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Media Statement

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STATEMENT BY CHIEF JUSTICE MANDISA MAYA FOLLOWING THE ARREST OF A GAUTENG HIGH COURT JUDGE

It is with grave concern that the Judiciary notes the arrest of Judge Portia Phahlane stationed at the Gauteng Division of the High Court, Pretoria, on charges of corruption.

The Judiciary is the cornerstone of our constitutional democracy and any imputation of conduct that undermines its integrity and authority is treated with the utmost seriousness.

This incident occurs at a time when public confidence in our courts is already under strain. Recent statistics indicating a decline in the public's perception of the Judiciary are deeply worrisome. However, it is in moments of crisis that institutions are tested and must demonstrate their resilience. The unprecedented arrest of a Judge, while deeply disquieting, also demonstrates that the country's law enforcement apparatus and mechanisms of accountability are in motion. It signals that no individual, regardless of their position, is above the law or beyond its reach.

The development aligns with the Judiciary's long-standing call to anyone with evidence of wrongdoing against judicial officers to bring it to the attention of the relevant state authorities so that appropriate action is taken. That call is repeated now. If there is rot in the Judiciary it must be exposed, in compliance with the relevant legal prescripts, and the full might of the law brought to bear against judicial officers who are found guilty of crime or misconduct.

It must, however, be borne in mind that Judge Phahlane is entitled to the presumption of innocence and a fair process in a court of law. Thus, we must allow the independent legal process to run its course without prejudice or preconceived judgment.

In the discharge of its constitutional obligations and to safeguard the integrity of its institution and the interests of affected parties –



- the Judiciary will, to the extent necessary in terms of the law, cooperate fully with the relevant law enforcement and prosecuting authorities in this matter while strictly respecting the independence of those processes.
- Measures will be put in place to ensure that the running of cases assigned for adjudication by Judge Phahlane is not disrupted as far as possible to safeguard continuity and justice for affected litigants.
- Judge Phahlane will be granted special leave with immediate effect pending finalisation of the criminal proceedings against her while the process of her suspension from duty is being considered.

This event underscores the critical importance of having a robust and transparent system for the swift handling of complaints against Judicial Officers. Reforms to the judicial conduct mechanisms are in progress to ensure that complaints against judicial officers are investigated impartially and expeditiously, protecting both the dignity of the institution and the public's right to accountability.

The Judiciary implores the nation to have faith in the resilience of our constitutional order. The rule of law is not weakened when an individual is held to account – it is strengthened. This challenge will be navigated with a steadfast commitment to the principles that define us: judicial independence, accountability, impartiality and the unwavering pursuit of justice.

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