



JUDICIAL CONDUCT COMMITTEE

Ref no: JSC/1175/23

In the matter between:

Mr R A L HAZELWOOD

COMPLAINANT

and

JUDGE E D WILLE

RESPONDENT

DATE: 24 October 2024

DECISION: The appeal is dismissed.

RULING

THE JUDICIAL CONDUCT COMMITTEE (SHONGWE JA, SALDULKER JA and MABINDLA-BOQWANA JA)

Introduction

[1] This is an appeal, in terms of section 18(1) of the Judicial Service Commission Act 9 of 1994 (the Act), by the complainant, (Mr Hazelwood), against a decision of the Acting Chairperson of the Judicial Conduct Committee (JCC) dated 15 April

2024. The complaint was received on 17 November 2023. After consideration of the complaint by the Chairperson it was dismissed on the basis that it is solely related to the merits of a judgment or order, in terms of section 15 (2) (c) of the Act.

The Complaint

[2] The complaint arises from a judgment handed down by Wille J in the Western Cape Division of the High Court. The civil action involved the complainant against his sister relating to a property which they owned jointly and severally. The complainant was legally unrepresented during the hearing, whereas the sister was. The Court made an order against the complainant to the effect that the property had to be sold and the proceeds thereof be shared equally between them. The complainant was unhappy with the decision and subsequently applied for leave to appeal which application was struck from the court roll. As a result of this order the complainant lodged a complaint to the Judicial Service Commission (JSC).

[3] The complaint is difficult to understand and follow as it is vague and illogical. It engages the reasoning of the judgment and complains that the respondent did not know the law and failed to apply the law to the facts of the case. It also engages, what the complainant refers to as, a failure by the respondent to comply with the Code of Judicial Conduct. But it fails to specify the conduct complained of. Instead it mentions the number of articles as contained in the Code and quotes the articles verbatim. For instance, in paragraph 5 of the complaint, the complainant states that: ‘5 My complaint is that the judicial system has failed me and taking the law in my own hands is now the only choice. The law on paper is correct but the people who follow it tend to bend it to their will or make up their own laws.....’

[4] The complainant lodged an appeal in terms of section 15 (5) of the Act.

The Appeal

[5] The grounds of appeal are basically a repetition of the complaint itself. No discernible grounds are stated. The complainant goes further to demand answers from the Chairperson in that she must furnish reasons for dismissing his complaint. The complaint was not against the Chairperson but against Judge Wille. If the complaint is now against the Chairperson, the complainant must file a fresh complaint in terms of section 14(3) and (4) of the Act. It must be by means of an affidavit or affirmed statement, specifying the nature of the complaint and the facts on which the complaint is based. And surely not in the form of an appeal.

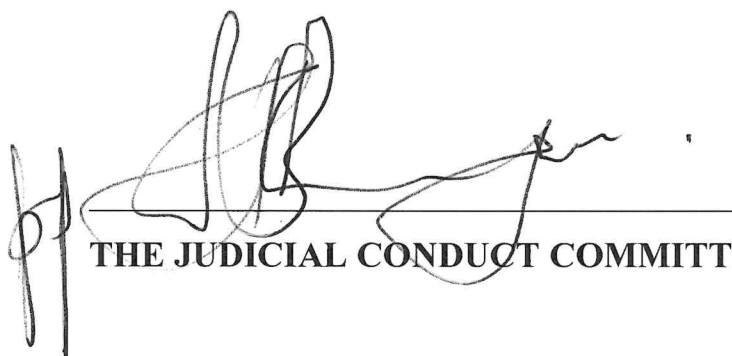
[6] As part of his grounds of appeal, the complainant states that the respondent breached article 9 (a) of the Code, dealing with fair trial, in that the respondent acted unfairly by not considering the facts and by failing to apply the law to the facts and also not giving reasons for the findings. He states that the respondent failed to do this, therefore he misconducted himself. In our view, the complainant should have lodged an appeal and taken the matter to a higher court instead of lodging a frivolous complaint to the JSC.

[7] In paragraph 11 of his grounds of appeal, the complainant states that: 'Breached: The judgment was not open, transparent and accountable on how Judge Wille came to write the order and judgment. There were a lot of unanswered questions from my side and with my complaint I was hoping to get these answers from Judge Wille as law does state it and I have the right to know. I was actually expecting a reply from Judge Wille.'

[8] He then refers to paragraphs 6,7,8,9,11,12,13,14,15,16 and 26 of his complaint, all these deal with the merits of the judgment. As far as I can see the

respondent gave comprehensive reasons for his judgment. The respondent filed a response to the complaint and confirmed that the complaint is vague and embarrassing and is related to the merits of the judgment. Instead he removed the matter from the court roll rather than dismissing it, which meant the complainant could reinstate the matter, if so wished.

[9] From all the above, the complaint clearly relates to the judgment or order of the court. The Chairperson, rightly dismissed it, as she did. The appeal, is accordingly, dismissed.



THE JUDICIAL CONDUCT COMMITTEE