



188, 14th Road, Noordwyk, Midrand, 1685
Private Bag X10, Marshalltown, 2107
Tel: +27 10 493 2500 (Switchboard)
E-mail: enquiries@judiciary.org.za
www.judiciary.org.za

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Media Statement

MEDIA STATEMENT ISSUED BY THE CHIEF JUSTICE REGARDING HIS MEETING WITH DEPUTY JUDGE PRESIDENT GOLIATH

This statement was necessitated by media enquiries flowing from Deputy Judge President Goliath's meeting with the Chief Justice in October 2019.

This is what happened. In October 2019 Deputy Judge President Goliath asked for a meeting with Chief Justice Mogoeng Mogoeng. The meeting was arranged and took place on 11 October 2019.

Deputy Judge President Goliath informed the Chief Justice that her relationship with Judge President Hlophe had become difficult. She also said that two Judges had informed her about an alleged assault on one of them by Judge President Hlophe. Although she said nothing about her intention to lodge a complaint against the Judge President concerning their relationship she however indicated that the Judge who was allegedly assaulted by the Judge President was thinking about doing so. She also informed the Chief Justice that the alleged victim was uncertain about the appropriateness of reporting the alleged assault to the police and the Judicial Conduct Committee. This was so, she said, because the alleged victim thought the Chief Justice would view reporting the matter to the police and Judicial Conduct Committee as conduct that would bring the Judiciary into disrepute. At the request of the alleged victim of the assault and another Judge she had come to find out from the Chief Justice whether he would have any principled objection to the allegations being reported to the police and Judicial Conduct Committee. The Chief Justice told her that any allegation of misconduct against any Judge must, in terms of the Code of Judicial



Conduct and the Judicial Service Commission Act, be reported to the Judicial Conduct Committee.

Additionally, any allegation of a commission of a crime must, without hesitation, be reported to the South African Police Services.

He also informed Deputy Judge President Goliath that failure by any Judge to report these allegations to the structures with the legal authority to address them, would be a betrayal of what Judgeship or the Judiciary is all about. The Chief Justice stands by this position and would always encourage any alleged wrongdoing or alleged crime to be reported promptly.

As the Chief Justice has previously iterated, he never had nor has he now the legal authority to personally deal with these issues outside of the processes under the JSC Act. To suggest otherwise could either be actuated by nefarious reasons (e.g. a long standing desperation to find fault) or misapprehension of the law. So far, none of those who have asked the Chief Justice to intervene in the Western Cape High Court could, when he pertinently asked them to, point to any provision in the Constitution, Judicial Service Commission Act, any other Act of Parliament, any Regulation or rule that empowers him to discipline a Judge or cause him or her to be suspended as many have suggested. Instead, they have suggested that he either pleads with Judge President Hlophe to go on leave or somehow use the “prestige” of his office to “normalise” the Western Cape situation.

Yes, the Chief Justice has been aware of the allegations against Judge President Hlophe since late 2019. But those allegations can only be resolved through the application of the law. It is necessary to emphasise that he does not have the power to resolve these challenges and cannot therefore exercise power he does not have.

Ends.

Issued by the Office of the Chief Justice

Media enquiries:



Mr. Nathi Mncube

Spokesperson of the RSA Judiciary

C: 0848148364 **E:** NMncube@judiciary.org

