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## Media Statement

### **The Judiciary Reacts to Lt Gen Mkhwanazi's Accusations about wrong-doing in the Judiciary**

The Judiciary has noted with serious concern the recent remarks made by Lieutenant General Nhlanhla Mkhwanazi of the South African Police Service (SAPS) during his media briefing on Sunday, 06 July 2024, during which he alleged collusion between amongst others, the Judiciary and criminals. Such claims, made without substantiation, are extremely damaging to public confidence in the independence and integrity of our courts - a fundamental pillar of our constitutional democracy.

Judicial Officers are bound by the Judicial oath or solemn affirmation of office to uphold and protect the Constitution, and the human rights entrenched in it, and to administer justice to all persons alike without fear, favour or prejudice, in accordance with the Constitution and the law. As such, any suggestion of impropriety within the Judiciary is treated with the utmost gravity.

In this regard, the Acting Secretary-General of the Office of the Chief Justice, has formally requested the National Commissioner of the SAPS and the Provincial Commissioner, Lt Gen Mkhwanazi, to furnish evidence in support of these allegations and to lodge formal complaints, where warranted, with the Judicial Service Commission (JSC) and/or the Magistrates Commission.

These bodies are constitutionally and statutorily mandated to investigate complaints against Judicial Officers. The JSC derives its authority from Section 178 of the Constitution of the Republic of South Africa, 1996, read with the Judicial Service Commission Act, 1994 (Act 9 of 1994). Furthermore, Magistrates Commission operates under the Magistrates Act, 1993 (Act 90 of 1993). Both institutions have well established mechanisms to address allegations of misconduct, ensuring due process and fairness.



The Chief Justice of the Republic of South Africa, Chief Justice Mandisa Maya said, “The Judiciary stands firm in its commitment to accountability and the rule of law. If any person, including Lt Gen Mkhwanazi, has credible evidence of unlawful or unethical conduct committed by a member of the Judiciary, they are urged to report such matters to the legally mandated structures of the State. Unsubstantiated allegations, however, regrettably undermine the administration of justice and weaken public trust in our institutions which are essential to upholding our constitutional democracy.”

The Judiciary reaffirms its unwavering dedication to justice, transparency, and the principles enshrined in our Constitution. Should any Judicial Officer be found to have acted unlawfully or unethically, appropriate action must be taken without any hesitation.

The Judiciary remains resolute in its duty to serve all South Africans with impartiality and integrity.

**Ends.**

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