

Supreme Court of Appeal of South Africa

MEDIA STATEMENT

From: The Registrar, Supreme Court of Appeal

Date: 30 November 2010

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.

In February 2008 the Johannesburg High Court granted a temporary interdict to Mr Jurie Els against the publication of an article which Media 24 proposed to publish in its magazines *Huisgenoot* and *You*.

A week later Media 24 published a version of the article in the magazines in which references to Els and facts which might have led to his identification were blackened out. Weideman, the editor of the magazines wrote an editorial in which she named Els as the applicant for the interdict.

Els applied to the Western Cape High Court for an order that Weideman and Media 24 were guilty of contempt of court. That court held that it possessed no jurisdiction to hear the application and dismissed it.

Els appealed to the SCA. On 30 November 2010 the Court upheld the appeal. It found that the Cape Court did have jurisdiction to try proceedings for contempt of the order of another High Court. It held, further, that the interdict forbade the publication of the whole article and would be breached by reproducing its substance. Weideman and Media 24 had so breached the

article if the edited article were read with the editorial as it was intended to be. Furthermore they had planned the article and the editorial with the intention of enabling their readers to identify Els with the abuser who could not be directly named in the article. Both Weideman and Media 24 were wilful and guilty of bad faith in so acting.

The SCA held, accordingly, that both editor and publisher were guilty of contempt of court. It referred the matter back to the High Court to impose an appropriate sanction.

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