



## CONSTITUTIONAL COURT OF SOUTH AFRICA

**The President of the Republic of South Africa and Others v Quagliani; The President of the Republic of South Africa and Others v Van Rooyen and Brown; Goodwin v Director-General, Department of Justice and Constitutional Development; (the Speaker of the National Assembly and the Chairperson of the National Council of Provinces intervening).**

**CCT 24/08 and CCT 52/08  
[2009] ZACC 9**

**Date of Judgment: 1 April 2009**

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### MEDIA SUMMARY

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*The following media summary is provided to assist in reporting this case and is not binding on the Constitutional Court or any member of the Court.*

On 21 January 2009, this Court delivered a comprehensive judgment rejecting challenges made by Mr Quagliani to the enforceability of the South Africa-United States Extradition Agreement. The judgment left open the question whether a punitive costs order should be made in connection with wasted costs occasioned by a last-minute application for postponement of delivery of the judgment. The application, made on the morning the judgment was to be delivered, sought to join the Speakers of the provincial legislatures to the proceedings.

Writing for a unanimous Court, Sachs J held that bringing an application to postpone delivery of judgment well after all the evidence had been looked at and argument completed, was so manifestly out of line with proper respect for court processes, that a special adverse costs order was called for. Commendable eagerness by a legal representative to serve the best interests of his client, had transformed itself into excess of zeal. As Mr Quagliani authorised the last-minute application, he was ordered to pay the wasted costs on an attorney and client scale.

