



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

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Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

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MINISTER OF SAFETY AND SECURITY v R P KRUGER

The Supreme Court of Appeal today dismissed an appeal by the Minister of Safety and Security against a judgment of the high court awarding damages to Mr Kruger for unlawful arrest and for defamation.

The claims arose from the arrest of Mr Kruger by police officers under a defective warrant of arrest. The arresting officers were accompanied by a television crew of e-tv and a report of the arrest, with visual images, was broadcast that evening.

The Minister contended that the state was exempted from liability for the unlawful arrest by s 55(1) of the South African Police Service Act 68 of 1995 but that contention was rejected. The SCA held that the section exempts the individual police officer from liability but not the state. It confirmed the damages awarded by the high court in the sum of R50 000.

Mr Kruger had claimed that the police were responsible for the presence of the television crew when the arrest was made and that the State was accordingly liable for the damage caused by the consequent broadcast. The Minister contended that the evidence did not establish that the police had been responsible for their presence but that was rejected by the SCA. The SCA emphasised that that was the only ground upon which the Minister contested the finding by the high court that the state was liable for the consequent defamation, and that it made no further findings on the merits of such a claim. It found further that damages of R300 000 awarded by the high court were grossly excessive and reduced the award to R20 000.