



MEDIA STATEMENT

1 September 2026

CASAC welcomes Malema's commitment to apologise to Judge Matojane

The Council for the Advancement of the South African Constitution (CASAC) welcomes the confirmation that Economic Freedom Fighters (EFF) leader and Member of Parliament Julius Malema will comply with the National Assembly's decision requiring him to apologise to Supreme Court of Appeal Justice Keoagile Matojane and the Judicial Service Commission (JSC).

Mr Malema has informed Parliament in writing that he will tender the apology. Parliament's Powers and Privileges Committee has now directed that the apology be made in the National Assembly no later than 30 September 2026.

The matter arises from a complaint lodged by CASAC with Parliament's Joint Committee on Ethics and Members' Interests on 19 May 2021. One aspect of the complaint concerned Mr Malema's questioning of Judge Matojane during his 15 April 2021 interview for appointment to the Supreme Court of Appeal. CASAC complained that Mr Malema had used his position as a member of the JSC to question Judge Matojane about a judgment involving the EFF, thereby placing himself in a position of conflict and failing to place the public interest above his own and that of his political party.

The Ethics Committee upheld that aspect of CASAC's complaint and, on 22 November 2021, recommended that Mr Malema apologise to Judge Matojane and the JSC. That recommendation was adopted by the National Assembly on 7 December 2021. Mr Malema subsequently sought to review and set aside the decision. His application was dismissed by a three-judge bench of the Western Cape High Court on 21 May 2025. Importantly, the High Court confirmed that Members

of Parliament remain subject to Parliament's ethical standards when serving on bodies such as the JSC. Their responsibilities as public representatives do not cease when they perform functions outside Parliament itself.

This principle is particularly important in relation to the JSC. Members entrusted with the constitutional responsibility of participating in the appointment of judges must exercise that responsibility in the public interest. The judicial interview process cannot be used to pursue personal or party-political grievances against candidates appearing before the Commission.

CASAC therefore welcomes Mr Malema's commitment to comply with the sanction imposed by the National Assembly. We are, however, concerned by the length of time it has taken to secure compliance. Nearly five years have elapsed since the Ethics Committee made its finding. After Mr Malema's legal challenge had been dismissed, the Speaker directed in December 2025 that the apology be entered in the House no later than February 2026. That deadline was not met, and the matter ultimately had to be referred to the Powers and Privileges Committee before Mr Malema indicated that he would comply.

The effective enforcement of Parliament's ethical standards is as important as the standards themselves. A Code of Conduct whose sanctions can be deferred for years risks offering little meaningful protection to those whom it is intended to protect, and undermining confidence in Parliament's ethics regime. Parliament should therefore review the mechanisms available to enforce sanctions imposed under the Code so that findings are given effect promptly once any legal remedies have run their course.

The conclusion of this matter should serve as an important reminder that membership of the JSC carries significant constitutional responsibilities and that those entrusted with those responsibilities remain accountable for the manner in which they exercise them.

CASAC will continue to defend the independence and dignity of the judiciary, and to insist that those who hold public office are held to the ethical standards they have undertaken to observe.

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