



JUDICIAL CONDUCT COMMITTEE

Ref no: JSC/77/07/2024

In the matter between:

MR TUNI ERENS MADIMABE

COMPLAINANT

and

JUDGE NAMHLA THINA SIWENDU

RESPONDENT

Date: 25 November 2025

Decision: The appeal is dismissed.

RULING

THE JUDICIAL CONDUCT COMMITTEE (Jafta J, Majiedt J and Saldulker JA)

[1] This appeal was lodged by Mr. Tuni Erens Madimabe (“the complainant”) against Justice Namhla Thina Siwendu, formerly a judge of the Gauteng High Court,

Johannesburg, in terms of section 15(5)¹ of the Judicial Service Commission Act 9 of 1994 (the Act). The complaint was dismissed by the Acting Chairperson of the Judicial Conduct Committee in terms of section 15(2)(d)² of the Act on the basis that it was frivolous, lacked substance and did not fall within any of the grounds set out in section 14(4)³ of the Act. Aggrieved by this decision, the complainant elected to appeal the dismissal.

[2] The background to the complaint against Justice Siwendu is as follows. The complainant lodged a complaint with the Equality Court in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 against Mr S. C. Mosito and Ms Hellen Ditshwene, alleging that they had wrongfully obtained a protection order against him by fabricating evidence. He sought to have the protection order set aside but his efforts proved unsuccessful, as court officials at the Tlhabane Court, Rustenburg allegedly obstructed his attempts to have the matter

¹ Section 15(5) of the Act provides:

‘(5) A complainant who is dissatisfied with a decision to dismiss a complaint in terms of subsection (1) may, within one month after receiving notice of that decision, appeal to the Committee in writing against that decision, specifying the grounds for the appeal.’

² Section 15(2)(d) of the Act provides:

‘(2) A complaint must be dismissed if it –
 (a) ...
 (b) ...
 (c) ...
 (d) is frivolous or lacking in substance; or
 (e) ...’

³ Section 14(4) of the Act provides:

‘The grounds upon which any complaint against a judge may be lodged, are any one or more of the following:
 (a) Incapacity giving rise to a judge's inability to perform the functions of judicial office in accordance with prevailing standards, or gross incompetence, or gross misconduct, as envisaged in section 177(1)(a) of the Constitution;
 (b) Any wilful or grossly negligent breach of the Code of Judicial Conduct referred to in section 12, including any failure to comply with any regulation referred to in section 13(5);
 (c) Accepting, holding or performing any office of profit or receiving any fees, emoluments or remuneration or allowances in contravention of section 11;
 (d) Any wilful or grossly negligent failure to comply with any remedial step, contemplated in section 17(8), imposed in terms of this Act; and
 (e) Any other wilful or grossly negligent conduct, other than conduct contemplated in paragraph (a) to (d), that is incompatible with or unbecoming the holding of judicial office, including any conduct that is prejudicial to the independence, impartiality, dignity, accessibility, efficiency or effectiveness of the courts.’

heard. The complainant then approached the Public Protector, who instructed the court to place his application on the roll. However, the court file subsequently went missing.

[3] A review of the complaint reveals the following. Although the complaint is directed at Justice Siwendu, there is no indication in its particulars that she was involved in the matter concerning Mr Mosito and Ms Ditshwene. The essence of the complaint relates to the missing court file and the alleged refusal by court officials to schedule the complainant's matter for hearing. No facts or allegations directly or even indirectly implicating Justice Siwendu in any form of misconduct were presented. The issues raised are administrative in nature and fall outside the jurisdiction of this Committee.

[4] In her detailed response to the Committee, Justice Siwendu explained that the complainant, a self-represented litigant, had brought a complaint before the Equality Court where she had presided. During a preliminary inquiry, she found the information he presented to be incoherent. As a result, she directed him to obtain further information and seek legal assistance to better articulate his Equality Court complaint. Her registrar provided him with a list of organisations that could offer such assistance. The complainant was advised to return to the Equality Court once he had clarified his case. However, instead, he chose to file a complaint against her. The further information that she requested were *inter alia* the following:

- i. Approach the Magistrate's Court to ascertain whether there is a record of the proceedings in respect of the protection order against him. I informed him that his remedy possibly lay in an appeal.
- ii. He was also required to obtain more information about the property complaint.

- iii. I asked him to seek Legal Aid assistance so that a proper case can be mounted before the Equality Court.'

[5] When the Equality Court later reconvened, Justice Siwendu considered the complainant's representations and the additional information he had submitted. She concluded that the facts in his complaint did not raise an issue of inequality within the meaning of the Equality Act, and she accordingly dismissed the application. Regrettably, the complainant's grounds of appeal also did not show any misconduct directly or indirectly involving Justice Siwendu. The Acting Chairperson therefore acted correctly in dismissing the complaint as frivolous and being without substance.

[6] Accordingly, the appeal is dismissed.



THE JUDICIAL CONDUCT COMMITTEE