



Institute for Accountability in Southern Africa

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14 April 2013

The Chairperson, Independent Electoral Commission
Election House
Riverside Office Park
1303 Heuwel Avenue, Centurion 0157 Via email: tlakulap@elections.org.za

For Attention : Adv. Pansy Tlakula

Dear Chairperson,

Thank you for the efficient response to our query, which we have carefully considered.

While it is so that the judgment of Griesel J calls for remedial legislation, we are in honour bound to point out to you for your consideration that it was handed down nearly a decade ago and no sign of the remedial legislation has emerged from the legislature. Moreover, IDASA is in the process of being wound up and did not take any steps to enforce the judgment. We infer that it suits the political parties to operate their finances without the necessary regulation and for this reason they choose not to honour the judgment that binds them in terms of section 165(5) of the Constitution.

In these circumstances, and given the IEC's constitutional mandate to ensure "fair elections", we persist in enquiring whether it does not fall to the IEC to take up the cudgels laid down by IDASA. We imagine that if the respondents in the IDASA litigation are firmly told that the IEC will step into the shoes of IDASA and insist on the remediation contemplated in the judgment, they will move swiftly to correct their failure to introduce the legislation that is so sorely needed. If the IEC declines to act it exposes itself to receiving a mandamus requiring it to ensure fair elections, something that is impossible in the current dispensation.

Kindly let us know whether, in the light of the above, the IEC is prepared to take steps to encourage the political parties to do what is so sorely needed and which is required in terms of the judgment in favour of IDASA.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Paul Hoffman', is enclosed in a light grey rectangular box.

Paul Hoffman SC

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