



IN THE NORTH GAUTENG HIGH COURT, PRETORIA

(REPUBLIC OF SOUTH AFRICA)

Case No: 31378/2012

DELETE WHICHEVER IS NOT APPLICABLE	
(1)	REPORTABLE: YES/NO
(2)	OF INTEREST TO OTHERS JUDGES: YES/NO
(3)	REVISED
17/10/2013	<i>[Signature]</i>
DATE	SIGNATURE

~~18/7/2014~~

18/10/2013

In the matter between:

LOUW ERASMUS VAN DER LAARSE

PLAINTIFF

and

THE MINISTER OF POLICE

1ST DEFENDANT

CAPTAIN EDWARD SELLO SEKELELE

2ND DEFENDANT

DATE HEARD 13TH SEPTEMBER 2013

DATE JUDGMENT HANDED DOWN: 18TH OCTOBER 2013

JUDGMENT

EBERSOHN AJ

[1] The plaintiff is a major male Export Manager, who was employed at the Beit Bridge Border Post.

[2] The defendants are the Minister of Police and one Captain Edward Sello Sekelele, a police officer stationed at the Beit Bridge Police Station.

- [3] On or about Friday the 21st May 2012 at the Beit Bridge Border Post the plaintiff was arrested, without a warrant, by the second defendant who was acting within the course and scope of his employment with the first defendant.
- [4] The plaintiff was thereafter detained at the Beit Bridge Police Station and thereafter at the Musina Police Station from about 17:40 on 21 May 2010 until Monday 24 May 2010 at 9:00 when he was released on bail. All charges against the plaintiff were later withdrawn by the Senior Prosecutor of the cluster.
- [5] The plaintiff thereafter issued summons against the defendants wherein he claimed R200 000,00 in respect of loss of liberty, R150 000,00 in respect of contumelia and injury to his reputation, R58 310,05 in respect of legal costs to defend himself in court until the matter was finally withdrawn on the 17th March 2011 and R5 851,96 being for legal costs regarding his bail application.
- [6] The defendants defended the matter but at the hearing the defendants conceded merits and the matter was settled and the Court was only asked to make an appropriate award of damages.
- [7] It is common cause that the plaintiff was treated very cruelly and under horrifying circumstances from the moment of his arrest, which took place in the presence of acquaintances of him, by the second defendant and his subordinates. He was detained in a hopelessly overcrowded container under filthy conditions. He was arrested by the second respondent who acted as if he was power drunk and in a disgraceful display to all those who beheld what was going on. This Court can only hope that the matter somewhere along the line receives attention from some senior officer for the conduct

of the second defendant cannot be left unpunished and he is particularly unsuited to be an officer and to be in charge anywhere.

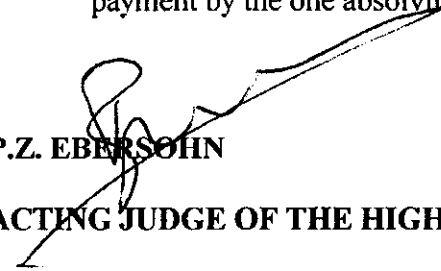
[8] The amounts claimed by the plaintiff is, for all intents and purposes, reasonable when compared to the awards made in other cases, especially when the gruesomeness of what the police officers did to the plaintiff and the circumstances under which he was detained is taken into account.

[9] The plaintiff was entitled to obtain legal representation and to be reimbursed and to interest *a tempore morae*.

[10] The following order is made:

1. Judgment is granted in favour of the plaintiff for the payment by the defendants to the plaintiff, jointly and severally, payment by the one absolving the other, for general damages in the amount of R280 000,00 and for legal costs incurred in the criminal court, in the amounts of R58 310,05 and R5 851,96 respectively making a total amount payable of R344 162,01 with interest thereon at the rate of 15,5% per annum calculated from the 20th October 2010 to date of payment of the R344 162,01.

2. The defendants are ordered to pay the costs of the action, jointly and severally, payment by the one absolving the other.



P.Z. EBERSOHN

ACTING JUDGE OF THE HIGH COURT

Plaintiff's counsel

Adv. M. Naude

Plaintiff's attorneys

Coxwell Steyn Vise & Naude
Ref. S de Lange/SA5000

Defendants' counsel

Not recorded

Defendants's attorneys

State Attorney
Ref. G. Kock/7175/10/Z35 3487/13/Z39