



JUDICIAL CONDUCT COMMITTEE

Ref no: JSC/251/09/2025

In the matter between:

SELLO NOTO

COMPLAINANT

and

JUDGE VAN RHYN

FIRST RESPONDENT

JUDGE MAKGOKA

SECOND RESPONDENT

JUDGE MODIBA

THIRD RESPONDENT

Date: 11 September 2026

Decision: The appeal is dismissed.

APPEAL RULING

**THE JUDICIAL CONDUCT COMMITTEE (MAJIEDT J, SALDULKER JA
and MABINDLA-BOQWANA JP)**

Introduction

[1] The complainant, Mr Sello Noto, appeals against the summary dismissal of his complaint by the Acting Chairperson of the Judicial Conduct Committee (the JCC) in terms of section 15(5) of the Judicial Service Commission Act 9 of 1994 (the Act). The Acting Chairperson dismissed the complaint under section 15(2)(c) of the Act, on the grounds that it related solely to the judgments or orders given by the respondents.

[2] The complaint concerned the sentencing of the complainant for a period of four years in terms of section 276(1)(a) of the Criminal Procedure Act 51 of 1977 (CPA). This followed his conviction by the Bothaville District Court on 15 March 2017, on two charges, namely of assault and contravention of the Domestic Violence Act, 116 of 1998.

[3] The complainant appealed against his conviction and sentence in the Free State Division of the High Court. On 17 March 2025, the matter served before Judge Van Rhyn and Acting Judge Greyling-Coetzer, who dismissed the appeal on both grounds. The complainant petitioned the Supreme Court of Appeal (SCA) for special leave to appeal, which was dismissed by Mokgoka JA and Modiba JA on 5 August 2025, on the grounds that there were no special circumstances meriting a further appeal to that Court. The complainant had been granted bail pending the finalisation of his special leave to appeal to the SCA.

[4] The complainant subsequently lodged a complaint with the Chairperson of the JCC against both the judges of the High Court and the SCA who determined his

matter. His complaint was that his matter was not properly adjudicated, and the courts gave invalid orders that unlawfully deprived him of his right to liberty.

[5] According to him, the judges ignored the fact that the magistrate was both the referee and the player and turned a blind eye to non-compliance with the CPA. With reference to various provisions of the CPA, including section 276(1)(a), which he said was deleted by section 34 of the Criminal Law Amendment Act 51 of 1997, he complained that he did not receive a fair trial, that legal aid did not assist him, and that he was not assisted by the institutions established to protect citizens in terms of the Constitution. He further mentioned that he had a protection order that the courts overlooked.

[6] As stated, the Acting Chairperson dismissed the complaint against the respondent Judges on the grounds that it related solely to the judgment and order as stated in section 15(2)(c). As regards Acting Judge Greyling-Coetzer, the dismissal of the complaint was based on the JCC's lack of competence to entertain the dispute, based on its previous rulings.

[7] The appeal is directed to the three permanent respondent judges. In his appeal, the complainant submits that the judges applied a repealed provision, resulting in a sentence with no legal basis. In this regard, the judges breached their duty to apply the law correctly; upholding an unlawful sentence exceeded the bounds of judicial authority and violated the principle of legality under section 35(3) of the Constitution, and this resulted in grave injustice undermining public confidence in the judiciary and amounted to a breach of the Code of Judicial Conduct. The complaint further lists provisions of the CPA that he says were not complied with, and evidence that he alleges was not considered or was treated irregularly.

[8] The complainant is clearly unhappy with the magistrate's treatment of the case and with the subsequent judgments or orders given by the courts on appeal or petition. The grounds of the complaint are not within the competence of the JSC. They are matters falling within the purview of the appeal courts. The Acting Chairperson's decision can therefore not be faulted. He was correct in dismissing the complaint summarily under section 15(2)(c) of the Act.

[9] In the circumstances, the appeal is dismissed.

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

THE JUDICIAL CONDUCT COMMITTEE