



JUDICIAL CONDUCT COMMITTEE

Ref no: JSC/1108/2023

In the matter between:

FRITZ JOHANNES COENRAAD LOUW

COMPLAINANT

and

JUDGE KGOELE

FIRST RESPONDENT

DEPUTY JUDGE PRESIDENT

RATSHIBVUMO

SECOND RESPONDENT

DATE: 14 September 2026

DECISION: The dismissal of the complaint is confirmed in terms of section 18(4)(a)(i) of the Act.

APPEAL RULING

THE JUDICIAL CONDUCT COMMITTEE (MLAMBO DCJ, SALDULKER JA AND MABINDLA-BOQWANA JP)

Introduction

[1] The complainant, Mr Fritz Johannes Coenraad Louw appeals against the decision of the Acting Chairperson of the Judicial Conduct Committee (the JCC), who summarily dismissed his complaint lodged in terms of the Judicial Service Commission Act 9 of 1994 (the Act), on the basis that it related solely to his dissatisfaction with the merits of the judgment given by the respondents.

[2] The complaint concerned a defamation claim that originated in the Regional Court of Mbombela in Mpumalanga (magistrates' court) between the complainant and one Mr Jack Moretsele. The complainant had sold a piece of land to Mr Moretsele, who also rented the remaining part. At some point, Mr Moretsele erroneously paid an amount of approximately R11 000 for rent, which was more than what he was obliged to. The parties were jointly sued for having started a fire that caused financial loss to a neighbouring farm owner. These events resulted in a dispute between the parties.

[3] Mr Moretsele demanded the excess rental money back, but the complainant refused to refund him, claiming that Mr Moretsele had caused him to incur unnecessary and substantial legal costs due to an illegal fire he had started. Mr Moretsele accused the complainant of pointing a gun at him and using a slur word, saying, 'I will kill you fucken kaffir', which the complainant vehemently denied. Mr Moretsele opened a criminal case, which the State withdrew, citing the absence of a witness to support his version.

[4] The complainant then sued Mr Moretsele for defamation in the magistrates' court. The court dismissed the action. Finding in favour of Mr Moretsele, the court stated, amongst other things, that non-prosecution did not amount to exoneration. It found:

'The conduct of the plaintiff after having issued summons against the defendant, his prolonged action of subjecting the defendant to unwarranted communication as well as his unjustified refusal of refunding the defendant his R11 462.00 warrants censure from the court, the court holds a strong view that the punitive costs order against the plaintiff is to be granted. Accordingly, the plaintiff is ordered to pay the defendant's costs on the scale as between Attorney and Client.'

[5] The complainant appealed to the Mpumalanga Division of the High Court, Mbombela (high court). The matter served before the respondent judges, Kgoele JA and Ratshibvumo DJP, who dismissed the appeal, prompting the complainant to approach the JCC. In the complaint filed, the complainant described the particulars of the complaint in the following terms:

'The complaint centers around Judge Kgoele's agreement of Magistrate Khumalo's judgment, which is fundamentally flawed as motivated in the attached affidavit statement.'

[6] The complainant alleges that both the magistrates' and the high courts: (a) accepted, without proper evidentiary foundation, that he used the racial slur alleged; (b) the courts went further and introduced wording not contained in the SAPS statement, effectively constructing their own version of events; (c) the courts further pronounced, in sweeping and unqualified terms, that lodging a complaint with SAPS does not constitute defamation, without engaging in a proper factual inquiry into

malice, falsity, or abuse of process; (d) the judgments reflect a predetermined acceptance of the accusation without proper evidentiary scrutiny; and (e) the cumulative effect of these findings amounts to conduct incompatible with judicial office and falls within the meaning of gross incompetence and/or gross misconduct.

[7] The complainant repeated these grounds in various documents he filed, albeit stated in different forms. The complaint was dismissed summarily by the Acting Chairperson on the following basis:

‘The complaint is dismissed in terms of section 15(2)(c) of the Judicial Service Commission Act, 1994 (JSC Act) on the grounds that it solely pertains to your dissatisfaction with the merits of a judgment granted and it does not fall within the parameters of any grounds set out in section 14(4).’¹

[8] Aggrieved by the dismissal of the complaint, the complainant lodged an appeal in terms of section 15(5) of the Act². The grounds of the appeal are stated thus:

¹ Section 14(4) 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.’

² Section 15(5) of the Act provides:

‘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.’

‘5. My appeal is henceforth based on the fact that I can confidently state that the two judges are grossly incompetent and acted in a grossly misconducted manner in regard to the **Louw v Moretsele** (A44/2022) [2023] ZAMPMBHC 30 Judgment.

6. Now let me explain why I state this drastic and serious assertions regarding two judges in our South African judiciary.

7. From Attachment B [page 4] it is abundantly clear that two things went horrible wrong with the Regional and High Court cases. Firstly, the Magistrate and the Judge did not rule the case on the balance of probabilities, as it is the very basic principle in a civil lawsuit when dealing with two irreconcilable versions. I acknowledge that this issue should have been dealt with by the Supreme Court of Appeal in Bloemfontein and therefore it does not form part of this Appeal. As a pensioner, I ran out of money and did not go to the Supreme Court of Appeal in Bloemfontein.

8. I will now get to my Point 5 above. Please refer to Attachment C [page 8] to get clarity on why I express what I stated in Point 5 above.

9. The judges did the following, inexcusable and wrong things [Attachment C page 8] as shown below. By the way, what are inexcusable and wrong things?

“Inexcusable and wrong things” generally refers to actions or behaviours that are considered so bad or harmful that they cannot be justified, forgiven, or tolerated.

These actions often involve a significant breach of moral, or **legal** standards, and people who commit them are typically seen as having no valid excuse or defence for their behaviour”.

- The judges made up their own account of what happened on 24 January 2020;
- They made a pronouncement completely wrong and not in line of what Moretsele stated in his false statement to the SAPS on 24 January 2020;
- The magistrate and judges caused to defame me further, in that several newspaper articles and online platforms quoted their immoral utterances, talking of “kill” for example. Please refer to Attachment D [page 11];
- The judges produced a judgment document that has no page numbers. For us, as engineers, this is totally unacceptable.

10. The attached document ‘The story of Fritz Louw’s fight against apartheid and k-word’ should be read together with this Appeal.

11. I sincerely and respectfully hope that the JCC will consider my appeal with great and empathetic consideration.’

[9] Section 15(2)(c) of the Act requires a complaint to be dismissed if it is solely related to the merits of a judgment or order. Consistently with that provision, Note 9(v) of the Code of Judicial Conduct recognises that judges may err in relation to fact or law and provides that such errors must be addressed through the ordinary appeal or review processes, rather than disciplinary proceedings.

[10] The grounds of appeal relate solely to the merits of the judgment and therefore support the Acting Chairperson's opinion that the complaint related solely to the complainant's dissatisfaction with the judgment. Therefore, the Acting Chairperson cannot be faulted for dismissing the complaint under section 15(2)(c) of the Act.

[10] In the circumstances, the dismissal of the complaint confirmed in terms of section 18(4)(a)(i) of the Act.



THE JUDICIAL CONDUCT COMMITTEE