



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: 23 September 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

A G FALK & ANOTHER v NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

1. Mr Falk was arrested in Germany and successfully prosecuted in the Hamburg Regional Court where he was found guilty of manipulating financial statements of a German corporation for personal gain. Before his conviction, the German court issued an order authorizing the attachment of €1m in his estate. The order was registered in South Africa and assets to the value of €m were seized.

2. When Mr Falk was convicted, the German court refused to make a forfeiture order against him. That decision was under appeal when he applied in South Africa for the release of the assets seized in South Africa.

3. The SCA held that Mr Falk had misconceived his remedy in that he should have applied to set aside the registration of the foreign restraint order, and that he had not made out a case on that basis.

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