

# Justice prevails: Minister Balfour's appeal application in "MM" case dismissed

By *moderator*

Created 2009/03/13 - 12:05pm

13 March, 2009 - 12:05 ? moderator

This morning, Judge Brian Southwood dismissed [Minister Balfour's application for leave to appeal](#) against the [decision by the Northern Gauteng High Court](#) ordering that TAC and ALP be given access to the report of the Judicial Inspectorate of Prisons (JIOP) regarding the death of prisoner "MM". MM died in a Westville prison after having been denied access to ARVs. Justice Southwood described the Minister's application for leave to appeal as ill-conceived, and ordered the government to pay the legal costs incurred by TAC and ALP.

The JIOP report had already been released to the public in the wake of Judge Southwood's earlier order. TAC and ALP believes that Balfour's application for leave to appeal that order was a shameful waste of public funds. Balfour's counsel, Adv. Moerane, explained Balfour's motivation in seeking leave to appeal -- notwithstanding the fact that the report had already been released -- as being to refute allegation he had lied about the report.

TAC and ALP welcome Judge Southwood's decision. The South African judiciary continues to uphold constitutional democracy and remedy abuses of public office by politicians like Minister Balfour.

*Alutua Continua!*

- [Westville Correctional Facility](#)
- [Westville Correctional Facility](#)