



ADJUDICATION NO: 24/A/2026

NAME OF PROGRAMME: AUBREY MASANGO SHOW (SIYABONGA MOTHA)

DATE AND TIME OF BROADCAST: 21 MAY 2026 at 22:15

BROADCASTER: 702

COMPLAINANT: THE SOUTH AFRICAN ZIONIST FEDERATION (SAZF)

COMPLAINT

The complaint concerns an interview broadcast on 702 in which an invited guest repeatedly utilised the term "Zionist entity" to describe the State of Israel.

APPLICABLE CLAUSES

FREE-TO-AIR CODE

Clause 4

(2) Broadcasting service licensees must not broadcast material which, judged within context, amounts to (a) propaganda for war; (b) incitement of imminent violence or (c) the advocacy of hatred that is based on race, ethnicity, religion or gender and that constitutes incitement to cause harm.

Clause 13

(1) In reporting or in passing comment on a matter of public importance, a broadcasting service licensee must ensure that reasonable opportunities are given for the presentation of opposing points of view.

Clause 15

(1) Insofar as both news and comment are concerned, broadcasting licensees must exercise care and consideration in matters involving the dignity

of individuals and communities, bearing in mind that these rights may be overridden by a legitimate public interest.

ADJUDICATION

[1] A complaint was lodged with the BCCSA against 702. The Complainant, submits that the phrase is an inflammatory, delegitimising term whose primary historical function is to deny Israel's recognised statehood and right to existence. The complainant contends that permitting a guest to repeatedly deploy this term without presenter challenge, contextualisation, or pushback violates the Free-to-Air Code regarding fairness and balance on controversial issues of public importance. Furthermore, the SAZF argues that the uncorrected use of such terminology crosses into the advocacy of hatred and delegitimation aimed at the Jewish and pro-Israel community in South Africa.

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

"South African Zionist Federation/ Primedia Broadcasting & Siyabonga Motha

Summary of Complaint

Broadcaster: Primedia Broadcasting (Pty) Ltd - 702 Talk Radio

Radio Presenter: Siyabonga Motha

Nature of Programme: Current Affairs / News Talk

Guest: Ms Jessica Breakey – South African academic and participant in the Global Sumud land convoy

Date and Time of Broadcast: 21 May 2026 at approximately 22:13

Link to Recording: https://www.youtube.com/watch?v=A6gDcn1_jfQ

Platform: Free-to-Air / Commercial Radio

Key Concern with the Broadcast: Omission of Alternative Viewpoints: No counterpoint or opposing perspective was presented in the same or any subsequent broadcast, breaching the requirement for balance under Section 13 of the Code.

Particulars of the Complainant

1. The complaint is brought by the South African Zionist Federation ("SAZF"), a registered NPO, with the mission to strengthen the relationship between the State of Israel, South Africa and South African Jewry. The SAZF aims to adhere to the foundations of Zionism, which includes the mobilisation of public opinion for the support of Israel.

Particulars of the Broadcast

2. On the evening of 21 May 2025 at 22h13, Siyabonga Motha on 702 Talk Radio broadcast a segment concerning the interception of the Global Sumud Flotilla by Israeli naval forces in the Mediterranean Sea. The programme featured a 36 minute interview with Ms Jessica Breakey, described as a South African academic and participant in the Global Sumud land convoy.¹ Throughout the broadcast, the host, Mr Motha, and his guest made a series of factual claims, characterisations, and editorial judgements regarding Israel, the conflict in Gaza, and the historical relationship between Israel and apartheid South Africa. At no point during the broadcast was an Israeli representative, a pro-Israel commentator, or any alternative perspective afforded airtime. The host himself made personal political statements, including the use of the term "war crimes," without editorial qualification or distinction. A transcript of the broadcast is attached as Annexure "A".

Particulars of the Host

3. Mr Motha is a current-affairs broadcaster and presenter at Talk Radio 702. He hosts *Siyaxoxa ku 702*, the station's weekly isiZulu current-affairs programme, where he interviews politicians, public officials, academics, and community leaders on matters of public importance. He has been in broadcasting for almost ten years, having been involved in radio since 2018 as a Voice of Wits' (VoW FM) content producer and presenter, for which he received a Telkom Radio Awards 2020 Bright Stars Award.² He also has experience as a content producer for 702's Clement Manyathela Show. He describes himself as "*Host of Siyaxoxa ku @talkradio702* ³ | *Head of News and Content* | *Content producer* | *Podcaster* | *Award winning broadcaster*"
4. In light of Mr Motha's experience as a broadcast journalist and current affairs presenter, it is our reasonable expectation that he should have a proficient working knowledge of the BCCSA Code of Conduct for Free-to-Air Broadcasting Service Licensees ("the Code").

Particulars of the Guest

5. Ms Jessica Breakey is described as a South African academic and one of the South African delegates on the land convoy which is driving to Gaza, which she described as one of two arms of the Global Sumud Flotilla, the other being approaching Gaza by sea.
6. The Global Sumud Flotilla by sea was intercepted by Israeli naval forces in the Mediterranean Sea shortly prior to the broadcast. Ms Breakey's participation in this land convoy and her role as an advocate for the Palestinian cause are directly relevant to the assessment of her capacity to provide balanced commentary on the conflict.

Particulars of the Interview Topic

7. Mr Motha introduced the subject matter of the Interview as "*attention turned to the Mediterranean as Global Sumud Flotilla, a civilian humanitarian mission aiming to deliver aid to Gaza was reportedly blocked by Israeli naval forces enforcing the long-standing blockade amid ongoing war in Gaza*". The interview with Ms Breakey covered the

¹ There is no indication that her academic qualifications are relevant to Middle East Studies or International Relations. <https://www.mandelarhodes.org/scholarship/scholars/jessica-breakey/>.

² <https://radioawards.co.za/winners/bright-stars-club-2/2020-bright-stars-club/>.

³ https://www.instagram.com/siyabongamotha_/.

conduct of the Israeli government and military, the characterisation of the conflict in Gaza, the history of Israel's relationship with apartheid South Africa, and related geopolitical matters.

Obvious Bias of Ms Breakey as a Guest

8. Ms Breakey is a participant in the Global Sumud land convoy.
9. We contend that Ms Breakey is not in a position to give balanced commentary on the conflict between Israel and the Palestinian territories, given her active participation in an activist convoy whose express purpose is to challenge Israeli policy. Her participation in the Global Sumud convoy is a form of political activism directed against the State of Israel. She is thus only positioned to speak from one perspective.
10. Mr Motha should reasonably have been aware of the need to include a balancing voice.
11. The host himself acknowledged the existence of alternative perspectives but explicitly declined to engage with them, stating during the broadcast:

"I know some people would come would want to engage with us on this show and you know have a different perspective but I'm just saying with all these differences in politics and everything I just certainly think that we should you know obviously look beyond that."
12. This constitutes a candid acknowledgement by Mr Motha that he was aware of the existence of contrary views and made a deliberate editorial decision to exclude them.

Failure to Make Reasonable Efforts to Present Opposing Views

13. The Interview deals with Controversial Issues of Public Importance within the meaning of Section 13 of the Code. Mr Motha, the producers of the show and 702 Talk Radio failed to make any effort to present opposing points of view either in the broadcast itself or in any subsequent programme forming part of the same series, within a reasonable period of time of the original broadcast and within substantially the same time slot. 702 Talk Radio failed to afford any party holding a pro-Israel or impartial viewpoint the opportunity to present an opposing perspective.
14. The conflict in Gaza, the conduct of the Israeli government and military, the legality of the Israeli naval blockade, and the history of Israel's relationship with the international community are among the most contested geopolitical questions of our time. They are matters on which reasonable, informed, and credible persons hold fundamentally different views.
15. The broadcast was conducted entirely from one perspective. The sole guest was an active participant in a land convoy directed against the Israeli blockade. No Israeli government representative, no Israeli civil society voice, no legal expert offering an alternative view on the legalities of convoys into international territories, and no commentator offering a different historical perspective was included in the programme.
16. Section 13 of the Code requires that controversial issues of public importance be discussed in a balanced manner, and that where a third party's conduct or views are subject to sustained adverse comment, that party be afforded either an opportunity to participate in the same programme or to do so in a subsequent programme on the topic. It is well established in the interpretation of the Code that this requirement is

aimed at providing listeners with sufficient knowledge to enable them to determine how much weight to attach to the views expressed. Listeners to Mr Motha's programme were afforded no such opportunity.

17. The obligation to present balance is made more acute where the content broadcast includes claims that are factually contested, legally undefined, or politically loaded, and where those claims are presented to listeners as though they were settled and uncontroversial. We set out below the principal categories of such claims made during the Interview, each of which called for a balancing perspective that was never provided.

18. The first category concerns the historical relationship between Israel and apartheid South Africa. The following statement was made by Ms Breakey during the broadcast, without challenge, correction, or contextualisation by Mr Motha:

"Israel was one of the biggest collaborators with apartheid South Africa... they were our biggest collaborator trade partner when the rest of the world was turning against apartheid South Africa and the UN. Israel stayed by their side. They propped up apartheid South Africa."

- 18.1. The characterisation of Israel as apartheid South Africa's "biggest" collaborator and trade partner is a factually contested historical claim. South Africa's primary trade and strategic partners during the apartheid era included, among others, the United Kingdom, the United States, West Germany, France, Japan, and Taiwan. While a bilateral relationship between Israel and apartheid South Africa did exist, the claim that Israel was the "biggest" collaborator is not supported by the preponderance of the historical record. It was presented in the broadcast as established fact. Section 13 required that a balancing historical perspective be provided. None was.

19. The second category concerns the characterisation of the conflict in Gaza. The following statements were broadcast without qualification, challenge, or contextualisation:

"there are many many experts around the world who will say quite plainly and confidently that the genocide is not over... a people that have been battling a genocide... To think about how we're then powering that genocide."

- 19.1. The characterisation of the conflict in Gaza as a "genocide" is a matter of profound legal and political controversy. While proceedings have been initiated before the International Court of Justice by the Republic of South Africa, no binding legal determination of genocide has been made by any competent international tribunal. The term carries a specific and demanding legal definition under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, and its application to the current conflict is actively disputed by legal scholars, governments, and international institutions. The reference to "many many experts" does not constitute adequate contextualisation and, in the absence of any balancing view, serves only to reinforce the impression that the characterisation is settled. It is not. Section 13 required that this contested legal and political characterisation be presented with countervailing perspectives. It was not.

20. The third category concerns the use of politically loaded terminology. The guest used the term "Zionist entity" to refer to the State of Israel:

"violently intercepted by the Zionist entity very recently."

- 20.1. The term “Zionist entity” is a politically loaded formulation widely understood as a refusal to recognise the legitimacy of Israel as a sovereign state. It is not a neutral or descriptive term. Its use in the broadcast, without challenge or editorial comment from Mr Motha, and without any explanation to listeners of its political connotations, is itself a marker of the partisan character of the broadcast. A balanced programme would not allow such terminology to pass unchallenged and unexplained.
21. The fourth, and most significant, category concerns the conduct of the host himself. Mr Motha did not merely fail to provide balance, he actively added to the imbalance. Beyond failing to challenge these characterisations, Mr Motha went further and expressed his own political conclusions, stating:
- “people that are behind this violence and these hate crimes basically I would put that, these are war crimes.”*
- 21.1. The characterisation of conduct as “war crimes” is a serious legal conclusion. It was not identified as personal opinion, was not distinguished from the factual content of the broadcast, and was not presented with any qualification or caveat. A host who editorialises from the same partisan perspective as his guest does not merely fail the balance requirement, he compounds the breach. The broadcast provided listeners with no basis upon which to assess any of these statements critically or to weigh them against an alternative view.
22. Read together, the above illustrates a broadcast in which contested historical claims, legally undefined characterisations, politically loaded terminology, and the host’s own partisan editorial conclusions were presented to listeners as settled, uncontroversial, and unanswered. Section 13 required that each of these categories of content be balanced by an opposing or qualifying perspective. None was provided. Mr Motha not only failed to challenge or contextualise any of the above, but explicitly declined to do so, acknowledging the existence of alternative perspectives and making a deliberate editorial decision to exclude them, as set out above, which we reiterate:
- “I know some people would come would want to engage with us on this show and you know have a different perspective but I’m just saying with all these differences in politics and everything I just certainly think that we should you know obviously look beyond that.”*
23. This statement is a candid acknowledgement by the host that he was aware of the existence of contrary views and made a deliberate editorial decision to exclude them. This is precisely the conduct that Section 13 is designed to prevent. The host’s personal view that the audience should “look beyond” political differences does not constitute a legitimate editorial basis for the exclusion of balance on a topic of this sensitivity and complexity.
24. The duty to provide balance is not discharged simply by an editorial choice to focus, it requires that the broadcast present the most accurate and evidence-based account available, and that some meaningful counterweight to the dominant narrative be included.
- 24.1. The broadcast under complaint did none of these things.
- 24.2. There was no academic voice, no legal expert, no historical context offered from an alternative vantage point, and no distinction drawn between competing characterisations of the events described.

25. There are many diverse perspectives on the matters raised in the Interview. Pro-Israel commentators, legal experts, and credentialed academics are available to share alternative views on South African radio. Mr Motha could have made the effort to give his audience another perspective or information from a different standpoint. He did not do so.
26. Indeed, in *Lorgat v SABC* (Case No. 16/2025, BCCSA), the BCCSA's own ruling confirmed that Clause 13(1) requires broadcasters to make reasonable efforts to present opposing viewpoints fairly, within a reasonable time and in a comparable programme slot. The BCCSA held:

"The relevant clause is Clause 13(1), which stipulates that in discussions of controversial public issues, broadcasters must make reasonable efforts to present opposing viewpoints fairly either in the same programme or in a subsequent programme within a reasonable time frame and in a similar time slot. The requirement is not for a right of reply, but for the broadcaster to make reasonable efforts to present opposing views fairly. If balance is not achieved, it should be addressed within a reasonable time and in a similar time slot..."

While covering the war in Gaza in this manner may be considered a prudent use of available sources, it does not fully meet the requirements of Clause 13, which calls for addressing opposing views within a reasonable time and in a similar time slot. The three impugned programmes focused on a specific moment in the war, namely the arrival of a Flotilla with activists and Israel's treatment of these activists, which included South African activists. All three interviews were conducted with Israeli spokespersons, and the imbalance could have been rectified by interviewing the Palestinian spokesperson within a reasonable time frame and in the same programme slot. The interview with the Palestinian spokesperson was also not about the Flotilla incident, but the ceasefire.

I find that the SABC breached Clause 13.1 by failing to provide balance in the interviews about the Flotilla incident and by not addressing the imbalance as required in accordance with Clause 13.1. The SABC is reprimanded and urged to ensure balance in accordance with the requirements of Clause 13.1." (emphasis added)

27. The significance of *Lorgat* is profound. The BCCSA could not have been clearer:

balance is not assessed across a broadcaster's overall output, nor can a broadcaster excuse one-sided coverage by pointing to interviews conducted on different programmes, at different times, or on different aspects of the conflict. That argument was advanced before the BCCSA. It was considered. It was rejected.

28. The BCCSA held that where a broadcaster presents one side of a controversial issue, it must make reasonable efforts to present the opposing viewpoint within a reasonable time and in a comparable programme slot. Crucially, the BCCSA found that it was insufficient to point to other interviews dealing with the broader Gaza conflict. What mattered was whether opposing viewpoints had been presented in relation to the specific controversy under discussion. Because they had not, the broadcaster was found to be in breach.
29. That principle is fatal to Mr Motha's position. If the absence of a Palestinian perspective rendered coverage of the Flotilla incident unbalanced, then the absence of an Israeli perspective renders coverage of allegations against Israel equally unbalanced. If three interviews featuring Israeli spokespersons constituted an actionable imbalance, then repeated broadcasts featuring Palestinian representatives, advocates, commentators, or

narratives without a corresponding Israeli perspective constitute an actionable imbalance too. There is no distinction between the two.

30. There cannot be one standard for the exclusion of Palestinian viewpoints and another for the exclusion of Israeli viewpoints. The Broadcaster cannot have it both ways. Clause 13(1) is either applied consistently or it is applied selectively.

Failure to Afford a Right of Reply

31. Section 13(2) of the Code further requires that where a third party's views or conduct are attacked or ridiculed, that party be invited to participate either in the same programme or in a subsequent programme on the topic.

32. Throughout the broadcast, Israel and Israeli authorities were the subject of sustained, serious, and unqualified adverse characterisation. The following statements are illustrative:

“intercepted by the Zionist entity very recently...”

“Israel treats people... the unspeakable things that Israel does to Palestinians...”

“intercepted, kidnapped and taken to Israel and then beaten violently...”

“while Israel deserves all the condemnation that they are getting...”

33. The failure to afford any right of reply to the subject of such sustained and serious adverse comment constitutes a violation of Section 13(2).

Non-Acceptance of Correctness of the Broadcast

34. Our choice not to deal with other aspects of the substantive content of the broadcast, including additional inaccuracies and misstatements made during the broadcast, is not a reflection of our acceptance of the correctness of the information and we reserve our rights to deal with same at a later stage should the need arise.

Remedy Sought

35. The complainant respectfully requests that the BCCSA:
 - 35.1. Investigate this complaint in accordance with its procedures;
 - 35.2. Make a finding that the broadcast violated Sections 13(1) and 13(2) of the Code;
 - 35.3. Direct the broadcaster to afford an appropriate right of reply to Israeli representatives or representative bodies in a subsequent broadcast within a comparable programme slot for a comparable length of interview;
 - 35.4. Direct the broadcaster to implement editorial guidelines to ensure compliance with the balance and right of reply obligations of Section 13 of the Code in future broadcasts dealing with the conflict in Gaza and related matters; and
 - 35.5. Consider such further or alternative remedies as the BCCSA deems appropriate in the circumstances.”

[3] **The Broadcaster responded as follows:**

“702’S RESPONSE TO THE COMPLAINT SUBMITTED BY THE SOUTH AFRICAN ZIONIST FEDERATION

1. INTRODUCTION

- 1.1. 702 is a commercial sound broadcasting service that broadcasts in a talk-based format in accordance with clause 4 of its licence issued by the Independent Communications Authority of South Africa (ICASA).
- 1.2. 702 is a member of the National Association of Broadcasters and is bound by the Code of Conduct for Free to Air Broadcasters (2011) (the Code) as developed and administered by the Broadcasting Complaints Commission of South Africa (the BCCSA).
- 1.3. The BCCSA has provided us with a copy of a complaint by the South African Zionist Federation (the Complainant or SAZF) dated 23 June 2026 (the Complaint) in which it alleges violations of clauses 13(1) and (2) of the Broadcasting Complaints Commission of South Africa (BCCSA)’s Code for Free to Air Broadcasters.

2. THE RELEVANT PROVISIONS OF THE CODE

- 2.1. We address the following clauses of the Code in our response:

- 2.2. Clause 13(1) of the Code provides:

In presenting a programme in which a controversial issue of public importance is discussed, a broadcaster 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.

- 2.3. Clause 13(2) of the Code provides:

A person whose views are to be criticised in a broadcasting programme on a controversial issue of public importance must be given the right to reply to such criticism on the same programme. If this is impractical, reasonable opportunity to respond 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.

3. THE COMPLAINT

- 3.1. The SAZF is complaining about an interview conducted by Mr Siyabonga Motha, a 702 presenter who was standing in for usual presenter Aubrey Masango, with Ms Jessica Breakey.
- 3.2. In summary, the SAZF’s complaint is that the interview:
 - 3.2.1. made no effort to present opposing points of view;
 - 3.2.2. “was conducted entirely from one perspective”;
 - 3.2.3. was biased against Israel;

- 3.2.4. contained statements characterizing Israel's prosecution of the war in Gaza as "war crimes";
- 3.2.5. was "not identified as personal opinion";
- 3.2.6. did not include any "academic voice, no legal expert, no historical context offered from an alternative vantage point, and no distinction drawn between competing characterisations of the events described;" and/or
- 3.2.7. did not allow a right of reply.

4. 702's RESPONSE

- 4.1. 702 strongly denies that it violated the provisions of clauses 13(1) or 13(2) of the Code regarding controversial issues of public importance.

4.2. Nature of the Programming in Question

- 4.2.1. Aubrey Masango's show is broadcast at night – from 20h00 to 24h00. It is a well-known talk show that is specifically designed to "curate views and opinions"⁴.
- 4.2.2. As such it is unambiguously a show designed to ventilate commentary on current events.
- 4.2.3. As the BCCSA will be aware, clause 12(1) of the Code expressly protects the rights of broadcasters to "broadcast comment on and criticism of any actions or events of public importance".
- 4.2.4. None of the remarks made by Mr Motha or his guest, Ms Breakey, were made in the course of a news bulletin and so the entire programme constituted "comment" for the purposes of clause 12(1) of the Code.

4.3. Nature of the Show's Guest

- 4.3.1. The SAZF characterises Ms Breakey only as a member of the Global Sumud Land Convoy.
- 4.3.2. However, as Mr Motha said in the beginning of the show, she is also an academic, and is a PhD candidate at University College London's Sarah Parker Remond Centre with a thesis titled "Sea Rescue, The Black Mediterranean, and Planetary Humanism."⁵ She has been an associate lecturer at the University of the Witwatersrand (Wits), where she taught interdisciplinary courses in Science & Technology Studies⁶. She has held numerous scholarships and fellowships, including the Mandela Rhodes scholarship.
- 4.3.3. So, the characterisation by the SAZF that no academic was part of the discussion is simply incorrect and in any event not required in terms of clauses 12 or 13(1) of the Code.
- 4.3.4. It is however correct that the reason Ms. Breakey was invited to be interviewed was her involvement in the Global Sumud Land Convoy and that experience formed the basis for the interview.

⁴ <https://www.primediaplus.com/702/the-aubrey-masango-show/>

⁵ https://www.ucl.ac.uk/racism-racialisation/research/mphil-phd-students/jessica-breakey?utm_source=opena

⁶ <https://profiles.ucl.ac.uk/87582-jessica-breakey>

4.4. The Expression of Opinion that Israel is Committing War Crimes

4.4.1. 702 submits that none of the comments made during the broadcast were unfair or indeed particularly novel in any way as they (or similar comments) have been made, repeatedly:

4.4.1.1. by numerous other press outlets, particularly international ones;

4.4.1.2. by the International Court of Justice and United Nations agencies;

and

4.4.1.3. by Israeli politicians and public figures.

4.4.2. For the BCCSA's ease of reference, we refer to the official summary of the interim ruling by the ICJ on South Africa's interim application in relation to its genocide case against Israel⁷ dated 26 January 2024 (some thirty months ago now) which is critically important to contextualizing the various comments made by Mr Motha and Ms Breakey during the interview:

4.4.2.1. The ICJ held in its summary of its interim order ruling on Jurisdiction that the facts and the circumstances it had canvassed (including the number of deaths, injuries, displacement of civilian populations and use of dehumanizing language against Palestinians, including by senior Israeli officials) *"are sufficient to conclude that at least some of the rights claimed by South Africa and for which it is seeking protection are plausible. This is the case with respect to the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts"*.

4.4.2.2. The ICJ also held in its Interim Order on the Risk of Irreparable Prejudice and Urgency, that:

"The court considers that the civilian population in the Gaza Strip remains extremely vulnerable. It recalls that the military operation conducted by Israel since October 7, 2023, has resulted, inter alia, in tens of thousands of deaths and injuries and the destruction of homes, schools, medical facilities and other vital infrastructure, as well as displacement on a massive scale..."

The court considers that there is a real and imminent risk of irreparable prejudice to the plausible rights invoked by South Africa as specified by the court."

4.4.2.3. The fact of mass killings in Gaza has been accepted by the ICJ itself which held in its summary of the Introduction to its judgment, that *"Following this attack [the October 7 Hamas attack], Israel launched a large-scale military operation in Gaza, by land, air and sea, which caused massive civilian casualties, extensive destruction of civilian infrastructure and the displacement of the overwhelming majority of the population in Gaza. The court is acutely aware of the extent of the human tragedy that is unfolding in the region and is deeply concerned about the continuing loss of life and human suffering"*.

⁷ <https://icj-cij.org/node/203454www>

- 4.4.3. Further, it is important for the BCCSA to note an opinion piece written by former Israeli Prime Minister, Mr Ehud Olmert dated 27 May 2025 and published in the Israeli media outlet *Haaretz* which is entitled “*Enough is Enough. Israel is Committing War Crimes*”⁸ and an interview on NPR with Mr Olmert where he is interviewed about the opinion piece and repeats this contention⁹.
- 4.4.4. We reiterate that all of Mr Motha and Ms Breakey’s comments made during the interview constituted protected comment as provided for in clause 12 of the Code.
- 4.5. Opposing Points of View – 702’s Position – Ad: clause 13.1 of the Code
 - 4.5.1. The interview was conducted by Mr Motha with Ms Breakey on the basis of her participation in the Global Sumud Land Convoy.
 - 4.5.2. This is not unusual as 702 routinely features different points of view on the Gaza Conflict. Further, it is important to recognise that many listeners of the station will not agree with the manner in which particular/individual interviews, debates, discussions, analysis and news reporting on the Gaza conflict, including on the Hamas attacks against Israel on October 7, 2023, are presented on the station. 702 submits that this is an inevitable consequence of covering controversial issues. They are controversial precisely because audience views are, almost by definition, polarized.
 - 4.5.3. In line with 702’s obligations to present differing points of view, the Aubrey Masango show has conducted numerous interviews with people on different aspects of the Middle East conflict and on the scourge of anti-Semitism. It suffices to provide three recent examples:
 - 4.5.3.1. On 5 March 2026, Aubrey Masango interviewed Mary Kluk, Director of the Durban Holocaust and Genocide Centre, National Vice president of the Jewish Board of Deputies to unpack what exactly anti-Semitism is, where do we draw the line between legitimate criticism of a state or a government, and the prejudice directed at Jewish people as a group;¹⁰
 - 4.5.3.2. On 23 March 2026, Aubrey Masango interviewed Benji Shulman, executive director of the Middle East Africa Research Institute and who is recognised as a prominent local Zionist voice, on the US/Israel v Iran war¹¹; and
 - 4.5.3.3. On 27 March 2026, Aubrey Masango interviewed Iranians Shervin Ghorbani and Sam Nik to unpack Iran’s internal dynamics, its place in global affairs and its struggle for freedom and democracy¹²,

clearly indicating 702’s commitment to bringing differing points of view on the conflicts in the region.

⁸ <https://www.haaretz.com/opinion/2025-05-27/ty-article-opinion/.premium/enough-is-enough-israel-is-committing-war-crimes/00000197-0dd6-df85-a197-0ff64a5c0000>

⁹ <https://www.npr.org/2025/05/28/nx-s1-5413459/former-israeli-pm-ehud-olmert-says-his-country-is-committing-war-crimes-in-gaza>

¹⁰ <https://omny.fm/shows/evening-show/kwantu-feature-understanding-antisemitism>

¹¹ https://omny.fm/shows/evening-show/africa-at-a-glance-parliamentary-debate-over-sa-s-position-in-the-us-israel-war-against-iran?in_playlist=podcast#description

¹² <https://omny.fm/shows/evening-show/in-the-spotlight-with-shervin-ghorbani-sam-nik>

- 4.5.4. It goes without saying that 702 values its Muslim and Jewish listeners and does not set out to antagonize either community. In reporting or commenting on issues related to the conflict between Hamas and Israel and on Israel's prosecution of the war in Gaza, the station does its best to provide insightful and accurate reporting and challenging debate and discussion to further the public's understanding of the issues at hand.
- 4.5.5. In this regard, we think it important to respectfully bring to the Complainant's and to the BCCSA's attention that a Muslim complainant, purporting to represent the Muslim community, lodged an unsuccessful complaint against 702 alleging anti-Palestinian bias in its news coverage of a recent UN Special Rapporteur's Report into the October 7, 2023, Hamas attacks. In that case¹³, the BCCSA found that 702 had not violated any of the provisions of the Free to Air Code in relation to the broadcast complained of.
- 4.5.6. It is also important for the SAZF and the BCCSA to be aware that since the Gaza conflict erupted after the Hamas attacks on October 7, 2023, 702 has approached the Israeli Embassy, the official representative of the State of Israel in South Africa, on numerous occasions, to request that a staffer or diplomat appear on 702 to reflect the views of the State of Israel. These requests have all been refused or ignored and no representative of the Israeli Embassy has agreed to come on air. Consequently, it is clear that 702 has tried to provide its listeners with direct access to spokespersons for Israel in South Africa and the fact that such invitations have not been taken up by the Israeli Embassy does not constitute a failure on 702's part to try to provide Israel's viewpoint on the Gaza conflict.

4.6. Right of Reply

- 4.6.1. No person was criticised during the interview and so 702 is of the view that clause 13(2) of the Code is not at issue in this Complaint.
- 4.6.2. However, to demonstrate 702's commitment to balance and hearing various points of view, the station extends an invitation to the SAZF to be interviewed on the Aubrey Masango show about the Global Sumud Convoy and the conflict in general at a mutually convenient date and time.

5. CONCLUSION

- 5.1. As is set out more fully above, 702 submits that the broadcast in question does not constitute a basis for a finding that clause 13(1) and/or (2) were violated as a result of the broadcast of the interview by Mr Motha or Ms Breakey for the various reasons set out above.
- 5.2. We trust that the BCCSA finds the above to be in order and we look forward to hosting the SAZF on the Aubrey Masango show."

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

"South African Zionist Federation // Primedia Broadcasting & Siyabonga Motha

1. This reply is submitted on behalf of the South African Zionist Federation ("SAZF") in answer to the response of Primedia Broadcasting (Pty) Ltd – 702 Talk Radio ("702" or "the Broadcaster") dated 1 July 2026 ("the Response") to the SAZF's complaint dated 23 June

¹³ <https://www.bccsa.co.za/2024/05/13/adjudication-no-17-a-2024-suliman-vs-702-news/>

2026 (“the Complaint”) concerning the broadcast of 21 May 2026 at approximately 22:13 (“the Broadcast”).

2. We submit that nothing in the Response answers the Complaint. On the contrary, the Response concedes material facts, advances defences that the BCCSA has already considered and rejected in the matter of *Lorgat v SABC News/SAFM* (Case No. 16/2025, BCCSA, judgment released 12 February 2026) (“*Lorgat*”) and concludes with a belated offer of an interview which, on the BCCSA’s own jurisprudence, is incapable of curing the breach. For the reasons set out below, the SAZF declines that offer and requests that the Complaint be referred for formal adjudication by the Tribunal.

Common Cause Material Facts

3. The following facts are either expressly conceded in the Response or are not disputed:
 - 3.1. The Broadcast consisted of a 36-minute interview conducted from a single perspective. 702 does not identify a single opposing or qualifying voice within the Broadcast itself.
 - 3.2. Ms Breakey “*was invited to be interviewed*” because of “*her involvement in the Global Sumud Land Convoy and that experience formed the basis for the interview*” (Response, paragraph 4.3.4). In other words, 702 concedes that its sole guest was an activist participant in a campaign directed against the State of Israel, speaking in that capacity.
 - 3.3. No subsequent programme presenting an opposing perspective on the specific controversy canvassed in the Broadcast – the Global Sumud land convoy and flotilla, the characterisation of the conflict in Gaza as a “genocide”, the alleged conduct of Israel towards intercepted activists, and the alleged historical relationship between Israel and apartheid South Africa – was broadcast within a reasonable period of the Broadcast and within substantially the same time slot. The three examples relied upon by 702 (Response, paragraph 4.5.3) all *pre-date* the Broadcast and concern different subject matter, as set out below.
 - 3.4. Mr Motha’s statement characterising the conduct in question as “war crimes” was made on air and was not identified as personal opinion at the time it was made.
4. On these conceded facts alone, the breach of clause 13(1) is established on the very standard laid down by the BCCSA Tribunal in *Lorgat*.

Lorgat Is Dispositive of This Complaint

5. In *Lorgat*, the BCCSA upheld a complaint against SABC News/SAFM (“SABC”) in materially comparable circumstances: interviews concerning the interception of the Sumud Flotilla were conducted exclusively with spokespersons for one side of the controversial public issue. The Tribunal held:

“The relevant clause is Clause 13(1), which stipulates that in discussions of controversial public issues, broadcasters must make reasonable efforts to present opposing viewpoints fairly either in the same programme or in a subsequent programme within a reasonable time frame and in a similar time slot. The requirement is not for a right of reply, but for the broadcaster to make reasonable efforts to present opposing views fairly. If balance is not achieved, it should be addressed within a reasonable time and in a similar time slot.” [at para 11].

6. Critically, in *Lorgat* the SABC advanced precisely the defence that 702 now advances:

that balance is achieved across the broadcaster's overall output, through "*interviewing spokespersons and experts from both sides in programmes across the spectrum.*" The Tribunal considered that argument and rejected it. It held that the impugned programmes "*focused on a specific moment in the war*", that all the interviews on that specific moment were conducted with one side, and that the imbalance could have been rectified by presenting the opposing perspective "*within a reasonable time frame and in the same programme slot.*" In that instance, a later interview with the opposing side on a different topic (the ceasefire) did not suffice.

7. The SABC was found to be in breach of clause 13.1 and reprimanded notwithstanding that it had, at least, made a documented contemporaneous attempt to secure the opposing perspective (the Palestinian Ambassador) at the time of the impugned broadcasts. 702 identifies no equivalent contemporaneous effort whatsoever in relation to the Broadcast. It does not allege that it invited, or attempted to invite, any opposing voice in respect of the Broadcast, whether before it, during it, or in the weeks that followed. The first gesture toward balance appears in the Response only once the SAZF had lodged a complaint with the BCCSA.
8. As set out in paragraphs 26 to 30 of the Complaint, the principle in *Lorgat* cannot be applied selectively. If the absence of a Palestinian perspective on the Flotilla incident rendered the SABC's coverage unbalanced in that case, then the absence of an Israeli or pro-Israel perspective on a 36-minute broadcast advancing *inter-alia* allegations of genocide; interception, detention and beatings of boats of activists "*by the Zionist entity*"; "*how the hundreds of international participants were treated in the last few days by the Israeli state when they were intercepted, kidnapped, and taken to Israel and then beaten violently*"; of Israel being "*one of the biggest collaborators with apartheid South Africa*"; and of Israel kidnapping Palestinians renders 702's coverage equally unbalanced. There cannot be one standard for the exclusion of Palestinian viewpoints and another for the exclusion of Israeli viewpoints.

The "Comment" Defence Under Clause 12 Fails

9. 702 contends (Response, paragraphs 4.2.1 to 4.2.4 and 4.4.4) that because the Broadcast was aired on a talk show "*designed to curate views and opinions*", the entire programme constituted protected "comment" under clause 12(1), apparently exempting it from clause 13. The argument is misconceived for at least four reasons.
 - 9.1. First, clauses 12 and 13 operate cumulatively, not in the alternative. Clause 13 applies, on its plain terms, to "*a programme in which a controversial issue of public importance is discussed.*" A talk show discussing the Gaza conflict is the paradigm case of such a programme. If 702's construction was correct, clause 13 would be a dead letter: every broadcaster could evade the balance requirement simply by labelling its current affairs programming "comment". The Code cannot be read to produce that absurdity.
 - 9.2. Second, the programmes impugned in *Lorgat* were likewise interview and discussion programmes on current affairs. The SABC did not escape clause 13 on that account, and neither can 702.
 - 9.3. Third, clause 12(2) itself requires that comment "*must be presented in such manner that it appears clearly to be comment, and must be made on facts truly stated or fairly indicated.*" Mr Motha's pronouncement that "*these are war crimes*" was not presented as personal opinion; it was delivered as a settled conclusion by the host of a current affairs programme. Contested assertions – that Israel was apartheid South Africa's "*biggest*" collaborator, that a "*genocide*" is ongoing and settled fact,

that activists were “*kidnapped*” and “*beaten*” – were not “*facts truly stated or fairly indicated*.” Clause 12, properly applied, condemns rather than protects the Broadcast. The SAZF has not raised Clause 12 in the Complaint.

- 9.4. Fourth, clause 12(1) protects the entitlement to broadcast comment and criticism; it does not suspend the obligation to make reasonable efforts to present opposing points of view when doing so. The SAZF has never contended that 702 was not entitled to broadcast the host and/or Ms Breakey’s views. The Complaint is that 702 broadcast them, and only them, and did nothing thereafter to balance them.

The “Academic Guest” Point Is a Red Herring

10. 702 makes much of Ms Breakey’s academic credentials (Response, paragraphs 4.3.1 to 4.3.3), suggesting that the SAZF’s observation that there was “no academic voice” is thereby answered. This misreads the Complaint. Paragraph 24.2 of the Complaint records that there was no academic voice, legal expert or historical context offered *from an alternative vantage point*. Ms Breakey’s doctoral research concerns “Sea Rescue, The Black Mediterranean, and Planetary Humanism”; she is not impartial expert on the international law of blockades by sea, and in any event 702 itself concedes that she was invited *qua* activist, not *qua* academic (Response, paragraph 4.3.4). One partisan participant, however credentialed, cannot supply the balance that clause 13(1) demands. The presence of an academic on one side of the microphone does not conjure a countervailing perspective into existence.

The ICJ Interim Order and the Olmert Opinion Piece Do Not Discharge Clause 13

11. 702 seeks to justify the content of the Broadcast by reference to the ICJ’s interim order of 26 January 2024 and an opinion piece by former Prime Minister Ehud Olmert (Response, paragraphs 4.4.1 to 4.4.3). These references are misdirected.
- 11.1. The ICJ’s interim order determined only that certain rights of Palestinians claimed by South Africa were “plausible” for the purposes of provisional measures. It is not, and does not purport to be, a determination that genocide has occurred. No binding legal determination of genocide has been made by any competent international tribunal, a fact the Response does not and cannot dispute. That the question remains *sub judice* before the ICJ is precisely what makes it a controversial issue of public importance on which reasonable, informed and credible persons hold fundamentally different views – and precisely why clause 13(1) was engaged.
- 11.2. The Olmert opinion piece proves the SAZF’s point, not 702’s. That prominent voices exist on multiple sides of the question of Israel’s conduct demonstrates that the issue is contested. The existence of contrary opinions in the international press on the internet does not discharge a broadcaster’s obligation to create balance by presenting opposing views to *its own listeners*; it underscores how readily such views could have been sourced had 702 made any effort to do so.
- 11.3. In any event, material assembled by a broadcaster’s legal department after the fact, for the purposes of answering a complaint, is no substitute for balance in or proximate to the broadcast itself. Listeners to the Broadcast heard none of this contextualisation. Clause 13 protects listeners, not litigants.

The “Other Interviews” Defence Is Precisely What Lorgat Rejected

12. 702 relies on three interviews conducted on the Aubrey Masango show (Response, paragraph 4.5.3): an interview on 5 March 2026 concerning the definition of anti-Semitism; an interview on 23 March 2026 concerning the US/Israel v Iran war; and an interview on 27 March 2026 concerning Iran’s internal dynamics. This reliance fails at every level of the *Lorgat* test.

- 12.1. None of the three interviews concerns the specific controversy canvassed in the Broadcast. Not one addresses the Global Sumud land convoy or flotilla, the interception of activists, the characterisation of the conflict in Gaza as a genocide, or the alleged historical relationship between Israel and apartheid South Africa. In *Lorgat*, the BCCSA held that it was insufficient to point to interviews dealing with the broader conflict; what mattered was whether opposing viewpoints had been presented in relation to the specific controversy under discussion (“a *specific moment in the war*”). Interviews about the definition of anti-Semitism and about Iran are further removed from the Broadcast’s subject matter than the facts in *Lorgat* (being the Palestinian Ambassador’s ceasefire interview vs the flotilla incident)– and that interview was held not to suffice.
- 12.2. All three interviews pre-date the Broadcast by approximately two months. Clause 13(1), as interpreted in *Lorgat*, requires that where balance is not achieved in the same programme, it be addressed in a subsequent programme within a reasonable time. A broadcaster cannot bank generalised goodwill in March and spend it against a one-sided broadcast in May.
- 12.3. The Response identifies no programme – not one – broadcast after 21 May 2026 in which any opposing perspective on the subject matter of the Broadcast was presented, in the same time slot or any other.

The Israeli Embassy’s Alleged Unavailability Does Not Discharge the Obligation

13. 702 asserts that it has approached the Israeli Embassy on numerous occasions since October 2023 and that its invitations have been refused or ignored (Response, paragraph 4.5.6). We submit that this does not assist 702.
 - 13.1. First, no evidence is tendered of any such approach made in connection with *this Broadcast* – no correspondence, no dates, no substantiation of the kind the SABC produced in *Lorgat* (where WhatsApp records evidencing the attempt to secure the Palestinian Ambassador were placed before the Tribunal). Generalised assertions of historical outreach, unmoored from the impugned broadcast, carry no weight.
 - 13.2. Second, the Israeli Embassy is not the sole repository of opposing perspectives or balancing input. As set out in paragraph 25 of the Complaint, pro-Israel commentators, legal experts and credentialed academics are readily available to South African radio.
 - 13.3. Third, clause 13(1) requires reasonable efforts. The standard is not exhausted by a single category of prospective guest declining. A broadcaster that makes no effort at all in relation to the impugned broadcast cannot rely on the historical reticence of one institution to excuse the total absence of balance.

The Suliman Adjudication Is Irrelevant

14. 702’s reference to the dismissal of an unrelated 2024 complaint alleging anti-Palestinian bias (Response, paragraph 4.5.5) is irrelevant. As the Response points out, the Suliman case was in respect of “*news coverage*” and considered the application of Clause 11 of the Code. The Suliman ruling did not deal with the issues raised in this complaint being balance or the application of Clause 13 whatsoever. The outcome of a complaint about different news coverage in a News Bulletin, on a different topic, at a different time, testing the parameters of a different Clause of the Code says nothing about whether the Broadcast complied with the Code.

Clause 13(2): The Contention That “No Person Was Criticised” Is Untenable

15. 702’s answer to the clause 13(2) complaint is a single sentence: “*No person was criticised during the interview*” (Response, paragraph 4.6.1). The transcript refutes this. Over

36 minutes, the State of Israel and Israeli authorities were accused of “violent” interception, “kidnapping”, “beatings”, “unspeakable things”, genocide, and the propping up of apartheid South Africa, while the host added his own characterisation of “war crimes.” If this kind of sustained adverse criticism does not engage clause 13(2), it is difficult to conceive what would. The views and conduct of the State of Israel, and of those South African institutions – including the SAZF– whose express mission includes support for Israel, were the subject of sustained, serious and unqualified attack, without any invitation to reply in the same programme or in any subsequent programme on the topic.

The Belated Offer of an Interview Is Declined

16. In paragraph 4.6.2 of the Response, 702 “*extends an invitation to the SAZF to be interviewed on the Aubrey Masango show about the Global Sumud Convoy and the conflict in general at a mutually convenient date and time.*” The SAZF has considered the offer and declines it, for the following reasons.

16.1. The offer comes too late to cure the breach. *Lorgat* is explicit that imbalance must be addressed “*within a reasonable time and in a similar time slot.*” An interview conducted at some future “*mutually convenient date*”, weeks after the Broadcast, and offered only under the pressure of a formal complaint, is not balance. It is damage control.

16.2. The offer is itself an implicit concession. A broadcaster confident that no imbalance arose would have no occasion to offer a countervailing interview “*to demonstrate 702’s commitment to balance.*” The offer acknowledges what the Response elsewhere denies: that the Broadcast presented one side only, and that the other side has yet to be heard.

16.3. In *Lorgat*, the SABC’s subsequent interview with the Palestinian Ambassador – actually conducted, not merely offered – did not save it from a finding of breach and a reprimand, because it came too late and did not address the specific controversy. 702’s unconsummated offer stands on materially weaker footing.

16.4. Acceptance of the offer would permit the Broadcaster to convert a regulatory breach into a scheduling favour, and to evade the finding that the Code requires. The question before the BCCSA is not whether 702 is now, post- complaint, prepared to host the SAZF; it is whether the Broadcast of 21 May 2026 complied with clauses 13(1) and 13(2) of the Code. It did not.

17. The decline of this offer as a gesture volunteered on the Broadcaster’s terms is without prejudice to an appropriately directed remedy that may be ordered under the discretion of the BCCSA.

Request for Adjudication by the Tribunal

18. The Response does not resolve the Complaint. It concedes the one-sided character of the Broadcast, advances defences already rejected in *Lorgat*, offers no evidence of any contemporaneous effort at balance and tenders a remedy that the BCCSA’s own jurisprudence holds to be inadequate. It is in the interest of the members and supporters of the SAZF who make up the audience of radio that we take proactive steps to ensure that all broadcasts by broadcasting service licensees comply with the Code, especially regarding controversial issues of public importance concerning Israel.

19. The SAZF therefore respectfully requests that the Registrar:

19.1. record that the Complaint has not been resolved by the Broadcaster’s response and that the SAZF declines the offer made in paragraph 4.6.2 of the Response;

19.2. refer the Complaint for formal adjudication by a Tribunal of the BCCSA in accordance with its Procedural Rules; and

- 19.3. place this reply before the Tribunal together with the Complaint, Annexure “A” thereto, and the Response.
20. At the adjudication, the SAZF will seek the findings and relief set out in paragraphs 35.2, 35.4 and 35.5 of the Complaint, mainly a finding that the Broadcast violated clauses 13(1) and 13(2) of the Code and such further remedies as the Tribunal deems appropriate.
21. The SAZF reserves its rights in respect of all other aspects of the substantive content of the Broadcast, including additional inaccuracies and misstatements, as recorded in paragraph 34 of the Complaint.”

EVALUATION

- [5] In evaluating this matter, the Commission must balance two competing aspects of South African current affairs broadcasting: the delicate balance between robust freedom of political expression on international affairs and the broadcaster's positive obligation to maintain fairness, balance, and dignity on controversial issues of public importance. As a regulator, the Commission does not take allegations of bias, delegitimisation, or inflammatory language lightly.
- [6] The core of this interrogation rests on whether allowing the uncorrected, repeated deployment of the phrase "Zionist entity" crosses the line into a violation of Clause 13 (Fairness and Balance) or Clause 4(2) (Hate Speech) of the Code. The complainant contends that the phrase is an inherently delegitimising trope that denies statehood, while the broadcaster defends it as permissible political commentary by an independent guest.
- [7] To bridge this gap rigorously, the tribunal cannot rely on individual intuition, nor can it force a sterile, uncontextualised reading of broadcast dialogue. Instead, established precedent dictates that dictates that the Commission safeguard accuracy and balance through an objective evaluation of the weight, legal standing, and academic consensus surrounding controversial terminology.
- [8] An examination of academic literature and international legal frameworks reveals the distinct rhetorical function of the phrase "Zionist entity":
- In international relations, particularly following 1948, the Arabic phrase *al-kiyan al-sahyuni* ("Zionist entity") was introduced as a deliberate mechanism of diplomatic non-recognition.¹⁴ Rather than addressing Israel as a sovereign state

¹⁴ C Vincent, M Bolton and H Troschke, 'Denial of Israel's Right to Exist' in MJ Becker, H Troschke, M Bolton and A Chapelan (eds), *Decoding Antisemitism: A Guide to Identifying Antisemitism Online* (Palgrave Macmillan 2024) 447–448.

under international law, the phrase treats the nation merely as a transient political manifestation. In broadcast current affairs, substituting a sovereign nation's official name with a phrase of non-recognition represents a deliberate political stance rather than neutral descriptive reporting.

- In strict international law, the term "entity" neutrally denotes any actor with legal rights and obligations.¹⁵ However, international law itself does not designate Israel as a "Zionist entity."¹⁶ Academically, Israel is recognised as a sovereign state whose foundational identity is rooted in Zionism, as explicitly stated in the *Declaration of the Establishment of the State of Israel (1948)* and codified in domestic legislation such as the *World Zionist Organisation-Jewish Agency (Status) Law of 1952* (Adalah, 1952).¹⁷ While examining the state's Zionist foundational ideology is factually and academically valid, reducing the state's very existence entirely to an "entity" can serve a specific delegitimising function.
- Modern discourse analysis¹⁸ demonstrates that linguistic strategies seeking to erase a state's legal name function to deny the collective right to self-determination. Leading human rights and discrimination monitoring bodies (such as the Anti-Defamation League) emphasise that denying a recognised nation its statehood crosses from legitimate political criticism into systemic delegitimation.¹⁹

[9] Applying these findings to Clause 13 (Fairness and Balance), the precedent set in *Lorgat vs SABC (SAfm)* (Case No: 16/2025)²⁰ has been highly instructional.

¹⁵ James Crawford, *Brownlie's Principles of Public International Law* (9th edn, Oxford University Press 2019) 162, 167–168.

¹⁶ Ibid 167–168.

¹⁷ *World Zionist Organisation-Jewish Agency (Status) Law, 5713–1952, Laws of the State of Israel: Authorized Translation from the Hebrew*, vol 7 (Government Printer 1953) 1–4, 3–4.

¹⁸ Vincent, C., Bolton, M., & Troschke, H. (2024). *Denial of Israel's Right to Exist*. In M.J. Becker, H. Troschke, M. Bolton, & A. Chapelan (Eds.), *Decoding Antisemitism: A Guide to Identifying Antisemitism Online* (pp. 447–458). Palgrave Macmillan, Cham. (pg) 447–448

¹⁹ Ibid 450–452.

²⁰ <https://www.bccsa.co.za/2026/02/20/case-number-16-2025-lorgat-vs-sabc-safm-balance/>

In *Lorgat*, the Commission affirmed that while broadcasters are not required to censor controversial viewpoints, journalists have an affirmative duty to challenge unchallenged assertions and provide proper context when guests articulate one-sided or legally contentious narratives on matters of public importance.

- [10] Guests on live talk radio are fully entitled to express challenging and controversial, political opinions. However, when a guest repeatedly uses terminology whose primary historical function is the systematic denial of a recognised state's legitimacy, a presenter on a licensed platform has a duty under Clause 13 to provide context, push back, or ensure that opposing perspectives are represented. By allowing the guest to repeatedly substitute a sovereign nation's name with a delegitimising trope without counter-questioning or context, the presenter permitted the broadcast to lean into uncorrected political bias, breaching Clause 13.1.
- [11] When testing the broadcast under Clause 4(2) (Hate Speech), however, the constitutional threshold is intentionally and necessarily high. For content to constitute hate speech, there must be a clear advocacy of hatred based on ethnicity or religion coupled with an actual incitement to cause harm. While the term "Zionist entity" is politically loaded, delegitimising, and offensive to many listeners, within this specific current affairs context, it did not cross the threshold of inciting imminent violence or advocating group hatred required for a finding of hate speech.
- [12] Similarly, regarding Clause 15 (Dignity), while the phrase may cause legitimate distress to listeners who hold spiritual or national ties to the State of Israel, political commentary on foreign states, even when expressed through offensive or delegitimising tropes, does not directly infringe upon the personal privacy or

individual dignity of South African citizens in a manner that overrides free political debate.

- [13] Responsible adjudication requires anchoring findings in objective context, intent, and actual content. While guests enjoy broad latitude to express controversial views, broadcasters cannot allow delegitimising terminology to pass completely unchallenged without breaching their statutory duty to maintain balance on public affairs broadcasts.
- [14] Following the draft adjudication circulated to the parties, written submissions on the appropriate sanction were invited
- [15] The Broadcaster accepted the finding under Clause 13(1) and proposed to broadcast an on-air correction and statement of apology presented by Siyabonga Motha on The Aubrey Masango Show. The Complainant submitted that a summary of the findings be broadcast along with a reprimand and editorial directives.
- [16] Having considered the submissions, the Commission finds the broadcaster's proposed correction and apology to be appropriate, direct, and sufficient to remedy the breach of Clause 13(1).
- [17] **The Broadcaster is accordingly ordered to broadcast the following statement:**

“ On the 21 May 2026 while I was standing in for Aubry Masango, I interviewed Ms Jessica Breakey, a South African academic and participant in the Global Sumud land convoy, on this show, about the interception of the Global Sumud Flotilla by Israeli naval forces in the Mediterranean Sea. During the interview, Ms Breakey repeatedly used the phrase "Zionist entity" rather than referring to

the state of Israel. "Zionist entity" is a controversial phrase that is often intentionally deployed by critics of Israel to disregard or diminish the sovereignty and international recognition of the state of Israel. Given this controversy, 702 ought to have challenged Ms Breaky's use of the phrase or provided an opposing point of view. I apologise for that oversight on my part and on behalf of 702."

- [18] The statement must be broadcast on Talk Radio 702 on the Aubrey Masango Show (**SIYABONGA MOTH**A) Show just after 20:00 on weekly within five days of the release of this adjudication.
- [19] Prior to the broadcast, the Broadcaster must notify the Registrar of the BCCSA in writing of the date and time at which the statement will be aired, so that the Registrar may in turn inform the Complainant who may wish to listen to it. The Broadcaster is further directed to submit a recording of the broadcast to the Registrar within twenty-four (24) hours of the date of its broadcast, as proof of compliance.



MELANY FUMA
COMMISSIONER: BROADCASTING COMPLAINTS COMMISSION