



JUDICIAL SERVICE COMMISSION

MEDIA STATEMENT

The following summary is for the benefit of the public in the reporting of this matter.

JUDICIAL SERVICE COMMISSION'S DECISION ON THE TRIBUNAL REPORT IN THE COMPLAINT LODGED BY #UNITEBEHIND AGAINST JUDGE MAKHUBELE

On 3 July 2025 the Judicial Service Commission (Commission), constituted without the members designated in terms of section 178(1)(h) and (i) of the Constitution, met to consider the report of the Judicial Conduct Tribunal (Tribunal) constituted in terms of sections 19 and 21 of the Judicial Service Commission Act 9 of 1994 (JSC Act) which enquired into allegations of judicial misconduct against Judge TAN Makhubele following a complaint by #UniteBehind, a coalition of movements comprising various non-profit organisations. At the meeting, the Commission considered the complaint of #UniteBehind which was made in Part A and Part B.

Part A concerned Judge Makhubele's acceptance of appointment and provision of services as a chairperson of the interim board of the Passenger Rail Agency of South Africa (PRASA) after she was appointed a Judge with effect from 1 January 2018. Part B related to Judge Makhubele's conduct during her tenure as chairperson of PRASA, that she failed to act honourably and to avoid the appearance of impropriety and acted in a manner unbecoming of judicial office. The Tribunal found that Judge Makhubele was guilty of the conduct in parts A and B of the complaint.

At the meeting the Commission considered the report of the Tribunal and written submissions of #UnitedBehind and Judge Makhubele to the Commission. The Commission found in terms of section 20(3)(c) read with section 14(4)(a) of the JSC Act that the conduct of Judge Makhubele constitutes gross misconduct. The Commission resolved to refer the matter to the Speaker of the National Assembly and to recommend the commencement of removal proceedings in terms of section 177 of the Constitution and will refer the matter accordingly.

Issued by the Secretariat of the Judicial Service Commission

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