

GENERAL NOTICE
1 OCTOBER 2014

**Understanding Legal Processes:
Publication of Affidavits**

1. AGC earlier explained in our information note "*Understanding Legal Processes: Contempt of Court*" that an aspect of contempt of court is when one carries out acts that risk prejudicing or interfering with court proceedings.
2. Such interference can arise, for instance, from the publication of the contents of affidavits filed in court proceedings that have not yet been admitted as evidence in those proceedings. Affidavits are sworn statements setting out the evidence of witnesses. They are usually filed in Court some time before the actual hearing.
3. Publicising the contents of affidavits before these have been admitted as evidence could risk interfering with the fair trial of the matter. This would be unfair to the parties in the ongoing proceedings and undermine the administration of justice as a whole. Furthermore, there is no protection given to the publication of defamatory statements in an affidavit if the affidavit has not yet been admitted into evidence. Lawyers are required, as a matter of professional conduct, to not give statements to the media or press, whether on behalf of their clients or otherwise, which may amount to contempt of court or which are calculated to interfere with the fair trial of a pending court case.
4. Litigants, their advisors and the media should therefore exercise care and consider the consequences of publicising the contents of affidavits before these have been admitted into evidence by the Court. If unsure, they should seek legal advice.

*This note is for general information only, and is **not** intended to be relied on by any person as legal advice from the Attorney-General's Chambers for any specific purpose.*