

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

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

From: The Registrar, Supreme Court of Appeal

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Status: Immediate

*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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### ***T G RALIPHASWA v T T MUGIVHI***

The Supreme Court of Appeal today awarded R25 000 damages to Mr Thinandavha Raliphaswa, the sheriff of the Magistrate's Court of Thohoyandou, and confirmed that he was the victim of police abuse.

Mr Raliphaswa was talking to some traders at a local market in Thohoyandou in April 2003 when he was approached by two senior police officers on search and patrol duties. The police wanted to search him and summoned him, calling him a 'tsotsi'. He did not oblige them. They then approached him and called him a 'tsotsi' again and proceeded to search him. While doing so they held onto his private parts, all in full view and within earshot of the local traders, their customers and passers-by.

Raliphaswa sued the policemen for damages in the Thohoyandou High Court which dismissed the claim and ordered him to pay the police's costs of the trial on a punitive scale.

In its review of the facts, the Supreme Court of Appeal found that the police did call Raliphaswa a 'tsotsi', did search him without having had probable

cause to do so, and did hold him by his private parts in the process of the search. Raliphaswa was awarded R25 000 in damages for both defamation and the invasive, humiliating and unauthorised search to which he was subjected. The punitive costs order was also reversed and the police were ordered to pay Raliphaswa's costs of the appeal and the trial.

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