires broadcasters to report news accurately, fairly and truthfully. This Clause is not applicable to the present matter, as the impugned episode was not a hard-news broadcast. News is defined as *“newly received or noteworthy information, especially about recent or important events”*.¹³ The episode constituted a special report following a lengthy investigative process.

[8] The complaint will instead be assessed in terms of Clause 28.2 (comment) and Clause 28.3 (controversial issues of public importance). The Complainant further contends that Clause 28.4 (dignity) is applicable; however, this clause pertains to specific matters involving the private lives, dignity and reputation of individuals,

¹³ Oxford English Dictionary 2021

and not organisations. In any event, such rights may be limited where outweighed by legitimate public interest.

[9] Clause 28.2.1 provides that broadcasters may broadcast comment on and criticism of actions or events of public importance. The contents of the impugned episode clearly addressed a controversial issue of public importance in South Africa. In the broader context, crime in South Africa has escalated to levels that place significant strain on law-enforcement agencies, and at times the Government has been required to deploy the Defence Force to assist¹⁴.

[10] Clause 28.2.2 provides that comment must be an honest expression of opinion, clearly presented as such, and must be made on facts truly stated or fairly indicated and referred to. The statements made by the presenter and the interviewees reflected their respective opinions and commentary, based on the facts stated and referred to, and on their professional or personal experience as indicated.

[11] It is not required that such facts be incontrovertibly correct; rather, that they be truly stated or fairly indicated and referred to, disclosing the basis for them. The presenter identified her sources as follows:

- Col Krein, a senior specialist from the Hawks, who explained that Nigerian nationals are regularly implicated in facilitating the entry of Mexican cartel members into South Africa and that Nigerian cartels utilise established money-laundering networks.
- A US Secret Service expert specialising in cyber-enabled financial crime and West African fraud syndicates, with operational experience relating to Nigerian confraternity-linked networks.

¹⁴ 2026 State of the Nation address by the President of the Republic of South Africa.

- A Nigerian national who infiltrated Black Axe and acted as a police-intelligence informant, and who is also an academic researcher on Nigerian confraternities.
- A US-based expert who consults for Interpol on Nigerian confraternities and explained their structures, modus operandi, and use of violence, ritual practices and intimidation.

[12] It is understandable that the identities of certain interviewees had to be protected for safety reasons. The protection of confidential sources is essential in investigative journalism. The protected sources were law-enforcement and specialist individuals with direct operational knowledge of the syndicates under discussion. The presenter also included sources such as Advocate Batohi, former National Director of Public Prosecutions of South Africa, and KwaZulu-Natal Provincial Police Commissioner Gen Mchwanazi, regarding the infiltration of criminal cartels into South Africa.

[13] Furthermore, extensive research was carried out using multiple international sources which underpin the opinion expressed that Nigerian confraternities, including Black Axe, are involved in activities related to drug trafficking, cybercrime, and money laundering in South Africa. The research as stated and referred to, along with the testimonies of the interviewees, clearly meets the requirements of clause 28.2.2.

[14] Robust opinion and debate are essential to ensure that broadcasters are not discouraged from investigating and criticising entities that may have a severe negative impact on society. The impugned episode falls within this category, and Clause 28.2.2 was not contravened.

[15] Clause 28.3.1 requires that, when discussing a controversial issue of public importance, broadcasters must make reasonable efforts to present an opposing view. The episode included the historical perspective that Black Axe originated as a student movement in 1970s Nigeria with “noble ideas”. While it may have

begun with idealistic, anti-corruption objectives, it later became associated with violence, secrecy and criminality within universities. The academic (informant) source explained the ideological self-presentation of these groups and the tension between professed ideals and criminal conduct. The script further distinguished between confraternity members and the broader Nigerian community, emphasising that the programme addressed specific syndicates and not ordinary Nigerians.

- [16] The BCCSA's viewpoint as expressed in the authorities cited by the Broadcaster, is that "reasonable efforts" do not require parity of airtime for every conceivable viewpoint. Balance must be assessed over time and with due regard to editorial freedom in selecting focus, participants and structure. Increasingly, balance is understood to require the presentation of the most accurate and evidence-based account, rather than merely juxtaposing opposing arguments. The historic origin of the Black Axe as a student movement, the explanation by the academic source, and the fact that a distinction was made between confraternity members and the broader Nigerian community, provided balance to the discussion.
- [17] It is understandable that the programme producers had difficulty in securing participation by a representative of the Complainant's organisation. Furthermore, the Broadcaster's Nigerian source reportedly made several attempts to persuade confraternity members to be interviewed, but they declined due to concerns that the request might constitute a law-enforcement trap. These steps constituted reasonable efforts to provide an opportunity for an opposing view. It was impossible for the broadcaster to achieve any other balance as the members of the organisation refused to participate.
- [18] Clause 28.3.2 provides that a person whose views are criticised must be afforded a right of reply in the same programme, or, where impracticable, be given an opportunity to respond in a subsequent programme or pre-arranged discussion, with prior consent. This clause protects "a person whose views are to be

criticised” in a programme addressing a controversial issue of public importance. In the present episode, no identifiable individual’s views were criticised. The programme focused on Nigerian confraternities (including Black Axe) as organisations, rather than on a specific South African registered non-profit company, director or individual. NBM SA was not identified by CIPC registration number, directors, address or other organisational particulars. No South African-based official was named, and no personal allegations were made.

- [19] The Complainant seeks a sanction in the form of a directive requiring correction, apology and/or the broadcast of NBM-SA’s response in a comparable timeslot and on a comparable platform. The Broadcaster pointed out that the impugned episode was not intended as a platform for confraternity representatives to promote their narratives, but was rather an investigative exposé of organised-crime structures. The Broadcaster has nevertheless indicated its willingness, in future current-affairs programmes, to reflect perspectives from lawful pan-African or cultural organisations that expressly distance themselves from confraternity-linked criminality. This offer does not constitute an acknowledgment of breach of the Code, but reflects an ongoing commitment to robust and inclusive debate. In this regard, it would be incumbent upon the Complainant to approach the Broadcaster.
- [20] Broadcasters, the public and presenters enjoy constitutional rights to freedom of expression. Section 16 of the Constitution protects the right to receive and impart information and ideas. The importance of freedom of expression was emphasised by the European Court of Human Rights in *Handyside v The United Kingdom*¹⁵ where the Court stated that freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and development. Statements may be robust or controversial,

¹⁵ 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

provided they are published justifiably and reasonably, and with a reasonable belief in their truth.

- [21] **Assessed within both the context of the programme and in the context of the broader society, the episode did not exceed the limits of the Broadcaster's freedom of expression. No contravention of the Code has been established, and the complaint is therefore not upheld.**



**DR LINDA VENTER
COMMISSIONER: BROADCASTING COMPLAINTS COMMISSION**