



THE ELECTORAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE ELECTORAL COURT

From: The Registrar, Electoral Court

Date: 24 October 2024

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Electoral Court

Februarie v Phillips and Others (0037/2024EC) [2024] ZAEC 25 (24 October 2024)

Today the Electoral Court of South Africa, Bloemfontein (the EC) handed down judgment dismissing an urgent application with no order as to costs.

Mr Februarie, a ward councillor and member of the Siyathemba Community Movement (SGB), approached the court in terms of s 20(2A) of the Electoral Commission Act 51 of 1996, on an urgent basis, seeking various declaratory orders regarding the governance of the SGB. Mr Februarie argued that the current District Management Structure (DMS) was unconstitutional and that its self-imposed extension of term was a violation of the SGB members' rights to participate in their political organisation and, as such, a violation of their constitutional rights in s 19(1)(b) of the Constitution. He sought relief including, *inter alia*, declarations to invalidate actions by the current DMS; the establishment of a new elective committee; reactivation of the SGB's bank account; and other orders to ensure compliance with the SGB constitution.

The EC found that this application was effectively a disguised appeal against its previous judgment of 22 February 2024. The EC held that this was the fifth application in which the parties had been embroiled in a dispute for the leadership of the SGB. In all the applications, save for slightly different relief, the cause of action was the same. In all four previous applications, three before the EC and one before the Northern Cape Division of the High Court, Kimberly (the high court) the courts found against Mr Februarie and his associates and dismissed the applications. In the high court matter, the summary expulsion of Mr Phillips, the first respondent, and his associates as members of the SGB and its DMS, was declared unlawful, invalid, void, and of no force and effect. The court concluded that Mr Februarie's grievances lacked merit and that he was attempting to usurp the current administration's power despite the findings of the courts. As a result, the EC dismissed the application and made no order as to costs, adhering to the principle that unsuccessful litigants in constitutional matters generally do not bear costs.

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