



JUDICIAL CONDUCT COMMITTEE

Ref No: JSC/204/06/2025

In the matter between:

S S NTESHE

COMPLAINANT

and

JUDGE C REINDERS

RESPONDENT

Date: 15 May 2026

Decision: The complaint against Judge Reinders 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 Nteshe lodged a complaint with the Judicial Conduct Committee (“the JCC”) against Judge Reinders of the Free State Division of the High Court, Bloemfontein. The complaint was considered by me and was directed to be dealt

with in terms of section 17 of the Judicial Service Commission Act 9 of 1994 (“the Act”).¹

[2] Section 17 provides for an inquisitorial process. The question is whether, on the information obtained in terms of section 17(3),² the complaint should be dismissed, whether it has been established and remedial steps should be imposed, or whether a recommendation should be made that the complaint be investigated by a Tribunal.³

[3] The respondent was invited to respond to the complaint. She did so on 27 February 2026. The complainant was then invited to comment on the respondent’s response, and he filed written submissions dated 17 April 2026. I have

¹ Section 17(1) and (2) of the Act provides, “If—

- (a) the Chairperson is satisfied that, in the event of a valid complaint being established, the appropriate remedial action will be limited to one or more of the steps envisaged in subsection (8); or
- (b) a complaint is referred to the Chairperson in terms of section 15 (1) (b) or section 16 (4) (a), or section 18 (4) (a) (ii), the Chairperson or a member of the Committee designated by the Chairperson must inquire into the complaint in order to determine the merits of the complaint.

(2) Any 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.”

² Section 17(3) of the Act provides, “[f]or 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.”

³ Section 17(4) of the Act provides, “[i]f, pursuant to the steps referred to in subsection (3), the Chairperson or member concerned is satisfied that there is no reasonable likelihood that a formal hearing on the matter will contribute to determining the merits of the complaint, he or she must, on the strength of the information obtained by him or her in terms of subsection (3)—

- (a) dismiss the complaint;
- (b) find that the complaint has been established and that the respondent has behaved in a manner which is unbecoming of a judge, and impose any of the remedial steps referred to in subsection (8) on the respondent; or
- (c) recommend to the Committee, to recommend to the Commission that the complaint should be investigated by a Tribunal.”

considered the complaint, the respondent's response, the complainant's further submissions and the material placed before me.

The Complaint

[4] The complaint arises from proceedings in the Free State Division, Bloemfontein, under case number 243/2019, namely *Mavis Christiaan v Smanga Simon Nteshe*. The matter concerned a dispute about the existence of a customary marriage. After the plaintiff in the matter closed her case, Mr Nteshe applied for absolution from the instance.

[5] The application for absolution from the instance was argued before the respondent on 13 September 2024. Judgment was reserved and delivered on 17 February 2025. The respondent dismissed the application with costs. The complaint is directed principally at the delay in delivering judgment, although the complainant also takes issue with the way certain arguments and evidence were dealt with in the judgment.

[6] The complainant contends that the respondent delayed for approximately five months in delivering judgment on what he describes as an interlocutory and straightforward application. He relies on the Norms and Standards for the Performance of Judicial Functions ("the Norms and Standards"),⁴ and submits that judgments should generally not be reserved without a fixed date for delivery and that

⁴ *Norms and Standards for the Performance of Judicial Functions*, issued by the Chief Justice in terms of section 8 of the Superior Courts Act 10 of 2013 read with section 165(6) of the Constitution, GN 147, GG 37390, 28 February 2014. Para 5.2.6 provides, "Save in exceptional cases where it is not possible to do so, every effort shall be made to hand down judgments no later than 3 months after the last hearing."

every effort should be made to hand down judgment no later than three months after the last hearing.

[7] The complainant also relies on the manner in which judgment was delivered. He says that, after judgment had been reserved without a fixed date, he was only notified on the morning of 17 February 2025 that judgment would be delivered later that day, and was informed that the parties need not attend because the judgment would be circulated electronically. He raises this as part of his broader complaint that the judgment was not delivered timeously or in a manner consistent with the applicable standards. He contends that the respondent prioritised other reserved judgments, which he says were heard after, or during the same period as, his matter but were delivered sooner. He says the respondent has not given an acceptable explanation for why judgment in his matter was only delivered months later, and contends that this breached the Code of Judicial Conduct (“the Code”). In his further submissions, he also takes issue with the respondent’s reliance on a six-month reporting benchmark and says the apology tendered by the respondent is not sincere. He further alleges that he was treated unfairly because of the respondent’s alleged perception of his professional status, and also raises the possibility that race and gender played a role.

The Response

[8] The respondent denies that the complaint discloses judicial misconduct. To the extent that the complainant takes issue with the manner in which she dealt with the evidence, argument and merits in the judgment, the respondent states that the underlying matter remains partly heard before her and that it would therefore be inappropriate to address those issues beyond what appears in her written judgment.

Her response is accordingly confined to explaining why judgment was reserved and addressing the approximately five-month period before it was delivered.

[9] The respondent explains that, especially in opposed matters involving oral evidence, she does not ordinarily deliver an immediate *ex tempore* judgment. Her practice is to reserve judgment so that she may properly consider the evidence, the submissions made by the parties and the applicable authorities, and then provide written reasons. That is the context in which, according to her, judgment was reserved on 13 September 2024 and delivered on 17 February 2025.

[10] The respondent accepts that the judgment was not delivered within the three-month period contemplated in the Norms and Standards, and tenders an apology for that. She also records that judgment was delivered within six months, which she understood to be the period used by the Office of the Chief Justice for reporting outstanding reserved judgments for purposes of transparency and judicial accountability.

[11] In response to the allegation that she prioritised other matters, the respondent says that the matters relied upon by the complainant are not comparable. She explains that she was not the scribe in one of them, and that another concerned an application for leave to appeal in circumstances where she had already furnished full reasons for her order in the underlying matter. Her position is therefore that the complainant has not shown that she deliberately delayed his judgment, treated him unfairly, or preferred other matters for an improper reason.

Applicable Legal Framework

[12] Section 14(4)(b) of the Act recognises as a ground of complaint any wilful or grossly negligent breach of the Code. Section 14(4)(e) includes any other wilful or grossly negligent conduct, other than conduct contemplated in section 14(4)(a) to (d), that is incompatible with or unbecoming the holding of judicial office, including conduct prejudicial to the dignity, accessibility, efficiency or effectiveness of the courts.⁵

[13] The Code requires a judge to perform assigned judicial duties diligently, dispose of the business of the court promptly and in an efficient and businesslike manner, give judgment or any ruling promptly and without undue delay, and perform all official duties properly, timeously and in an orderly manner.⁶ At the same time, Note 9(v) to the Code makes clear that errors of fact or law, and complaints related to the merits of a decision or procedural ruling, are to be dealt with through appeal

⁵ 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.”

⁶ Article 10(1) provides, “[a] judge must—

- (a) perform all assigned judicial duties diligently;
 - (b) ...;
 - (c) dispose of the business of the court promptly and in an efficient and businesslike manner.
 - (d) give judgment or any ruling in a case promptly and without undue delay;
 - (e) ...;
 - (f) ...;
 - (g) perform all official duties properly, timeously, and in an orderly manner.
- ...

or review processes and do not, without more, constitute valid disciplinary complaints.⁷

[14] The applicable inquiry is therefore a limited one. It is not whether the respondent's judgment was correct, nor whether every aspect of the procedure adopted in the litigation is beyond criticism. The question is whether the material placed before me establishes a wilful or grossly negligent breach of the Code, or other wilful or grossly negligent conduct unbecoming of judicial office, thereby justifying action under section 17(8) of the Act.⁸

Evaluation

[15] The importance of timeously delivered judgments cannot be overstated. Litigants are entitled to know the outcome of proceedings within a reasonable time, and delayed judgments may undermine confidence in the administration of justice. That said, the Act does not automatically make every delayed judgment an act of judicial misconduct. The statutory threshold remains one of wilfulness or gross negligence.

⁷ Article 9(v) of the Code provides, "[s]ince judges are fallible and can err in relation to fact or law, such errors are to be dealt with through the normal appeal and review procedures. Such errors, even if made by courts of final instance, cannot give rise to valid complaints. Complaints against judges that are related to the merits of a decision or procedural ruling are to be dismissed at the outset."

⁸ Section 17(8) of the Act provides, "[a]ny one or a combination of the following remedial steps may be imposed in respect of a respondent:

- (a) Apologising to the complainant, in a manner specified.
- (b) A reprimand.
- (c) A written warning.
- (d) Any form of compensation.
- (e) Subject to subsection (9), appropriate counselling.
- (f) Subject to subsection (9), attendance of a specific training course.
- (g) Subject to subsection (9), any other appropriate corrective measure.
- (9) The State shall not be responsible for any expenditure incurred as a result of, or associated with, any remedy referred to in subsection (8) (e), (f) or (g), unless such remedy was selected from a list of approved remedies or services compiled from time to time by the Minister, after consultation with the Chief Justice, and then only to the extent set out in that list."

[16] On the objective chronology, the judgment was reserved on 13 September 2024 and delivered on 17 February 2025. That period exceeded three months, and the respondent accepts as much. However, the judgment was delivered within approximately five months. The matter was opposed, evidence had been led, written and oral submissions had been made, and the application concerned absolution from the instance in a trial that had not yet been finalised.

[17] The respondent did not ignore the JCC process. She responded to the complaint, acknowledged the three-month standard relied upon by the complainant, accepted that the judgment was not delivered within that period, and tendered an apology. She also furnished an explanation for why judgment was reserved and why she considered it necessary to provide written reasons. Whether one accepts every aspect of that explanation is not decisive. The point is that the material before me does not show a deliberate refusal to perform judicial duties, a persistent disregard of judicial obligations, or a grossly negligent failure to deliver judgment.

[18] The respondent's reference to a six-month reporting benchmark must be understood carefully. It does not displace the obligation to deliver judgments promptly, nor does it render the three-month standard in the Norms and Standards irrelevant. But it also does not assist the complainant in establishing misconduct. The respondent did not rely on the six-month benchmark as a substitute for the three-month standard, nor did she suggest that delayed judgments are immaterial. On the contrary, she acknowledged that the judgment was not delivered within three months and tendered an apology for that. Properly understood, her reference to the six-month benchmark was directed at placing the delay in its institutional context, namely that it had not yet reached the period at which reserved judgments are ordinarily reported

as outstanding for judicial reporting and accountability purposes. That may not excuse the delay, but it also does not establish that the respondent acted wilfully, grossly negligently, or in a manner unbecoming of judicial office. The decisive question remains whether the delay, viewed with her explanation and the material as a whole, meets the statutory threshold for misconduct. In my view, it does not.

[19] The complainant's dissatisfaction with the content of the judgment, including his contention that the judgment did not properly engage with the issues raised in argument, falls outside the disciplinary function of the JCC. If the judgment is wrong in law or fact, the appropriate remedy lies in the ordinary processes available in the litigation. That is the kind of issue which Note 9(v) of the Code indicates is to be addressed through the ordinary appeal and review processes.

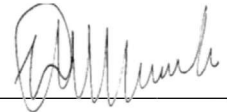
[20] Nor does the material support the complainant's allegation that he was targeted or treated unfairly because of his status, employment or race. Those are serious allegations, but they are not substantiated by the objective material before me.

[21] I have also considered whether a formal hearing would contribute to determining the merits of the complaint. In my view, there is no reasonable likelihood that it would. The central facts are documentary and are not materially in dispute: the date on which judgment was reserved, the date on which it was delivered, the respondent's explanation, and the complainant's dissatisfaction with that explanation.

[22] On the information before me, I am not satisfied that the complaint establishes that the respondent behaved in a manner unbecoming of a judge.

Order

[23] The complaint against Judge Reinders is therefore 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 'R. M. M. M.', written above a horizontal line.

THE JUDICIAL CONDUCT COMMITTEE