course of action was agreed upon after the incidents relating to the locking of the gate and the discovery of the discharged tear-gas canister.

Despite this agreed course of action, the witnesses, Marinovich and Dix, testified of the defendant's knowledge of the various incidents.

It is important to note that the defendant had knowledge of the tear-gas canister incident despite the plaintiff's agreed course of action referred to above before the said incident became public knowledge.

In considering the totality of the evidence (as outlined above) I am satisfied that on a balance of probabilities, the defendant was responsible for the series of intimidatory acts, that preceded the shooting, as well. The defendant's bare denial of the incidents and his speculations and suggestions must be rejected as false. The probabilities of a person or persons committing these acts in an attempt to "sideline" the defendant as an investigative reporter are wholly improbable and are a figment of his imagination. It is noted that this speculative theory is based on the defendant's relationship with Angela Catlett and the repercussions of the disciplinary enquiry held against her. The defendant consistently denied that his "relationship" with Angela Catlett was anything beyond friendship. If this were indeed so, his speculative theory becomes more improbable and is to be rejected. The defendant was not an impressive witness and constantly tried to substantiate his answers in an attempt to convince the court that he was honest and truthful in his testimony.

These intimidatory acts coincided with the developments relating to the Catlett disciplinary enquiry. This reinforces the evidence of the plaintiff's witnesses who testified that the defendant was infatuated with Angela Catlett and was seeking her affection. These acts were committed by him to impress her and to show his support of her in respect of the said enquiry in the hope that she would accede

to his amorous advances. There is no doubt that he was responsible for these cowardly acts of terror against the plaintiff and his family and must accordingly be accountable therefore. The plaintiff relied on the *actio iniuriarum* in support of his claim. In *O'Keefe v argus Printing and Plublishing Co Ltd and Another* 1954 (3) SA 244(C). Watermeyer AJ confirmed that it "is the action for damages open to a plaintiff who can show that the defendant has committed an intentional wrongful act which constitutes an aggression upon his person, dignity or reputation."

In *Delange v Costa* 1989 (2) SA 857 at 862, Smalberger JA held:

> "... Because proof that the subjective feelings of an individual have been wounded, and his *dignitas* thereby impaired, is necessary before an action for damages for *injuria* can succeed, the concept of *dignitas* is a subjective one. But before that stage is reached it is necessary to establish that there was a wrongful act. Unless there was such an act intention becomes irrelevant as does the question of whether subjectively the aggrieved person's dignity was impaired.
>
> ... In determining whether or not the act complained of is wrongful the Court applies the criterion of reasonableness — the 'algemene redelikheidsmaatstaf' (*Marais v Richard en 'n Ander* 1981 (1) SA 1157 (A) at 1168(C). This is an objective test. It requires the conduct complained of to be tested against the prevailing norms of society (ie the current values and thinking of the community) in order to determine whether such conduct can be classified as wrongful."

In considering each of the incidents in isolation it is noted that save for the locking of the gate and the shooting incident, the others did not seem to affect the plaintiff personally. The bullets, tablets and notes were found by the plaintiff's wife and retrieved by the plaintiff from the police a week later. It is significant to note that he did not insist upon a case being opened for investigation.

The plaintiff was not the recipient of the abusive phone calls. The calls were answered by his wife and she only informed the plaintiff thereof on the following