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## **JUDICIAL SERVICE COMMISSION**

### **MEDIA STATEMENT**

04 May 2021

### **RESPONSE TO THE STATEMENT BY THE SOUTH AFRICAN JEWISH BOARD OF DEPUTIES**

The Judicial Service Commission (JSC) has noted with concern the statement by the South African Jewish Board of Deputies (SAJBD) published on 26 April 2021 alleging that during the recently concluded interviews of candidates for judicial appointments, “Jewish applicants were targeted at the interviews”. In their statement, the SAJBD selectively quoted parts of the interviews with candidates of Jewish descent wherein questions were posed about their religious affiliations. Additionally, SAJBD stated that “no other candidate was questioned on their religious practices, except those of Jewish faith.”

The JSC wishes to place it on record that the SAJBD statement is factually inaccurate. It is not true that Commissioners were allowed to ask discriminatory and anti-constitutional questions.

The questions relating to the association with the SAJBD dealt with concerns that the organisation supports Zionism which is viewed as a discriminatory form of nationalism and potentially in conflict with the values contained in the South African Constitution. The questions on this score were raised with the two candidates following letters of objections received by the JSC in respect of Judge Unterhalter from various organisations, including the Black Lawyers Association. This is part of the JSC practice intended to afford candidates the opportunity to respond to objections lodged against their candidatures.

Notably, Judge Unterhalter has voluntarily stepped down from his position as an executive member of the SAJBD in recognition and acknowledgement that it would be undesirable to



occupy a position on the Board were he to be appointed as a Judge of the Constitutional Court.

A question to Advocate Lever SC relating to the observance of the Sabbath was asked by a Commissioner who stated that he himself was a Seventh Day Adventist to whom the postulated problem applied. As it happens, the candidate answered that he personally did not observe the Sabbath or words to that effect.

It is not factually correct that other candidates who are not of Jewish descent were not asked questions related to their religious affiliations. There were other candidates, amongst them Adv De Villiers SC, Adv Mancgu-Lockwood and Mr Thulare who are not of Jewish descent but were asked questions relating to their religious or cultural beliefs and the impact on the Constitution.

Incidentally, Adv Lever SC was recommended for appointment as a Judge while Judge Unterhalter was not recommended. Neither decision was linked to their religious beliefs or identities.

**Ends.**

***Issued by the Secretariat of the Judicial Service Commission***

