



JUDICIAL CONDUCT COMMITTEE

Ref No: JSC/26/03/24

In the matter between:

HARRY GUNN

COMPLAINANT

and

JUDGE GQAMANA

RESPONDENT

Date: 30 October 2025

Decision: The appeal is dismissed.

RULING

THE JUDICIAL CONDUCT COMMITTEE (MLAMBO DCJ, SHONGWE AND MABINDLA-BOQWANA JJA)

[1] This is an appeal against the decision of the Acting Chairperson of the Judicial Conduct Committee (the JCC) in terms of section 15(5) of the Judicial Services Commission Act 9 of 1994 (the Act). In terms of section 15(2)(c)

of the Act, the Acting Chairperson dismissed a complaint brought by the complainant to the JCC, on the grounds that it related solely to the merits of a judgment granted and did not fall within the parameters of any ground set out in section 14(4) of the Act.

The Complaint

[2] The complaint by Mr Harry Gunn (the complainant) was that Judge Gqamana, the respondent, gave judgment in a matter he presided on without consulting the evidence filed on record, while acting in the Labour Court. He adds that the respondent never applied his mind to the evidence on record. He further complains about the legal representative of the opposition falsifying court documents, illegally abusing the letterheads of the judge thereby misleading the respondent.

[3] Aggrieved by the decision of the Acting Chairperson, the complainant lodged an appeal. Instead of stating his grounds of appeal, he repeated his complaint in its entirety. He further stated that the respondent was misled by Adv Roux with falsified documents brought into court. He sought to have the respondent overturn his judgment.

Discussion

[4] The complainant has clearly misconstrued the procedure: instead of appealing against the judgment, he lodged a complaint alleging judicial misconduct and calling for an investigation. The Acting Chairperson was correct in dismissing the complaint on the grounds that it is solely related to the merits of the judgment and order. The complainant accused S A Timber's legal team, his opponent in the civil matter before

court, of corruption, and amongst other grounds of appeal, requested a full investigation against them. This Committee is not empowered to embark upon such investigation. The complainant's appeal is misdirected and lacks merit.

[5] Given all the above, the appeal is dismissed.



THE JUDICIAL CONDUCT COMMITTEE