ADJUDICATION NO: 20/A/2026

NAME OF PROGRAMME:	**FAKE PASTORS**
DATE AND TIME OF BROADCAST:	**10 MAY AT 20:00**
BROADCASTER:	**MULTICHOICE CHANNEL 157**
COMPLAINANT:	**MLEZANA**

COMPLAINT

Complaint concerning the alleged infringement of the complainant's dignity and privacy.

APPLICABLE CLAUSES OF THE SUBSCRIPTION CODE OF CONDUCT

10. A subscription broadcasting service licensee may not knowingly broadcast material which, judged within context –

(3) advocates hatred that is based on race, ethnicity, gender or religion and which constitutes incitement to cause harm.

28.2 Comment

(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.

28.4 Privacy

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.

ADJUDICATION

[1] A complaint was lodged with the BCCSA against the programme Fake Pastors broadcast on Multichoice Channel 157 (Moja Love) on the 10th of May. The complainant is of the view that his privacy and reputation were not respected and that the programme incited hate speech based on gender.

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

"My Complaint

The Clause number of the Subscription code that has been contravened Is the following:

1. (No.3) Privacy and Dignity. These Moja Love people did not respect my personal dignity and my reputation at all. The presenter Sihle Sibisi mentioned something I feel its too sensitive and embarrassing which is false that the cameras I have in my bedroom 1 use them to play videos of the women I sleep with from the community so that my erection can function. I don't sleep with women in the community. What do house CC.tv Cameras have to do with FAKE PASTORS? That's my private life. What does my ERECTION have to do with FAKE PASTORS1 can they please provide a proof of the women they claim I slept with if it was not for just for the sake of defaming my character. What does nudes and sex videos we both sent each other with my ex bitter partner have to do with FAKE PASTORS? The presenter in her closure says I denied that 1 am a pastor who checks ladies on Social Media, all these are malicious rumours just to disgrace and humiliate me. Why they allowed those ladies to say things like my cameras are taking all sexual angles and what does that have to do with FAKE PASTORS?

2. (No.4) HATE SPEECH & VIOLACE (Exposure of my Sexual life claiming that I slept with two women on day and its all a lie) The presenter said by herself that I abuse women and my question is, is there a Court case that has ever been reported of my abuse to women? The presenter was Inciting the community not to come to our church though they did not broadcast that part. The language she used on me like (ndibhonyoza u Nonhlanhla in-front of my ex-girlfriend) Which is exaggerated lie. The presenter said something (ndinekhala elikhulu) (meaning I have a big nose and 1 felt body shamed by that. but they did not broadcast that but said it while they were shooting the videos.It was not right to allow those allegations like (I bring girlfriends to the Alta. The presenter came already siding with these ladies.

   NB. The whole Idea of coming to me with their cameras under the program FAKE PASTORS has made me to be left In the Community with the reputation and a bad name of being called a FAKE PASTOR. I am all over FaceBook by the learners of my school where I work as a teacher because of this Moja Love broadcast and my children need Counselling

after all this Humiliation. The Moja Love People need to prove their description of a fake Pastor and tell me how do 1become a fake pastor?

BASES OF MY COMPLAINT

1. I feel that the BCCSA code of conduct has been contravened (through their hate speech) called names like fake pastor, I abuse women, ndiyabhonyoza ie sexual insult.
2. Lack of Fair opportunity to reply with my prepared evidence against their accusations.
3. Violance with they man handled me when I refused to talk to them by one of the big bouncers.
4. Offensive language used like I sleep with woman from the community as a pastor and Teacher that has been an insult.

I hope and pray that I will find justice against these Rich Bullies who know we can not afford Lawyers who can save us from them."

[3] The Broadcaster responded as follows:

"Broadcaster: MultiChoice (Pty) Ltd, **Channel:** Moja Love Channel 157, **Programme:** Fake Pastors, **Complainant: Mr** Mlenzana, **Broadcast Date:** 10 May 2026

1. PRELIMINARY POINT IN LIMINE: MISAPPLICATION OF THE BCCSA CODE

1.1. The complainant's reliance on the "Hate Speech & Violence" provisions is fundamentally misplaced and reflects a material misunderstanding of the Broadcasting Complaints Commission of South Africa ("BCCSA") Code.

1.2. The complaint attempts to elevate ordinary reputational disputes, audience dissatisfaction, and allegations aired in a journalistic investigation into "hate speech" and "violence". This is legally and factually untenable.

1.3. The BCCSA Code reserves "hate speech" for expressions that amount to advocacy of hatred based on protected characteristics and that incite harm. None of the material broadcast approaches this threshold.

1.4. The complainant has not identified any protected characteristic-based hatred, nor any incitement to violence or harm directed at him by the broadcaster or presenter.

1.5. Accordingly, this ground of complaint is misconceived ab initio and ought to be dismissed without further consideration.

2. INTRODUCTION

2.1. The above complaint and all allegations contained therein are noted.

2.2. At the outset, we deny that the broadcast contravened any provision of the BCCSA Code of Conduct.

2.3. The complaint is premised largely on dissatisfaction with the broadcast of allegations made by multiple complainants and the complainant's discomfort with being confronted on-air.

2.4. The complaint seeks to reframe a legitimate investigative broadcast as unlawful invasion of privacy, dignity violations, hate speech, violence, and procedural unfairness. These assertions are without merit.

2.5. The complaint falls to be dismissed in its entirety.

3. BACKGROUND

3.1. The programme originated from complaints received from several women, including the principal complainant, Ms Ntando Lingani-Ngumbela.

3.2. The complainants independently approached production alleging that the complainant misrepresented relationships, simultaneously engaged multiple partners, and made promises of marriage while maintaining concurrent relationships.

3.3. Additional allegations concerning conduct towards women were also raised directly by complainants.

3.4. The Channel did not generate or fabricate these allegations; it acted on information voluntarily provided by members of the public.

3.5. The complainant was confronted with these allegations and afforded an opportunity to respond, as any responsible Channel/broadcaster would offer.

4. NO VIOLATION OF PRIVACY OR DIGNITY

4.1. The complainant alleges unlawful invasion of privacy and dignity. This claim is unfounded.

4.2. The material broadcast arose directly from allegations made by third parties regarding their interactions with the complainant.

4.3. Once individuals voluntarily place their interactions and experiences in issue, those matters become relevant to journalistic scrutiny and cannot be retrospectively shielded under the guise of privacy; most especially when the issues become public concerns, as multiple women from the church and/or community expressed similar allegations in relation to the complainant, who is a public figure.

4.4. The broadcaster did not unlawfully intrude into private spaces or fabricate intimate details; it reported and interrogated allegations placed before it.

4.5. The complainant's discomfort with the subject matter does not equate to a breach of the Code.

5. NO HATE SPEECH

5.1. As set out in the preliminary point, the complaint fails at threshold level.

5.2. The broadcast contains no advocacy of hatred, no protected characteristic-based targeting, and no incitement to harm.

5.3. The use of colloquial descriptors such as "fake pastor" in the context of a programme investigating alleged misconduct does not constitute hate speech under the BCCSA Code.

5.4. The complaint is legally unsustainable and must be dismissed.

6. NO VIOLENCE OR INCITEMENT

6.1. The allegation that the complainant was manhandled is denied in its entirety.

6.2. The broadcast does not evidence any assault or violent conduct by the production team.

6.3. There is no basis in fact or in the Code for a finding of violence or incitement.

7. FAIR OPPORTUNITY TO RESPOND

7.1. The complainant was directly confronted with the allegations and invited to respond. He engaged with the presenter and production team during the filming.

7.2. Fairness in broadcasting requires an opportunity to respond, not acceptance of the respondent's version or immunity from scrutiny.

7.3. The procedural fairness requirement under the Code was fully complied with.

8. NO DEFAMATORY OR MALICIOUS CONDUCT

8.1. The Channel acted as a conduit for allegations made by multiple independent complainants. No evidence exists of fabrication, malicious intent, or defamatory publication by the broadcaster.

8.2. The programme accurately reflected the allegations received and the complainant's responses.

8.3. The presenter did not engage in personal insults or attacks unrelated to the subject matter of the investigation.

9. PUBLIC INTEREST

9.1. The programme investigates allegations concerning individuals who present themselves as religious leaders and who are alleged to have abused positions of trust.

9.2. The allegations in this matter fall squarely within the realm of public interest journalism.

9.3. It would undermine the purpose of investigative broadcasting if complainants could preclude scrutiny simply by characterising uncomfortable allegations as private or defamatory.

10. CONCLUSION

10.1. The complaint is devoid of merit both factually and legally.

10.2. No provision of the BCCSA Code has been breached.

10.3. The broadcast was justified, proportionate, fair in context, and conducted in the public interest.

10.4. The complaint should be dismissed in its entirety.

10.5. We reserve all our rights."

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

"PRELIMINARYPOINTIN LIMINE MISAPPLICATION OF THE BCCSA CODE?

1.1 If reporting exactly what Moja Love did when they bullied me is called misunderstanding of BCCSA CODE then they are making a grievous mistake. The presenter said a lot about me and the Church entertaining the public, that did not appear on the broadcasting day, inciting the public next to our church gate. I even went there to hear and she asked people, saying are they still coming to this church, and I intervened and I asked all the community people that that were there and said, if there is anybody who can claim is my victim or knows something about me must come out and say it there and then, and there wasn't anybody who came. The HATE speech against the church was not necessary though. UNDER VIOLATION AND HATE SPEECH BCCSA CODE no 2(1NCITEMENT) and no3 (Religious Hatred)

1.2. When they say its impossible to defend (untenable) Maybe they refer to their wealthy financial muscle that they know that no ordinary person can financially challenge to get a lawyer against them but little did they know that BCCSA.CODE of conduct is there to protect us.

1.3. HATE SPEECH: The expression that amounts to advocacy that incite harm. The BCCSA CODE Has been undoubtedly violated because as we speak since after their Broadcast was aired on moja love TV. The church has been attacked, all plastic water pipes have been cut and the zinc basin was filled with rubbish from the salon on the 14 June 2026 and again on the 21June 2026 there was no Sunday service because they broke into the church and destroyed electric wires and if it were robbers they would not leave the speaker that was on the stage this was a deliberate attempt to vandalize, that means all what they fed the community is working for them now and the case has been opened .PLEASE FIND THE case details and evidence of vandalism that happened because of their hate speech. I demand a fine of R 1000 000 for the damage they caused on my reputation and the reputation of the church.

1.4. The Characteristics based on Hatred that they deny that they are responsible for are: 1. Exposing My Sexual performance in Public. 2. Not giving me a Fair chance to Respond and prepare my evidence against allegation. 3 Telling lies saying that WOMEN FROM THE CHURCH TESTIFIED AGAIST ME AND THAT IS ALL A LIE (EVIDENCE TO PROVE THEIR ALLEGATION IS DEMANDED ON THIS ONE) 4 INCITING THE PUBLIC AGAIST ME AND MY WORK)

BACKGROUND

3.1. Complaints from several women. I spoke to Mojo LOVE INVESTIGATOR who told me of four women I tried to have relationship with after my Divorce but the relationshis failed like with many other people, some relationships from as far as 2016 imagine (TSHIDI from Bloemfontein) only four relationships in a period of 11 years makes them say I am a FAKE PASTOR. And I never had multiple RELATIONSHIPS at the same time like they claim.

3.2 Offer of proof IS needed to verify the allegations, we can not rely on word of mouth for there is no truth in these Mojo Love people therefore STANDARD OF PROOF would be of great help.

3.3 Preponderance of Evidence would help make their story real.

3.4 Which members of the public are they talking about? Listen to the closure by the presenter saying I have answers for everything, that means they believed everything before they even came to me, and coming to me was just coming to humiliate me.

3.5 These people never gave me opportunity to prepare myself for the response, only if they were looking for the truth they would have, they were just convinced that they wanted to defame/humiliate me, Confronted and man handled, if they claim that they gave me chance to prepare myself WHERE/ WHEN?HOW? And why were those big man surrounding me?

4. WHEN THEY SAY NO VIOLATION OF PRIVACY

1. Why did they expose my erection performance in public?

2. If the erection thing was a problem at all as the PRESENTER claimed why was is it mentioned by presenter not by those ladies?
3. I request that the evidence of a so called MULTIPLE WOMEN FROM THE CHURCH that had a word of evidence on these allegations, such evidence be given to BCCSA and to my attention, for I know there is no such, all this is a lie I keep giving evidence of my defence, can they please give evidence of all their allegation as well please.

4. They unlawfully intruded our Church space and forced me to be their joke of mockery. And Mentioning the privacy of my living room and spread such malicious lies about my sex life and sex videos and using hate sexual unaccepted words to humiliate me like (ukubhonyoza) whats that? And was that necessary? If they Claim that they Reported, to WHOM DID THEY REPORT because I was the only person at church that time? And what about me being given a chance to respond without being man handled?

5. If calling Humiliating me is discomfort, that means there are more of Mojo Love Victims out there who have been abused and humiliated and when they complain all that is called DISCOMFORT.

5 . HATE SPEECH

5.1. My Complaint is valid with proof

5.2. The whole video is clear advocacy of hatred and INCITEMENT see proof, the attached pictures and the church is presently under attack because OF so Called Moja Love.

5.3. The Colloquial Word Fake Pastors which is what am called now in Frankfort and church members are even laughed at everyday because of this. There is nothing casual about calling one FAKE PASTOR .IN AS MUCH AS I CAN NOT CALL YOU A FAKE ADAVOCATE.

5.4. My complaint is genuine can not be dismissed instead Moja Love must Pay a fine of Rl000 000, for all that this damage of defamation has done in my life. I can't even freely o to shops, funerals even to work.

6. NO VIOLANCE OR INCITEMENT?

6.1. I was man handled by those big black guys as I was trying to avoid you.

6.2. If there was no violence what were those big black guys doing around me?

6.3. The presenter asked the people why were they still coming to our church hence there is this vandalism at church is because of the hatred planted by Moja Love, and they did incite violence .

7. FAIR OPPORTUNITY TO RESPOND?

7.1. Who invited me to respond and where is the proof of invitation?

7.2 Why was I man handled?

The question remain, why didn't I get a fair chance to respond? is it because you came having been convinced that I was wrong before you could hear my side of story because forcing me to obey you and talk to you against my will is really illegal let alone man handling me.

7.3 The procedural requirements to fairness were never followed. forcing me was never a good way of approaching me.

8. NO DEFAMATION OR MALICIOUS CONDUCT?

There is NO EVIDENCE OF MULTIPLE COMPLAINTS at all. Please submit STANDARD OF PROOF to verify your ALLEGATIONS.

NB.

Most of the time when two people who are in a relationship break up bitterness like that of the PRINCIPAL COMPLANANT NTANDO LINGANE boils up especially if financially they are depending on the man like it was with miss NTANDO LINGANI

Check the reputation of Miss Ntando lingani on YOUTUBE she has the same reputation of fighting and HUMILIATING Her ex- husbands and Boyfriends through Social Media and Now she has used the desperate Moja love show called FAKE PASTORS without any STANDARD OF PROOF to HUMILIATE AND DEFAME ME without any good REASON.

IF THER WAS CHEATING AS THEY CLAIM I DID WITH MULTIPLE WOMEN. THEY HAVE A BEAUTIFUL SHOW CALLED" UYAJOLA 99" That catches CHEATERS with with a STANDRD OF PROOF THAT CAN NOT BE DOUBTED 1 THEY SHOULD HAVE USED THAT FAIR SHOW. what makes a PASTOR TO BE A FAKE, ITS ONLY WHEY HE/SHE DEVIATES FROM THE BIBLE AND PERFORM SPIRITUAL DEVINATIONS THAT ARE CONTRADICTING THE WORD OF GOD and I did not do that. NOW? IF ONE IS LOOKING FOR A WIFE and that does not get a perfect MATCH 1 DOES THAT MAKE HIM A FAKE PASTOR? IN SALVATION WE HAVE SOMETHING CALLED COURTSHIP THAT TAKES UP TO SIX MONTHS FOR TWO PEOPLE TO GET TO KNOW EACH OTHER, AND IF THIS TWO TWO SEE THAT ITS NOT WORKING THEY QUIT AND LOOK FOR OTHER PARTNER. NOW, HOW DOES MOJA LOVE COME TO A POINT OF USING THEIR LICENCE TO BE RELATIONSHIP EXPERTS IN SUCH A DESPERATE WAY OF DEFAMING INNOCENT PEOPLE FOR THE SAKE OF THEIR VIEWING GREED?

WHERE IS THEIR STANDARD OF PROOF LIKE IT IS WITH OTHER SHOWS?

I SPOKE TO THEIR SO CALLED INVESTIGATING OFFICER BEFORE THE SHOW WAS ON TV THAT SHE MUST TALK TO HER SUPIRIORS AND TELL THEM I DO NOT GIVE CONCENT TO THE BROADCASTING OF THIS PROOFLESS SHOW WITH MY NAME AND PICTURES but they did it without my consent.

9. PUBLIC INTEREST

There has never been any Public conflict between me, our Church and the Community until the moja love presenter came instigated and incited the crowd humiliating me in-front of them.

INCITING people cannot be called public interest, That's miss use of words and BCCSA CODE IS TOTALLY VIOLATED HERE. MOJA LOVE IS BULLYING PEOPLE.

I demand proof for every allegation they have against me and The damage on my personal character and stand in my demand of A FINE AND PUBLIC APOLOGY FROM THEM.

10. Devoid of Merit?

10.1 My Complaint is 100 percent MERITORIOUS.

10.2 BCCSA CODE has been violated by MOJA LOVE even their license must be be removed with all this defence of misuse.

10.3 No Fair Opportunity was given to me to respond

10.4 Moja Love must do Public Apology and Pay a fine"

EVALUATION

[5] I have viewed the impugned broadcast and read the complaint, the Broadcaster's response and the Complainant's reply. Before I come to the merits I must correct the framework, because the Complainant is a layperson and has pleaded his case under headings of his own. Such as "No. 3 Privacy and Dignity" and "No. 4 Hate Speech & Violence." I am not bound by the labels a complainant attaches to his grievance, my task is to measure the broadcast against the provisions that are in truth engaged, and to apply the correct Code. This was the very course taken in Mkhonza v MultiChoice[1], where the parties had reached for clause 15(1) of the Free-to-Air Code and the Commissioner correctly decided the matter under clause 28.4 of the Subscription Code, the programme having been carried on subscription Channel 157. The same applies here.

[6] Fake Pastors is broadcast on Channel 157, a MultiChoice subscription service, and so the Code of Conduct for Subscription Broadcasting Service Licensees applies. The provisions genuinely raised on these facts are Clause 10.3

1 Adjudication 40/A/2024

(“advocacy of hatred and incitement to cause harm”), Clause 28.2 (“comment”), Clause 28.3.2 (“the right of reply on a controversial issue of public importance”), and Clause 28.4 (“privacy and dignity”).

[7] I take them in turn, but not before marking the boundaries of what I may and may not consider.

[8] I adjudicate what was broadcast, and only what was broadcast. A good deal of what most wounds the Complainant, on his own account, never went to air. He says the presenter body-shamed him about the size of his nose, and used a crude sexual idiom against him, "ndibhonyoza uNonhlanhla", but he tells me plainly that these were said "while they were shooting the videos" and were "not broadcast." He says, too, that the presenter stood at the church gate asking the community whether they would still attend his church, and again concedes "they did not broadcast that part." Whatever was said off-camera, or in the course of filming, or at the gate, is beyond my reach. The Commission is bound by the broadcast as the audience received it and cannot sit in judgment over the conduct of a production crew on private premises. So too with the alleged manhandling by security personnel, an assault, if it occurred, is a matter for the criminal and civil procedure, not for a broadcasting regulator confined to content and in any event the footage discloses no such assault.

[9] Then there is consent. The Complainant says he told the Broadcaster's investigator, before the episode aired, to inform her superiors that he did not consent to the broadcast of his name and image, and that they proceeded regardless. I understand why he feels the point keenly, but it does not avail him. Whether consent was given, withheld or withdrawn is not a question this Commission is empowered to determine, and the Code does not treat the airing of a non-consenting subject as a breach in itself, were it otherwise, no investigative programme could ever be made, for its subjects seldom consent to

being investigated. What the Code protects is not a veto over exposure but the fairness and proportion of the exposure, which is the work of Clause 28.4, to which I come below. His objection lodged before the broadcast asks, in substance, that I fault the Broadcaster for not suppressing the episode but I cannot order a broadcaster to withhold or take down material, an order that, as Commissioner Viljoen held in Makau v MultiChoice[2], ***"would amount to censorship which is not allowed in a democracy like ours."*** His prior objection, and his demand that the episode now be removed from the platform, therefore both fail at the threshold.

[10] I begin the merits with the gravest charge, which is also the one most plainly not made out, advocacy of hatred and incitement to cause harm under Clause 10.3. The threshold here is high and the test is conjunctive, there must be advocacy of hatred founded on a protected ground (race, ethnicity, gender or religion) and incitement to cause harm, the one without the other being insufficient. The Constitutional Court settled this in *Qwelane v South African Human Rights Commission*[3], and this Commission has applied the same elements, most recently in Engelbrecht v 93.8 FM[4], where it held that advocacy and incitement connote the promoting, urging or persuading of others to act, and that the taking of offence cannot be elevated into hate speech. Measured against that test, the Complainant's case collapses. The epithet "fake pastor," however much it stings, is colloquial criticism levelled at one man's alleged conduct. It is not the advocacy of hatred against pastors, or against any religious community, and it incites no one to do anything. The "religious hatred" framing misunderstands the clause, which protects groups defined by a protected characteristic, not an individual aggrieved by criticism of his own behaviour. I do not make light of the vandalism the Complainant describes, the cut water pipes, the break-in, the destroyed wiring, the cancelled Sunday service, and if a case has been opened, the law

2 Case No: 04/2019 (BCCSA)
3 2021 (6) SA 579 (CC)
4 Adjudication 02/A/2026

must take its course. But I am confined to the broadcast as it aired, and nothing in it urged any viewer to harm the complainant or his church. The causal bridge he asks me to build, from the broadcast to the vandalism weeks later, is asserted rather than shown, and the incitement element is in any event absent from the content itself. The Clause 10.3 complaint, and with it the allegations of violence and incitement, are dismissed.

[11] The remaining grounds fall under Clause 28, which by its opening terms governs only a service that includes news or comment on a matter of public importance. I am satisfied that threshold is crossed here. The programme is investigative in character.

[12] The Broadcaster itself frames the episode in these terms. In its response it pleads the programme as an investigation into *"individuals who present themselves as religious leaders and who are alleged to have abused positions of trust"*[5], squarely *"within the realm of public interest journalism"*[6], and conducted *"in the public interest"*[7]. Having pleaded the matter as public-interest journalism of that kind, the Broadcaster is in no position to contend that the episode falls below the threshold of public importance, and it does not do so.

[13] The Broadcaster's subject is a man who holds himself out as a spiritual leader, and its charge is that he draws women to him on the strength of that standing and then mistreats them. Allegations that a pastor abuses the trust reposed in him by those who look to him for guidance are not merely his private affair, they engage a legitimate public concern with religious accountability, which is the same reason the law treats a pastor as a public figure whose conduct is open to scrutiny. This is where the matter is to be distinguished from Sithole v

5 Ad Broadcaster response at para 9.1
6 Ad Broadcaster's response at para 9.2
7 Ad Broadcaster's response at para 10.3

MultiChoice[8], in which Commissioner Venter found the subject, money said to be owed to a family, and a fleeting reference to a burial ritual, not to rise to a controversial issue of public importance.

[14] The gravamen there was a private financial claim, the gravamen here is the alleged abuse of a position of spiritual trust, which is a different and weightier thing. That the episode also has an unmistakably private dimension does not detract from this. Much of what was aired concerns the Complainant's own failed relationships, by his account four relationships across the eleven years since his divorce, some reaching back to 2016, and the grievance of a former partner. But the presence of private subject-matter does not strip a broadcast of public importance it means only that the private detail must be handled with the exceptional care that Clause 28.4 demands, a matter I come to below. The threshold in the chapeau to clause 28 being met, its provisions are engaged, and the grounds founded upon them fall to be decided on their merits.

[15] I turn first to the right of reply. Clause 28.3.2 requires that a person whose views are to be criticised on a controversial issue of public importance be given a right to reply on the same programme, or, where that is impracticable, an opportunity to respond afterwards. That right was afforded. The Complainant appeared on the broadcast, the allegations were put to him, and he answered them, robustly and at length. Fairness in broadcasting calls for an opportunity to respond, it does not guarantee advance sight of the case, nor a right to go away and "prepare evidence," nor immunity from being confronted. This is precisely where his complaint parts company with *Sithole* on its facts, for there the pastor never engaged with the presenter and the production team was turned away at the gate, whereas here, he did engage. His complaint that the reply was procedurally unfair, is therefore dismissed.

8 Adjudication 23/A/2025

[16] In both *Mkhonza* and *Sithole* the Commission was at pains to record that the impugned statements were made by the guest who had written into the show, the broadcaster doing no more than placing those allegations before the pastor for his answer. For much of this broadcast the presenter followed exactly the same approach. When she raised his sexual difficulty and the cameras, she framed it as a fact she had been told, *"I heard from her".* It was clear that the questions were based on what she heard from the person. However, when she first put emotional abuse to him and he retorted *"oh, so you were there,"* she corrected herself at once, *"it is what they are saying."* She plainly understood the difference between relaying an allegation on behalf of someone and an allegation of which she was the source.

[18] Clause 28.2 permits robust comment and criticism, but it requires that comment be an honest expression of opinion, that it appear clearly to be comment, and that it rests on facts truly stated or fairly indicated. During the interview the presenter accused the complainant repeatedly, ***"no, no, you are abusing women, you are abusing women,"*** and went further to assert in vernacular, that he impregnated all these women and forced them to abort("uyabamithisa bonke, ubakhiphise izisu"). The presenter's comments were not based on facts truly stated or fairly referred to or indicated. None of the complainants who participated in the programme alleged that the complainant had engaged in such conduct. The presenter corrected herself in a previous comment when called out by the complainant, by saying *"it is what they are saying,".* However, she could not attribute her comments to anybody as none of the participants had mentioned this aspect of the complainant's conduct. The presenter also did not state or referred or indicated any facts as basis for these allegations. The Broadcaster contravened Clause 28.2 in this respect.

[20] The privacy and dignity complaint under Clause 28.4 stands differently, and on it the Broadcaster's defence holds. The clause requires exceptional care in matters

touching the private lives and dignity of individuals, subject to the qualification that those rights may be overridden by a legitimate public interest. The test here is whether the details of the complainant's private life detail were handled with the care the clause demands. A pastor holds himself out as a person of trust and moral standing. He is on that account a public figure, and the manner in which he conducts himself towards those who look to him for spiritual guidance is a matter of legitimate public interest. That principle was settled in *Busch v M-Net*[9] and applied in both *Mkhonza* and *Sithole*.

[21] Insofar as the broadcast canvassed allegations that the Complainant misled women in his congregation or community, or abused the position he occupies, it fell within that interest, and the privacy complaint to that extent fails. The reference to cameras in his bedroom and the claim concerning his sexual function, is based on comments by Ms Ngumbela, who referenced it as a matter within her own knowledge of the Complainant. This was also clear from the broadcast. I confine myself, as I must, to what aired, the nudes and sex tape the Complainant fears were exposed were never broadcast. Ms Lingani-Ngumbela having done no more than hold up her telephone during the discussion. Uncomfortable as the aired detail was for the Complainant, its source was a complainant speaking to her own experience of him, and a public figure in his position must bear that scrutiny. Clause 28.4 was not contravened.

[22] That leaves the relief the Complainant seeks, and here he has overreached.

[23] His demands for a fine of R100 000 and for the withdrawal of the Broadcaster's licence are misconceived. I have already explained why I cannot order the episode removed. Only ICASA has the authority to decide on broadcasters' licences.

9 Case No: 01/2017(BCCSA)

[24] Therefore, I make the following findings:

[24.1] The complaint is dismissed insofar as it relies on Clause 10.3 ("advocacy of hatred, incitement and violence"), on the question of consent, and on the alleged manhandling, the last two falling outside the jurisdiction of this Commission.

[24.2] The episode being a matter of public importance, the provisions of Clause 28 are engaged and the remaining grounds have been decided on their merits. The complaint under Clause 28.3.2 is dismissed, the Complainant having been afforded a right of reply which he exercised.

The complaint under Clause 28.4 is dismissed, the intimate material having been relayed as the allegation of the guest complainant speaking to her own experience of a public figure, whose conduct in that capacity he must bear.

[24.3] The complaint is upheld under Clause 28.2. No complainant made that assertion during the impugned programme and the presenter also did not state or fairly indicated or referred to facts upon which this allegation was based. This statement was presented as an accusation/fact rather than as honest comment based on facts truly stated or fairly indicate or referred to.

[25] The Respondent and the Complainant are each invited to respectively make submissions in mitigation and aggravation of a sanction, in respect of Clause 28.2:

"**Complainant: "MY SUBMISSION IN AGGRAVATION OF A SANCTION, IN RESPECT OF CLAUSE 28.2.**

I the complainant (Ms Mlenzana) and my Family have suffered emotionally, Spiritually and traumatized because of all this treatment against me by these Moja Love people.

1. As a Secondary teacher, I have been a laughing stalk because of all the damage caused by the Moja Love. Learners from my school and from other schools and some members of the Community have reposted all these lies from Moja Love that have no proof on Face Book and my children and my family who also expect justice for me on this, keep screen shorting and sending these posts to me, and it hurts to see my children and my family going through all this trauma because of Malicious rumours and lies. When I enter some Shops I get laughed at, this has really damaged my reputation, even now as I read this learner a friend called me and told me there is going to be a repeat on 26/07/2026 of that same Moja Love Show, I can't even check if it is true or not because I am stressed already.

2. This has caused a tension even at my work. The Principal at my school wrote a letter to the department of education reporting that I was visited by Moja Love at our church, and as I write this Letter I am stressed loosing weight because I don't known what the the Dept of Educ at Province is going to decide about me on this Moja Love thing. It has been an intention of their complainat (Lingani) who wanted to cause trouble for me at my work.

3. At church, as the Moja Love presenter was seen next to the Crowd she was instigating the people against me and the church, since then, we have weekly vandalism at church, we have no water, pipes have been cut and rubbish been poured into our church zinc at the toilets, and some messages on Facebook from the community since then are saying I (Mlenzana) must fall, even at work I don't feel safe, especially when I hear noise outside, I would think its their people coming for me.

4. I think I need Counselling after all this, I say it again it was going to be better if Moja Live had proof from their complainants that serves as an evidence that would prove if I am guilty or not, now what hurts me the most is, all these are just the word of Mouth without any evidence, for example if they can put in black and white the evidence of the PREGNANCES that they accuse me of as they claimed I make women pregnant, who are those women and where is the proof of their pregnancy if there are no children OR records of late children from their Doctors?

5. They keep broadcasting this though I have been given protection order by the Court against their complainants.

NB. I therefore request the ADJUDICATOR or a Tribunal to DIRECT THE MOJA LOVE to broadcast a concise response to the allegations to be in breach of the CODE in such manner as may be determined by the ADJUDICATOR or a Tribunal. And I request that, it must not be the repeat of the whole show, as it will steer up the Department of Education to end up putting more pressure on me about all this. Should they fail to do this, they must pay an increased fine than that of R100.00 to BCCSA for all the damages they have caused to my reputation."

Broadcaster: RESPONDENT'S SUBMISSIONS IN MITIGATION OF SANCTION

1. The Channel, herein referred to as the Respondent, respectfully submits the following in mitigation of sanction:

2. **The contravention was limited and isolated**
The sole contravention upheld by the Commissioner relates to Clause 28.2 of the Subscription Code (the "Code"). Importantly, the finding was confined to a limited number of statements made by the presenter during the interview, where her utterances were not sufficiently framed as allegations or comment based on facts fairly indicated. The

Commissioner dismissed all other complaints, including the allegations relating to hate speech, privacy, dignity, violence, incitement, and the right of reply. The overwhelming majority of the broadcast was therefore found to be compliant with the Code.

3. **The Respondent accepts responsibility for the presenter's error**
The Respondent acknowledges the Commissioner's finding that the presenter, on this isolated occasion, failed to sufficiently distinguish her personal utterances from allegations made by third parties. While this was not reflective of the editorial approach adopted throughout the Programme, the Respondent accepts responsibility for the lapse and recognises the importance of ensuring strict compliance with Clause 28.2.
4. **The Respondent is willing to tender a direct apology**
Without conceding any broader wrongdoing beyond the Commissioner's finding, and in the interests of restoring goodwill, the Respondent is prepared to tender a sincere apology directly to Mr Mlezana for the presenter's failure to appropriately frame the impugned statements as allegations during the broadcast.

5. **Corrective measures have already been implemented**
The Respondent has taken proactive steps to minimise the risk of similar incidents occurring in future. These measures include the implementation of enhanced editorial oversight and the planned training of presenters and freelance on-air talent on the requirements of the BCCSA Subscription Code, with particular emphasis on distinguishing allegations from established facts, the proper presentation of comment, and compliance with Clause 28 of the Code.

6. **The Respondent remains willing to engage constructively**
The Respondent remains open to meeting with Mr Mlezana, should he be amenable, for the purpose of conveying its sincere apology personally and resolving the matter amicably. This reflects the Respondent's commitment to accountability and to maintaining the highest standards of broadcasting.

7. **An appropriate sanction**

7.1. Having regard to the fact that:

7.2. only a single, isolated contravention was upheld;

7.3. all other complaints were dismissed;

7.4. the Respondent accepts the Commissioner's finding and has undertaken corrective measures;

7.5. the Respondent has expressed its willingness to apologise directly to the Complainant; and

7.6. there is no evidence of repeated or deliberate disregard for the Code,

7.6.1. the Respondent respectfully submits that the objectives of the Code would be adequately served by a reprimand, alternatively a direction that the Respondent tenderan apology directly to the Complainant. The imposition of a monetary fine would, in these circumstances, be disproportionate to the limited nature of the breach."

SANCTION

[26] Both parties having been invited to make submissions on sanction, the Complainant has submitted in aggravation and the Respondent in mitigation. I have considered both.

[27] I record at the outset the limit of my own powers, which I have already stated in the adjudication. The imposition of a monetary fine does not lie within the competence of a single Commissioner sitting in adjudication, it is a matter for a Tribunal. The Complainant's prayer for a fine exceeding R100 000, and the Respondent's submissions resisting a fine, must both be read in that light. For the reasons that follow I do not consider that this contravention warrants referral to a Tribunal for a monetary penalty, and I decline to impose or refer one.

[28] In aggravation, the Complainant describes harm that is plainly real to him and his family, the ridicule before his pupils and community, the reposting of the broadcast on social media, a report to the Department of Education, and the toll on his health and his children. I do not diminish any of it. But I must weigh in aggravation only the harm attributable to the contravention I upheld, and not the broadcast at large, the greater part of which I found compliant with the Code. The contravention was the presenter's assertion, as fact and in her own voice, that the Complainant impregnates women and forces them to abort, a grave and unfounded accusation carried to an audience that included those among whom he lives and works. The harm flowing from so serious an allegation, falsely stated as fact, is significant, and I treat it as such.

[29] The Complainant states that the episode was broadcast again on 26 July 2026, after the contravention had been raised, and fears further repeats. Continued flighting of material found to contravene the Code is a matter of proper concern and, if established, weighs against the Respondent's characterisation of the breach as isolated. It also informs the form of the sanction, since the excision of

contravening material from any future broadcast is a corrective measure and not a restraint on broadcasting at large.

[30] In mitigation, the Respondent accepts the finding rather than contesting it, it tenders a direct apology to the Complainant, it has implemented editorial oversight and training directed at the very failing identified, namely the distinguishing of allegation from asserted fact and the proper presentation of comment and there is no evidence of a prior pattern of like contraventions. These are the responses of a licensee taking the finding seriously, and they carry real weight. The purpose of the Code is correction rather than punishment, and a broadcaster that concedes the breach and moves to prevent its recurrence should be met accordingly.

[31] Weighing the gravity of the contravention against the mitigation, and mindful that the Complainant's substantive requests are for a correction and an end to the repeats rather than for punishment for its own sake, I consider the objects of the Code to be met by a reprimand together with a directed correction, and not by a fine. I accordingly make the following order:

[31.1] The Respondent is **reprimanded** for its contravention of clause 28.2 of the Code of Conduct for Subscription Broadcasting Service Licensees.

[31.2] The Respondent is directed to broadcast a **correction and apology**, within two (2) days of the date of this adjudication, during a time slot equivalent to or comparable to that of the original broadcast so as to reach substantially the same audience.

[31.3] The Respondent is directed **not to re-broadcast** the impugned episode without first excising the statements found to contravene clause 28.2.

[31.4] No monetary penalty is imposed.

[32] **CORRECTION AND APOLOGY TO BE BROADCAST**

"The Broadcasting Complaints Commission of South Africa found that an episode of Fake Pastors, that had been broadcast at 20:00 on Moja Love on 10 May 2026, contravened the Code of Conduct for Subscription Broadcasting Service Licensees.

The BCCSA found that we breached Clause 28.2. of the Code for Subscription licensees in that the Respondent made a serious allegation about the complainant's conduct towards women, without stating the facts on which her comment was based truly or indicated or referred fairly to facts. Clause 28.2 of the Code requires that comment must be made on facts truly stated or fairly indicated and referred to.

Moja Love accepts that finding. We withdraw that statement unreservedly, and we apologise to Mr Mlenzana for any unintentional harm the broadcast may have caused him, his family and his standing in his community and his church.

[33] Prior to the broadcast of the correction, the Broadcaster is directed to notify the Registrar of the BCCSA in writing of the date and time at which the corrective broadcast will be aired, so that the Registrar may in turn inform the Complainant who may wish to view it. The Broadcaster is further directed to submit a

recording of the corrective broadcast to the BCCSA within twenty-four (24) hours of the date of its broadcast, as proof of compliance.



ADV RETHABILE MAKOANYANA
COMMISSIONER: BROADCASTING COMPLAINTS COMMISSION