

# **SUPREME COURT OF APPEAL OF SOUTH AFRICA**

## **MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

GEORGE F HARDAKER / A L PHILLIPS

From : The Registrar, Supreme Court of Appeal

Date: 30 March 2005

Status: Immediate

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

Mr George Hardaker, a senior investigator in the Asset Forfeiture Unit, today won his appeal in the SCA against a judgment of the High Court, Johannesburg, which had ordered him to pay R30 000 in damages to Mr Andrew Phillips for defamation. The defamatory statement was contained in Hardaker's affidavit filed in court proceeding relating to Phillips's business, 'The Ranch', which provided facilities for prostitutes to have sex with paying customers. Although the statement was held to be defamatory of Phillips the SCA ruled that it was relevant to issues in the proceedings and as such was protected by the privilege afforded to litigants and witnesses. The court also found that the statement amounted to fair comment on evidence tendered in the proceedings.

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