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**ADJUDICATION NO: 22/A /2014**

**DATE OF BROADCAST: 19 AUGUST 2014 AT ABOUT 06:30**  
**NAME OF PROGRAMME: MORNING LIVE**  
**BROADCASTER: SABC2**  
**COMPLAINANTS: KRIEL AND LOMBARD**

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### **COMPLAINT**

**That utterances by a person being interviewed on air amounted to hate speech.**

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### **APPLICABLE RULE**

**4(2) Broadcasting service licensees must not broadcast material which, judged within context, amounts to (a) .... ; (b) .... (c) the advocacy of hatred that is based on race, ethnicity, religion or gender and that constitutes incitement to cause harm.**

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### **ADJUDICATION**

[1] Two complaints were lodged with the BCCSA against the Morning Live programme of the 19th of August 2014 at about 06:30. The topic discussed during the programme was the commemoration of the violent uprising in the townships in the Vaal Triangle area in which many people died, about 30 years ago. Two persons were interviewed by the presenter of whom one was a woman called Teresa Ramashamole. She was paralyzed during the violence and she suffered severely, also because she was jailed. It is against her statements that the complaints were lodged with the BCCSA.

[2] **The complaints read as follows:**

**Kriel:** "I would hereby like to lodge a complaint against Morning Live with regards to the interview that was held with Ayanda this morning and in particular "mama Themba".

She maliciously made racist and discriminatory comments on how she HATES white people and she will never forgive what was done to them during the apartheid's time.

**HOW on earth can a program allow such a comment!**

Surely the people that are interviewed are advised against making racist remarks and discriminating against other races irrespective of what happened 30 years ago.

I was only 6 when this happened and my daughter of 15 could not believe what was said.

I am extremely appalled by the manner in which the interview was conducted and will take this matter as far as I possibly can and make people fully aware of what Morning Live stands for.

SABC has clearly showed its true colours and affirmed my reasons for not watching any other programs on any of their channels.

Highly disgusted and disgruntled

The approximate time of the broadcast was around 06:30 this morning.

The lady that was interviewed clearly stated that *she hates white people and will not forgive them on what happened 30 years ago.*

I found it to be a form of a hate speech clearly towards "whites" in general.

Please let me know if you require anything further."

**Lombard:** "Ek is n getroue kyker van Morning Live. Maar ek moet sê na vanoggend se program dink ek nie meer dit gaan die geval wees nie.

So paar minute voor 7 is daar n onderhoud gevoer met n dame wat oor die lug uitgevaar het teen die blankes en prontuit gese het sy haat die blankes en sal hul hant tot haar dood. Die onderhoud is gevoer om die vaal opstande van 1984 te herdenk.

Hoe mens wanorde kan gedenk en dit deel van jou trotse geskiedenis kan noem, gaan my verstand te bowe. Maar hoe dit ookal sy ... dis die rede vir my e-pos nie.

Dit was vir my as Suid Afrikaanse blanke burger skokkend om te sien dat n hoog aangeskrewe ontbyt program sulke onderhoude uitsaai en toestaan. Dat sulke rasistiese uitsprake en nasie haat so blatand uitgebasaai word van n sogenaamde onafhanklike medium is onverstaanbaar. Of is dit? Dit was niks anders a propaganda om rasse spanning weereens te laat opvlam nie.

Ja, die dame het baie verloor in die opstand, sy het skade gely, sy voel te na gekom. Maar my vraag is: Sou ons as blankes sulke uitsprake maak (na van ons Familie lede en vriende koelbloedig op die wreedste maniere vermoor is om dat hulle blank is) sal ons onmiddelik vervolgt en aangekla word. Maar hier word die uitspraak oor nasionale TV deur die SABC uitgesaai en dis maar net reg.

Ek het nie gehoor dat die omroeper of die Morning Live span enigsins hulself gedistansieer het van die uitspraak nie. Inteendeel dit het vir my voorgekom dat die stelling verwelkom is.

Ek wil hiermee my uiterste teleurstelling en misnoë uitspreek teen die SABC en Morning Live!”

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

**“BCCSA COMPLAINT: CHANTELL KRIEL - SABC2 - MORNING LIVE - 3.9.2014 - 06:00**

In respect of the above-mentioned complaint, please find our comments as follows.

1. The segment in question refers to an incident that took place in a current affairs programme called Morning Live.
2. On that day, the programme was broadcast live from Sebokeng in the Vaal. The topic of the day was about remembering the Vaal Triangle march that was exactly 30 years ago. In the same year, thousands of people from different townships of the Vaal Triangle had marched to their municipal offices to voice out their unhappiness with the then apartheid government. Not long after they had begun their march, chaos broke out in Sebokeng, Sharpeville, Bophelong, Evarton and Boipatong resulting into countless people being killed and injured.
3. As a responsible Current Affairs programme, Morning Live is duty-bound to among others, tell the truth about this country’s past. 20 years later, we have a responsibility to show that this was a hard-won freedom and democracy. We have to show this to inform and educate a new generation of our citizens about where we come from.
4. As part of the broadcast we interviewed a number of the massacre survivors of which one of them was Theresa Ramashamole. She outlined her frustrations about the apartheid government and the fact that it left her paralysed and unable to bear her own children.
5. In the same interview, the latter told of the events of 3 September 1984, which the broadcast was aimed to commemorate the victims of Sharpeville. She declared that she hated white people and blamed them for her paralysis. She poured-out her deep-seated anger and vowed not to forgive them for the pain and suffering she endured.
6. Whilst we accept that her comments were unwelcoming to some viewers; Ms Ramashamole didn’t advocate for any retaliation or encourage anyone to hurt white people. She was merely expressing her feelings based on her encounter and life experiences at the hands of the apartheid government. Those comments were made in her capacity and they cannot be associated with the SABC.
7. Issues about race and our past will always be sensitive in this country, but failure to reflect on them merely on the basis that people will be offended, would be irresponsible of us as a public broadcaster. We have to reflect our past; painful and uncomfortable as it is.
8. In terms of the BCCSA request for us to comment on hate speech; the presenter through her intervention insisted that while she acknowledges the deep scars that Ms Ramashamole has lived with for the past 30 years, it was also important to note that this freedom that South Africans are enjoying today was fought for by both Black and White people.
9. At no stage did the presenter seem to neither concur nor encourage the views as expressed by Ms Ramashamole.

We hereby submit that there was no contravention of the Code.”

[4] It is understandable that people from one racial group become upset when they hear that people from another racial group say that they hate them, especially in our country with our troubled past, but where for the last 20 years we have been trying to forge a unified, democratic nation of diverse peoples. The task becomes even more difficult when some people on the air waves express their hatred for people of other racial groups, in spite of all the efforts to bring peace to this country. It is not surprising then that we have received these complaints.

[5] As explained above, the hatred complained against was expressed during an interview in which Ms Ramashamole was invited to relate her experience of the uprising in the Vaal Triangle in 1984. She described how the Black local councillors treated them and were despised by them because they cooperated with the Whites. She emphasised that she would not apologise to the Whites (for what had been done during the uprising) and that she would hate the Whites till the day she died. These are harsh words and not conducive to conciliation between Blacks and Whites in this country.

[6] The question I have to answer is whether the words uttered by Ms Ramashamole amount to hate speech and therefore constitute a contravention of clause 4(2) of the Free-to-Air Code of Conduct for Broadcasting Service Licensees. Please take note that it is the broadcaster of this particular programme that is the respondent in this complaint and not the person being interviewed. The broadcaster is responsible for what is being broadcast and must see to it that the airwaves are not being used to spread propaganda, for instance, or ideas that incite people to cause harm to others.

[7] The tenor and facts of this interview echo the tenor and facts of a case that was decided by the European Court of Human Rights in 1993. In the case of *Jersild v Denmark*<sup>1</sup> a journalist interviewed on radio a group of far right Danish men on their views about immigrants from Africa in their country. Their views were nothing short of naked racism compounded by coarse language and terminology. The journalist

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<sup>1</sup> 36/1993/431/510.

was charged and found guilty in a Danish court for propagating hatred over the airwaves. He appealed to the European Court of Human Rights which upheld his appeal. The European Court found that it was in the public interest for Danish listeners to be informed of what other people in their midst thought of Black immigrants. The object of the interview was not to broadcast propaganda or hatred but to educate and inform, an important function of state radio in Denmark, but also in South Africa and all other democracies. The Court also stated that in a democracy people should be tolerant of other peoples' views, not only those views to which they are indifferent but also views that upset or shock them.

- [8] The complaint here is that the broadcaster was guilty of allowing hate speech to be broadcast. Hate speech, in terms of clause 4(2) of our Code, and also in terms of section 16(2)(c) of the Constitution of South Africa, consists of two elements: The first is the advocacy of hatred based on, in this case, race or ethnicity, and secondly the incitement to cause harm. Advocacy means to actively support, recommend or plead for something. Incite means to stir up or to urge others to act in a manner which is likely to cause harm to others. This harm need not be physical; it could also be emotional harm. Both the elements must be present for a finding of a contravention of the Code.
- [9] The question now is: Did the tenor of the words uttered by the person who was interviewed comply with the definition of "advocacy" and "incite"? To answer this, one has to look at the context in which the words were spoken. The person was invited onto the programme to come and share her memories of those fateful days in the eighties. As could be expected, she became emotional and the hatred that she had cropped up for so many years, came pouring out in the interview. One should actually feel pity for her because it is a well known fact that hatred normally does more damage to the one who hates than to those who are being hated (who might not even know that they are being hated). But did she plead with her people to hate Whites and did she stir up her people to cause harm to Whites? I do not think so.
- [10] There is another factor that I must consider and that is the duty of the broadcaster during such an interview. It is difficult for the broadcaster to always anticipate what the interviewee is going to say, but an experienced interviewer will know when to step

in and bring balance or a correction to the interview. In this instance the presenter (interviewer) brought in a correction where she reminded the interviewee that the freedom that South Africans now enjoy was fought for by both Black and White people. She furthermore did not concur with the hatred nor did she encourage such views. If this balance was not brought to the programme, it might have degenerated into the advocacy of hatred. Judged in context, I do not think that the broadcaster allowed the interview to sink into a state of advocating hatred or inciting Blacks to cause harm to Whites.

**In the result I find no contravention of the Code and the complaint is not upheld.**

**PROF HENNING VILJOEN**

**DEPUTY CHAIRPERSON: BROADCASTING COMPLAINTS COMMISSION**