



## **EFF DENOUNCES APPOINTMENT OF ZAK YACOOB AS ADVISORY JUDGE IN THE CONSTITUTIONAL COURT**

Tuesday, 27 February 2024

The Economic Freedom Fighters (EFF) denounces the appointment of retired Judge Zak Yacoob as an advisory judge, at Constitutional Court, by Chief Justice Raymond Zondo. This appointment raises serious concerns about potential conflicts of interest, undermines the principles of judicial impartiality, and ultimately disrespects the South African public's right to a fair and independent judiciary.

The appointment worryingly occurred in an envelope of secrecy until inquiries were made and there was public uproar, and only then did the Chief Justice reveal that Yacoob's appointment was aimed at assisting in reviewing appeal cases before the court.

This role involves offering support services to the Court's justices, with the goal of alleviating the substantial workload resulting from the Court's expanded jurisdiction. Yacoob's support role includes drafting memorandums for new applications, which are subsequently reviewed and potentially adopted or modified by the justices assigned to those cases.

However, the selection process for Yacoob's appointment, and whether a transparent public recruitment process was undertaken, remains unclear. Furthermore, questions arise regarding his suitability for the post, given his history of political affiliation within the ANC, racism, misogyny, and general misconduct in previous positions he has held.

Yacoob's past actions and associations cast a long shadow over his suitability for this position. Firstly, his publicly stated prejudicial statements have never been fitting for a serving judge, in particular his public pronouncements suggesting he would never give former President Zuma a fair trial raise serious concerns about his ability to impartially adjudicate any case involving individuals with political affiliations.

Furthermore, his nefarious relationship with Pravin Gordhan, a prominent figure within the ruling party, raises red flags about potential political bias and undermines the perception of judicial neutrality. Yacoob's extensive involvement in ANC politics, including his threatening behaviour towards Matthews Phosa for recommending the party not ask Magashule to step aside after he was asked for his legal opinion, further calls into question his ability to remain impartial and independent in his role.

Yacoob's unsavoury behaviour is extensively documented. In 2019, he was recorded on tape repeatedly pressuring the then-fired director of the KZN Blind and Deaf Society, Shamilla Surjoo, to drop her case against the organisation, of which he was president of at the time, at the Commission for Conciliation, Mediation, and Arbitration (CCMA). Additionally, in 2021, he was compelled to step down from the interim board of Cricket SA after mistreating a black journalist, Tiisetso Malepa, who questioned him about his misogynistic treatment of a woman member of the Cricket SA board.

These are just a few examples, and the EFF believes they paint a clear picture of Yacoob's unsuitability for a position demanding the highest ethical standards and impartiality. Additionally, allegations of racism, misogyny, and arrogance further tarnish his public image and raise concerns about his character.

The South African judiciary must uphold the highest standards of integrity and impartiality to maintain public trust. Yacoob's appointment, with its inherent conflicts of interest and questionable conduct, falls far short of these standards. The EFF stands firm in its commitment to defending judicial independence and ensuring justice prevails for all South Africans.

As a result, the EFF will be writing to the Minister of Justice, demanding a full and transparent explanation of the criteria and process employed in selecting Yacoob for this position. We will also call for his immediate removal from any advisory role within the Constitutional Court.

**ISSUED BY THE ECONOMIC FREEDOM FIGHTERS**

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