

Beyers v Eleven Judges of the Constitutional Court

Case CCT 25/02

Explanatory Note

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.

Ordinarily the Constitutional Court does not give reasons when it refuses applications for direct access or for leave to appeal. Nor do judges usually deal with cases that are directed at them personally. This morning, however, the Constitutional Court made an exception in this case. Although the application is procedurally bad and substantively without merit, and although the applicant intends suing some of the justices for damages he says he has suffered, the Court nevertheless dealt with the matter and decided to explain why it is being summarily dismissed.

The basis of the claim the applicant wants to bring against the judges is that it was unconstitutional for them, without giving reasons for doing so, recently to have turned down an application by the applicant and two other men for leave to appeal to the Constitutional Court. This earlier application in turn had sought to challenge the constitutionality of the dismissal by the Supreme Court of Appeal, also without giving reasons, of an application for leave to appeal against a judgment of a high court.

In today's judgment the Court repeats what it said in a previous case. Although it is generally desirable for courts to give reasons for their decisions, there are sound considerations of policy and practice why courts of final instance, as an integral part of the control they have to exercise over the cases they enroll for hearing, screen applications. In common with courts like the United States Supreme Court, the Supreme Court of Canada and the German Federal Constitutional Court, our Supreme Court of Appeal is under no constitutional obligation to give reasons for refusing leave to appeal where it is the court of final instance, i.e. in non-constitutional matters.

For the same reason the Constitutional Court is not constitutionally obliged to give reasons when it refuses applications for leave to appeal in constitutional matters, i.e. where it is the court of final instance. The applicant's basic complaint is therefore unfounded and the application is dismissed for want of any prospect of success.