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## **MEDIA STATEMENT**

### **JUDICIAL SERVICE COMMISSION**

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#### **JUDICIAL SERVICE COMMISSION'S DECISION ON COMPLAINT BY MS A MENGO AGAINST MBENENGE JP OF THE EASTERN CAPE DIVISION OF THE HIGH COURT**

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Following its decision on 6 December 2023 to recommend to the Chief Justice that the complaints of Ms A Mengo against Eastern Cape Division Judge President Selby Mbenenge be referred to a Tribunal for investigation, the Judicial Service Commission (JSC), constituted without members designated by the National Assembly and National Council of Provinces in terms of section 178(1)(h) and (i) of the Constitution, invited the parties to make submissions whether or not the JSC should advise the President in terms of section 177(3) of the Constitution of the Republic of South Africa that it is desirable that the President place Judge President Mbenenge on suspension pending the conclusion of the investigation of the complaints by a Tribunal to be constituted by the Chief Justice. After considering the submissions of the parties, the JSC without the members designated in terms of section 178(1)(h) and (i) of the Constitution, decided on 2 February 2024 that the President be advised that it is not desirable that the President suspend Judge President Mbenenge. The reason for the decision of the JSC is that Judge President Mbenenge is on special leave pending the outcome of the Tribunal and in this period is required to finalise all partly-heard matters.

**Ends.**

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**Issued by the Judicial Service Commission**

15 February 2024

