



OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA



JUDICIAL SERVICE COMMISSION ANNUAL REPORT 2025/26





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The Honourable Speaker of the National Assembly, Ms Thoko Didiza, MP, and the Honourable Chairperson of the National Council of Provinces, Ms Refilwe Mtshweni Tsipane, MP.

In accordance with section 6 of the Judicial Service Commission Act, 1994 (JSC Act), I am pleased to present to you the Annual Report of the Judicial Service Commission (Commission) on its activities during the Financial Year ending 31 March 2026. This Annual Report was prepared pursuant to section 6(1) and (2) of the JSC Act, which requires the Commission to submit, within six months after the end of every financial year, a written report to Parliament for tabling.

The Annual Report is required to include information relating to the activities of the Commission during the year under review. This includes matters that the Judicial Conduct Committee (JCC) dealt with, all matters relating to the Register of Judges' Registrable Interests as reported by the Registrar of Judges' Registrable Interests and all matters considered by the Commission emanating from the JCC and Judicial Conduct Tribunals (JCT).

M M L MAYA

CHIEF JUSTICE OF THE REPUBLIC OF SOUTH AFRICA
CHAIRPERSON OF THE JUDICIAL SERVICE COMMISSION
DATE: 30 SEPTEMBER 2026





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FOREWORD BY CHIEF JUSTICE

The Judicial Service Commission (JSC or Commission) is one of the constitutional bodies that is critical in maintaining constitutional democracy in South Africa. It safeguards judicial independence by transparently selecting judges, promoting racial and gender transformation, holding the Judiciary accountable for misconduct and advising the national government on justice administration. Section 6 of the JSC Act requires the Commission to submit, within six months after the end of every financial year, a written report to Parliament for tabling.

This Annual Report relates to the Financial Year from 1 April 2025 to 31 March 2026. During the period under review, the Commission continued to make strides in the transformation of the Judiciary in terms of section 174(2) of the Constitution of the Republic of South Africa, 1996 (the Constitution). From a total of 28 vacancies advertised in the Superior Courts, the Commission advised the President of the Republic of South Africa (President) to appoint 20 candidates. The Commission advised the President not to fill eight vacancies.

The President nominated four candidates for the position of Deputy Chief Justice of the Republic of South Africa (Deputy Chief Justice). However, one candidate withdrew her candidature. As a result,

the Commission interviewed three candidates and recommended one candidate to the President for appointment.

Out of all the advertised vacancies, the President appointed 18 Judges in the 2025/26 financial year.¹ Three candidates were appointed outside the 2025/26 financial year.

Of the 18 new appointments made, 50% are women and 50% are men. At the end of the reporting period, the Judiciary comprised 256 Judges in all Superior Courts. In terms of racial demographics, 50% of the Judges are African, 5,56% are Coloured, 11,12% are Indian and 33,32% are White. Of note, the Judiciary has made further progress in achieving gender transformation with 125 Judges being women. This is an increase from 122 women judges as reflected at the end of the previous reporting period.

During the period under review, the Commission bade farewell to Judge President D Mlambo and Commissioners, Mr M Notyesi and Professor M C Marumoagae, and further expressed its gratitude for their valuable contribution to the work of the Commission. The Commission welcomed three new Commissioners: Judge President L P Tlaetsi, designated by the Judges President in terms of section 178(1)(c) of the Constitution; Mr U Jivan who was appointed from July 2025, and was nominated in terms of section 178(1)(f) of the Constitution as a representative of the attorneys' profession; and Professor N Dyani-Mhango who was appointed from October 2025, and was designated by teachers of law at South African universities in terms of section 178(1)(g) of the Constitution.

¹ Inclusive of the position of Deputy Chief Justice of the Republic of South Africa.

I extend my deepest gratitude to my fellow Commissioners and the Secretariat of the Commission (Secretariat) for their dedication and diligence in ensuring that the Commission continued to carry out its mandate efficiently and effectively during the Financial Year under review.

I am pleased to present this Annual Report to Parliament on the activities of the Commission for the 2025/26 Financial Year.



M M L MAYA

CHIEF JUSTICE OF THE REPUBLIC OF SOUTH AFRICA

CHAIRPERSON OF THE JUDICIAL SERVICE COMMISSION

DATE: 30 SEPTEMBER 2026



2

FUNCTIONS AND LEGAL MANDATES OF THE JUDICIAL SERVICE COMMISSION

The Commission is a constitutional body established in terms of section 178 of the Constitution. The primary functions of the Commission are to:

- (a) interview candidates for appointment as Judges and advise the President as to which candidates to appoint as Judges or, in the case of Judges of the Constitutional Court, to provide the President with a list of candidates from which the President will make appointments;
- (b) deal with certain complaints against Judges through the Judicial Conduct Committee (JCC) or Judicial Conduct Tribunal (JCT) established in terms of the JSC Act. The Commission deals with matters referred to it by the JCC and others that are referred to it by the JCT; and
- (c) advise National Government on any matter relating to the Judiciary or the administration of justice, but when it considers any matter except the appointment of a judge, it must sit without the members designated in terms of section 178(1)(h) and (i) of the Constitution.



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COMPOSITION OF THE JUDICIAL SERVICE COMMISSION

The Commission is made up of 23 members. In particular, it consists of:

Table 1: Composition of the Commission

Section of the Constitution under which the member is designated	Name of Commissioner
Section 178(1)(a) of the Constitution, the Chief Justice who presides at meetings of the Commission	Chief Justice M M L Maya
Section 178(1)(b) of the Constitution, the President of the Supreme Court of Appeal	President M B Molemela
Section 178(1)(c) of the Constitution, one Judge President designated by the Judges President	- Judge President D Mlambo from October 2022 to July 2025 - Judge President L P Tlaetsi from August 2025 to date
Section 178(1)(d) of the Constitution, the Cabinet member responsible for the administration of justice, or an alternate designated by the Cabinet member	Ms M T Kubayi, in her capacity as Minister of Justice and Constitutional Development
Section 178(1)(e) of the Constitution, two practising advocates nominated from within the advocates' profession to represent the profession as a whole, and appointed by the President	- Adv K Pillay SC - Adv J Cane SC
Section 178(1)(f) of the Constitution, two practising attorneys nominated from within the attorneys' profession to represent the profession as a whole, and appointed by the President	- Mr M Notyesi from March 2016 to July 2019 and re-appointed in October 2021 to June 2025. He was also appointed from March 2019 to September 2021 as an alternate for the late Commissioner L B Sigogo. - Mr U Jivan from July 2025 to date - Mr M Mangena
Section 178(1)(g) of the Constitution, one teacher of law designated by teachers of law at South African universities	- Professor M C Marumoagae from October 2022 to November 2025 - Professor N Dyani-Mhango from November 2025 to date
Section 178(1)(h) of the Constitution, six persons designated by the National Assembly from among its members, at least three of whom must be members of opposition parties represented in the Assembly	- Mr M S Lekganyane - Ms F Hassan - Ms G Breytenbach - Mr J S Malema - Mr R A P Trollip - Vacant

Section of the Constitution under which the member is designated	Name of Commissioner
Section 178(1)(i) of the Constitution, four permanent delegates to the National Council of Provinces designated together by the Council with a supporting vote of at least six provinces	• Chairperson, Ms R Mtsweni-Tsipane • Mr K M Mmoiemang • Inkosi, Mr I M Nonkonyana • Mr N Gotsell
Section 178(1)(j) of the Constitution, four persons designated by the President as head of the national executive, after consulting the leaders of all the parties in the National Assembly	• Ms S Matolo-Dlepu • Adv T Ngcukaitobi SC • Ms N Shabangu-Mndawe • Adv S Baloyi SC

3.1 COMMITTEES OF THE COMMISSION

The Commission has, in accordance with section 178(6) of the Constitution, established the following Committees to enable it to efficiently discharge its constitutional and statutory mandate:

3.1.1 Screening Committee

The Screening Committee is responsible for shortlisting of candidates to be interviewed by the Commission at its sittings. It is composed of the following members of the Commission:

- (i) President M B Molemela (Convenor of the Committee);
- (ii) Adv K Pillay SC;
- (iii) Adv M S Baloyi SC;
- (iv) Ms H Matolo-Dlepu;
- (v) Mr M Mangena;
- (vi) Mr M Notyesi from October 2021 to June 2025;
- (vii) Mr M S Lekganyane from July 2025 to date;
- (viii) Mr K M Mmoiemang; and
- (ix) Professor M C Marumoagae from April 2023 until November 2025.

3.1.2 Litigation Committee

The Litigation Committee is responsible for ensuring that all litigation pursued by and against the Commission are handled properly. Its members are:

- (i) Adv K Pillay SC (Convenor of the Committee);
- (ii) Adv T Ngcukaitobi SC;
- (iii) Ms H Matolo-Dlepu;
- (iv) Mr M Mangena;
- (v) Mr M Notyesi from April 2024 to June 2025; and
- (vi) Mr U Jivan from July 2025 to date.

3.1.3 Rules Committee

The Rules Committee is responsible for ensuring that the rules and procedures of the Commission are up to date. Its members are:

- (i) Adv J Cane SC (Convenor of the Committee);
- (ii) Adv K Pillay SC;
- (iii) Mr M S Lekganyane;
- (iv) Professor C Marumoagae from October 2022 to November 2025; and
- (v) Ms H Matolo-Dlepu.

3.1.4 Objections Committee

The Objections Committee is responsible for ensuring that objections that are received after the closing date for the submission of comments are placed before the Commission and considered. The Committee also advises the Commission if there are any complaints lodged with the JCC against candidates to be interviewed for judicial appointment. The following are its members:

- (i) Adv T Ngcukaitobi SC (Convenor of the Committee);
- (ii) Adv M S Baloyi SC;
- (iii) Ms H Matolo-Dlepu;
- (iv) Ms N Shabangu-Mndawe;
- (v) Mr M Notyesi October 2021 to June 2025; and
- (vi) Mr U Jivan from July 2025 to date.

3.2 SPOKESPERSONS FOR THE COMMISSION

The Spokespersons for the Commission are Adv M S Baloyi SC and Mr M Mangena.

3.3 SECRETARIAT OF THE COMMISSION

Section 37 of the JSC Act makes provision for the assignment by the Executive Secretary of the Office of the Chief Justice (OCJ) of an appropriate number of personnel, one of whom must be designated as the Secretary of the Commission, from the staff in the OCJ to provide administrative support to the Commission.

In accordance with section 37(2) of the JSC Act, the Secretary of the Commission, under the supervision, control and direction of the Executive Secretary, must:

- "(a) provide secretarial and administrative services to the Commission, the Committee and any Tribunal;*
- (b) cause all records of matters dealt with by the Commission in terms of [the JSC] Act to be safeguarded;*
- (c) maintain a register of all complaints dealt with in terms of Chapter 2;*
- (d) perform such functions as may from time to time be prescribed; and*
- (e) generally, perform such secretarial and administrative tasks related to the work of the Commission, Committee or any Tribunal, as may from time to time be directed by the Chief Justice."*

The Secretariat is made up of the following officials:

- (i) Ms M Songca: Secretary of the Commission;²
- (ii) Ms D Ramaisa: State Law Advisor;
- (iii) Ms T Phaahlamohlaka: Law Researcher;
- (iv) Ms S Mthombeni: Assistant Director from November 2025 to date;
- (v) Ms S Boke: Administrative Clerk from June 2025 to date;
- (vi) Mr L Matenchi: Administrative Clerk from June 2025 to date;
- (vii) Mr S Mthethwa: Administrative Clerk from June 2025 to date;
- (viii) Ms N Shabangu: Intern; and
- (ix) Ms V Ndhlovu: Intern.

² Adv N L Phakola was Acting Secretary from January 2026 until 18 June 2026.

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REPORTS ON ACTIVITIES OF THE COMMISSION

4.1. MEETINGS OF THE JUDICIAL SERVICE COMMISSION

During 2025, the Commission met on three occasions. The first two meetings were held on 31 March 2025 to 2 April 2025 and on 6 to 16 October 2025 in Pretoria and in Johannesburg, respectively, and were convened as part of the Commission's bi-annual sittings to receive a briefing from both the Chief Justice and the Minister of Justice and Constitutional Development about matters that affect the courts, to address issues that affect the Commission and to interview and recommend candidates for vacancies that arose in the various Superior Courts.

During the period under review, the Commission further convened a special sitting on 2 to 3 July 2025 in Johannesburg to interview candidates who were nominated by the President for the position of the Deputy Chief Justice.

4.2 MEETINGS OF THE JUDICIAL SERVICE COMMISSION SITTING WITHOUT MEMBERS OF PARLIAMENT

The Commission, contemplated by section 178(5) of the Constitution, sitting without persons designated by the National Assembly from among its members and also without permanent delegates to the National Council of Provinces designated together by the Council, held the following meetings during the period under review:

4.2.1 Complaint lodged by Dr M J Hlophe against retired Chief Justice M Mogoeng

Dr Hlophe alleged that retired Chief Justice Mogoeng acted unlawfully and improperly by allegedly holding a secret private conversation with Deputy Judge President Goliath regarding

allegations of gross misconduct against Dr Hlophe. Dr Hlophe alleged that retired Chief Justice Mogoeng subsequently presided over the resulting complaints in a manner that was inconsistent with his oath of office.

The parties were informed on 11 January 2024 that the Acting Chairperson of the JCC, the then Deputy Chief Justice Maya, had decided to refer the complaint to the JCC, in terms of section 16(1)(a) and (b) of the JSC Act, for consideration in a meeting that was scheduled for 2 February 2024. The parties were, in terms of section 16(2) (a) and (b) of the JSC Act, invited to make written representations that would be considered by the JCC at that meeting, by 25 January 2024. At the meeting of 2 February 2024, the JCC resolved, in terms of section 16(4)(b) of the JSC Act, to recommend to the Commission that the complaint should be investigated by a JCT.

On 3 April 2025, the Commission held a meeting to consider the recommendation of the JCC and resolved not to request Chief Justice Maya to appoint a JCT.

4.2.2 Complaint lodged by retired Judge President F D Kgomo against Judge J I Henriques of the KwaZulu-Natal Division of the High Court

On 3 April 2025, the Commission resolved to request Chief Justice Maya to appoint a JCT in terms of sections 19 and 21 of the JSC Act to enquire into allegations of incapacity, gross incompetence, and gross misconduct against Judge Henriques. These allegations are based on a complaint from the retired Judge President Kgomo of the Northern Cape High Court that Judge Henriques heard the parties' arguments and reserved judgment on 26 July 2013 in the matter

of PJ Schrooder v Minister of Police and Director of Public Prosecutions, Case No 1597/2009. At the time of the complaint, on 14 December 2016, which was three years and five months later, the judgment was still outstanding.

Following the meeting of the Commission, the parties were informed by the Secretariat that the Commission had resolved to request the Chief Justice to appoint a JCT in terms of sections 19 and 21 of the JSC Act, to enquire into allegations of incapacity, gross incompetence, or gross misconduct against Judge Henriques. The complainant and Judge Henriques were invited to make written submissions to the Commission on whether the Commission should advise the President that Judge Henriques' suspension is desirable under section 19(4) of the JSC Act, read with section 177(3) of the Constitution, and on the conditions of such suspension.

On 19 November 2025, the Commission considered the written submissions and resolved that it is not desirable to advise the President to suspend Judge Henriques from office in terms of section 19(4) of the JSC Act read with section 177(3) of the Constitution.

4.2.3 Complaint lodged by #UniteBehind against Judge T A N Makhubele of the Gauteng Division of the High Court

On 3 July 2025 the Commission met to consider the report of the JCT constituted in terms of sections 19 and 21 of the JSC Act which inquired into allegations of judicial misconduct against Judge T A N 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 JCT 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 JCT and written submissions of #UniteBehind and Judge Makhubele. 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 referred the matter to the Speaker of the National Assembly to recommend the commencement of the removal proceedings in terms of section 177 of the Constitution.

4.2.4 Complaint lodged by Judge President C J Musi against Judge L J Lekale of the Free State Division of the High Court

On 31 January 2025, following the continuous failure of Judge L J Lekale to perform his judicial functions over a period of six years due to ill-health, a formal complaint was lodged by Judge President C J Musi, of the Free State Division of the High Court, against Judge L J Lekale in terms of section 14 of the JSC Act.

The complaint was processed in terms of section 16(1)(a) of the JSC Act and was referred to the JCC for determination on whether it should recommend to the Commission that a JCT be established to investigate the complaint. Following a meeting of the JCC on 29 April 2025, held in terms of section 16(2) of the JSC Act, the JCC recommended to the Commission that a JCT be established to investigate the complaint.

The Commission considered the recommendation from the JCC at a meeting on 10 October 2025. The Commission resolved to uphold the recommendation of the JCC that the complaint lodged by Judge President C J Musi against Judge Lekale be investigated by a JCT. The Chief

Justice appointed Judge X M Petse, a retired Deputy President of the Supreme Court of Appeal, designated in terms of section 22(1)(a) of the JSC Act as the JCT President; Judge I Schoeman, a retired Judge of the Eastern Cape Division of the High Court and Adv L Montsho-Moloiwane SC, as a non-judicial member of the JCT.

4.2.5 Complaint lodged by Ms A Mengo against Judge President S M Mbenenge of the Eastern Cape Division of the High Court

On 5 March 2026, the Commission held a meeting in terms of section 20(1) of the JSC Act, to consider the report of the JCT into the complaint of Ms A Mengo against Judge President S M Mbenenge. The JCT 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 meeting of the Commission, the parties made written representations which were considered together with the report of the JCT. After consideration of the report of the JCT 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 JCT 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).

4.2.6 Complaint lodged by Mr T Semekazi against Judge B C Hartle of the Eastern Cape Division of the High Court

A complaint was lodged with the JCC by Mr T Semekazi who is employed in the OCJ, East London as a Registrar's clerk against Judge B C Hartle for her alleged use of racially derogatory language against the complainant during the exercise of his duties. The JCC issued a ruling on 9 December 2025 recommending that the Chief Justice should establish a JCT to investigate the complaint against Judge Hartle. Letters were sent to the parties on 12 December 2025 inviting them to make written representations on whether the Commission should request the appointment of a JCT. The small JSC (the JSC sitting without the members designated in terms of section 178(1)(h) and (i) of the Constitution) convened a meeting on 5 March 2026 to consider the ruling of the Commission and the submissions of the parties. The Commission resolved to request the appointment of a JCT. The parties were informed that the Commission had resolved to request the Chief Justice to appoint a JCT in terms of sections 19 and 21 of the JSC Act, to enquire into allegations of incapacity, gross incompetence, and gross misconduct against Judge Hartle.

4.3. APPOINTMENT OF JUDGES

Section 174 of the Constitution deals with the appointment of judicial officers and it outlines the role of the Commission. Section 174(3) and (4)(a) to (c) of the Constitution provides as follows:

- "(1) The President as head of the national executive, after consulting the Judicial Service Commission and the leader of parties represented in the National Assembly, appoints the Chief Justice and the Deputy Chief Justice and, after consulting the Judicial Service Commission, appoints the President and Deputy President of the Supreme Court of Appeal.*
- (2) The other judges of the Constitutional Court are appointed by the President, as head of the*

national executive, after consulting the Chief Justice and the leaders of parties represented in the National Assembly, in accordance with the following procedure:

- (a) The Judicial Service Commission must prepare a list of nominees with three names more than the number of appointments to be made, and submit the list to the President.
- (b) The President may make appointments from the list, and must advise the Judicial Service Commission, with reasons, if any of the nominees are unacceptable and any appointment remains to be made.
- (c) The Judicial Service Commission must supplement the list with further nominees and the President must make the remaining appointments from the supplemented list."

4.4 JUDGES APPOINTED DURING THE PERIOD 01 APRIL 2025 - 31 MARCH 2026

During the period under review, 28 vacancies were recorded in the Superior Courts in respect of which the Commission had to interview candidates and advise the President on candidates to appoint as Judges. Of these vacancies, the Commission advised the President to appoint 20 candidates. Following the Commission's recommendations, the President, acting in terms of section 174(6) of the Constitution, appointed 18 recommended candidates as Judges in the current financial year and three candidates were appointed outside the current financial year. Furthermore, the Commission was unable to recommend candidates to fill the other eight vacancies.

The candidates appointed by the President on the advice of the Commission during the reporting year are reflected in the table below:

Table 2: Judges appointed during the period 01 April 2025 - 31 March 2026

Court	The names of candidates the Commission advised the President to appoint	Judges appointed by the President
CONSTITUTIONAL COURT (Deputy Chief Justice) ³	Judge President D Mlambo	Judge President D Mlambo
CONSTITUTIONAL COURT (Two vacancies)	- Justice N Dambuza-Mayosi - Justice K M Savage	The two candidates were appointed outside the current financial year.
SUPREME COURT OF APPEAL (One vacancy)	The Commission advised that no appointment should be made at this stage.	The President did not appoint.
ELECTORAL COURT (One vacancy Judge-Member)	Judge L R Adams	Judge L R Adams
LABOUR COURT (Six vacancies: one Cape Town and five Johannesburg)	- Judge T C Gandidze - Adv S Harvey	- Judge T C Gandidze - Adv S Harvey
EASTERN CAPE DIVISION OF THE HIGH COURT, (Deputy Judge President)	The Commission advised not to recommend any of the candidates to the President	The President did not appoint.
LAND COURT (One vacancy)	The Commission did not shortlist any candidates.	

³ Nominated by the President.

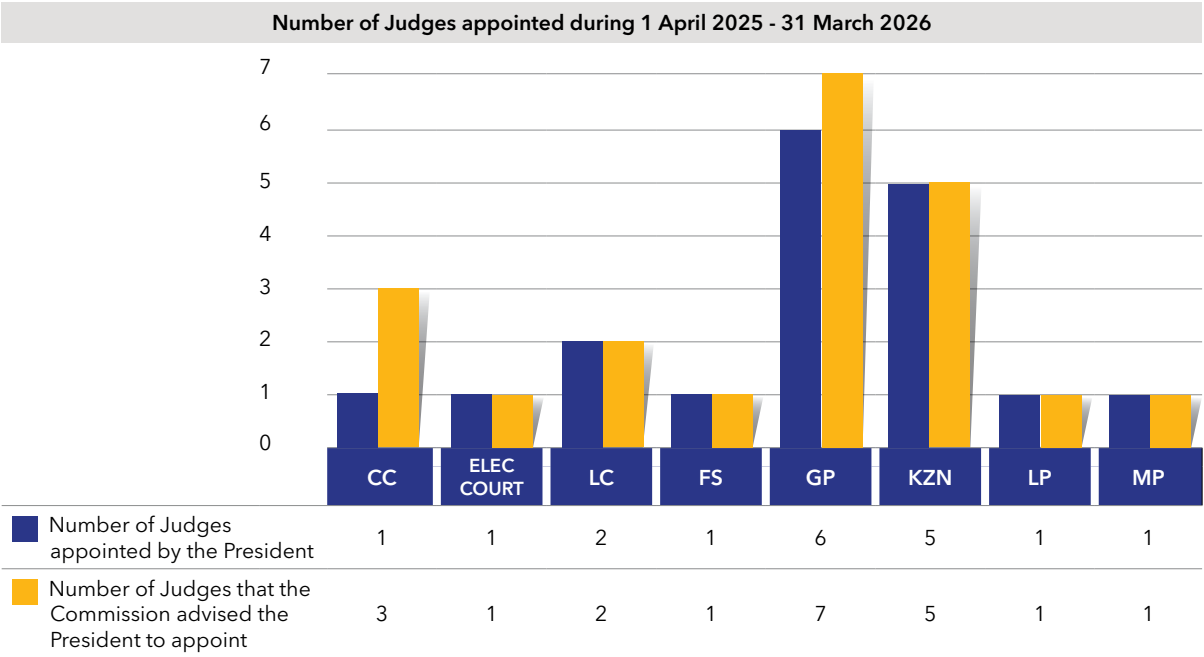
Court	The names of candidates the Commission advised the President to appoint	Judges appointed by the President
FREE STATE DIVISION OF THE HIGH COURT (One vacancy)	• Adv D Greyling-Coetzer	• Adv D Greyling-Coetzer
GAUTENG DIVISION OF THE HIGH COURT (Eight vacancies)	• Judge D Mahosi • Mr K L M Manamela • Ms N G M Mazibuko • Adv R J A Moultrie SC • Adv P A Van Niekerk SC • Ms L B Vuma • Adv S M Wentzel-Thompson • (The Commission) advised that no appointment be made to fill the remaining vacancy.	• Judge D Mahosi • Mr K L M Manamela • Ms N G M Mazibuko • Adv R J A Moultrie SC • Adv P A Van Niekerk SC • Ms L B Vuma (appointed outside the current financial year) • Adv S M Wentzel-Thompson
KWAZULU-NATAL DIVISION OF THE HIGH COURT (Five vacancies)	• Mr S D Hlatshwayo • Adv R R Nirghin • Adv M B Pitman • Ms N Sipunzi • Judge N T Y Siwendu	• Mr S D Hlatshwayo • Adv R R Nirghin • Adv M B Pitman • Ms N Sipunzi • Judge N T Y Siwendu
LIMPOPO DIVISION OF THE HIGH COURT, POLOKWANE (One vacancy)	• Ms K L Pillay	• Ms K L Pillay
MPUMALANGA DIVISION OF THE HIGH COURT (Two vacancies)	• Adv K F Phahlamohlaka	• Adv K F Phahlamohlaka

During the period under review, the President submitted to the Commission a list of four names to be considered for the position of Deputy Chief Justice. This formed part of the consultation process envisaged in section 174(3) of the Constitution. The President nominated President Mahube Betty Molemela of the Supreme Court of Appeal (SCA), Judge President Dunstan Mlambo of the Gauteng Division of the High Court, Judge President Cagney John Musi of the Free State Division of the High Court and Judge President Lazarus Pule Tlaletsi of the Northern Cape Division of the High Court for consideration for appointment as the next Deputy Chief Justice. Following these nominations, President Molemela declined the nomination expressing her commitment to the SCA. The other nominees, Judges President Mlambo, Musi and Tlaletsi

accepted their nominations. The Commission convened a special sitting on 2 to 3 July 2025 in Johannesburg to interview the nominees for the position of the Deputy Chief Justice.

Following the interviews of the candidates, the Commission recommended that Judge President D Mlambo be appointed as the Deputy Chief Justice. The President, acting in terms of section 174(3), appointed Judge President D Mlambo as the Deputy Chief Justice with effect from 1 August 2025.

Figure 1: Graph illustrating the Judges that the Commission advised the President to appoint in terms of section 174(6), inclusive of the Deputy Chief Justice



4.4.1 Race and Gender profile of Judges appointed during the period 1 April 2025 to 31 March 2026

Eighteen Judges were appointed by the President during the period under review, inclusive of the Deputy Chief Justice. The gender composition of the newly appointed Judges comprised of

nine females, representing 50%, and nine males, representing 50%. The gender composition is depicted in the figure below:

Figure 2: Gender Overview of the appointed Judges during the reporting period

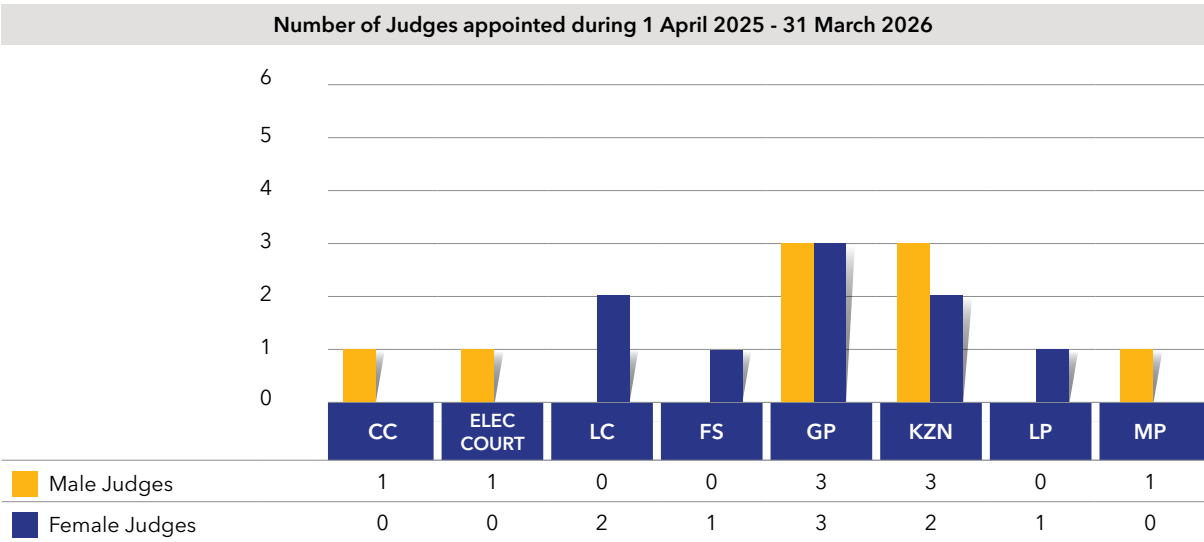


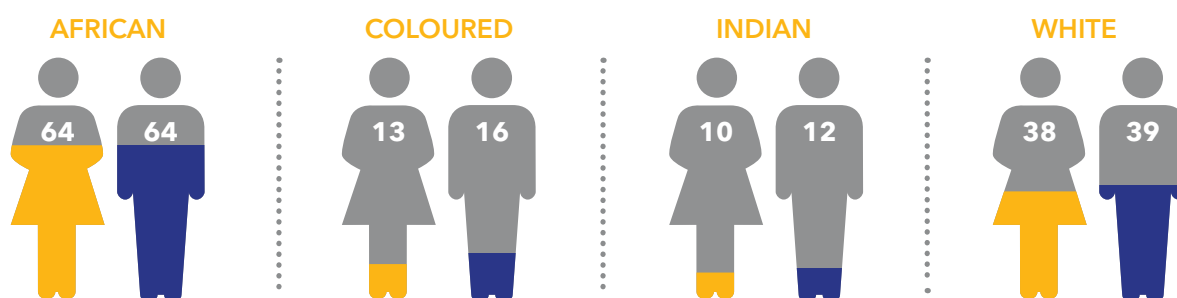
Table 3: Number of Judges appointed during the period 1 April 2025 to 31 March 2026 specifying gender and race

COURT	Number of candidates the JSC advised the President to appoint	Number of judges appointed by the President	Number of females & race	Number of males & race
Constitutional Court (Deputy Chief Justice)	3	1 ⁴	0	1A
Electoral Court	1	1	0	1C
Labour Court and Labour Appeal Court	2	2	1A 1W	0
Free State Division of the High Court	1	1	1W	0
Gauteng Division of the High Court	7	6 ⁵	2A 1W	2W 1A
KwaZulu-Natal Division of the High Court	5	5	2A	1A 1W 1I
Limpopo Division of the High Court	1	1	1I	0
Mpumalanga Division of the High Court	1	1	0	1A
TOTAL	21	18	9	9

A = African, C = Coloured, I = Indian, W = White

Following the three sittings of the Commission during the reporting period and the subsequent appointments made by the President, the Judiciary, as at 31 March 2026, was made up of 256 Judges. The racial overview of all permanent Judges is illustrated in the figure below:

Figure 3: The racial and gender overview of permanent Judges during the period under review



⁴ Two of the candidates were appointed outside the Financial Year.

⁵ One candidate was appointed outside the Financial Year.

The table below illustrates the racial overview of permanent Judges during the period under review:

Table 4: The racial overview of permanent Judges per Superior Court:

DIVISIONS	AFRICAN		COLOURED		INDIAN		WHITE		TOTAL
	M	F	M	F	M	F	M	F	
Constitutional Court	2	3	1	1	1	0	1	0	9
Supreme Court of Appeal	5	6	3	2	0	1	4	2	23
Competition Appeal Court	0	0	0	0	0	0	1	0	1
Eastern Cape Local Division (Bhisho)	2	0	0	0	0	0	0	2	4
Eastern Cape Local Division (Gqeberha)	2	2	0	0	0	0	2	1	7
Eastern Cape Division (Makhanda)	2	1	0	0	2	0	3	0	8
Eastern Cape Local Division (Mthatha)	2	3	0	0	0	1	1	0	7
Free State Division (Bloemfontein)	4	3	1	0	0	1	2	5	16
Gauteng Division (Pretoria)	10	14	0	1	0	2	10	7	44
Gauteng Local Division (Johannesburg)	10	4	1	1	3	2	5	8	34
KwaZulu-Natal Division (Pietermaritzburg)	4	7	0	0	3	0	2	1	17
KwaZulu-Natal Local Division (Durban)	4	2	1	1	0	1	3	1	13
Labour Appeal Court	1	1	0	0	0	0	1	1	4
Labour Court	2	3	0	1	1	0	1	3	11
Land Court	0	0	0	1	0	0	0	1	2
Limpopo Division (Polokwane)	2	2	0	0	0	0	1	1	6
Limpopo Local Division (Thohoyandou)	2	0	0	0	0	1	0	0	3
Mpumalanga Division (Nelspruit)	3	1	0	0	0	0	0	0	4
Mpumalanga Local Division (Middelberg)	1	2	0	0	0	0	0	0	3
Northern Cape Division (Kimberley)	2	2	0	1	0	0	1	1	7
North West Division (Mahikeng)	0	2	1	0	1	0	1	1	6
Western Cape Division (Cape Town)	4	6	6	4	1	1	2	3	27
TOTAL	64	64	16	13	12	10	39	38	256
%	25,00%	25,00%	6,25%	5,08%	4,69%	3,91%	15,23%	14,84%	100%
TOTAL	128		29		22		77		256
%	50%		11,33%		8,6%		30,07%		100%

At the end of the reporting period, the Judiciary was made up of 256 Judges in all Superior Courts, of which 64 (25%) were African males, 64 (25%) were African females, 16 (6,25%) were Coloured males, 13 (5,08%) were Coloured females, 12 (4,69%) were Indian males, 10 (3,91%) were Indian females, 39 (15,23%) were White males and 38 (14,84%) were White females.

A racial breakdown indicated that from the total of 256, 128 (50%) of Judges are African, 29 (11,33%) are Coloured, 22 (8,6%) are Indian and 77 (30,07%) are White.

A gender breakdown of the Judiciary reflected that at the end of the period under review, the Judiciary comprised 131 (51,17%) males and 125 (48,83%) females. The gender transformation in the following Divisions of the High Court, which have a female representation of 50% or more, is noteworthy:

- (i) Eastern Cape Local Division, Bhisho (50%);
- (ii) Eastern Cape Local Division, Mthatha (57,14%);
- (iii) Free State Division, Bloemfontein (56,25%);
- (iv) Gauteng Division, Pretoria (54,55%);
- (v) Mpumalanga Local Division, Middelburg (66,67%);
- (vi) Northern Cape Division, Kimberley (57,14%);
- (vii) North West Division, Mahikeng (50%);
- (viii) Labour Appeal Court (50%);
- (ix) Labour Court (63,64%);
- (x) Land Court (100%);
- (xi) Limpopo Division, Polokwane (50%); and
- (xii) Western Cape Division (51,85%).



5

REPORT ON THE ACTIVITIES OF THE JUDICIAL CONDUCT COMMITTEE

Section 8 of the JSC Act provides for the establishment of the JCC to receive, consider and deal with complaints against Judges.

5.1 COMPOSITION OF THE JUDICIAL CONDUCT COMMITTEE

The JCC consists of the Chief Justice, the Deputy Chief Justice and four other Judges, two of whom are women, as contemplated in section 8 of the JSC Act.

In accordance with section 8(3) of the JSC Act, the Chief Justice may, either generally or in a specific case, delegate any of his or her powers or functions as Chairperson of the JCC to the Deputy Chief Justice. During the period under review, the Chief Justice delegated her functions to the Acting Deputy Chief Justice, Justice Madlanga from September 2024 to July 2025 and Deputy Chief Justice Mlambo from 1 August 2025 to date.

During the period under review, the four Judges designated by the Chief Justice in terms of section 8(1)(c) of the JSC Act, in consultation with the Minister of Justice and Constitutional Development are:

- (i) Justice C N Jafta;
- (ii) Justice J B Shongwe from 15 September 2023 to 14 September 2025;
- (iii) Justice H Saldulker;
- (iv) Judge President N P Mabindla-Boqwana; and
- (v) Justice S Majiedt from 16 September 2025 to date.

5.2 MEETINGS OF THE JUDICIAL CONDUCT COMMITTEE

Section 9(1) of the JSC Act provides for the meetings of the JCC to be determined by the Chairperson.

On 9 April 2025, the JCC convened a meeting to consider appeals in accordance with section 18(1) of the JSC Act. Thirteen appeals were considered by the JCC. Twelve of the appeal rulings were handed down and issued to the parties and one was deferred to the next sitting.

On 10 July 2025, the JCC convened to determine complaints in terms of section 18(1) of the JSC Act. There were five appeals considered by the JCC. Three rulings were handed down and two were deferred to the next sitting. One ruling is outstanding and has not been handed down.

On 30 October 2025, the JCC convened a meeting to determine complaints in terms of sections 16(1) and 18(1) of the JSC Act. Five appeals were considered in terms of section 18(1) of the JSC Act and two complaints were considered in terms of section 16(1) of the JSC Act. All five rulings were handed down.

On 15 January 2026, the JCC convened a meeting to determine complaints in terms of sections 16(1) and 18(1) of the JSC Act. Three appeals were considered in terms of section 18(1) of the JSC Act and two complaints were considered in terms of section 16(1) of the JSC Act. Four rulings were handed down and one ruling is outstanding.

5.3 REPORT ON JUDICIAL COMPLAINTS

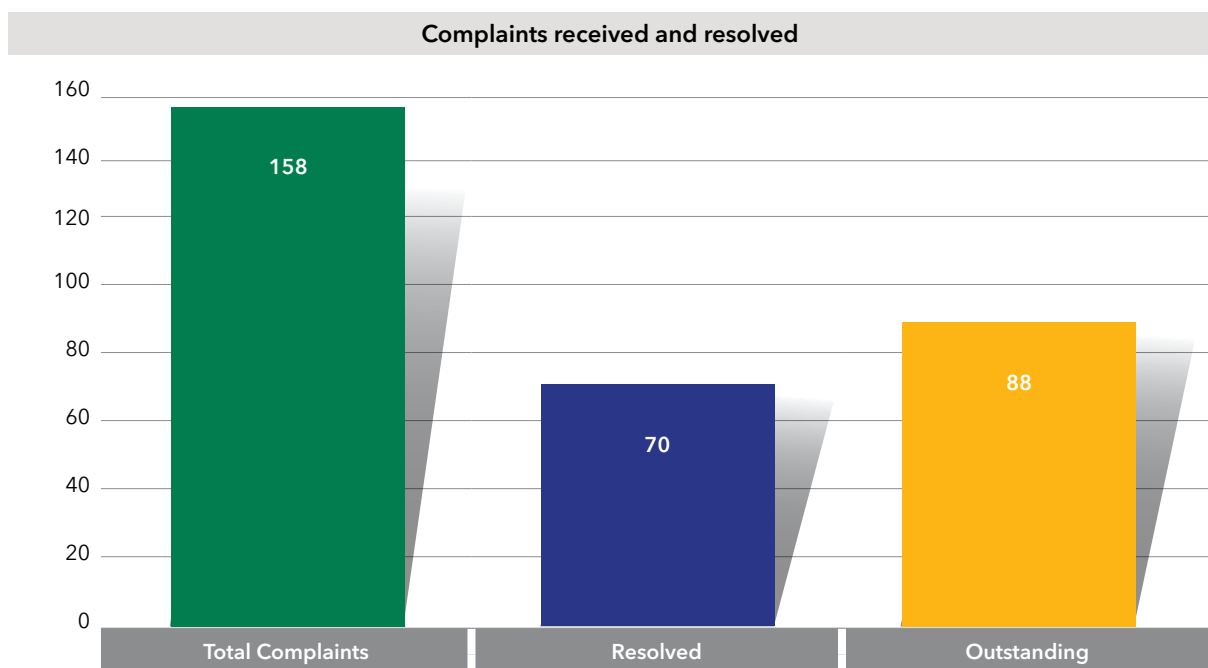
In accordance with section 14(1) of the JSC Act *"any person may lodge a complaint about a judge with the Chairperson of the Committee"*.

Section 14(4) sets out the grounds upon which a complaint against a Judge may be lodged. These are:

"(a) Incapacity giving rise to a judge's inability to perform the functions of judicial office"

- in accordance with prevailing standards, or gross incompetence, or gross misconduct, as envisaged in section 177(1)(a) of the Constitution;*
- (b) *Any wilful or grossly negligent breach of the Code of Judicial Conduct referred to in section 12, including any failure to comply with any regulation referred to in section 13(5);*
- (c) *Accepting, holding or performing any office of profit or receiving any fees, emoluments or remuneration or allowances in contravention of section 11;*
- (d) *Any wilful or grossly negligent failure to comply with any remedial step, contemplated in section 17(8), imposed in terms of this Act; and*
- (e) *Any other wilful or grossly negligent conduct, other than conduct contemplated in paragraph (a) to (d), that is incompatible with or unbecoming the holding of judicial office, including any conduct that is prejudicial to the independence, impartiality, dignity, accessibility, efficiency or effectiveness of the courts."*

Figure 4: Complaints received and resolved on 1 April 2025 to 31 March 2026 during the reporting period



During the 2022/23 Financial Year, 92 complaints were received. Of these, 90 (97.8%) complaints were resolved and two (approximately 2%) remained unresolved and were carried over to the 2023/24 and 2024/25 financial years. These two complaints remain outstanding in the current financial year (2025/26).

During the 2023/24 Financial Year, 124 complaints were received. Of these, 93 (75%) were resolved and 31 (25%) were pending at the end of the current financial year (2025/26).

During the 2024/25 Financial Year, 160 complaints were received. Of these, 89 (56%) complaints were resolved, whilst 71 (44%) were pending at the end of the financial year and were carried over to the current financial year (2025/26).

During the period under review (2025/26 Financial Year), 158 complaints were received, and 70 (44%) complaints were resolved, whilst 88 (56%) were outstanding at the end of the current Financial Year. The 192 outstanding complaints are carried over to the next Financial Year (2026/27).

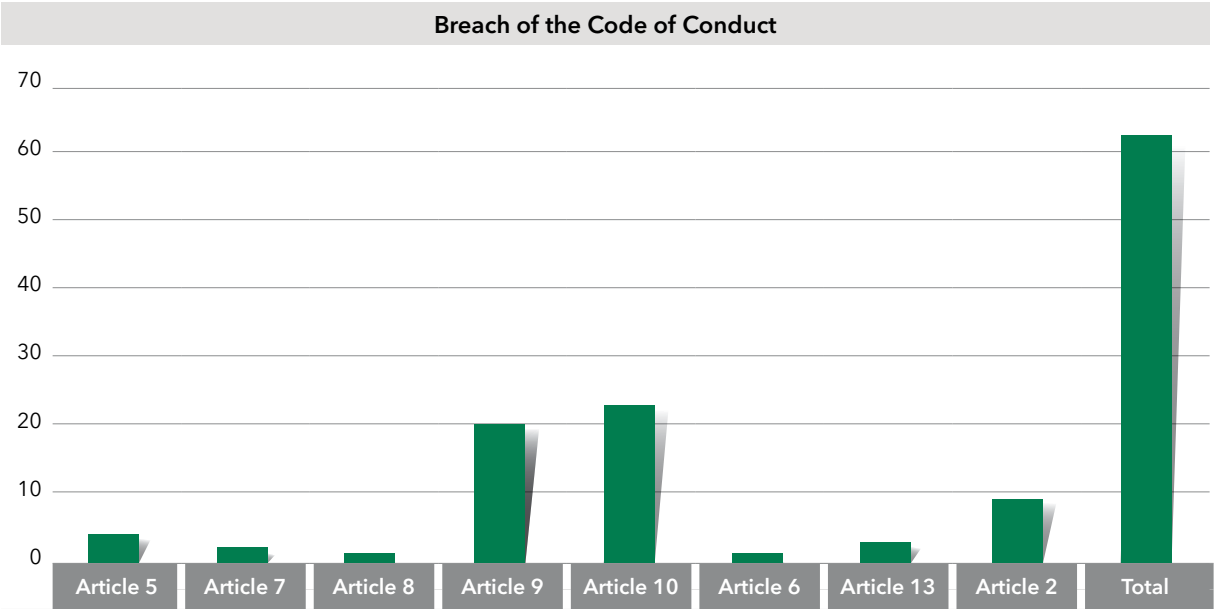
Of the 158 complaints received, 65 (41%) related to alleged breach of the Code of Judicial Conduct (the Code) in terms of section 14(4)(b) of the JSC Act; 38 (24%) related to the dissatisfaction with a judgment or order; 25 (16%) related to dissatisfaction with court proceedings; one (1%) complaint relates to extra-judicial activities; two (1%) complaints were withdrawn; and 27 (17%) complaints remain pending and are awaiting a decision.

Of the 65 complaints that related to alleged breach of the Code in terms of section 14(4)(b) of the JSC

Act, four related to Article 5 (To Act Honourably), two complaints related to Article 7 (Equality), one complaint related to Article 8 (Transparency), 22 complaints related to Article 9 (Fair Trial), 23 complaints related to Article 10 (Diligence), one complaint related to Article 6 (Compliance with the law), three complaints related to Article 13 (Recusal) whilst nine complaints related to Article 2 (Application) of the Code.

A breakdown of these complaints is depicted in the figure below:

Figure 5: Breakdown of the Complaints in terms of the Code of Judicial Conduct



A further breakdown indicates the manner in which the 70 complaints were resolved. Fifteen were dismissed in terms of section 15(2)(c) of the JSC Act on the basis that they solely related to the merits of a judgment or order; eight complaints were dismissed in terms of section 15(2)(d) on the basis that they were found to be frivolous or lacking in substance; 10 complaints were dismissed in terms of section 15(2)(a) on the basis that they do not fall within the parameters of any grounds set out in section 14(4); two complaints were withdrawn; one complaint was dismissed in terms of section 17(4)(a); six were dismissed on

appeal; and finally 28 complaints were dismissed due to the JCC’s lack of jurisdiction to entertain complaints over acting judges.

Further, of the 88 complaints outstanding, 24 complaints were referred in terms of section 17 of the JSC Act and 11 complaints were referred for further adjudication under section 16. Nine complaints were appealed and are under consideration by the JCC. Thirty-six complaints are awaiting the Acting Chairperson’s determination, and eight complaints are being processed by the Secretariat.

The table below provides an overview of the complaints received against Judges and the manner in which they were dealt with during the period under review:

Table 5: Complaints received from 1 April 2025 - 31 March 2026

SUPERIOR COURT	Total number of complaints received	No. Resolved	% Resolved	Average number of months from receipt to resolution	No. Pending	% Pending
Constitutional Court	5	1	20%	9,0	4	80%
Supreme Court of Appeal	6	5	83%	7,0	1	17%
Eastern Cape Division	10	5	50%	7,0	5	50%
Free State Division	4	1	25%	3,0	3	75%
Gauteng Division	55	21	38%	7,0	34	62%
KwaZulu-Natal Division	8	3	38%	11,0	5	62%
Limpopo Division	20	11	55%	10,0	9	45%
Mpumalanga Division	3	2	67%	3,0	1	33%
North West Division	7	2	29%	7,0	5	71%
Northern Cape Division	3	3	100%	9,0	0	0%
Western Cape Division	9	4	44%	10,0	5	56%
Labour Court and Labour Appeal Courts	24	12	50%	13,0	12	50%
Land Court	4	0	0%	0,0	4	100%
TOTAL	158	70	46%	7,3	88	54%

A comparison of the number of complaints received, the number of resolved complaints and the number of those that remained unresolved over the past four-year period is reflected in the table below:

Table 6: Overview of complaints for four (4) consecutive years

FINANCIAL YEAR	Complaints Received	Complaints resolved at the end of the reporting period (2025/26)	% Resolved	Unresolved Complaints carried forward to the next reporting period (2025/26)	% Unresolved
2022/23	92	90	97.8%	2	2.2%
2023/24	124	93	75.0%	31	25.0%
2024/25	160	89	55,6%	71	44.4%
2025/26	158	70	44.3%	88	55.7%
TOTAL NUMBER	534	342	68.2%	192	31,8%

During the 2022/23 Financial Year, 92 complaints were received. Of these, 90 (97.8%) complaints were resolved and 2 (2.2%) remain unresolved and were carried forward to the next financial year.

During the 2023/24 Financial Year, 124 complaints were received, and 93 (75.0%) complaints were resolved, whilst 31 (25.0%) were outstanding at the end of the reporting period.

During the 2024/25 Financial Year, 160 complaints were received, and 89 (55,6%) complaints were resolved, whilst 71 (44.4%) complaints remained outstanding and were carried over to the next financial year.

During the current 2025/2026 Financial Year, 158 complaints were received, and 70 (44.3%) complaints were resolved, whilst 88 (55.7%) complaints remain outstanding and are carried over to the next financial year (2026/27).

In summary, over the four-year period, 534 complaints were received. Of these, 342 (64.0%) were resolved and 192 (36,0%) remained unresolved and are carried forward to the 2026/27 Financial Year.

5.4 JUDICIAL CONDUCT TRIBUNALS

Section 19(1) of the JSC Act provides that whenever it appears to the Commission on account of a recommendation by the JCC in terms of section 16(4)(b) or 18(4)(a)(iii), (b)(iii) or (c)(iii) or on any other grounds, that there are reasonable grounds to suspect that a Judge is suffering from an incapacity, is grossly incompetent or is guilty of gross misconduct as contemplated in section 177(1)(a) of the Constitution, the Commission must request the Chief Justice to appoint a JCT in terms of section 21 of the JSC Act.

The following JCTs were appointed on recommendation of the Commission and the following activities transpired in the respective JCTs:

5.4.1. Complaints lodged by 10 Judges of the Western Cape Division of the High Court and the Cape Bar Society of Advocates Against Judge M K Parker of the Western Cape Division of the High Court

The JCT was constituted as a result of the complaints lodged by 10 Judges of the Western Cape Division of the High Court and the Cape Bar Society of Advocates against Judge M K Parker.

The hearing was set to take place on 18 to 20 November 2024. On 1 November 2024, Judge Parker's legal representatives filed an application for postponement. On 12 November 2024, the Evidence Leader convened a virtual meeting with the complainants' legal representatives and the respondents' legal representatives to ascertain their readiness for the hearing and decide on a postponement date for the hearing. It was agreed by all the parties that the hearing will be postponed and will take place on 24 to 28 February 2025. It was raised that, on account of Judge Parker's ill-health and because the seat of the JCT is in Gauteng, it would pose a difficulty for the Judge to travel to Gauteng. It was therefore decided that he would join the hearing virtually.

The hearing took place on 24 February 2025. It was hybrid, with members of the JCT attending physically and the parties joining virtually. At the end of the hearing, the JCT ordered that the complainants file written submissions by 7 April 2025 and the respondent file his submissions by 15 April 2025. The JCT heard oral arguments on 29 April 2025.

On 15 July 2025, the Judge Parker Report was completed and finalised. The Report was forwarded to the parties requesting, in terms section 20(1)(b) of the JSC Act, the complainant and the respondent to submit written representations, if any, for consideration by the Commission. The Commission convened on 13 October 2025 to consider the JCT report and the report was upheld by the Commission which made the findings that: (i) in relation to the complaint by the judges, Judge Parker is guilty of gross misconduct; and (ii) in relation to the complaint by the Cape Bar Council, Judge Parker is guilty of gross misconduct.

On 8 January 2026, the Commission's report was forwarded to the Speaker of the National Assembly terms of section 20(4) of the JSC Act, 1994 read with section 177(1) of the Constitution.

5.4.2 Complaint lodged by Judge President D Mlambo against Judge T A Maumela of the Gauteng Division of the High Court

The JCT was established as a result of a complaint lodged by Judge President Mlambo against Judge Maumela for failure to deliver and hand down numerous judgments which were outstanding for periods between 10 and 26 months.

The members of the JCT and the parties met on 9 April 2025 in an effort to determine when the hearing in respect of Judge Maumela may resume in light of his ill health. In order to assist the JCT with this decision, it was noted that Judge Maumela needed to be examined by a forensic expert and that the report of the forensic expert would shed some light on Judge Maumela's capacity to follow the JCT in this regard. The JCT resolved for the forensic expert report to be provided to the JCT for consideration by 20 May 2025. On 20 May 2025, Judge Maumela, through his legal representatives, submitted a letter to the JCT which confirmed that Judge Maumela had been discharged under section 3(2)(c) of the Judges' Remuneration and Conditions of Employment Act 47 of 2001. On 26 August 2025, a medical expert report was filed and placed before the JCT.

Directives were issued by the JCT President on 23 October 2025, requesting the Evidence Leader and the Respondent's attorneys to file written submissions to be considered by the JCT on whether the JCT may continue with the investigation and hearing of evidence in light of the doctor's opinion that was received and whether the discharge of Judge Maumela from office, by the President, has any bearing on the proceedings of the JCT. The parties made their submissions. The JCT report was completed on 9 March 2026 and submitted to the Chief Justice. The JCT's final determination was that, owing to the respondent's incapacity, the hearing pending before the JCT is terminated without making any findings contemplated in section 33 of the JSC Act. The Chief Justice directed that the complainant and respondent judge make submissions in terms of section 20(1)(b) of JSC Act, for consideration by the Commission.

5.4.3 Complaint lodged by Ms A Mengo against Judge President S M Mbenenge of the Eastern Cape Division of the High Court

A JCT was established to investigate allegations of sexual harassment made by the complainant, Ms A Mengo, against Judge President S M Mbenenge. The JCT hearing was scheduled to take place from 7 to 11 October 2024. The JCT and the parties all agreed that the matter be postponed to 13 to 24 January 2025.

The JCT hearing resumed on 5 to 16 May 2025. After completion of the witness testimonies, the hearing was adjourned to 30 June 2025 until 11 July 2025. Thereafter, the JCT resumed on 21 October 2025 to hear the parties' oral arguments.

On 22 January 2026, the JCT submitted its report containing its findings, reasons and the record of the hearing to the Commission. The JCT 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. The parties were invited to make written representations by 27 February 2026. The representations were considered by the Commission on 5 March 2026. The Commission, in their report, found that Judge President Mbenenge is guilty of gross misconduct under section 177(1) of the Constitution. A report of the Commission has since been issued and sent to the parties together with a letter inviting the parties to make written representations on whether, pending the process in terms of section 177(1) of the Constitution, the Commission should advise that President in terms of section 177(3) to suspend Judge President Mbenenge.



6

REPORT ON THE REGISTER OF JUDGES' REGISTRABLE INTERESTS

6.1 LEGAL FRAMEWORK

Section 6(1) of the JSC Act requires the Commission to submit a written report to Parliament for tabling within six months after the end of every year. In terms of section 6(2)(c) of the JSC Act, the report must include information regarding all matters relating to, including the degree of compliance with, the Register of Judges' Registrable Interests as reported by the Registrar of Judges' Registrable Interests (Registrar).

Regulation 5(5) of the Regulations on Judges Registrable Interests (made in terms of section 13(8) of the JSC Act) requires the Registrar, for the purpose of indicating the degree of compliance with the Register in the annual report of the Commission, to also furnish the Commission with the names of those Judges in active service who have disclosed interests of their family members.

6.2 DISCLOSURE BY JUDGES APPOINTED IN THE 2025/26 FINANCIAL YEAR

Section 13(3) of the JSC Act requires that every Judge must disclose to the Registrar particulars of all his or her registrable interests and those of his or her immediate family members, where applicable. The disclosure is done annually.

In terms of regulation 3(2) of the Regulations, newly appointed Judges are required to disclose their registrable interests to the Registrar within 30 days of their appointment. The Registrar is required to enter the particulars of a disclosure by a Judge in the Register of Judge's Registrable Interests and thereafter cause a copy of all entries relating to that Judge to be communicated to the Judge (regulation 3(3)).

In 2025/2026 Financial Year, 13 Judges commenced active service in the Judiciary. These

Judges disclosed their registrable interests within 30 days of appointment as prescribed by the Regulations and the disclosed information has been entered into the Register. The copies of entries made into the Register were provided to the Judges as per regulation 3(3) of the Regulations.

6.3 STATUS OF DISCLOSURES FOR ALL JUDGES AS OF 31 MARCH 2026

After making the first disclosure, a Judge may at any time disclose to the Registrar or inform the Registrar of such amendments as may be required (regulation 3(4)). In March of every year, Judges in active service must inform the Registrar in writing whether the entries in the Register are an accurate reflection of that Judge's registrable interests and if applicable, make such further disclosures or amendments as may be required.

At the end of the 2025/26 Financial Year, 256 Judges are in active service and all of them disclosed their registrable interests within the time frame prescribed by the Regulations. The information disclosed by the Judges has been entered into the Register of Judges' Registrable Interests as contemplated by the Regulations.

REPORT ON OTHER MATTERS

7.1 LITIGATION AGAINST THE COMMISSION

For the period under review there are 26 matters before the courts. The status for these matters are set out in the table below:

Table 7: Litigation cases overview

No.	Litigation matter	Date initiated	Date Finalised / Age of pending matter	Status
1.	Maseko A A v Molemela JA and Others Case No. 2020/21393 Gauteng Division, Johannesburg	8 November 2021	52 months	Appeal set down for hearing before the full bench on 25 May 2026.
2.	The Mpumalanga Society of Advocates v JSC and Others - Case No. 2021/55663 Mpumalanga Division	25 November 2021	52 months	Judgment at the SCA reserved on 16 March 2026.
3.	Poswa J v JSC - Case No. 8381/22 Gauteng Division, Pretoria	11 February 2022	49 months	Commission filed its Answering Affidavit in May 2024. Awaiting issuance of court date.
4.	Montshiwa v JSC and Others - Case No. 22/15160 Gauteng Division, Johannesburg	28 April 2022	48 months	Awaiting issuance of court date
5.	Hlophe JP v JSC - Case No. 2022/19027 Gauteng Division, Johannesburg	29 August 2022	43 months	Awaiting issuance of court date.
6.	Amalgamated Lawyers Association v JSC - Case No. 36684/22 Gauteng Division, Johannesburg	19 October 2022	41 months	Leave to appeal at the SCA was granted on 15 February 2024 with an order directing that the matter be heard by a full bench in the High Court.
7.	Sekgala v JSC - Case No. 2023/001952 Gauteng Division, Johannesburg	26 January 2023	38 months	Awaiting applicant's replying affidavit.

No.	Litigation matter	Date initiated	Date Finalised / Age of pending matter	Status
8.	Former President Jacob Zuma v the President of RSA, JSC and Zondo CJ – Case No. 2023/070201 Gauteng Division, Pretoria	15 August 2023	31 months	Awaiting issuance of court date.
9.	Freedom Under Law v JSC – Case No. 2023/129593 Gauteng Division, Pretoria	29 November 2023	16 months	Part A was settled and the interviews were held in May 2024. Freedom Under Law reserved their rights in relation to part B of the application.
10.	Urgent interdict: Judge JM Hlophe v the Speaker of the National Assembly and Others – Case No. 3023/24 Western Cape Division	14 February 2024	25 months	A notice to abide has been filed. State Attorney awaiting Counsel to draft the explanatory affidavit.
11.	Mr Dlodlo v Acting Chairperson of the JCC and the JSC – Case No. 2024/111031 Gauteng Division, Johannesburg	6 October 2024	17 months	An application for leave to appeal to the SCA was received on 24 October 2025. The Commission opposed the application for leave to appeal.
12.	Lentsoe La Toka v Etienne Labuschagne – Case No. 2024/122692 Gauteng Division, Pretoria	25 October 2024	17 months	The Commission opposed the application and counsel was instructed to finalise the answering affidavit. A case management meeting was held on 11 March 2025. The matter has been dormant since.
13.	Review application: Makunga v President Ramaphosa and Others – Case No. 2024/25639 Western Cape Division	28 November 2024	16 months	Order issued on 4 February 2025. Applicant failed to adhere to the order. Instead, on 2 May 2025 he brought an application to set the order aside. The JSC opposed the application.

No.	Litigation matter	Date initiated	Date Finalised / Age of pending matter	Status
14.	Judge Nkola John Motata v the President of the Republic of South Africa and Others - Case No. 2025/017277 Gauteng Division, Pretoria	19 February 2025	13 months	The Commission instructed the State Attorney not to oppose the application but file a comprehensive explanatory affidavit.
15.	Mothusi Philemon Mogari v State Attorney and Others - Case No 2025/028709 Gauteng Division, Pretoria	7 March 2025	12 months	The Commission opposed the application and counsel was instructed to finalise the answering affidavit. The answering affidavit is yet to be finalised.
16.	Mr D R Senekal v JSC and Others - Case No. 052490/2025 Gauteng Division, Pretoria	30 April 2025	11 months	The Commission opposed the application and counsel was appointed to prepare the answering affidavit. Set down for hearing on 9 March 2026.
17.	S G Miya and Others v JCC and Others - Case No. 2025/022839 Gauteng Division, Pretoria	11 June 2025	9 months	The Commission opposed the application and counsel was appointed to prepare the answering affidavit. The answering affidavit was filed on 24 February 2026. Awaiting the applicant's replying affidavit
18.	Freedom Under Law and Justice Kriegler v JSC - Case No. 2024/129442 Gauteng Division, Johannesburg	30 June 2025	9 months	The Commission opposed the application and counsel was appointed to prepare the answering affidavit.
19.	St Janes De Chantal Home v Mlambo JP and Ledwaba DJP - Case No. 2025/187870 Gauteng Division, Pretoria	23 October 2025	5 months	The Commission to oppose the application.
20.	Mzukisi Lubabalo Ndara v Weir Investments (Pty) Limited and Others - Case No. CCT 23/24 Constitutional Court	30 October 2025	5 months	The application was dismissed by the Constitutional Court.

No.	Litigation matter	Date initiated	Date Finalised / Age of pending matter	Status
21.	Mohlabane v JSC and JCC – Case No. CCT 299/25 Constitutional Court	3 October 2025	6 Months	The application was dismissed by the Constitutional Court on 7 April 2026.
22.	Rathete and Mavudzi v Maya CJ, JSC and Makamu J – Case No. 097883/2024 and 2026/027940 Gauteng Division, Johannesburg	20 January 2026	2 months	The Commission opposed the application, and counsel was appointed to prepare the answering affidavit. The applicant applied for a leave to appeal against the judgment and an order by Molahlehi J delivered on 25 March 2026.
23.	Society for the Protection of our Constitution v Minister of Justice and Constitutional Development and Others – Case No. BB55126 Gauteng Division, Pretoria	20 January 2026	2 months	The Commission opposed the application and counsel was appointed to prepare the answering affidavit.
24	Makhubele v JSC and Others – Case No. 2026-009697 Gauteng Division, Pretoria	23 January 2026	2 months	The Commission opposed the review application and counsel was appointed to prepare the answering affidavit. The Commission filed a rule 53 record. The Commission opposed the urgent application and filed its answering affidavit on 23 March 2026.
25	Mr Achuko v JSC and Judge Unterhalter – Case No. 2025/227863 Gauteng Division, Johannesburg	2 December 2025	3 months	The Commission opted not to oppose the application and to have the complaint remitted to the JCC for a fresh determination.
26	Motala v FNB, JSC and Others – Case No CCT/71/26 Constitutional Court	6 March 2026	1 month	The Commission opposed the application and state attorney was instructed to brief counsel to finalise the answering affidavit.

A summary of litigation matters against the Commission is as follows:

7.1.1 MASEKO A A V MOLEMELA JA AND OTHERS [CASE NO: 2020/21393] GAUTENG DIVISION, JOHANNESBURG

Date initiated:

8 November 2021

Reason for pending:

Awaiting hearing.

Overview of the matter:

The Commission was served with an application in the Gauteng Division of the High Court, in which the applicant seeks to replace the decisions of the JCC to dismiss his complaint and appeal that he had lodged against the late Judge Steenkamp. The Commission opposed the application, and counsel was appointed. The applicant set the matter down on the unopposed roll on 11 March 2021, despite the Commission having filed an answering affidavit. However, the applicant failed to appear before the Court and the matter was struck from the roll. The applicant re-enrolled the matter for hearing on 8 November 2021. This

matter was referred to the Office of the Deputy Judge President for case management on 6 December 2021. The matter was set down for hearing on 15 June 2022.

Judgment was handed down on 15 December 2022. The Court upheld the points in limine in respect of non-compliance with section 47(1) of the Superior Courts Act 10 of 2013 and the application was dismissed with costs. Leave to appeal was granted to a full court. On 10 January 2023, the applicant filed an application for leave to appeal. The application for leave to appeal was set down and heard on 16 February 2023. Upon hearing argument by the parties, Acting Judge Olivier requested that the respondent’s counsel make legal submissions on certain issues in order to assist the Court, by 2 March 2023. The appeal matter has been set down for hearing before the full bench on 25 May 2026.

7.1.2 THE MPUMALANGA SOCIETY OF ADVOCATES V JSC AND OTHERS [CASE NO: 2021/55663] MPUMALANGA DIVISION

Date initiated:

25 November 2021

Reason for pending:

Judgment reserved.

Overview of the matter:

The Mpumalanga Society of Advocates launched an application that the decision of Commission to recommend the third respondent (Adv Roelofse) for appointment as a Judge of the Mpumalanga Division of the High Court on 8 October 2021 is unlawful, invalid and unconstitutional. Additionally, it sought an order that the decision of the Commission to recommend the third respondent for judicial appointment to the President be reviewed and set aside and the matter be remitted to the Commission for reconsideration.

The Commission initially opposed the application. However, a resolution was taken by the Commission that it should withdraw its opposition and instead file a notice to abide by the decision of the Court. This resolution also included filing the explanatory affidavit which would comprehensively explain how the Commission arrived at its decision and the rationale behind it. This perspective represented one of the viewpoints.

The Commission has since filed the explanatory affidavit and instructed the State Attorney on 1 March 2023 to file a notice of withdrawal of opposition. The matter was heard on 6 August 2024. On 26 August 2024, the Court dismissed the application. On 20 September 2024, leave to appeal to the SCA was granted, and judgment was reserved on 16 March 2026.

7.1.3 POSWA J V JUDICIAL SERVICE COMMISSION [CASE NO: 8381/22] GAUTENG DIVISION, PRETORIA

Date initiated:

11 February 2022

Reason for pending:

Awaiting issuance of court date.

Overview of the matter:

Judge Poswa launched an application in the Gauteng Division of the High Court seeking an order to review and set aside the decision by the Commission that he was guilty of a misconduct not amounting to gross misconduct and the imposition of two remedial steps: an apology to the litigants and a reprimand as envisaged in section 17(8)(a) and (b) of the JSC Act. On 5 August 2022, the Commission received Judge Poswa's supplementary affidavit. On 11 August 2022, the State Attorney notified the Commission that Senior Counsel had passed away and a new one subsequently appointed. The Commission filed an answering affidavit on 23 November 2022. On 14 December 2022, Judge Poswa's legal representative requested an extension

for filing his replying affidavit, citing Judge Poswa's health condition. The Commission acceded to the request. Judge Poswa filed his replying affidavit on 24 February 2023, and the Commission filed a response in terms of rule 6(15) on 30 June 2023. Judge Poswa submitted a second supplementary affidavit.

Counsel for the Commission prepared an answering affidavit in response to the applicant's further supplementary affidavit, along with an application for condonation regarding the respondents' answering affidavit to the applicant's second further supplementary affidavit, which was to be filed by 26 April 2024. Counsel for the Commission has prepared an answering affidavit in response to the applicant's further supplementary affidavit, along with an application for condonation regarding the respondents' answering affidavit to the applicant's second further supplementary affidavit. The Commission filed its answering affidavit in May 2024. The Court date has not yet been set.

7.1.4 MONTSHIWA V JSC AND OTHERS [CASE NO: 22/15160] GAUTENG DIVISION, JOHANNESBURG

Date initiated:

28 April 2022

Reason for pending:

Awaiting issuance of court date.

Overview of the matter:

Mr Montshiwa launched an application in the Johannesburg High Court for the review and setting aside of the Commission's decision to recommend to the President the appointment of Deputy Judge President Hendricks as Judge President of the North West Division of the High Court. Counsel was appointed to represent the Commission. The Commission filed its answering affidavit on 16 August 2022. On 14 September 2022, Mr Montshiwa served the Commission with an interlocutory application. In response,

the Commission instructed the State Attorney to oppose the application. The application was set down for hearing on 24 January 2023 but was subsequently removed from the roll and the applicant ordered to pay costs on attorney and client scale. Mr Montshiwa served the Commission with an application to appeal the costs order.

On 15 February 2023, he filed supplementary heads of argument in the interlocutory application. On 23 May 2023, the Secretariat deposed to an affidavit for an application for condonation of the late filing of the Commission's heads of argument. As at 26 September 2023, the President's heads of argument remained outstanding. On 26 March 2024, the State Attorney advised that all the relevant papers had been filed and that they await the issuance of a court date.

7.1.5 HLOPHE JP V JSC AND OTHERS [CASE NO: 2022/19027] GAUTENG DIVISION, JOHANNESBURG

Date initiated:

29 August 2022

Reason for pending:

Awaiting issuance of court date.

Overview of the matter:

Former Judge President Hlophe (Hlophe JP) instituted an application to review and set aside the decision taken by the Commission on 25 July 2022 to advise the President to suspend Hlophe JP pending the conclusion of the process envisaged in section 177(1) of the Constitution.

Furthermore, the application sought a court order to declare that the aforementioned decision as unlawful and, therefore, unconstitutional and invalid. Hlophe JP sought an order declaring that the Commission was not lawfully constituted at its meeting held on 25 July 2022 when it resolved to advise the President to suspend him from judicial office. On 19 January 2023, Hlophe JP amended his notice of motion and filed a supplementary affidavit in which he seeks to compel the state to fund his legal costs. This relief is opposed by the Commission. The Commission awaits issuance of a court date.

7.1.6 AMALGAMATED LAWYERS ASSOCIATION V JSC AND OTHERS [CASE NO: 36684/22] GAUTENG DIVISION, JOHANNESBURG

Date initiated:

19 October 2022

Reason for pending:

Awaiting issuance of a court date.

Overview of the matter:

The Amalgamated Lawyers Association (ALA) instituted a review application for an order to declare as unlawful the Commission's conduct to recommend Judge M G Phatudi of the Limpopo Division of the High Court during the interviews of the third, fourth and fifth respondents on 5 October 2022. Additionally, the ALA seeks the review, declaration of invalidity, and setting aside of the Commission's decision, announced on 5 October 2022, to recommend to the President that Judge Phatudi be appointed as Judge President of the Limpopo Division of the High Court. The ALA further requests the remittal of the matter to the Commission for reconsideration or for the matter to commence de novo, following a fair process that aligns with the requirements of section 174(1) of the Constitution. The Commission opposes this application.

On 27 October 2022, ALA served the Commission with an interdict. This interdict aimed to halt the

implementation of the decision taken by the Commission on 5 October 2022, pending the final determination of the review application proceedings issued under case number 22/27367.

On 25 November 2022, the Commission received a letter addressed to the Chief Justice indicating that the President has, in terms of section 174(6) of the Constitution, appointed Judges in the Superior Courts and various Divisions of the High Court following the advice of the Commission. The letter also stated that the President has decided not to appoint Judge M G Phatudi as the Judge President of Limpopo Division of the High Court owing to the pending litigation.

Judge Phatudi has since filed an answering affidavit to the interlocutory application and ALA have filed a replying affidavit thereto. The Black Lawyers Association (BLA) has brought an application to be admitted as *amicus curiae*. ALA is opposing the application and has filed an opposing affidavit. ALA has since indicated to the Deputy Judge President that they will no longer pursue their intended interlocutory application in terms of rule 35(12) read with 30A against the Commission.

The interlocutory applications related to this matter were set down for hearing on 30 August 2023 and the following transpired:

- a) Tebeile Institute was admitted as a party to the proceedings.
- b) BLA was admitted as the amicus curiae.
- c) Limpopo Legal Solutions' application to be joined as a party was refused.
- d) Judge Phatudi's legal representative's argument in respect of section 47 of the

Superior Courts Act 10 of 2013 was upheld. This did away or dismissed the main review application in the matter.

The applicants launched an application for leave to appeal at the SCA on 1 September 2023. Leave to appeal at the SCA was granted on 15 February 2024 with an order directing that the matter be heard by a full bench in the High Court. A court date is yet to be allocated.

7.1.7 SEKGALA V JSC [CASE NO: 2023/001952] GAUTENG DIVISION, JOHANNESBURG

Date initiated:

1 January 2023

Reason for pending:

Applicant to file his replying affidavit.

Overview of the matter:

Mr Sekgala instituted an application that the appeal decision of the JCC on 24 July 2022 and the decision relating to the dismissal of the complaint he lodged with the Commission on 2 August 2021 be reviewed and set aside. He further sought a remittal of the matter to the Commission for a

proper decision. The Commission is opposing the application and furnished the State Attorney with the record on 28 February 2023. On 11 April 2023, a virtual consultation with counsel was held in preparation of drafting the answering affidavit. On 22 June 2023, the Commission deposed to an answering affidavit in the interlocutory application which was furnished to the State Attorney. Subsequently, the State Attorney filed the answering affidavit on 23 June 2023. Mr Sekgala has not filed his replying affidavit, nor has the matter been set down for hearing.

7.1.8 REVIEW APPLICATION IN RE: FORMER PRESIDENT JACOB ZUMA V THE PRESIDENT OF RSA, JSC AND ZONDO CJ [CASE NO: 2023/070201] GAUTENG DIVISION, PRETORIA

Date initiated:

15 August 2023

Reason for pending:

Awaiting issuance of a court date.

Overview of the matter:

The Commission received a review application filed in the Gauteng Division of the High Court, Pretoria, under case number 2023-070201. The applicant challenges multiple decisions made by the President and seeks an order–

- (a) reviewing the establishment of the nominations panel, alleging unlawfulness, irrationality, and unconstitutionality;
- (b) setting aside the rejection of a recommendation made by the Commission for unlawfulness, irrationality, and unconstitutionality;
- (c) setting aside the appointment of Justice Zondo as the Chief Justice, on the basis that the appointment was unlawful, irrational, and unconstitutional.

The applicant also seeks an order declaring that the President's conduct in establishing the

nominations panel, disregarding the Commission's advice/recommendations, and appointing Justice Zondo, is inconsistent with the Constitution and is, therefore, invalid. The Commission instructed the State Attorney, on 1 September 2023, not to

oppose the application but to file an explanatory affidavit. On 10 May 2024 the explanatory affidavit was sent to the State Attorney for filing. The Court date has not yet been set.

7.1.9 FREEDOM UNDER LAW V JSC [CASE NO: 2023/129593] GAUTENG DIVISION, PRETORIA

Date initiated:

29 November 2023

Reason for pending:

Settlement order to be finalised by the parties.

Overview of the matter:

The Commission received an unsigned Notice of Motion and founding affidavit from Freedom Under Law (FUL), a non-profit organisation, served electronically on 29 November 2023, to review and set aside the decision of the Commission taken on 2 and 3 October 2023 to not fill two vacant positions of the SCA. The application was in two parts, Part A and Part B.

Part A was urgent and sought an order to review, set aside and declare unlawful the following decisions taken by the Commission on 2 and 3 October 2023:

- (a) the decision to terminate its deliberations on its recommendations of candidates for appointment to the SCA without considering whether to fill the remaining two vacancies;
- (b) its failure to consider whether the remaining candidates should be recommended for appointment to the remaining two vacancies; and
- (c) its decision not to recommend any of the remaining candidates for appointment to the remaining two vacancies.

In Part B, FUL sought an order in the following terms:

- (a) to declare unlawful the Commission's failure to develop, publish and apply assessment

- criteria for the selection of candidates for appointment as Judges;
- (b) the Commission be directed to develop and publish the selection criteria for the selection of candidates for appointment within three months; and
- (c) each member of the Commission to assess each candidate in writing for compliance with its published criteria when it selects its candidates for appointment as Judges.

On 30 November 2023, the legal representative for FUL's legal representative proposed mediation under rule 41A to resolve Part A of the application. On 20 December 2023, the then-Chief Justice wrote to the Litigation Committee directing that Commissioners Ngcukaitobi and Matolo-Dlepu participate in mediation with FUL and explore the possibility of settling Part A of the Notice of Motion. The Chief Justice and the Litigation Committee had a virtual meeting on 4 January 2024 to discuss the settlement proposal by FUL. From the meeting, it was decided that a legal opinion should be sought from counsel and that there should be further engagement on the settlement terms with FUL. FUL made a request to be furnished with the Commission's private deliberations.

A virtual meeting was held on 23 January 2024 in which it was decided that the deliberations be provided but certain portions of the deliberations be redacted. The Chief Justice proposed that a meeting be held with the full Commission to apprise them of the application and its developments particularly the settlement agreement proposed by FUL.

A meeting was held on 26 January 2024 and the Commission resolved that the settlement should not be made an order of court and that the SCA interviews be held in April or May as proposed. There was also a proposal by FUL that the Commissioners record their decisions at the interviews, in writing. The Commissioners rejected this proposal. The proposal by FUL, to develop and apply new assessment criteria for the interviews, was also rejected by the Commissioners. It was resolved that the Litigation Committee would settle the matter in these terms.

Counsel for the Commission met with FUL and an agreement was reached. A draft order which was favourable to all parties was drawn. It was concluded that Part A is settled and that the SCA interviews will be held in April or May 2024. FUL reserved its rights with regard to Part B. The draft settlement was made an order of court on 14

February 2024. The matter in respect of Part B is currently under consideration by the Litigation Committee.

On 19 February 2026, the Litigation Committee had a virtual consultation with the senior counsel and junior counsel on brief. Counsel reported that the legal representative of FUL contacted them with a proposal to settle the matter. The Litigation Committee agreed to take the proposal to the Commission for consideration. On 6 March 2026, the settlement proposal was sent to the Commission; however, FUL wrote a letter to the presiding judges, informing them of the potential settlement between the parties. They requested that the hearing be held virtually, which request was granted. The proposed settlement was referred to the Commission for further discussion at the Commission's sitting in April 2026.

7.1.10 URGENT INTERDICT: DR HLOPHE V SPEAKER OF THE NATIONAL ASSEMBLY AND OTHERS [CASE NO: 3023/24] WESTERN CAPE DIVISION

Date initiated:

14 February 2024

Reason for pending:

State Attorney awaiting Counsel to draft the explanatory affidavit.

Overview of the matter:

This matter involves an urgent interdict initiated by Dr Hlophe in the Western Cape Division of the High Court against the Speaker of the National Assembly, the Chairperson: Portfolio Committee on Justice and Correctional Services, and all Political Parties represented in the National Assembly.

Dr Hlophe seeks relief directing these respondents to suspend parliamentary proceedings under section 177 of the Constitution and to prohibit them from proceeding with said parliamentary proceedings under a specific Constitutional Court case number, namely CCT 19/2024.

The relief sought in this application is sought against the first to third respondents and the Commission is not implicated in any capacity. Therefore, the Commission is not directly affected by the outcome of this application and has accordingly filed a notice to abide the Court's decision and instructed the State Attorney to brief counsel to draft an explanatory affidavit.

**7.1.11 DLODLO V ACTING CHAIRPERSON OF THE JCC AND THE JSC [CASE NO: 2024/111031]
GAUTENG DIVISION, JOHANNESBURG**

Date initiated:
6 October 2024

Reason for pending:
The Commission to file its answering affidavit.

Overview of the matter:
This is a review application for an order reviewing and setting aside the decision of the Chairperson of the JCC which dismissed the applicant’s complaint; and reviewing and setting aside the decision of the JCC which dismissed the applicant’s appeal.

On 23 January 2025, the Commission was ordered to comply with rule 53(1)(b) of the Uniform Rules of Court by delivering the full record of the decisions sought to be reviewed in the main application. The recording and transcript of the portion of the meeting pertaining to the applicant’s matter was provided to the applicant. However, the applicant demanded the recording and transcript of the entire meeting of the JCC held on 24 April 2024. The Commission instructed the State Attorney to oppose the application and to appoint Counsel on its behalf.

**7.1.12 LENTSOE LA TOKA V ETIENNE LABUSCHAGNE AND THE JSC [CASE NO: 2024/122692]
GAUTENG DIVISION, PRETORIA**

Date initiated:
25 October 2024

Reason for pending:
Awaiting Directive from the Deputy Judge President of the Division.

Overview of the matter:
On 25 October 2024, the Commission was served with a review application filed in the Gauteng Division of the High Court, Pretoria. The applicant sought the following relief in Part A:

- a) pending the final determination of Part B of the application, that the implementation of the Commission’s decision to recommend Adv Labuschagne for the appointment as a Judge of the Gauteng Division of the High Court, Pretoria be stayed;
- b) that the implementation decision referred to above includes the provisions and requirements set out in sections 174(6) and 174(8) of the Constitution; and
- c) the costs of the application be paid by the first respondent alternatively any other respondent or person that opposes the application.

The relief sought in Part B was the following:

- a) to declare that the Adv Labuschagne is not a suitable, fit and proper person to be appointed as a Judge of the High Court as a result of his non-disclosure to the Commission of the two pending matters against him under case numbers 2022-046528 and 2023-026803 at the Gauteng Division of the High Court, Pretoria before or during his application and interview for the said position;
- b) to declare that the Commission’s decision to recommend Adv Labuschagne for the appointment as a Judge of the Gauteng Division of the High Court, Pretoria is unconstitutional, irrational and invalid because it does not fully comply with the requirements of section 174(1) of the Constitution;
- c) that the recommendation/advisory by the Commission for appointment of Adv Labuschagne to be a Judge of the Gauteng Division of the High Court, Pretoria is reviewed and set aside;
- d) that the Commission takes all the necessary steps for the purpose of recalling and/or

withdrawing the advisory/recommendation for the appointment of the Adv Labuschagne as a Judge of the Gauteng Division of the High Court, Pretoria; and

- e) that the Commission be directed to take reasonable and mandatory steps prior to shortlisting any person for an interview and/or any pursuant recommendation, to ensure the vetting of such person for a determination whether such candidates do not have any pending matters against them in the Courts of law for which they are applying for appointments or consideration.

The application was served on the Commission without a founding affidavit. On 20 October 2024, the Commission requested the applicant to file the founding affidavit. It was only filed on 12 November 2024. On 14 November 2024, the Commission informed the applicant that there had been irregular service and requested the applicant to file a new notice of motion setting out new timelines. The applicant failed to adhere to the Commission's request.

On 10 December 2024, the Commission opposed the application and counsel was appointed. The

first respondent, in the interests of expeditious finalisation of the main application, sought the appointment of a case manager in order to, *inter alia*:

- a) Satisfy themselves as to the authority for representation of the parties in the litigation (and particularly the identity of the applicant's representatives since there is no legal practitioner on record);
b) Procedurally manage and determine interlocutory applications for the main application to be adjudicated.

On 11 March 2025, a case management meeting was held between the parties and Deputy Judge President Ledwaba, which the applicant failed to attend. Instead, an hour before the meeting, the applicant emailed an application in terms of section 27(1) of the Superior Courts Act 10 of 2013 to have the matter transferred to the Western Cape Division. Due to the applicant's absence, the Deputy Judge President adjourned the meeting and informed the parties that he will consult with the Judge President of the Court and revert to the parties. The matter has been dormant since.

7.1.13 REVIEW APPLICATION: MAKUNGA V PRESIDENT RAMAPHOSA AND OTHERS [CASE NO: 2024/25639] WESTERN CAPE DIVISION

Date initiated:

28 November 2024

Reason for pending:

Awaiting issuance of a court date.

Overview of the matter:

The Commission was served with a review application filed in the Western Cape Division of the High Court to review and set aside the President's decision to appoint Magistrate Pangarker as a Judge of the Western Cape Division of the High Court. The President confirmed Ms Pangarker's appointment on 25 November 2024. The applicant also challenged the decision of the Commission to recommend to

the President the appointment of Ms Pangarker.

The Commission instructed the State Attorney to oppose the application. On 4 February 2025, Acting Judge Elliot issued an order as follows:

- a) The application is postponed to the semi-urgent roll for hearing on 5 June 2025, furthermore, that the application will be heard by a Judge from a different division;
b) The Legal Practice Council is requested to obtain legal representative for the applicant by no later than 28 February 2025.
c) The Commission should file rule 53 record by 3 March 2025;

- d) Applicant's supplementary Founding Affidavit to be filed by no later than 17 March 2025
- e) The Commission should file its Answering Affidavit by 5 May 2025;
- f) The Applicant to file his replying affidavit by 19 May 2025; and

- g) Parties to file Heads of Argument in terms of the rules of the court.

On 2 May 2025, the applicant brought an application to set aside Acting Judge Elliot's order. On 30 May 2025, the Commission opposed the application.

7.1.14 JUDGE NKOLA JOHN MOTATA V PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND OTHERS [CASE NO: 2025/017277] GAUTENG DIVISION, PRETORIA

Date initiated:

19 February 2025

Assembly calling for the applicant's removal as a Judge declared unlawful and constitutionally invalid and set aside, and that the decision of the President to remove the applicant from office as a Judge declared invalid and set aside.

Reason for pending:

Awaiting court order.

Overview of the matter:

The Commission was served with an application for an order to have the resolution of the National

The Commission instructed the State Attorney to file a notice to abide and file a comprehensive explanatory affidavit.

7.1.15 MOTHUSI PHILEMON MOGARI V STATE ATTORNEY AND OTHERS [CASE NO: 2025/028709] GAUTENG DIVISION, PRETORIA

Date initiated:

7 March 2025

Reason for pending:

Answering Affidavit yet to be finalised.

Overview of the matter:

The Commission was served with an application for an order compelling the Commission to finalise and release a ruling in his matter arising from his complaint to the JCC against the then Deputy Judge President of the North West Division, Judge Hendricks.

The essence of the complainant's grievance revolves around alleged procedural flaws permitted by the then Deputy Judge President and accuses him of lacking independence, impartiality, and failing to act without fear, favour, or prejudice. The complaint was considered by the JCC and later designated to a JCC member to deal with it in terms of section 17 of the JSC Act. The Commission opposed the application, and counsel was appointed to prepare the answering affidavit.

7.1.16 D R SENEKAL V JSC AND OTHERS [CASE NO: 2024/129442] GAUTENG DIVISION, PRETORIA

Date initiated:

30 April 2025

Reason for pending:

Awaiting Court order.

Overview of the matter:

The Commission was served with a review

application in which the applicant seeks an order to compel the Commission to expedite his matter in order to have it resolved without undue delays in the prescribed manner. The Commission instructed the State Attorney to oppose the application and appoint counsel. Counsel was instructed to finalise the answering affidavit. The matter was set down for hearing on 9 March 2026.

7.1.17 S G MIYA AND OTHERS V JCC AND OTHERS [CASE NO: 2025/022839] GAUTENG DIVISION, PRETORIA

Date initiated:

11 June 2025

Reason for pending:

Awaiting the applicant to file a replying affidavit.

Overview of the matter:

The applicants lodged a complaint with the JCC against Judge Msimeki on the grounds that Judge Msimeki had shown bias towards the State during

the proceedings. The complaint was considered by the JCC and the appeal was dismissed. They seek the reviewing and setting aside of the decision of the JCC and for the JCC to be ordered to convene a sitting and thoroughly investigate their complaint. The Commission opposed the application, and counsel was appointed to prepare the answering affidavit. The answering affidavit was filed on 24 February 2026. The applicant is yet to file a replying affidavit.

7.1.18 FREEDOM UNDER LAW AND JUSTICE KRIEGLER V JCC [CASE NO: 2025/095129] GAUTENG DIVISION, JOHANNESBURG

Date initiated:

30 June 2025

Reason for pending:

Answering Affidavit yet to be finalised.

Overview of the matter:

The Commission was served with a review application filed in the Gauteng Division of the High Court, Johannesburg, in which the Applicant seeks an order declaring unlawful, irrational and unconstitutional and setting aside paragraphs 2 and 3 of the order and the associated parts of the decision of the JCC dated 29 July 2022, and the whole of the appeal decision and order of the appeal panel of the JCC, dated 2 February 2024. The applicant further seeks an order substituting

the rulings with a decision and order dismissing the complaint related to the statement published on the Times Live news website on 1 March 2021. The applicant further seeks an order declaring article 11(1)(f) of the Code inconsistent with the Constitution, invalid, and reviewing it and setting it aside.

The Commission instructed the State Attorney to oppose the application and appoint counsel on its behalf. On 16 October 2025, the applicant filed an application or request for permission from the President of the SCA to cite the Chief Justice in these proceedings, in terms of section 47(1) of the Superior Court Act 10 of 2013, which permission was granted on 12 December 2025.

7.1.19 ST JANES DE CHANTAL HOME V MLAMBO JP AND LEDWABA DJP [CASE NO: 2025/187870]
GAUTENG DIVISION, PRETORIA

Date initiated: 23 October 2025	St.Janes De Chantal Home and Others, who lodged a complaint against Deputy Chief Justice Mlambo and Acting Judge President Ledwaba. Part A of the applicant’s papers seek an order directing the JCC to expedite the resolution of the complaint. In Part B, they seek an order declaring the decision by the JSC to recommend the appointment of Deputy Chief Justice Mlambo as unconstitutional, irrational and invalid.
Reason for pending: The Commission to instruct the State attorney to oppose the matter.	
Overview of the matter: The application emanates from a JCC complainant,	

7.1.20 MZUKISI LUBABALO NDARA V WEIR INVESTMENTS (PTY) LIMITED AND OTHERS [CASE NO: CCT 23/24] CONSTITUTIONAL COURT

Date initiated: 30 October 2025	the Commission, except for an order of costs in item 6 of the notice of motion. Accordingly, due to the order of costs sought against the Commission, only this portion of the application needs to be opposed on behalf of the Commission, and the Commission can abide by the decision of the Court for the other relief sought in the main application being leave to appeal. The Commission instructed the State Attorney to oppose the application on its behalf and appoint counsel.
Reason for pending: The application was dismissed by the Constitutional Court on 30 March 2026.	
Overview of the matter: This is an application for leave to appeal to the Constitutional Court. The Commission is cited as the 21st respondent and no relief is sought against	

7.1.21 MOHLABANE V JSC AND JCC [CASE NO: CCT 299/25] CONSTITUTIONAL COURT

Date initiated: 3 October 2025	aside the decision of the JCC which dismissed the applicant’s complaints against Acting Judge Norton and Acting Judge Marais which were dismissed due to a ruling by the JCC that it lacks competence to entertain complaints against acting judges. Furthermore, the applicant seeks a declaratory order compelling the Commission to develop a policy for the appointment of acting judges and to vet them.
Reason for pending: The application was dismissed by the Constitutional Court on 7 April 2026.	
Overview of the matter: The Commission was served with an application for direct access in the Constitutional Court to set	

7.1.22 RATHETE AND MAVUDZI V MAYA CJ, JSC AND MAKAMU J [CASE NO'S: 097883/2024 AND 2026/027940] GAUTENG DIVISION, JOHANNESBURG

Date initiated:

20 January 2026

Reason for pending:

Commission to finalise the answering affidavit.

Overview of the matter:

On 20 January 2026, the Commission was served with an urgent application lodged at the Gauteng Division of the High Court, Johannesburg. The applicants cited the Chief Justice as the first respondent, the Commission as the second respondent and Judge S Makamu as the third respondent. The application stems from a complaint they had lodged against Judge

Makamu with the JCC. In his complaint, the first applicant expressed dissatisfaction with Judge Makamu's judgment, stating the judgment was influenced by falsified evidence. The applicants were convicted in the criminal proceedings by Judge Makamu. The applicants are dissatisfied with how the JCC is dealing with the complaint. In this instance, they are dissatisfied with the fact that the complaint was referred to the Head of Court by the Chairperson of JCC. A letter of proposed settlement was received from the State Attorney on 18 February 2026. The applicant applied for a leave to appeal against the judgment and an order by Molahlehi J, delivered on 25 March 2026.

7.1.23 SOCIETY FOR THE PROTECTION OF OUR CONSTITUTION V MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT AND OTHERS [CASE NO: BB55126] GAUTENG DIVISION, PRETORIA

Date initiated:

20 January 2026

Reason for pending:

State Attorney to appoint counsel.

Overview of the matter:

On 22 January 2026, the Commission was served

with an application by Society for the Protection of the Constitution. The application is against an Acting Judge and the Commission is cited as the fourth respondent and there is no relief sought against the Commission. The Commission instructed the State Attorney to oppose the application and appoint counsel.

7.1.24. MAKHUBELE V JSC AND OTHERS [CASE NO. 2026/009697] GAUTENG DIVISION, PRETORIA

Date initiated:

23 January 2026

Reason for pending:

Awaiting court date.

Overview of the matter:

On 29 January 2026, the Commission was served with a review application filed in the Gauteng Division of the High Court, to review and set aside

the decision of the Commission dated 1 August 2025, in terms of which it found Judge Makhubele guilty of gross misconduct based on the findings of the JCT's report dated 9 January 2025. Judge Makhubele seeks to declare the conduct of the Commission in relation to its decision, unlawful, unreasonable and irrational in that it failed to properly consider the relevant facts and applicable law. The Commission instructed the State Attorney to oppose the application on its behalf, appoint

counsel and file a rule 53 record and an answering affidavit.

On 27 February 2026, the Commission was further served with an urgent application by Judge Makhubele against the Speaker of the

National Assembly to suspend the parliamentary proceedings pending the outcome of the review application against the Commission. The Commission instructed the State Attorney to oppose the urgent application and filed its answering affidavit on 23 March 2026.

7.1.25 **ACHUKO V JUDICIAL SERVICE COMMISSION AND JUDGE UNTERHALTER [CASE NO.2025/227863] GAUTENG DIVISION, JOHANNESBURG**

Date initiated:

2 December 2025

Reason for pending:

Commission to instruct State Attorney.

Overview of the matter:

The Commission was served with a review application via email by Mr Achuko. Mr Achuko sought to set aside the decision of the JCC to dismiss his complaint against Judge Unterhalter. However the applicant was open to having the matter mediated. The Litigation Committee was

duly informed of the application, as was the JCC. The JCC, through the Acting Chairperson, wrote to the Litigation Committee to recommend that the Commission abide by the Courts’ decision. However, the Litigation Committee recommended that the Commission not oppose the decision to set aside the decision of the JCC and have the complaint remitted to the JCC for a fresh determination. The Commission agreed with this recommendation. The Litigation Committee has indicated that a meeting should be held with Mr Achuko or his legal representative before the State Attorney is instructed.

7.1.26. **MOTALA V FNB, JSC AND OTHERS [CASE NO: CCT 71/26] CONSTITUTIONAL COURT**

Date initiated:

6 March 2026

Reason for pending:

Awaiting finalisation of answering affidavit.

Overview of the matter:

On 6 March 2026, the Commission was served with an application in which the applicant sought leave to appeal against the judgment and order delivered on 10 February 2026 by Acting Judge Mazibuko Mudau of the KwaZulu-Natal Division of the High Court in the matter of First Rand Bank Limited t/a First National Bank v JLR Service and Warehousing CC and Zainub Motala under case number 9888/2023P. The applicant sought an order that direct access to the Constitutional

Court be granted and contended that it was in the interest of justice because of the second and third respondents' (the JSC and the OCJ) failing system to hold Judges and Acting Judges accountable. The applicant further sought an order that the conduct and judgment of Acting Judge Mazibuko be declared inconsistent with sections 32 and 34 of the Constitution and that Acting Judge Mazibuko be removed as an acting judge with immediate effect to protect and enforce the Constitution.

On 24 March 2026, the Commission instructed the State Attorney to oppose the application for direct access on behalf of the third and fourth respondents as the application is based on baseless grounds.

7.2 BUDGET OF THE COMMISSION

The Commission was allocated a budget of R18 731 000 in the 2025/26 Financial Year. This budget consisted of R3 797 000 for the compensation of employees, R14 854 000 for goods and services and R80 000 for purchase of capital assets. The recorded expenditure at the end of the Financial Year under review was R19 159 000. The over-expenditure is

attributable to the increase in the Commission's activities such as the JCTs, the special sitting of the Commission and the significant rise in complaints.

The 2025/26 JSC Budget and Expenditure for the year under review is illustrated in the table below:

Table 8: JSC Budget and Expenditure

ECONOMIC CLASSIFICATION	Final Allocation (Rand)	Expenditure (Rand)	Variance
Compensation of Employees	3 797 000	3 797 000	-
Goods and Services	14 854 000	15 289 000	-435 000
Purchase of Capital Assets	80 000	73 000	7 000
TOTAL	18,731 000	19,159 000	-428 000

8

CONCLUSION

The Commission has continued to discharge its constitutional and statutory mandate pertaining to the appointment of Judges by the President and all other matters which fall within the ambit of the responsibilities of the Commission. The transformation of the Judiciary, which must consist of Judges who subscribe to the values enshrined in the Constitution, continues to be central to the Commission's role when considering candidates for judicial appointment. Focus on this constitutional imperative will continue until the Judiciary meaningfully reflects the racial and

gender composition of the people of the Republic of South Africa as is envisaged in the Constitution. The Commission also continues to discharge its mandate in respect of the JSC Act in ensuring that complaints against Judges are considered and resolved expeditiously.



NOTES

This image shows a blank sheet of white paper with horizontal blue ruling lines. In the top right corner, there is a yellow rectangular tab or piece of tape. The paper appears to be part of a notebook or a document template.





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