



JUDICIAL SERVICE COMMISSION

MEDIA STATEMENT

JUDICIAL SERVICE COMMISSION'S DECISION ON THE COMPLAINT LODGED BY MS ANDISWA MENGO AGAINST JUDGE PRESIDENT SELBY MBENENGE OF THE EASTERN CAPE DIVISION OF THE HIGH COURT

On 5 March 2026, the Judicial Service Commission, excluding the members designated by the National Assembly and the National Council of Provinces, held a meeting in terms of section 20(1) of the Judicial Service Commission Act 9 of 1994 (JSC Act), to consider the report of the Judicial Conduct Tribunal into the complaint of Ms Andiswa Mengo against Judge President Selby Mbenenge. The Tribunal found that Judge President Mbenenge is guilty of misconduct not amounting to gross misconduct and not guilty of gross misconduct, gross incompetence and / or gross incapacity under section 177 of the Constitution.

At the invitation of the Commission, the parties made written representations which the meeting considered together with the report of the Tribunal.

After consideration of the report of the Tribunal and representations of the parties made in terms of section 20(2) of the JSC Act, the Commission did not accept the findings of the Tribunal that Judge President Mbenenge is guilty of misconduct not amounting to gross misconduct. The Commission found that on the common cause facts, the conduct of Judge President Mbenenge constitutes gross misconduct in terms of section 177(1)(a)

of the Constitution. The Commission will accordingly submit to the Speaker of the National Assembly its finding, together with reasons and a copy of the report in accordance with section 20(4) of the JSC Act.

The Commission has invited the parties to make written submissions whether, pending the process in terms of section 177(1) of the Constitution, the Commission should advise the President in terms of section 177(3) to suspend Judge President Mbenenge pending the process in section 177(1).

The JSC Report can be found here: [JSC Report Mengo v Mbenenge JP matter - April 2026](#)

Issued by the Secretariat of the Judicial Conduct Committee

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