



## **JUDICIAL CONDUCT TRIBUNAL**

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### **Judicial Conduct Tribunal's report on the complaint by Justices of the Constitutional Court against Judge President M J Hlophe**

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The media is advised that the Judicial Conduct Tribunal (Tribunal) comprising of Judge Joop Labuschagne, a retired Judge of the Gauteng Division of the High Court, designated in terms of section 22(1)(a) of the Judicial Service Commission Act, 1994 as the Tribunal President, and Judge Tati Makgoka, a Judge of the Supreme Court of Appeal, as well as Ms Nishani Pather, a practising attorney, has compiled its report on the complaint lodged by the Justices of the Constitutional Court against Judge President Hlophe.

In its report, the Tribunal has unanimously found that on an objective and proper consideration of the facts and probabilities:

- (a) Judge President Hlophe's conduct breached the provision of section 165 of the Constitution in that he improperly attempted to influence the two Justices of the Constitutional Court to violate their oaths of office;
- (b) his conduct seriously threatened and interfered with the independence, impartiality, dignity and effectiveness of the Constitutional Court; and
- (c) his conduct threatened public confidence in the judicial system.

Based on the above findings, the Tribunal unanimously concluded that Judge President Hlophe is guilty of gross misconduct as envisaged in section 177 of the Constitution.

The Tribunal report has been submitted to the Chairperson of the Judicial Service Commission (JSC) as required in terms of section 33 of the Judicial Service Commission Act, 1994. The JSC will in due course consider the report at a meeting to be determined by the Chairperson of the JSC in accordance with section 20 of the Judicial Service Commission Act.

**Issued by the Secretariat of Judicial Conduct Tribunal**

**10 April 2021**