SUMMARY

A complaint was lodged by the Complainant Church that it had unjustifiably been implicated in accusations of crimes. The matter was settled and the complainant was granted an opportunity to rectify the matter on air.
A complaint was received from the Christ Embassy Church that the Church had unjustifiably been connected to accusations and implications of crimes by pastors of several other churches. I referred the matter to a Tribunal.

The complaint reads as follows:

“COMPLAINT: BROADCAST OF PROGRAMME ENTITLED “PRAISE THE DRUG LORD” – SPECIAL ASSIGNMENT BROADCAST ON SABC3, THURSDAY, 23 MAY 2013 AT 21H30

1. The board of directors of Christ Embassy Church AKA Believers Loveworld NPC (“Christ Embassy”) hereby lodge a complaint against the SABC3 and Special Assignment in respect of a programme broadcast on the SABC3 entitled “Praise the Drug Lord” on Thursday, 23 May 2013 at 21h30 which was produced by Richelle Seton-Rogerws (“the programme”).

2. We attach a write up on the programme which gives a brief depiction of the programme as a whole. We have called for a copy of the broadcast and will present it to yourselves for viewing purposes as soon as it comes to hand.

3. This is a complaint in respect of clause 11, 12 and 13 as set out in the BCCSA Free-To-Air Code of Conduct for Broadcasting Services Licensees (as amended) (“the code”). Although the programme was not a news programme, it is a journalistic programme which is newsworthy and expresses comment in respect of controversial issues of public importance.

4. Insofar as Christ Embassy is concerned, the programme was not truthful and accurate, was not presented in a fair manner, without intentional or negligent departure from the facts. We say this based on the fact that during the course of the programme it was incorrectly stated, inter alia, that Christ Embassy Pastor responsible for pastoring Christ Embassy Rosettenville, allegedly a certain Pastor Kibo or Akribo, was involved in illegal activities and in particular that he was a drug dealer. Christ Embassy was also wrongly implicated in the programme in the sense that it was indicated that it was involved, whether directly or indirectly, in such illegal activities. It was implied that Christ Embassy’s pastors are “drug lords” who “fly under the radar” and its pastors are “using their title as a cover to do dirty work”. We mention in addition that our name as well as the image of Pastor Chris Oyakhilome was also prominently displayed in the programme which served to wrongly link ourselves to the allegations made during the programme.

5. We mention that the Pastor Kibo or Akribo referred to as being the Christ Embassyu Pastor is not affiliated, in any manner whatsoever, to ourselves and certainly does not pastor Christ Embassy Rosettenville. The Pastor for Christ Embassy Rosettenville is Pastor Miriam Seipati Sibande. Pastor Sibanda has occupied this position since January last year.

6. For the same reasons the complaint is also made in terms of clauses 12 and 13. Whilst the comment may have been of public importance, the fact that inaccurate facts were broadcast, specifically insofar as Christ Embassy is concerned, is unacceptable. In addition to the aforementioned, we were not contacted to confirm whether we were in fact involved, which we are not, nor were we contacted to confirm whether Pastor Kibo or Akribo was in fact a pastor at our ministry. Whilst it was
stated, toward the end of the programme, that the reporter could not get hold of Pastor Kibo or Akribo, this is not, to our mind, sufficient to confirm this church’s involvement, as alleged. The Christ Embassy ministry was not given a right to reply as provided in clause 13(2) of the code.

7. Pastor Sibande recalls having been approached by an unknown individual after a service at the Rosettenville congregation on Wednesday, 22 May 2013 (prior to the programme being broadcast on 23 May 2013) who enquired whether there was a Pastor Kibo /Akribo at that church and furthermore enquired whether Pastor Sibande has always been at that congregation. The person did not introduce himself, however, from the line of questioning, this unknown individual may have been an investigator for Special Assignment and Pastor Sibande has confirmed that she would be able to identify the person if she were to see him again. If this individual was in fact an investigator for Special Assignment, we have even more reason to believe that, notwithstanding Pastor Sibande’s confirmation that she did not know a Pastor Kibo/Akribo, the programme was not presented in a fair manner, without intentional or negligent departure from the facts.

8. We therefore request that our complaint be considered and if it appears to you that the broadcast report was incorrect, which we contend it was, we require that an unequivocal retraction be broadcast, which makes it abundantly clear that Christ Embassy was in no way associated with or involved in the practices mentioned in the programme."

[3] The Broadcaster responded as follows:

“BCCSA COMPLAINTANT: CHRIST EMBASSY CHURCH - SABC3 SPECIAL ASSIGNMENT - ALLEGED BIASED BROADCASTING – 23.05.13; 21:30

Our comments are as follows:

1. We submit that our programme met all the Code requirements of reporting truthfully, accurately and fairly. We relied on the testimony of our main source, who is a member of the church, and two other sources who confirmed that Mr. C. Akribo is a pastor at the above mentioned church. We have no reason to doubt their account. The main source indicated that she was approached by the said pastor whom she knows to be associated with the Christ Embassy Church in Rosettenville, to transport drugs on his behalf. In order to win over her trust, she says he took her to the church, the Christ Embassy church in Rosettenville, where he was addressed as “pastor” by members of the congregation where he also preached on this day. Our investigator also says he independently confirmed this claim after speaking to several members of the said church. These confirmations led us to believe that from a reasonable person’s point of view, this person is indeed a pastor at the said church.

2. Mindful of the fact that the pastor needed to be afforded his right of reply, we were also conscious of the danger to our source should he become aware too early that he was under investigation. Thus he was approached when we were ready to go on air, to avoid jeopardising our story and the safety of our source. Special Assignment tried to approach pastor C Akribo for his comment before the story aired, through telephone calls. After failing to get hold of him through telephone calls, they went to his residence in Rosettenville on Wednesday 22 May 2013, to afford him the right of reply. However, on the first occasion no one was home. That night, they returned when they were told by their source that he would be leaving to fly to Nigeria. They were denied access to the premises understood to belong to him, as shown in the programme. As a last resort to get comment, the producer returned to the Christ Embassy Church in Rosettenville on Thursday morning, the 23 May 2013, but could not find anyone to comment.
3. The programme was about pastors who are associated with churches and using these institutions to conceal their involvement in the drug business and other illegal activities. This is the context within which the said pastor was identified, and the church's name was mentioned as a person believed to be using his association with the said church, to hide his drug involvement. This context was clearly outlined in the story and confirmed by other experts interviewed ranging from church associations and state tax compliance and security representatives. On this basis, the content of this programme was not a distortion, an exaggeration or a misrepresentation. Because we failed to get comment from the implicated pastor, the programme sought the views of experts to balance the story.

4. Our conclusion regarding the underworld activities of the said pastor were based on facts at our disposal and not allegations, as can be clearly seen on the visuals used in the programme discussing drugs. In this part of the programme, our source tells the pastor that she is “broke” and asks about the “business” and in his response, the pastor says “it is quiet, maybe next week or something” and holding a packet of drugs in her hands which she had just been given by the pastor, our source tells the latter that she wants more to transport, to which he replies “I’m just waiting for a delivery, maybe next week.” The said pastor further implicates himself in the story by indicating that he gets marijuana from Malawi. In addition, the pastor assures our source that she will be safe when she travels to Cape Town because he will pray for her and God will protect her. This content is first-person fact and certainly not rumour, opinion, or supposition.

5. In terms of the clause on comment, an investigative current affairs programme such as Special Assignment has a social responsibility mandate to expose wrongdoing as it relates to any sector of our society, and in the public interest, we believe that this programme fulfilled that mandate. Failure to expose these activities would have been a disservice to our audience. The producer’s comment is based on the visual evidence as presented in the entire programme, and supported by experts who confirm that there are pastors who use the church to hide their criminal activities. Nowhere in the script do we implicate the complainant’s church for promoting such activities. Our report referred to this particular individual, who is a member of the said church.

6. We believe that because this programme was not implicating the Christ Embassy Church in drug dealing, but a pastor associated with the church, nor was it insinuating any involvement of the church in encouraging such behaviour, it is not reasonable to argue that the story is not fair to the church. Our story refers to Mr. Akribo as “one of the pastors” in the church, it does not say “a pastor responsible for pastoring at Christ Embassy in Rosettenville.” Nowhere do we say other pastors at this church are involved in illegal activities.

We submit that there has been no transgression of the Code.

EVALUATION

[4] At the hearing of this matter, the SABC conceded that an opportunity should have been granted to a representative of the Church to respond to its having been implicated

[5] The matter was settled on the basis that such an opportunity would be granted to the Complainant. This was accepted by the Tribunal.
 Commissioners Viljoen, Mmusinyane and Venter concurred with the judgment of the Chairperson.