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JUDICIAL CONDUCT COMMITTEE

MEDIA STATEMENT

Judicial Conduct Appeals Committee's decision on the appeal by former Chief Justice Mogoeng on complaints by Africa4Palestine, SABDS Coalition and Women's Cultural Group

1. Today, 20 January 2022, the Judicial Conduct Appeals Committee (Committee) has, by a majority decision (Justice D H Zondi and Justice N Dambuza), decided in terms of section 18 (4)(c)(ii) of the Judicial Service Commission Act, 1994 to confirm Mojapelo DJP's findings that Chief Justice Mogoeng breached Article 12(1)(b) of the Judicial Code of Conduct (Code), in that he, through his utterances, involved himself in political controversy. The Committee further found that Chief Justice Mogoeng breached Article 14(2)(a) of the Code of Judicial Conduct in that he was involved in extra-judicial activities which are incompatible with the confidence in and the impartiality of Judges.

2. The Committee did uphold Chief Justice Mogoeng's grounds of appeal against Mojapelo DJP's findings that he had breached Articles 12(1)(d), 14(1) and 14(3)(a) of the Code.

3. Pursuant to this decision, the Committee, by a majority directed that Chief Justice Mogoeng should issue an unconditional apology for becoming involved in political controversy through his utterances at the online seminar (webinar) hosted by the Jerusalem Post on 23 June 2020. A copy of the apology must be released by Chief Justice Mogoeng to the Office of the Chief Justice and the media within 10 days of this decision.

4. Judge Victor, the third member of the Judicial Conduct Appeals Committee penned a minority decision in which she would have upheld the appeal in its entirety, setting aside the findings of Mojapelo DJP and the remedial action that flowed therefrom.

Ends.

Issued by the Secretariat of the Judicial Conduct Committee

