



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: 30 MARCH 2009

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.

The Supreme Court of Appeal today ruled that the Minister of Justice and Constitutional Development is under a constitutional obligation to process applications for pardon before the President considers whether to exercise his power under section 84(2)(j) of the Constitution.

This was held in an appeal brought by the Minister against an order granted by Mr Justice Seriti in the Pretoria High Court in which he directed the Minister's predecessor to do all things necessary to enable the President to consider 384 applications for pardon submitted on behalf of members of the Inkatha Freedom Party during the period September to October 2003.

Mr Justice Seriti also declared that the previous Minister had failed to exercise with due diligence and without delay her constitutional obligation to process the applications and to do all that was necessary to enable the President to exercise the powers conferred on him in terms of the Constitution to grant pardons.

The Supreme Court of Appeal upheld the judgment of Mr Justice Seriti. It held that the Minister was under a constitutional obligation to process the applications before they were considered by the President and that the Minister had not performed her duties in this regard with due diligence and without delay.