



**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: 24 May 2017  
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.*

**MINISTER OF SAFETY AND SECURITY v AUGUSTINE & OTHERS**

Today the Supreme Court of Appeal handed down a unanimous judgment dealing with an appeal against the quantum of general damages and costs handed down by the full court of the Gauteng Division of the High Court, Pretoria. The claim arose from an incident where between 30 and 45 members of the South African Police Service broke into the home of the respondents at 02h00 without announcing that they were the police. The police pointed firearms at the respondents, insulted, assaulted, humiliated and intimidated them. The respondents believed that they were being robbed. The police did not have a warrant to search the premises or arrest any of the respondents. They were looking for a suspect who, it seems, lived in the next door house. The respondents suffered serious psychological harm whose sequelae endured some four years after the incident and which caused them to have to move home.

The full court had heard an appeal by the respondents against the judgment of Mali AJ sitting as a judge of first instance. This judgment awarded the respondents general damages in the sum of R25 000 each and costs on the Magistrates' Court tariff. On appeal, the full court increased the award for general damages to R200 000 each for the first three respondents and R250 000 for the fourth respondent along with attorney and client costs on the High Court tariff.

On appeal before the Supreme Court of Appeal, the appellant submitted that the award by the full court was so excessive as to warrant interference, submitting that an award in the region of R45 000 each should have been awarded, along with party and party costs on the High Court tariff.

The appeal against the quantum of damages was dismissed on the basis that the award of the full

court was not so disproportionate as to warrant interference on appeal. The appeal against the punitive costs order was also dismissed on the basis that it was appropriate in that the untruthful and obstructive manner in which the litigation was conducted was to be deprecated.