



COUNCIL
FOR THE ADVANCEMENT OF THE
SOUTH AFRICAN
CONSTITUTION

Media Statement

CASAC challenges JSC Interviews for Constitutional Court

3 June 2021

CASAC has launched an application in the Johannesburg High Court challenging the constitutionality of the recent Judicial Service Commission (JSC) interviews for candidates to fill vacancies at the Constitutional Court.

In its court papers CASAC alleges and will argue that the manner of questioning of some of the candidates went beyond the bounds of what is permissible to determine the fitness and propriety of the candidates. Some of the questioning was irrelevant and aimed at ambushing the candidates, resulting in them suffering severe prejudice.

In his founding affidavit CASAC's Executive Secretary, Lawson Naidoo says:

"The interviews are not a platform for party politics; they are not there for the JSC to investigate and evaluate complaints against judges; and they are not there to give commissioners a chance to quibble with judgments they lost as litigants. Nor do they exist to enable individual commissioners to ventilate grudges against judges.... Party political considerations and political agendas should play no role in the JSC's decisions and processes. The JSC's obligation to guard its independence—and, through it, the judiciary's independence—rests on each individual commissioner as well as the JSC's chairperson who has ultimate responsibility to control the conduct of meetings, interviews, and deliberations."

CASAC seeks an order declaring the decision to shortlist five candidates for the President's consideration to be invalid and set aside, and that the Judicial Service Commission's conduct, in the interviews of candidates in April 2021, for purposes of the JSC decision, was unlawful.

CASAC is represented by Webber Wentzel Attorneys, and counsel are led by Wim Trengove SC and Tembeka Ngcukaitobi SC.

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