

PO Box 27021

Monument Park

0105

24 February 2009

Judicial Service Commission (JSC)
The Constitutional Court
Constitution Hill
Braamfontein
Johannesburg

**Re: Complaint against Chief Justice P Langa and other Judges of the
Constitutional Court**

Dear Sir/Madam:

I would like to enter a formal complaint against Chief Justice P Langa and other Judges of the Constitutional Court for the rejection of the application for leave to appeal based on constitutional neglect in the case of the State vs. C Becker and others more commonly known as the Waterkloof four. The case was originally heard in the Magistrate Court (case no: 14/2058/04) and was handled in a woefully inadequate manner by Magistrate Len Kotze. It was then referred to the High Court on appeal. Judge Seriti and Judge Ebersohn fully associated themselves with the judgement of Magistrate Len Kotze making themselves guilty of exactly the same misconduct as Magistrate Kotze. The accused individuals lodged an application for appeal with the Supreme Court of Appeal as is their right under South African law, and in spite of clear evidence of incompetence, bias and total disregard for their rights, was

declined by Judge P Streicher and Judges KK Mthiyane without any obvious consideration and no further explanation.

My analysis of Magistrate Kotze's judgement is attached to this letter as an appendix and it is important to read it as supporting documentation to this complaint. It shows the shocking lack of logic applied to the judgement and highlights the fact that this case should have been dismissed at the High Court if we assume a functional and fair judiciary. It raises serious concerns about the competence and independence of current judges and it casts a very big shadow over the ability of all higher courts to correct flawed justice. The fact that this case made it to the Constitutional Court, without anybody asking at least some questions, raises concerns that the application of law is subject to the goals of government departments outside of the judiciary.

I believe that the biased and incompetent handling of this trial by the Magistrates Court followed by the full support of the High Court set a dangerous precedent that was blindly followed by all higher courts. A precedent followed by the protectors of our constitution that should be setting an example for legal professionals and the public alike.

The application by the accused individuals clearly highlights the disregard of their basic rights. The application shows how evidence was disregarded that was crucial for proving their innocence. It shows the neglect of the large amounts of doubt that existed in this case. The benefit of this doubt never once went to the accused as it rightly should have. I maintain that these individuals did not receive a fair trial and was further denied justice by the blatant incompetence and obvious complacency of every other court that they appealed to. This case is a monument to the failures of our judiciary and it sets a terrible example for an entire nation.

My analysis clearly shows that justice was not served here and their applications for appeal highlight these inconsistencies unequivocally. Any reasonable person that made an effort to understand the case will come to the conclusion that there was more than enough doubt and improbability to justify every appeal. If we assume an unbiased and just legal system, they had every chance of succeeding on appeal and in denying these appeals their rights to equal treatment and a fair trial was violated time and time again.

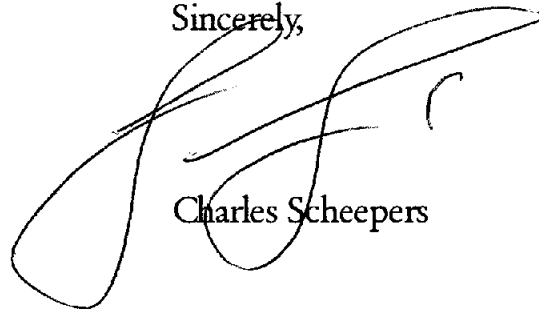
As with the application to the Supreme Court of Appeal, the quick and unexplained dismissal of this application by the Constitutional Court leads me to believe that either the application and relevant court documents were not read or the application and relevant court documents were not understood. In the event that the court documents and the application were read and clearly understood, it would follow that there would at least be some questions regarding this case and it must then follow that the Judges must have had ulterior motives for their decisions. It seems that in any event, justice was denied here. If we assume that these decisions were taken in a larger context for the benefit of all, it follows that the nation has every right to know in minute detail how this abuse of justice is for the long-term benefit of all.

These individuals were denied their constitutional rights and that was done without proper explanation. This is not justice denied, this is justice abused! This can not be allowed in a civilised country with an advanced constitution. It is in light of this that I respectfully request the JSC to investigate this matter fully. Based on my analysis I can not see any justifiable reason for their conviction, let alone their denial of appeal. These individuals are entitled to all the rights and privileges as described in the constitution. The only conclusion that I can make is that the reasons for their condemnation must lie outside the

March 9, 2009

realm of the justice system. I request that Chief Justice P Langa and the other Judges of the Constitutional Court furnish clear, understandable and logically sound proof that the applicants were afforded every right that they were entitled to during the entire case.

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Scheepers', written in a cursive style with large loops.

Charles Scheepers