



JUDICIAL CONDUCT COMMITTEE

Ref No: JSC/1110/23

In the matter between:

MR M D TEFFO

COMPLAINANT

and

JUDGE T A MAUMELA

RESPONDENT

Date: 22 September 2026

Decision: The complaint is dismissed in terms of section 17(4)(a) of the Judicial Service Commission Act 9 of 1994.

RULING

THE JUDICIAL CONDUCT COMMITTEE (MLAMBO DCJ)

Introduction

[1] Mr Teffo lodged a complaint with the Judicial Conduct Committee (the JCC) against Judge Maumela of the Gauteng Division of the High Court, Pretoria. The complaint concerns the respondent's conduct while presiding in the criminal trial

concerning the late Senzo Meyiwa. It was directed that the complaint be dealt with in terms of section 17 of the Judicial Service Commission Act 9 of 1994 (the Act).

[2] Section 17 requires an inquisitorial inquiry into the merits of a complaint. There is no onus on any person to prove or disprove a fact. The determination must nevertheless be made on the information obtained in terms of section 17(3).¹

[3] The respondent was invited to respond to the complaint and filed written submissions. The complainant was invited to comment on the respondent's submissions but did not respond within the specified period. Following a reminder from the Secretariat, he replied, "Yes, please proceed," without making any substantive submissions. The matter must therefore be determined on the complaint, the respondent's submissions, and the documents placed before me.

The Complaint

[4] The complaint contains a broad range of allegations concerning the Senzo Meyiwa trial. The complainant alleges that the respondent was a "compromised" Judge appointed to facilitate the sabotage of the trial. He refers to an alleged meeting involving officials of the South African Police Service, the

¹ Section 17(2) and (3) provide, "[a]ny inquiry contemplated in this section must be conducted in an inquisitorial manner and there is no onus on any person to prove or to disprove any fact during such investigation.

(3) For the purpose of an inquiry referred to in subsection (2), the Chairperson or member concerned—

- (a) must invite the respondent to respond in writing or in any other manner specified, and within a specified period, to the allegations;
- (b) may obtain, in the manner that he or she deems appropriate, any other information which may be relevant to the complaint; and
- (c) must invite the complainant to comment on any information so obtained, and on the response of the respondent, within a specified period."

National Prosecuting Authority and the Minister of Police, at which, he says, a plan concerning the outcome of the trial was discussed.

[5] The complainant further alleges that the respondent stood to benefit financially and by promotion if the plan succeeded; knew that certain legal representatives were allegedly paid from a Secret Service Account or slush fund; permitted legal representatives to appear without proper instructions; discriminated against the complainant; and conducted the trial in a manner intended to prejudice the accused. The relief sought in the complaint included an investigation into the respondent's conduct and a request that he be advised to withdraw or recuse himself from the trial.

[6] The only specific courtroom incident concerning the respondent occurred on 18 May 2023. The complainant alleges that the respondent refused to hear him and directed a court orderly to remove him from the courtroom. He characterises the direction as unlawful and the incident as humiliating. He thereafter approached Deputy Judge President Ledwaba (as he then was) and sought his intervention.

The Response

[7] The respondent denies misconduct. He states that the complaint is founded on unsupported allegations, many of which concern persons other than him and matters outside his knowledge. He denies any promise of financial reward or promotion, any knowledge of the alleged meeting or payments from a slush fund, discrimination against the complainant, and any involvement in the alleged irregularities concerning legal representation.

[8] As to the incident on 18 May 2023, the respondent states that the complainant had already withdrawn as legal representative for accused persons in the trial. According to the respondent, the complainant arrived without any formal process and, while other legal representatives were engaged in court, began to address the court on behalf of a Mr Sifiso Meyiwa, who was not a party to the trial.

[9] The respondent says that he repeatedly informed the complainant that he could not address the court on behalf of a person who was not a party. The complainant persisted despite a warning that he would be removed if he continued to disrupt the proceedings. The respondent then directed the court orderlies generally to remove the complainant so that the proceedings could continue. He denies directing any particular orderly to act and denies that race played any role in the direction.

[10] The respondent's position is that he acted to maintain order in court, did not act unethically or outside his judicial duties, and did not misconduct himself in relation to either the complainant or the trial.

Applicable Legal Framework

[11] Section 14(4)(b) of the Act permits a complaint based on a wilful or grossly negligent breach of the Code of Judicial Conduct (the Code). Section 14(4)(e) permits a complaint based on any other wilful or grossly negligent conduct incompatible with or unbecoming the holding of judicial office, including conduct

prejudicial to the independence, impartiality or dignity of the courts.² Article 2(3) of the Code reflects the same threshold.³

[12] Articles 4 and 5 of the Code require a Judge to uphold the independence and integrity of the Judiciary,⁴ maintain independence of mind,⁵ and act honourably and in a manner befitting judicial office.⁶ Article 7(d) requires a Judge to refrain from bias or prejudice in the performance of judicial duties.

[13] Article 9 requires a Judge to remain manifestly impartial⁷ and, when conducting proceedings, to maintain order,⁸ act with commonly accepted decorum,⁹ remain patient and courteous, and require legal practitioners, parties and the public to act likewise.¹⁰ Note 9(i) confirms that the duty to grant a fair hearing does not preclude a Judge from keeping a firm hand on proceedings.

Evaluation

² Section 14(4) of the Act provides, “[t]he 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”.

³ Article 2(3) of the Code provides, “[a]ny wilful or grossly negligent breach of this Code is a ground upon which a complaint against a judge may be lodged in terms of section 14 (4) (b) of the Act”.

⁴ Article 4(a).

⁵ Article 4(b).

⁶ Article 5(1).

⁷ Article 9(a)(ii).

⁸ Article 9(b)(i).

⁹ Article 9(b)(ii).

¹⁰ Article 9(b)(iii).

[14] The allegations of corruption, compromise and interference with the trial are serious. Their seriousness does not, however, establish their truth. A conclusion of judicial misconduct must rest on information capable of supporting it. The complaint identifies no objective material connecting the respondent to the alleged meeting, any agreement to sabotage the trial, any promised benefit, or any payment arrangement involving legal representatives.

[15] The correspondence from Deputy Judge President Ledwaba (as he then was) provides relevant context. It confirms that, on 18 May 2023, the complainant attended at the Deputy Judge President's office to discuss the incident that had occurred in court and the contents of his correspondence. The Deputy Judge President declined to discuss the issues raised in that correspondence and advised the complainant to consider filing an application for whatever relief he considered appropriate. That correspondence does not determine the misconduct complaint. It does, however, support the conclusion that the complainant's grievance was directed substantially at securing intervention in the ongoing proceedings and the respondent's removal or recusal from the trial. Those are matters ordinarily to be pursued through the appropriate court processes, not through a judicial misconduct complaint.

[16] Notwithstanding that context, the information before me does not establish misconduct by the respondent. The serious allegations of corruption, compromise, improper benefit, discrimination and irregular payment of legal representatives are unsupported by objective material. They are denied by the respondent and were not advanced by the complainant in any substantive reply after he was invited to comment on the respondent's submissions.

[17] The absence of a substantive reply does not shift an onus to the complainant or, by itself, establish the respondent's version. It does mean that the respondent's specific denials and his account of the courtroom incident were not answered by any further information. The broader allegations remain assertions for which the record supplies no evidential foundation.

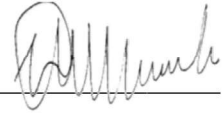
[18] The direction that the complainant be removed from court is common ground. That fact alone does not establish a wilful or grossly negligent breach of the Code. Maintaining order is part of a Judge's duty under Article 9. The respondent gives a direct explanation for the directive: the complainant had withdrawn as legal representative, sought to address the court without a formal process on behalf of a person who was not a party, persisted after being told that he could not do so, and was warned before the directive was given.

[19] The complaint does not identify any words, threat or other conduct by the respondent during that exchange which, considered with the order for removal, establishes bias, discrimination, impatience or discourtesy of the degree required by section 14(4). On the information before me, the complainant's characterisation of the direction as unlawful and unethical is not established.

[20] There is accordingly no basis to find a wilful or grossly negligent breach of Articles 4, 5, 7 or 9 of the Code, or other wilful or grossly negligent conduct incompatible with or unbecoming the holding of judicial office. The information does not warrant a remedial step under section 17(8) or a recommendation that the complaint be investigated by a Tribunal.

Ruling

[21] The complaint is dismissed in terms of section 17(4)(a) of the Judicial Service Commission Act 9 of 1994.

A handwritten signature in black ink, appearing to be 'D. M. M. M.', is written above a horizontal line.

THE JUDICIAL CONDUCT COMMITTEE