



## **JUDICIAL CONDUCT COMMITTEE**

**Ref no: JSC/198/06/2025**

In the matter between:

**JOSIAS MOKUBEDI**

**COMPLAINANT**

and

**JUDGE TATI MOFFAT MAKGOKA**

**RESPONDENT**

**Date: 2 September 2026**

**Decision: The appeal is dismissed.**

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### **RULING ON APPEAL**

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**THE JUDICIAL CONDUCT COMMITTEE (JAFTA J, MAJIEDT J AND  
MABINDLA-BOQWANA JP)**

[1] The complainant, Mr Josias Mokubedi, appeals under section 15(5) of the Judicial Service Commission Act, 9 of 1994, as amended (the Act), against the

dismissal of his complaint by the Acting Chairperson of the Judicial Conduct Committee (the JCC). The dismissal was in terms of section 15(2)(c) of the Act.<sup>1</sup> Under the Act, complaints against Judges must be lodged with the JCC. At the first stage, the Chairperson of the JCC is required to determine the provisions of the Act in terms of which each complaint may be processed.<sup>2</sup> Lesser complaints may be summarily dismissed under section 15, as has happened here.

[2] The complaint was made against Justice Tati Moffat Makgoka, presently a Judge of Appeal in the Supreme Court of Appeal (SCA). The complaint, though, relates to the Judge's stint as a Judge of the Gauteng Division of the High Court. According to the papers, which are very sparse, Mr Mokubedi's complaint emanates from a criminal matter, case number CC261/09 presided over by Justice Makgoka in 2011 (presumably in the High Court).

[3] Mr Mokubedi does not provide details about the case, nor does he explain how the complaint came about. The gist of the complaint is that Justice Makgoka was allegedly unfair and biased towards the State as he is alleged to have sabotaged and manipulated the leave to appeal that was granted to Mr Mokubedi

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<sup>1</sup> In relevant part, section 15 of the Act reads:

“15(1)(a) If the Chairperson or the Head of Court designated in terms of section 14(2) is of the view that the complaint falls within the parameters of the grounds set out in subsection (2), he or she must dismiss the complaint.

...

(2) A complaint must be dismissed if it –

...

(c) is solely related to the merits of a judgment or order;

...

(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”.

<sup>2</sup> Section 14(2) of the Act provides: “When a complaint is lodged with the Chairperson in terms of subsection (1), the Chairperson must deal with the complaint in accordance with section 15, 16 or 17, but in the event of a complaint falling within the parameters of section 15, the Chairperson may designate a Head of Court to deal with the complaint, unless the complaint is against the Head of Court”.

by the SCA on petition. The complaint provides no detail about how the respondent, who at that time was a Judge in a lower court, sabotaged and manipulated leave to appeal that was granted by the SCA.

[4] As stated, the Acting Chairperson dismissed the complaint in terms of section 15(2)(c) of the Act, that the complaint related solely to the merits of a judgment or order. Mr Mokubedi was notified about the outcome. He was also informed that if he was dissatisfied with this decision, he could, within a period of one month after receipt of the notification of dismissal, appeal in writing in terms of section 15(5) of the Act, and specify the grounds for appeal.

[5] In his appeal, Mr Mokubedi asks that its late filing be excused. He says he is dissatisfied with the dismissal, because “the Acting Chairperson of the [JCC] is a former Judge President of Justice Makgoka at the North Gauteng High Court, where the sabotage and manipulation occurred under the [Acting] Chairperson's watch”.<sup>3</sup> According to Mr Mokubedi, the process and the dismissal are unfair to him and biased towards Justice Makgoka.

[6] Mr Mokubedi states further that he does not understand the reference to the merits in the dismissal, because he has not in his complaint said anything about the merits. He requests an opportunity to “testify before the tribunal” to ventilate his case and to produce documents to support his complaint. He alleges that the Acting Chairperson “is trying to block me from exposing the loopholes and irregularities of the matter that he himself assigned Justice Makgoka to preside

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<sup>3</sup> It is assumed that what is meant is that Mlambo DCJ, the Acting Chairperson of the JCC, was previously the Judge - President of the Gauteng Division of the High Court. At all material times, regarding the complaint, he was thus the Head of the Court where Judge Makgoka was.

over”. Mr Mokubedi then hints at some sort of conspiracy between the Acting Chairperson and Justice Makgoka.

[7] Lastly, in his appeal Mr Mokubedi asks that a “neutral” Judge be assigned to his appeal. He questions why the matter was not heard before a Full Bench (he may be mistaken; perhaps he means a Full Court) as ordered by the SCA on petition to it.

[8] Justice Makgoka responds briefly to the appeal by email. He states that he has no recollection of the case, but that it appears that the complainant was aggrieved solely about the outcome of his criminal trial, where he was convicted. For that reason, says the Judge, the complaint was properly dismissed, and the appeal should be dismissed on the same basis.

[9] On the scant available information, it seems to me that this is a complaint that is frivolous, and it can also be categorised as lacking in substance. Due to the lack of information, it is hard to discern what Mr Mokubedi is really aggrieved about. But what is clear is that no case of misconduct whatsoever is made out against Justice Makgoka. In fact, it would appear that Mr Mokubedi’s primary dissatisfaction is with the Acting Chairperson’s assignation (when he was Judge-President of the Gauteng High Court) of Justice Makgoka to his case.

[10] After consideration of an appeal, the JCC must in the case of an appeal against a dismissal of a complaint as contemplated in section 15(4)(a) either confirm the dismissal; set aside the dismissal and refer the complaint to the Chairperson for an inquiry in terms of section 17; or set aside the dismissal and

recommend to the Commission that the complaint should be investigated by a Tribunal in terms of section 19.<sup>4</sup>

[11] For the reasons outlined, I would confirm the dismissal of the complaint.

[12] The following order is made:

1. The appeal is dismissed.
2. The dismissal is confirmed.

A handwritten signature in black ink, appearing to read 'Rajesh', is written above a horizontal line.

**JUDICIAL CONDUCT COMMITTEE**

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<sup>4</sup> Section 18(4)(a) of the Act.