



2 May 2017

Dear President Zuma

**CONSULTATION ON THE APPOINTMENT OF A JUDGE OF THE  
CONSTITUTIONAL COURT**

We hereby submit our comments as required in terms of section 174(4) of the Constitution of South Africa when appointments are to be made to the Constitutional Court.

We are pleased to offer our full support for the appointment of Madame Justice Leona Valerie Theron as our preferred candidate. Madame Justice Theron is a candidate of significant experience, obvious legal expertise and heft, and demonstrable independence of thought and opinion. Furthermore, her appointment to the bench of the Constitutional Court will add to the gender diversity of the highest Court. We therefore have no hesitation in supporting her appointment.

Justice Theron holds the BA, LLB and LLM degrees. She was admitted as an advocate in 1990 and has served various organisations, distinguishing herself as an outstanding lawyer committed to human rights. She has held academic positions at tertiary institutions and has attended the University of Georgetown in Washington DC, USA, to further her academic qualifications. She also worked at the International Labour Organisation.

She was appointed as a judge of the High Court in Kwa-Zulu Natal in the Durban and Coast Local Division in October 1999 after acting in that position from April 1999. She was elevated to the Supreme Court of Appeal in December 2010 in which court she presently serves. She has also acted in the Constitutional Court from February 2015 to May 2015 and therefore has relevant experience in that particular court.

During the approximately eleven years she served at the High Court and the approximate five years at the Supreme Court of Appeal, she has displayed her independence as a judge and has delivered various judgments showing her ability to take leadership in human rights issues and matters relating to women.

In light of the above, we are of the view that her appointment would best serve the requirements of section 174(2) of the Constitution.

Thereafter, our order of preference for the other three candidates is Judge Stevan Arnold Majiedt, Judge Malcolm John David Wallis and, lastly, Judge Narandandram Jody Kollapen.

Yours faithfully

A handwritten signature in black ink, reading "Mmusi Maimane". The signature is written in a cursive style with a large initial 'M'.

Mmusi Maimane

Leader of the Democratic Alliance, South Africa's main opposition party  
Member of Parliament, Leader of the Opposition in the National Assembly