

**IN THE ENFORCEMENT COMMITTEE OF THE FILM AND PUBLICATION
BOARD (FPB)**

Film and Publication Board (FPB)

Applicant

and

CINETIE

Respondent

Case No: 042/2025/RD/Rwanda

Date of hearing: 23 June 2026

MEMBERS OF THE ENFORCEMENT COMMITTEE

Judge Thokozile Masipa - Chairperson

Ms Malini Maharaj - Member

Dr. Adv Nzumbululo Silas Siphuma - Member

OFFICE OF THE ENFORCEMENT COMMITTEE

Mpho Mooketsi - Registrar

LEGAL REPRESENTATION

For the Applicant

Mr. Dion Manakane

For the Respondent

(No Appearance)

DECISION

Judge Thokozile Masipa

INTRODUCTION

[1] This matter was referred to the Enforcement Committee for adjudication in terms of section 6B of the Films and Publications Act 65 of 1996, as amended (“the FP Act”) read with regulation 9(1) of the Rules of the Enforcement Committee Rules (“the Rules”).

[2] The Applicant alleged that the Respondent, an online distributor of films contravened section 18(1) (a) and (b) of the FP Act in that it was not registered with the Applicant as distributor of films/publication and that it failed to submit its films to the Applicant for classification.

THE PARTIES

[3] The Applicant is the FILM AND PUBLICATION BOARD, a statutory entity established in terms of section 3 of the Films and Publications Act 65 of 1996 as amended (“the FP Act”). It is the Content Regulatory Authority in South Africa. Its jurisdiction includes the regulation of online content irrespective of the origin of such content.

[4] The Respondent is CINETIE, an entity that conducts the business of distributing/streaming films/movies which operates under the

website www.cinetie.com, with its registered address at KN 4 Ave, Nyarugenge, RWANDA.

THE RESPONDENT'S RESPONSE

[5] The Respondent did not respond to the allegations against it. In addition, there was no appearance on behalf of the Respondent at the hearing. As a result, the hearing proceeded unopposed.

FACTUAL BACKGROUND

[6] On 3 June 2024, the Applicant, through Yakeen Singh, its Compliance Officer, conducted an online inspection of the Respondent's operations.

[7] The purpose of the inspection was to determine whether the Respondent was in compliance with the provisions of the FP Act as a distributor of films.

[8] According to information provided on its website, the Respondent provides users with the ability to stream or download movies at any time, on any screen or device, and from any location.

[9] Upon accessing the website www.cinetie.com, visitors are presented with a selection of films that can be streamed online via internet-enabled devices, including desktop computers, mobile phones running IOS or Android, and internet connected televisions.

[10] During the course of the inspection, Mr. Singh made the following observations:

10.1. The Respondent, through its website, was unlawfully distributing/exhibiting and/or streaming films and movies without obtaining the requisite authorisation from the Applicant as contemplated in section 18(1) (a) of the FP Act read together with section 24A (1), 24A (3) and 24A (5) of the FP Act.

10.2. The Respondent failed to display/stream films/movies which have been classified by the Applicant , as contemplated in section 18(1) (b) of the FP Act read together with section 24A (2)(a) of the FP Act.

10.3. The Respondent failed to display the classification reference numbers, age restrictions and consumer advice as contemplated in section 18(1) read together with section 24A (5) of the FP Act.

[11] Consequently, the Compliance Officer issued and served the Cease-and-Desist letter as well as the Notice of Contravention which afforded the Respondent a period of thirty (30) days in which to remedy the noncompliance or ask for an extension.

[12] On February 2025, Mr. Singh conducted a follow-up online inspection on the same website of the Respondent and found that the Respondent had still not complied with the provisions of the FP Act. In addition, the Respondent had not requested any extension as directed. Hence the referral to the Enforcement Committee.

THE PROCEEDINGS

Service

[13] The fundamental rule with regard to service is that the decision-making body must be satisfied that the Respondent received the necessary documents and notices and is therefore aware that proceedings were being brought against it.

[14] In the present case, the Enforcement Committee took the issue of service up with counsel for the Applicant especially since the application was not opposed.

[15] It was submitted on behalf of the Applicant that service had been effected through an email that had been sourced from the website of the Respondent. Notably the Respondent had not responded to this or any other correspondence from the Applicant.

[16] More importantly no service affidavit and no IT expert affidavit in support of the submissions that there was proper service, were produced.

[17] An Affidavit of Service and/or an Affidavit from an IT expert are not a mere formality. They are crucial in ensuring that the outcome is not only just, but also ensure that the proceedings are procedurally fair. Erasmus, in Superior Court Practice, describes the importance of service thus:

“It is the cornerstone of our legal system that a person is entitled to notice of legal proceedings against him.”

[18] In the present application, the Enforcement Committee had reason to doubt if the notice of these proceedings came to the attention of the Respondent. From this procedural defect, alone, the application could not succeed.

Condonation Application

[19] Having heard counsel for the Applicant on the Condonation application the Enforcement Committee was of the view that there was good cause shown and that Condonation must be granted.

The Main Application

[20] The Applicant produced evidence in support of the allegations of noncompliance with the provisions of the FP Act by the Respondent. Since there was no appearance on behalf of the Applicant, the evidence was not contradicted.

Finding

[21] However, having regard to what the Enforcement Committee regards as defective service, an analysis of the facts on the merits would have been a futile exercise. For that reason, no finding can be made against the Respondent.

Order

[22] Accordingly, an Order is granted in the following terms:

- 22.1. Condonation is granted to the Applicant for the late filing of the Notice of Referral in terms of Rule 3 of the Enforcement Committee Rules.
- 22.2. The Applicant's Application for adjudication of the Respondent's alleged noncompliance with the provisions of the Films and Publications Act, as amended is dismissed on the grounds of lack of proper service to the Respondent.
- 22.3. There shall be no order in respect of costs of these proceedings.

TMMasipa

ENFORCEMENT COMMITTEE

Judge Thokozile Masipa – Chairperson

Ms Nalini Maharaj – Member

Dr. Adv Nzumbululo Silas Siphuma – Member

Date: 19/8/2026