
Media Summary

The following explanation is provided to assist the media in reporting this case and is not binding on the Constitutional Court or any member of the Court.

The Constitutional Court today refused Mr. Louis Benjamin Van Der Westhuizen (“the applicant”) leave to apply to it for bail. The applicant was convicted in the Regional Court, George and sentenced to imprisonment. His application does not give details of the offence of which he was convicted nor of the sentence. It appears, however, that he applied unsuccessfully to the Cape High Court for leave to re-open the proceedings in the Regional Court to request that it reconsider the sentence imposed on him, because of facts and circumstances that arose subsequent to the imposition of sentence. The application was dismissed by the High Court. A subsequent application for leave to appeal to the Supreme Court of Appeal was also dismissed. The applicant alleged that there was a procedural irregularity in the handling of the application for leave to appeal to the Supreme Court of Appeal, and applied to the Constitutional Court to grant him direct access to enable him to apply to it for bail whilst he considered what his remedy might be for the alleged procedural irregularity.

In its judgment the Constitutional Court referred to a long line of authority holding that direct access will be granted only in exceptional circumstances where it is in the interests of justice to do so. Although he is represented by an attorney, the applicant has not complied with the provisions of Rule 17 of the Rules of the Constitutional Court. No information has been placed before the Court to suggest that the applicant has any prospects of persuading a court that the sentence imposed on him by the Regional Court could or should be varied. In the circumstances it was not in the interests of justice to grant the application for direct access to the Constitutional Court, and the application was accordingly refused.