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MEDIA STATEMENT

JUDICIAL SERVICE COMMISSION

JUDICIAL SERVICE COMMISSION'S DECISION ON COMPLAINT BY ADVOCATE A BRINK AGAINST JUDGE-PRESIDENT MLAMBO OF THE GAUTENG DIVISION OF THE HIGH COURT

In a majority appeal decision dated 19 February 2024, the Judicial Conduct Committee (JCC), upheld 4 of 8 grounds of Advocate Brink's appeal which relate to a complaint that Judge President Mlambo, in his capacity as the Chairperson of the Legal Aid Board of South Africa (LASA), suborned a witness to lie under oath and that he was untruthful to the Minister of Justice and Correctional Services and the Parliamentary Portfolio Committee for Justice and Constitutional Development about the reasons for LASA abandoning a recruitment process for senior litigators in which Mr Brink was an applicant in November 2019. The appeal committee found that the investigating judge failed to use his inquisitorial powers to probe the complaints further; that the appeal committee does not have the power to remit the matter to the designated judge to investigate or clarify issues and accordingly recommended to the Judicial Service Commission (JSC) that the 4 complaints in respect of which the appeal was upheld must be investigated by a Judicial Conduct Tribunal (Tribunal) for investigation.

The JSC, excluding the members designated by the National Assembly and the National Council of Provinces, found that there is no *prima facie* evidence to substantiate the allegations and it decided not to accept the recommendations of the JCC to refer the 4 complaints against Mlambo JP for investigation by a Tribunal.



Issued by the Secretariat of the Judicial Service Commission

06 May 2024

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