**DRAFT DEBATE ON THE OFFICE OF THE CHIEF JUSTICE**

1. Chairperson, from the moment we arrived in parliament as the EFF, we have always emphasized the need for parliament to support the judiciary as a crucial component of our democracy.
2. It is an independent judiciary, resourced with exceptional men and women who are able to interpret the law in an impartial and fearless manner that would ensure that the poor would have some semblance of protection under the law in this country.
3. While South Africa’s constitutional democracy is not perfect, our judiciary has over the years jealousy defended its independence.
4. Former Chief Justice Ismail Mohamed, as the first Chief Justice of the Constitutional Court in the country, oversaw the transition of our democracy from the parliamentary sovereignty preferred by apartheid to a system of constitutional supremacy in terms of which everyone would be subjected to the Constitution.
5. Former Chief Justice Arthur Chaskalson left an imprint on the Constitutional Court and our general jurisprudence in this country that emphasized the notion of independence of the judiciary, and the role of the courts post 1994 to be transformative in their interpretation of the Constitution.
6. Former Chief Justice Pius Langa gave our judiciary a lasting legacy in his theoretical articulation of the concept of transformative constitutionalism, and the need to deepen the Bill of Rights in interpreting the law.
7. Former Chief Justice Sandile Ngcobo, regardless of the circumstances of his appointment and the controversies around the extension of his term, also maintained the independence of the judiciary and resisted attempts to capture it.
8. Former Chief Justice Mogoeng Mogoeng modernized the courts, and also defended jealousy the independence of the judiciary. He also warned us that there were sinister attempts to capture the judiciary. We think his warning has unfortunately come true today.
9. These leaders of the courts, and many other men and women tasked with the responsibility of interpreting the law, did so with integrity. They commanded the respect of their peers and of politicians and administrators because there was never any doubt that they were establishment judges.
10. Today, it is difficult to maintain the same level of confidence in the judiciary, not after brazen attempts to capture it, and the seeming bias in favour of some politicians and interests by some very top judges in the land.
11. As recent as February, the Constitutional Court ruled that regulation relating to preferential procurement were unconstitutional, striking a deep blow on the government’s weak attempts to transform state procurement. This is an affront on the legacy of transformative constitutionalism so carefully laid out by previous justices of the court.
12. Previously, while the courts ruled to make funding of political parties public, when it was convenient to the person now in power, they ruled that bank statements that can reveal corruption in the funding of the campaign of Mr. Ramaphosa for the ANC presidency must be kept private, thereby protecting the corrupt interests of one individual who happens to be in power.
13. Perhaps the biggest red flag on the degeneration of the independence of our judiciary has to be the appointment of the current Chief Justice, a man who has demonstrated his incapacity to lead the judiciary for all to see over the past few years.
14. He sees nothing wrong with mingling with politicians, and in making political commentary about things that may end up in front of him in court.
15. He spectacularly mismanaged the Commission of Inquiry on State Capture, failed to call key witnesses such as Arthur Brown who had deep insight on the use of state intelligence for political ends, and he has asked for one extension after another for the completion of a report that will surely be challenged in court by so many.
16. To show that he has no intellectual backbone of his one, he indicated that he saw nothing wrong with the police arresting an advocate inside a court room, only for him to somersault when he saw societal wide condemnation of the conduct of the police.
17. In the current Chief Justice, we have an establishment judge through and through, and his appointment is a reward for ensuring that the current crop of political leaders are never found to be in contravention of the law.
18. Compared to the Chief Justices we have had, the current one is the meekest intellectually, and the next two years under his tenure will be the toughest in the country’s constitutional dispensation.
19. The risk of politicians capturing the judiciary is now the highest it has ever been in this country.
20. Despite these misgivings, we still believe there are men and women of integrity in our courts, and the administration of justice must continue.
21. We support the budget vote of the Office of the Chef Justice, while condemning the attempts at capturing the judiciary.