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JUDICIAL SERVICE COMMISSION

20 September 2022

MEDIA STATEMENT

Judicial Conduct Appeals Committee's decision on the appeal by Judge President Hlophe against the decision by former Chief Justice Mogoeng on complaints by Deputy Judge President Goliath

1. On 20 September 2022, the Judicial Conduct Appeals Committee (Committee) delivered a decision in the appeal of Judge President Hlophe, the Judge President of the Western Cape Division of the High Court (Hlophe JP), against two decisions of the former Chief Justice, Mogoeng CJ, in an inquiry conducted in terms of s 17(2) of the Judicial Service Commission Act 9 of 1994 in which the Chief Justice (CJ) – (i) recommended to the Judicial Conduct Committee of the Judicial Service Commission that it should recommend to the Judicial Service Commission that a Tribunal be established to investigate and report on allegations of assault, use of abusive language, and abuse of power made against Hlophe JP by the Deputy Judge President of the Western Cape Division of the High Court, Goliath DJP (Goliath DJP); and (ii) dismissed a counter-complaint of gross misconduct by Hlophe JP against Goliath DJP.
2. The Committee has issued the following order:
 - i. Save to the extent indicated below, the appeal against the recommendation by the CJ to the Committee in terms of s 17(4)(c) of the Judicial Service Commission Act 9 of 1994 is dismissed.
 - ii. To the extent indicated below the appeal against the dismissal of the counter-complaint by the Hlophe JP against Goliath DJP in terms of s 17(4)(a) succeeds.
 - iii. The recommendation made by the Chief Justice in terms of s 17(4)(c) of the Judicial Services Commission Act 9 of 1994 is set aside and replaced by the following:



'It is therefore recommended to the Committee, in terms of s 17(4)(c) to consider recommending to the Commission that a Tribunal be established to investigate and report on:

- a. The allegations of assault, use of abusive language, abuse of power in relation to the office of the DJP levelled by Goliath DJP against Hlophe JP; together with
- b. The allegations of racism, improper disclosure of information pertaining to a pending case, and the propriety of the secret recording made by Goliath DJP of the discussion between her and Hlophe JP at the meeting of 2 October 2019.'

Ends.

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Issued by the Judicial Service Commission

