



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal
Date: 17 March 2009
Status: Immediate

M TSEDU & OTHERS V G P M LEKOTA & ANOTHER

The Supreme Court of Appeal today (17 March 2009) dismissed an appeal by City Press against an award of damages to Mr Lekoto and Mr Ndebele who, at the time of the defamation, were respectively Minister of Defence and the Premier of KwaZulu-Natal, by the High Court.

The claim arose from an article that was published in City Press on 7 August 2005, which stated in its headline, with reference to the respondents: “ANC top brass spied on one another – apartheid agent”, and in the body of the article that they had supplied confidential information to the agent who was purporting to be a journalist researching liberation theology.

The article purported to report what had been said in a book written by the ‘apartheid agent’ concerned. The SCA reiterated that the repetition of a defamatory statement constitutes publication of the defamation, and the fact that the defamation is merely repeated does not, by itself, provide a defence to a claim. But in this case, in any event, the material statements did not appear in the book.

The court held that an ordinary reader would not have understood the report to have meant that the defendants had actively spied, but it was nonetheless defamatory in that it imputed to them that they could not be entrusted with confidential information. In reassessing the award the SCA made an award of R100 000 to each of the defendants.