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MEDIA STATEMENT

JUDICIAL SERVICE COMMISSION

JUDICIAL SERVICE COMMISSION'S DECISIONS ON COMPLAINT BY GOLIATH AJP AGAINST HLOPHE JP OF THE WESTERN CAPE DIVISION OF THE HIGH COURT

In its appeal decision dated 20 September 2022, the Judicial Conduct Committee (JCC), made recommendations to the Judicial Service Commission that (i) the complaint of assault and use of abusive language lodged by Deputy Judge President Goliath (DJP Goliath) against Judge President Hlophe (JP Hlophe); and the counter-complaint of racism involving use of the “K” word; improper disclosure of information about a pending case, and secret recording a discussion between DJP Goliath and JP Hlophe on 2 October 2019, lodged by JP Hlophe against DJP Goliath, be referred to a Judicial Conduct Tribunal (Tribunal) for investigation.

The JSC, excluding the members designated by the National Assembly and the National Council of Provinces:

In respect of the complaint against JP Hlophe, accepted the recommendation of the JCC to refer the complaint against JP Hlophe to a Tribunal for investigation and decided to request the Chief Justice to appoint a Tribunal to investigate the complaints of assault and use of abusive language. The JSC has also decided to advise the President that it is desirable that JP Hlophe be suspended pending finalisation of the Tribunal process with the condition that JP Hlophe must finalise any outstanding matters during the period of suspension.

In respect of the complaint against DJP Goliath, the JSC found that there is no *prima facie* evidence that substantiates the allegation of racism, use of the “K” word, – the JSC found that in her signed affidavit to the JCC, Judge



Salie-Hlophe makes no reference to the alleged racism or use of the “K” word referred to in her unsigned media statement which JP Hlophe relied upon in his complaint; that there is no *prima facie* evidence in support of the complaint of improper disclosure of information relating to a pending case; and that, while it is not desirable that Judges secretly record their conversations with each other, in this case it is understandable taking into account the admitted facts of the acrimonious relationship between JP Hlophe and DJP Goliath at the time. The JSC decided that the complaint against DJP Goliath does not constitute impeachable gross misconduct and it decided not to accept the recommendation of the JCC to refer the complaints against DJP Goliath for investigation by a Tribunal.

Issued by the Judicial Service Commission

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