

**Before the Film and Publication Review Board**

In the matter between:

**United International Pictures (UIP)**

and

**The Film and Publication Board (FPB)**

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**DECISION**

In re: ***Appeal Against the Classification of the Film 'CATCH A FIRE'***

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Ms Rene Smith

Deputy Chairperson

**1. Introduction**

1.1. On 21 January 2007, the Review Board viewed the film *Catch a Fire* and heard arguments on behalf of United International Pictures (UIP) (the Appellant) and the Film and Publication Board (FPB).

1.2. The FPB was notified on 23 January 2007 of our decision and informed that detailed reasons would follow. These are the reasons for the decision. The Review Board is unanimous both in its reasoning and the conclusions reached.

**2. Description of the film**

2.1 *Catch a Fire* is a political thriller based on the true story of one Patrick Chamusso, an apolitical foreman at Secunda Oil Refinery who becomes a political operative after being falsely accused of orchestrating a 'terrorist' attack. Chamusso is detained and tortured. He eventually gives a false confession after seeing his wife Precious' bruises, caused by similar treatment.

2.2 Chamusso and Precious are later released after Colonel Nic Vos, a security branch agent who leads the interrogation strategy, concedes that they are innocent. Chamusso then joins the armed struggle to liberate South Africa.

2.3 As a member of the ANC's armed wing, Mkhonto we Sizwe (MK), Chamusso is trained in Mozambique and returns to South Africa to carry out a follow-up strike on the same Secunda oil refinery he was wrongfully accused of blowing up. His activities are monitored by Colonel Vos, who uses Chamusso's past indiscretions as leverage in leveling accusations of terrorism against him. This eventually leads to Chamusso's capture and detention.

2.4 The narrator (Chamusso) informs viewers he was sentenced to 24 years on Robben Island until his release alongside other political prisoners in 1990. The film ends by switching to present-day South Africa, with shots of a real-life Patrick Chamusso and his new life of caring for orphans.

2.5 *Catch a Fire* is not only a story about one man's life, but of/about many lives in apartheid South Africa; a narrative of the country's history. In telling the story of the brutality of security branch forces determined to identify 'terrorists', and of freedom fighters detained and tortured as part of this plan, *Catch a Fire* offers glimpses of humanity and of forgiveness. This is most evident in one of the final scenes, where a freed Chamusso spots a leisurely Colonel Vos in the 1990s and chooses forgiveness instead of killing him in revenge.

### **3. Appeal to the Review Board**

3.1 *Catch a Fire* was assigned a legally restrictive age classification of '16', with consumer advice for violence ('V').

According to the Films and Publications Act, a legally restrictive age classification may be imposed only if “judged within context, it is necessary to protect children in the relevant age group against harmful and disturbing material in the film”.<sup>1</sup>

3.2 According to the guidelines provided for by-in Section 31(3)(b) of the Films and Publications Act, a ‘16V’ classification indicates that the film is not suitable for persons under the age of 16 years. In addition, consumers are advised of violent scenes. The ‘V’ symbol is imposed because “scenes of realistic violence may occur within a meaningful context, forming part of plot or character development. There are no scenes glamorising violence as a way to resolve conflicts”.

3.3. Examiner reports noted that the violence in *Catch a Fire* was “strong, gory, bloody”, but not “graphic” or “gratuitous”. The classification committee felt that the implied violence and suspense factor warranted a 16V classification. A minority decision of 13VL was recorded.

3.4 The Appellant’s reason for appeal noted that *Catch a Fire* is based on a true story that “shows the kind and evil on both sides of the 1980s”. The grounds for appeal acknowledged “moments of violence and a shootout”, but proposed that a ‘13V’ classification would have been more appropriate.

#### **4. Oral Submissions**

4.1 Oral submissions made by the classification committee and the distributor were heard by a five-member committee of the Review Board.

4.2 The classification committee was represented by Mr. Andile Qodashe, who was supported by Mr. Sibusiso Ndebele. The Chief Examiner for *Catch a Fire* was Ms Paula Louw.

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<sup>1</sup> Schedule 8, Films & Publications Act 65 of 1996, as amended.

4.3 Mr. Gerald Sobel represented UIP, the distributor and appellant.

4.4 We wish to express our appreciation to all the parties who made representations.

## 5. Arguments of the FPB Classification Committee and of UIP

5.1 Mr. Sobel from UIP argued:

5.1.1 the '16' restriction eliminated younger audiences from viewing a true story of South Africa's past;

5.1.2 the violence ('V') was limited and the language ('L') minimal;

5.1.3 the need for consistency, by comparing the film ~~to~~ with previous releases with similar themes, which were assigned lower classifications. He drew attention to the film *Red Dust* (released a few years earlier), which was classified '13M' although it contained scenes of brutal beatings. (A '13M' classification means children under the age of 13 are only permitted to view the film with adult accompaniment.)

5.2 The FPB representative, Mr. Qodashe, argued:

5.2.1 there existed the potential for 'psychological trauma' as a result of the bloody scenes in the film;

5.2.2 scenes such as the 'bloody' shootout in Mozambique could be upsetting and potentially disturbing for children;

5.2.3 the adult themes, and the psychological effects of violence warranted a '16V'.

5.3 Responding to questioning by the panel, the Classification Committee maintained that the film's pro-social message was only evident right at the end of the film, and that the cinematic style of these final scenes – the documentary format – appear detached from the drama of the story. This, it was felt, raised doubts about the clarity with which a pro-social message was sustained – although, as Mr. Qodashe conceded, Colonel Vos' character is portrayed as a reasonable person in turmoil as a result of his conscience.

## 6. Classifiable elements in *Catch a Fire*

### 6.1 Notable violent scenes in the film include:

- 6.1.1 A shooting at a road block where suspected 'terrorists' are shot in the back by police.
- 6.1.2 A man being drowned as part of a torture scene by members of the security branch.
- 6.1.3 Police / security assault on an MK house in Maputo.
- 6.1.4 Patsy (an MK soldier) being shot in the back.
- 6.1.5 Patrick being shot in the leg at the time of the bombing at Secunda.

### 6.2 Scenes of *implied* violence include:

- 6.2.1 The torture of Precious Chamusso (Patrick's wife). Patrick is thrown into a cell where his wife Precious sits, badly bruised – presumably as a result of torture, although the true extent of this is not known.
- 6.2.2 The death of Chamusso's colleague and friend Jabu. Colonel Vos says: “—You know, your friend Jabu had a weak heart<sup>2</sup>”, which is followed by a shot of a man's feet in the back of a truck, portraying a lifeless Jabu.
- 6.2.3 A young boy is exposed to his uncle being tortured. The audience doesn't see the actual torture, but hears sounds of apparent torture and sees the child's expression.

## 7. Provisions in applicable statutes and/or regulations

### 7.1 As mentioned earlier, the FPB classification guidelines published on 30 June 2006 provide the following for an age classification of 16:

Violence – Scenes of realistic violence may occur within a meaningful context, forming part of plot or character development. There are no scenes glamorizing, condoning or encouraging violence as a way to resolve conflicts.<sup>2</sup>

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<sup>2</sup> Guidelines used in the classification of films and publications (Films & Publications Act 65/1996): Film and Publication Board). In *Government Gazette* No 28983, 30 June 2006. Pretoria.

7.2 According to these guidelines, the condition for the violence (V) advisory applicable to a 13 age-restriction is:

Scenes of realistic and mild violence, without graphic or bloody detail, may occur within a meaningful context, forming part of plot or character development. There are no scenes glamorizing, condoning or encouraging violence as a way to solve conflicts. There may be scenes of domestic or psychological violence occurring within the context of the theme, plot or character development.

7.3 The current guidelines – following public consultation – reflect a more conservative approach than previous ones. As observed in an earlier Award:<sup>3</sup>

[...] the new guidelines are more restrictive as far as the nature of the scenes of violence are concerned, but are broader in respect in the social role and message conveyed by the scenes of violence in the film. [...] *The test in this category is now whether the scenes of realistic and mild violence glamorize, condone or encourage violence as a way of resolving conflict* [my emphasis].

## 8. Findings

8.1 As noted in our previous awards,

it is necessary to start from the premise that films should be given the least restrictive classification and then adjusted in accordance with the Constitution, The Films and Publications Act and the guidelines.<sup>4</sup>

8.2 With respect to *Catch a Fire*, the Review Board panel needed to determine whether it would be justifiable and reasonable to prevent all children under the age of ~~'16'~~ from seeing this film. We needed to balance the right to freedom of expression (and other human rights enshrined in the Constitution of the RSA

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<sup>3</sup> Review Board decision for *Casino Royale*, November 2006 (pg 6).

<sup>4</sup> cf. Review Board decision for *Rabbit Proof Fence* (2002:2)

(1996)), with the need to protect children from “harmful and disturbing” material as provided for by the Films and Publications Act (1996).

8.3 The issues and realities explored in the film resonate with many struggles for freedom and human dignity. As a true story about South Africa’s apartheid history, *Catch a Fire* is bound to elicit emotions as a result of identification with the story and the history depicted, which is still fresh in the minds of many South Africans. It is a socially relevant film, which 13- to 15-year-olds should be allowed to see. It is also reasonable to expect that these young people would have learned about apartheid in their history classes at school and/or through the media and documentary screenings commemorating Youth Day and other significant events.

8.4 As observed in our decision on *Rabbit Proof Fence* (incidentally, also directed by Phillip Noyce, Director of *Catch a Fire*):

It is likely that films about the truth and reconciliation process in South Africa will, thematically, be no less disturbing than this film and contain scenes no less evocative and powerful.<sup>5</sup>

8.5 While there are violent scenes in *Catch a Fire*, these do not glamorize violence, nor do they encourage violence as a way to solve conflicts. Concerns about violence reflect distress about the brutality of the apartheid system itself. The psychological violence – advanced during representation – emanates more from the theme *per se* than from specific violent scenes.

8.6 The subject matter of *Catch a Fire* is more complex than applicable to classification categories for lower age groups. The themes of dishonesty, injustice, and human rights violations are critical to classifiable elements. These are “troubling social and moral issues”, but they are handled with sensitivity. The

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<sup>5</sup> *ibid.* (pg.6)

pro-social messages of forgiveness and emancipation reinforce the humility, courage, and sacrifices made by Chamusso.

8.7 After watching the film again at the Review hearing, and engaging in discussion for a longer period of time — a privilege ordinarily not available to examiners, who are limited by time and the size of the classification committee — the classification committee's representative conceded that “unbridled violence does not permeate the movie”, and that a 13-year-old would be able to relate to the story.

8.8 While precedent is important to the appeals process, it is worth noting that the current guidelines – the result of public participation – reflect prevailing norms. The June 2006 guidelines are different from previous ones, and it is plausible that, if they were applied to similar films that were classified under the older guidelines – as advanced in argument by the distributor – more restrictive classifications than were given five or six years ago could very likely result.

8.9 Moreover, as observed in our recent award for *Casino Royale* (2006):

It is imperative to emphasize that the guidelines that now guide the discretion of the examiners are the product of public consultation, and as functionaries participating in a constitutional democracy we are obliged to have earnest regard to them.<sup>6</sup>

## **9. Decision of Review Board**

9.1 The decision of the Board that the film *Catch a Fire* be assigned a restrictive age classification of '16' with consumer advice for violence ('V') is set aside.

9.2 The film is assigned the following classification: '13 (V)'

Dated at Melville on the 1<sup>st</sup> of February 2007

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<sup>6</sup> Review Board decision for *Casino Royale*, November 2006 (pg 9).



Concurred by:

Mr Dakalo Kwindi

Adv Ronald Lessick

Revd Michael McCoy

Mr Jack Phalane