

DEFAMATION ON FACEBOOK: *ISPARTA v RICHTER* 2013 6 SA 529 (GP)**A Roos*****M Slabbert******SUMMARY**

Litigation involving social media is still very new in South Africa and only a few reported cases can be found. In this case discussion, a brief overview is given of the few cases already reported, but in the main the case of *Isparta v Richter* 2013 6 SA 4529 (GP) is discussed. In this case a South African court for the first time awarded damages to the plaintiff for defamatory comments made on Facebook. The questions that confronted the judge were whether the alleged defamatory statements did indeed relate to the plaintiff and whether the comments, individually or collectively, could be considered defamatory. The issue whether the "tagging" of another user of Facebook makes that user liable for the defamatory comments of the tagger is also addressed in the case. The case discussion concludes with a reference to other issues that could play a role in litigation involving Facebook, namely the *Electronic Communications and Transactions Act* 25 of 2002 and foreign law.

KEYWORDS: Applicable law; apology; *boni mores*; defamation; ECT Act; electronic media; Facebook; fair comment; freedom of expression; freedom of speech; grounds of justification; harmful content; intent; internet; internet service provider liability; interdict; jurisdiction; Mxit; reasonable publication; reputation; privilege; social media; social networking service; takedown-notification; wrongfulness.

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