



OFFICE OF THE CHIEF JUSTICE  
REPUBLIC OF SOUTH AFRICA

# JUDICIAL SERVICE COMMISSION ANNUAL REPORT 2024/25






#### DEPARTMENT'S GENERAL INFORMATION

<b>Department:</b>	Office of the Chief Justice
<b>Telephone number:</b>	+27 10 493 2500
<b>Email address:</b>	JSC@judiciary.org.za
<b>Website address:</b>	<a href="http://www.judiciary.org.za">www.judiciary.org.za</a>
<b>Physical address:</b>	188, 14th Road Noordwyk Midrand 1685
<b>Postal address:</b>	Private Bag X10 Marshalltown 2107






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 9 of 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 2025. This Annual Report was prepared pursuant to section 6(1) and (2) of the JSC Act, which requires the Commission to submit, within 6 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 in question. 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 2025





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# 1 FOREWORD BY CHIEF JUSTICE

**T**his Annual Report relates to the financial year 1 April 2024 to 31 March 2025. During the period under review, the Judicial Service Commission (the Commission) continued to make strides in the transformation of the Judiciary in terms of section 174(2) of the Constitution.

From a total of 33 vacancies advertised in the Superior Courts, the Commission advised the President of the Republic of South Africa (the President) to appoint twenty-seven (27) candidates. The President nominated one candidate for the position of Chief Justice of the Republic of South Africa and one candidate for the position of Deputy President of the Supreme Court of Appeal (SCA). The President appointed twenty-nine (29) Judges.<sup>1</sup>

Of the twenty-nine (29) new appointments made, 48% are women and 52% men. At the end of the reporting period, the Judiciary comprised two hundred and fifty-one (251) Judges in all Superior Courts. In terms of racial demographics, 49% of the judges are African, 11% are Coloured, 9% are Indian and 31% are White. Noteworthy, the Judiciary has made further progress in achieving gender transformation with one hundred and twenty-two (122) (49%) Judges being women – an increase from one hundred and eighteen (118) (46%) as reflected at the end of the previous reporting period.

During the May 2024 sitting of the Commission, I was interviewed for the position of Chief Justice of the Republic of South Africa after being nominated by the President. I was subsequently appointed by the President as the Chief Justice of the Republic of South Africa with effect from 01 September 2024, having served as the first woman Deputy Chief Justice of the Republic of South Africa immediately before this appointment, from 01 September 2022. During the May 2024 sitting, the Commission also interviewed a candidate nominated by the President for the position Justice D H Zondi for the position of Deputy President of the SCA. Justice Zondi was subsequently appointed to this position with effect from 11 July 2024.

During the period under review, the Commission bade farewell to Minister R O Lamola of the Department of Justice and Correctional Services and Commissioners Ms S Lucas, Mr T S C Dodovu, Mr A J Nyambi, Mr G B Magwanishe, Mr N Singh and Mr V C Xaba and expressed its gratitude for their valuable contribution to the work of the Commission. The Commission then welcomed the new Minister of Justice and Constitutional Development, Minister T Simelane (from July 2024 to December 2024) and, thereafter, her replacement, Minister MT Kubayi (from December 2024 to date). The Commission further welcomed new Commissioners – Mr M S Lekganyane, Ms F Hassan, Mr R A P Trollip, designated by the National Assembly, and Ms R M Mtshweni-Tsipane, Mr N Gotsell, Mr I M Nonkonyana designated by the National Council of Provinces.

I extend my deepest gratitude to my fellow

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



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 2024/25 financial year.



**M M L MAYA**

CHIEF JUSTICE OF THE REPUBLIC OF SOUTH AFRICA

CHAIRPERSON OF THE JUDICIAL SERVICE COMMISSION

DATE: 30 SEPTEMBER 2025

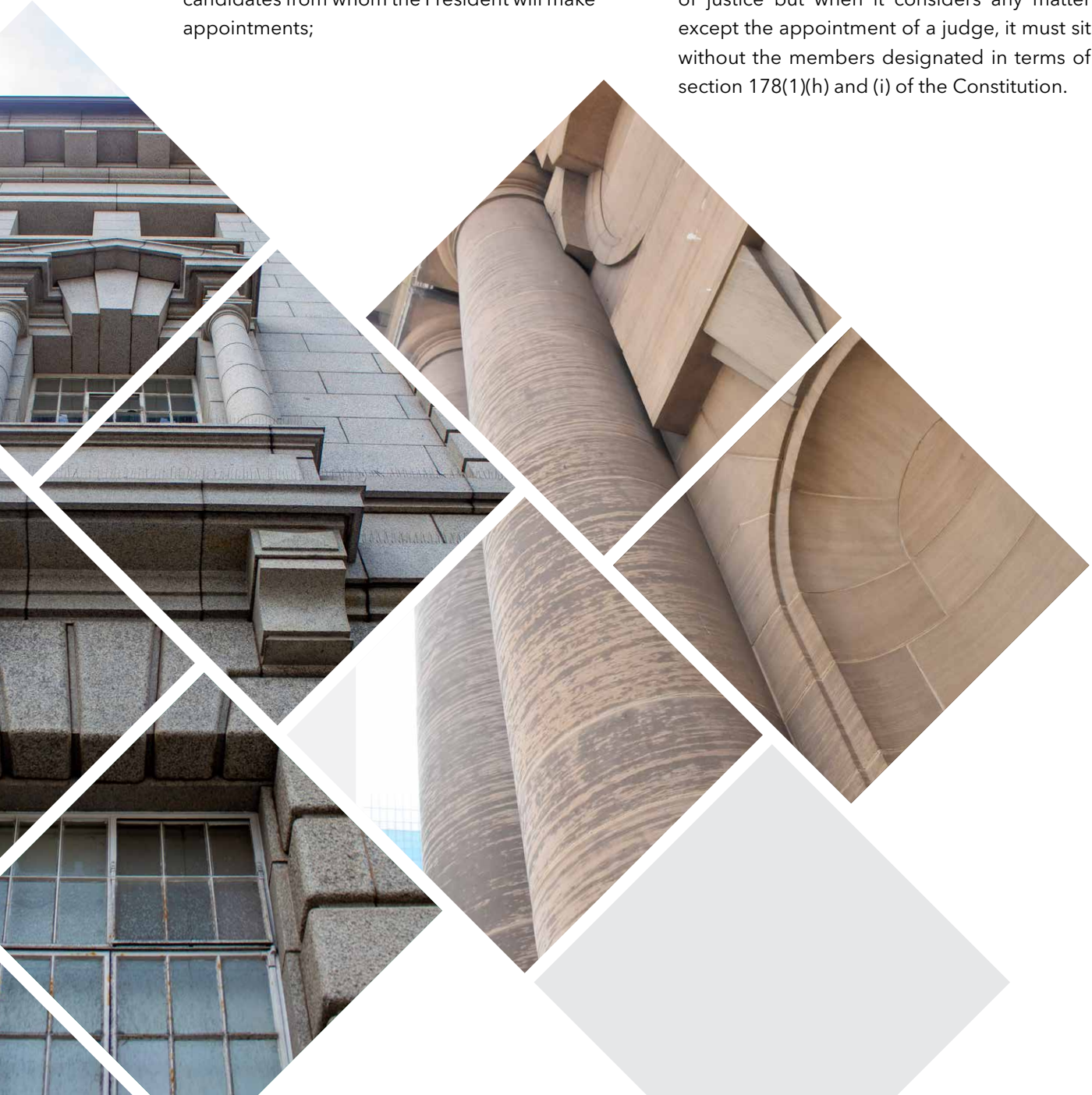


## 2

## FUNCTIONS AND LEGAL MANDATES OF THE COMMISSION

The Commission is a constitutional body established in terms of section 178 of the Constitution of the Republic of South Africa, 1996. 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 whom 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 Judicial Service Commission Act 9 of 1994 (JSC Act). The Commission deals with matters referred to it by the JCC and also with others that are referred to it by the JCT;
- (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.





# 3 COMPOSITION OF THE COMMISSION

The Commission is made up of 23 members. It consists of:

**Table 1: Composition of the Commission**

Section of the Constitution under which designated	Name of Commissioner
Section 178(1)(a) of the Constitution, the Chief Justice who presides at meetings of the Commission	<ul style="list-style-type: none"> <li>Chief Justice R M M Zondo from April 2022 to August 2024</li> <li>Chief Justice M M L Maya from September 2024 to date</li> </ul>
Section 178(1)(b) of the Constitution, the President of the Supreme Court of Appeal	<ul style="list-style-type: none"> <li>Justice M B Molemela, President of the Supreme Court of Appeal</li> </ul>
Section 178(1)(c) of the Constitution, one Judge President designated by the Judges President	<ul style="list-style-type: none"> <li>Judge President D Mlambo</li> </ul>
Section 178(1)(d) of the Constitution, the Cabinet member responsible for the administration of justice, or an alternate designated by the Cabinet member	<ul style="list-style-type: none"> <li>Mr R O Lamola in his capacity as Minister of Justice and Correctional Services from July 2019 to June 2024</li> <li>Ms T Simelane in her capacity as Minister of Justice and Constitutional Development from July 2024 to December 2024</li> <li>Ms M T Kubayi in her capacity as Minister of Justice and Constitutional Development from December 2024 to date</li> </ul>
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	<ul style="list-style-type: none"> <li>Adv K Pillay SC</li> <li>Adv J Cane SC</li> </ul>
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	<ul style="list-style-type: none"> <li>Mr M Notyesi</li> <li>Mr M Mangena</li> </ul>
Section 178(1)(g) of the Constitution, one teacher of law designated by teachers of law at South African universities	<ul style="list-style-type: none"> <li>Prof C Marumoagae</li> </ul>

Section of the Constitution under which designated	Name of Commissioner
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	<ul style="list-style-type: none"> <li>• Ms N Mapisa-Nqakula from August 2021 to April 2024</li> <li>• Mr G Magwanishe from July 2019 to July 2024</li> <li>• Mr V C Xaba from July 2019 to July 2024</li> <li>• Mr N Singh from June 2014 to July 2024</li> <li>• Mr M S Lekganyane from July 2024 to date</li> <li>• Ms F Hassan from July 2024 to date</li> <li>• Ms G Breytenbach</li> <li>• Vacancy</li> <li>• Mr J S Malema</li> <li>• Mr R A P Trollip from July 2024 to date</li> </ul>
Section 178(1)(i) of the Constitution, four permanent delegates to the National Council of Provinces	<ul style="list-style-type: none"> <li>• Ms S E Lucas from July 2019 to July 2024</li> <li>• Mr T S C Dodovu from July 2019 to July 2024</li> <li>• Mr A J Nyambi from June 2014 to July 2024</li> <li>• Mr K M Mmoiemang</li> <li>• Ms R Mtsweni-Tsipane from July 2024 to date</li> <li>• Mr I M Nonkonyana from July 2024 to date</li> <li>• Mr N Gotsell from July 2024 to date</li> </ul>
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	<ul style="list-style-type: none"> <li>• Ms S Matolo-Dlepu</li> <li>• Adv T Ngcukaitobi SC</li> <li>• Ms N Shabangu-Mndawe</li> <li>• Adv S Baloyi SC</li> </ul>

### 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 compiling a shortlist 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) Ms H Matolo-Dlepu;
- (iv) Adv M S Baloyi SC;
- (v) Mr M Notyesi;
- (vi) Mr A J Nyambi from June 2014 to July 2024;
- (vii) Mr K M Mmoiemang from July 2024 to date; and
- (viii) Prof C Marumoagae.



### 3.1.2 Litigation Committee

The Litigation Committee is responsible for ensuring that all litigation pursued by and against the Commission is 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; and
- (v) Mr M Notyesi.

### 3.1.3 Rules Committee

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

- (i) Adv J Cane SC (Convenor of the Committee);
- (ii) Adv K Pillay SC;
- (iii) Mr G M Magwanishe from October 2019 – July 2024;
- (iv) Mr M S Lekganyane from October 2024 to date;
- (v) Prof C Marumoagae; and
- (vi) Ms H Matolo-Dlepu.

### 3.1.4 Complaints Committee

The Complaints 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; and
- (v) Mr M Notyesi.

## 3.2 SPOKESPERSONS FOR THE COMMISSION

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

## 3.3 SECRETARIAT OF THE COMMISSION

Section 37 of the JSC Act makes provision for the assignment by the Secretary General (SG) 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 by the JCC;*
- (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;
- (ii) Ms D Ramaisa: State Law Advisor;
- (iii) Ms T Phaahlamohlaka: Law Researcher; and
- (iv) Ms S Boke: Intern

# 4 REPORTS ON ACTIVITIES OF THE COMMISSION

## 4.1. MEETINGS OF THE COMMISSION

During 2024, the full Commission met on three occasions. The first two meetings were held from 8 to 10 April 2024 and from 7 to 16 October 2024 in Johannesburg and were convened as part of the Commission's bi-annual sittings to receive a briefing from both the Chief Justice and the Minister 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.

The Commission further held a special sitting from 20 to 21 May 2024 to interview candidates nominated for three vacancies at the SCA. Furthermore, the Commission interviewed Deputy Chief Justice M M L Maya for the position of Chief Justice of the Republic of South Africa, and interviewed Justice D H Zondi for the position of Deputy President of the SCA.

The Commission, constituted as 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:

### **COMPLAINT LODGED BY JUDGE PRESIDENT D MLAMBO AGAINST JUDGE N P MNGQIBISA-THUSI OF THE GAUTENG DIVISION OF THE HIGH COURT**

A complaint lodged by Judge President D Mlambo relating to delayed judgments in certain matters presided by Judge Mngqibisa-Thusi was referred to the JCC and, in a majority decision, the

JCC recommended to the Commission that the complaint be investigated by a Tribunal in terms of section 16(4)(b) of the JSC Act.

The Tribunal report considered on 6 August 2024 by the Commission, excluding the members designated by the National Assembly and the National Council of Provinces, found that in terms of section 20(5)(b) of the JSC Act, Judge Mngqibisa-Thusi is guilty of misconduct not amounting to gross misconduct.

## 4.2. APPOINTMENT OF JUDGES

Section 174(3) and (4)(a) to (c) of the Constitution provides as follows:

- "(3) The President as head of the national executive, after consulting the Judicial Service Commission and the leaders 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.
- (4) 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.”<sup>2</sup>

#### 4.3 JUDGES APPOINTED DURING THE PERIOD 01 APRIL 2024 - 31 MARCH 2025

During the period under review, thirty-three (33) 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 twenty-seven (27) candidates. Following the Commission’s recommendations, the President, acting in terms of section 174(6), appointed all twenty-seven (27) recommended candidates as Judges. Furthermore, the Commission was unable to recommend candidates to fill the other six (6) 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 2024 - 31 March 2025**

Court	The names of candidates the Commission advised the President to appoint	Judges appointed by the President
<b>CONSTITUTIONAL COURT</b> (One vacancy)	<ul style="list-style-type: none"> <li>The Commission decided not to recommend any of the candidates to the President.</li> </ul>	<ul style="list-style-type: none"> <li>The Commission decided not to recommend any of the candidates to the President.</li> </ul>
<b>SUPREME COURT OF APPEAL</b> (Three vacancies)	<ul style="list-style-type: none"> <li>Judge R M Keightley</li> <li>Judge J E Smith</li> <li>Judge D N Unterhalter</li> </ul>	<ul style="list-style-type: none"> <li>Judge R M Keightley</li> <li>Judge J E Smith</li> <li>Judge D N Unterhalter</li> </ul>
<b>SUPREME COURT OF APPEAL</b> (Three vacancies)	<ul style="list-style-type: none"> <li>Judge E D Baartman</li> <li>Judge P Coppin</li> <li>Judge P A Koen</li> </ul>	<ul style="list-style-type: none"> <li>Judge E D Baartman</li> <li>Judge P Coppin</li> <li>Judge P A Koen</li> </ul>
<b>ELECTORAL COURT</b> (One vacancy Judge-Member)	<ul style="list-style-type: none"> <li>The Commission decided not to recommend any of the candidates to the President</li> </ul>	<ul style="list-style-type: none"> <li>The Commission decided not to recommend any of the candidates to the President.</li> </ul>
<b>LAND COURT</b> (Judge President)	<ul style="list-style-type: none"> <li>Judge Z Carelse</li> </ul>	<ul style="list-style-type: none"> <li>Judge Z Carelse</li> </ul>
<b>LAND COURT</b> (Deputy Judge President)	<ul style="list-style-type: none"> <li>Judge S J Cowen</li> </ul>	<ul style="list-style-type: none"> <li>Judge S J Cowen</li> </ul>
<b>LABOUR COURT</b> (Judge President)	<ul style="list-style-type: none"> <li>Judge E Molahlehi</li> </ul>	<ul style="list-style-type: none"> <li>Judge E Molahlehi</li> </ul>
<b>EASTERN CAPE DIVISION OF THE HIGH COURT, MTHATHA</b> (One vacancy)	<ul style="list-style-type: none"> <li>The Commission advised that no appointment should be made at this stage.</li> </ul>	<ul style="list-style-type: none"> <li>The Commission advised that no appointment should be made at this stage.</li> </ul>

<sup>2</sup> Section 174(3) and (4) of the Constitution.

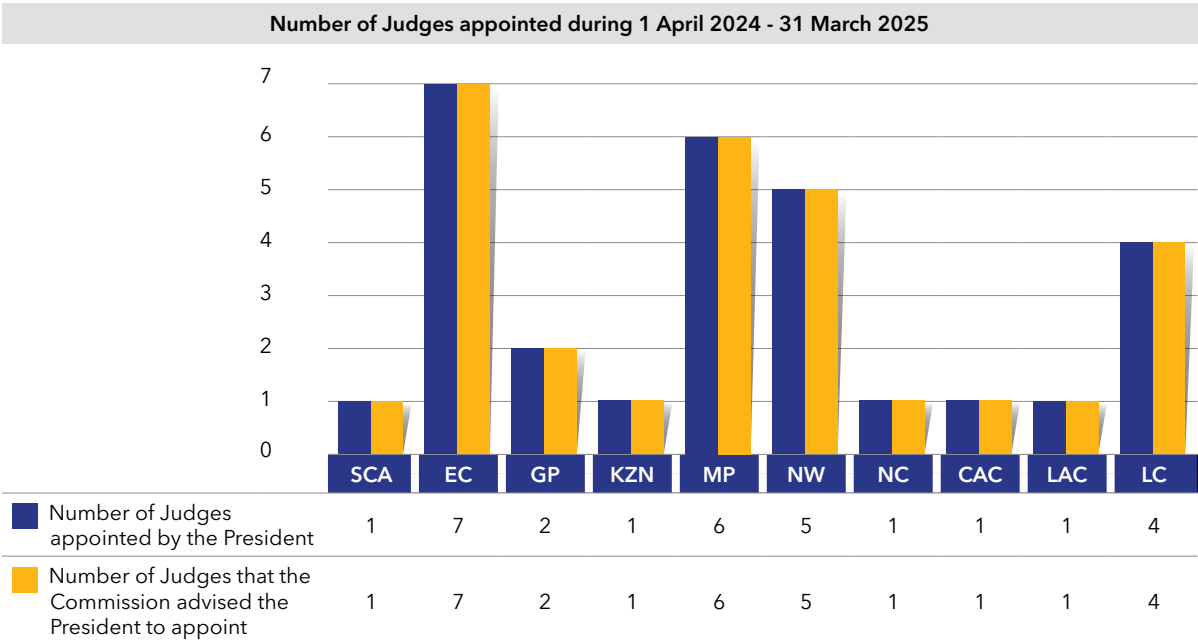


Court	The names of candidates the Commission advised the President to appoint	Judges appointed by the President
<b>GAUTENG DIVISION OF THE HIGH COURT</b> (Six vacancies)	<ul style="list-style-type: none"> <li>• Prof W E J du Plessis;</li> <li>• Adv E C Labuschagne SC</li> <li>• Adv S A B Mahomed</li> <li>• Mr M S Makamu</li> <li>• Judge G N Moshwana</li> <li>• Adv R B Mkhabela SC</li> </ul>	<ul style="list-style-type: none"> <li>• Prof W E J du Plessis;</li> <li>• Adv E C Labuschagne SC</li> <li>• Adv S A B Mahomed</li> <li>• Mr M S Makamu</li> <li>• Judge G N Moshwana</li> <li>• Adv R B Mkhabela SC</li> </ul>
<b>KWAZULU-NATAL DIVISION OF THE HIGH COURT</b> (Seven vacancies)	<ul style="list-style-type: none"> <li>• Judge Z P Nkosi (Deputy Judge President)</li> <li>• Adv M M Chithi</li> <li>• Adv G M Harrison</li> <li>• Adv S Jikela SC</li> <li>• Adv R Singh</li> </ul> <p>The JSC further advised that no appointment be made to fill the remaining two vacancies.</p>	<ul style="list-style-type: none"> <li>• Judge Z P Nkosi (Deputy Judge President)</li> <li>• Adv M M Chithi</li> <li>• Adv G M Harrison</li> <li>• Adv S Jikela SC</li> <li>• Adv R Singh</li> </ul> <p>The JSC further advised that no appointment be made to fill the remaining two vacancies.</p>
<b>LIMPOPO DIVISION OF THE HIGH COURT, TLOHOYANDOU</b> (One vacancy)	<ul style="list-style-type: none"> <li>• Ms J T Ngobeni</li> </ul>	<ul style="list-style-type: none"> <li>• Ms J T Ngobeni</li> </ul>
<b>MPUMALANGA DIVISION OF THE HIGH COURT</b> (Deputy Judge President)	<ul style="list-style-type: none"> <li>• Judge T V Ratshibvumo</li> </ul>	<ul style="list-style-type: none"> <li>• Judge T V Ratshibvumo</li> </ul>
<b>NORTH WEST DIVISION OF THE HIGH COURT</b> (One vacancy)	<ul style="list-style-type: none"> <li>• Mr A Reddy</li> </ul>	<ul style="list-style-type: none"> <li>• Mr A Reddy</li> </ul>
<b>WESTERN CAPE DIVISION OF THE HIGH COURT</b> (Judge President and four vacancies)	<ul style="list-style-type: none"> <li>• Judge N Mabindla-Boqwana (Judge President)</li> <li>• Adv M Holderness;</li> <li>• Ms M Pangarker</li> <li>• Ms N E Ralarala</li> </ul> <p>The JSC advised that no appointment be made to fill the remaining vacancy.</p>	<ul style="list-style-type: none"> <li>• Judge N Mabindla-Boqwana (Judge President)</li> <li>• Adv M Holderness;</li> <li>• Ms M Pangarker</li> <li>• Ms N E Ralarala</li> </ul> <p>The JSC advised that no appointment be made to fill the remaining vacancy.</p>

During the period under review, the Commission further interviewed Deputy Chief Justice M M L Maya for the position of Chief Justice of the Republic of South Africa. Following her interview, the Commission resolved that Justice Maya was suitable for appointment as the Chief Justice of the Republic of South Africa. The President of the Republic of South Africa subsequently appointed Justice Maya, with effect from 01 September 2024 as the Chief Justice of the Republic of South

Africa, after consulting the Commission. The Commission further interviewed Justice D H Zondi for the position of Deputy President of the SCA. Following his interview, the Commission resolved that Justice Zondi was suitable for appointment as the Deputy President of the SCA. The President of the Republic subsequently appointed Justice Zondi, with effect from 11 July 2024 as the Deputy President of the SCA, after consulting the Commission.

Figure 1: Graph illustrating the Judges that the Commission advised the President to appoint in terms of Section 174(6) inclusive of the Chief Justice of the Republic of South Africa and the Deputy President of the SCA.



4.3.1 Race and Gender profile of Judges appointed during the period 01 April 2024 to 31 March 2025.

Twenty-nine (29) Judges were appointed by the President of the Republic of South Africa during the period under review, inclusive of the Chief

Justice of the Republic and the Deputy President of the SCA. The gender composition of the newly appointed Judges comprised fourteen (14) females, representing 48%, and fifteen (15) males, representing 52%. The gender composition is depicted in the figure below:

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

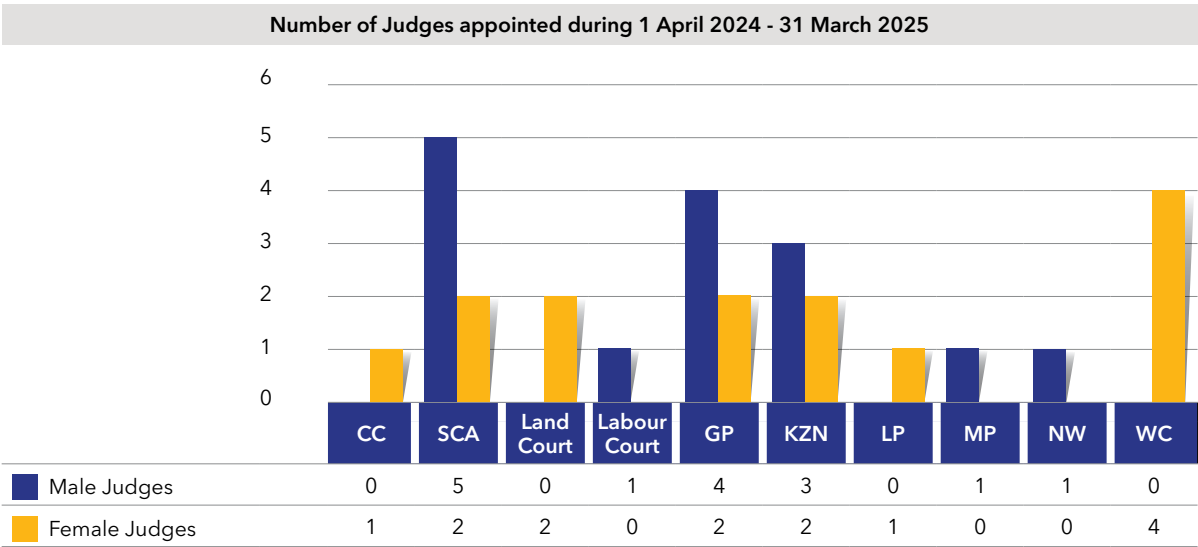


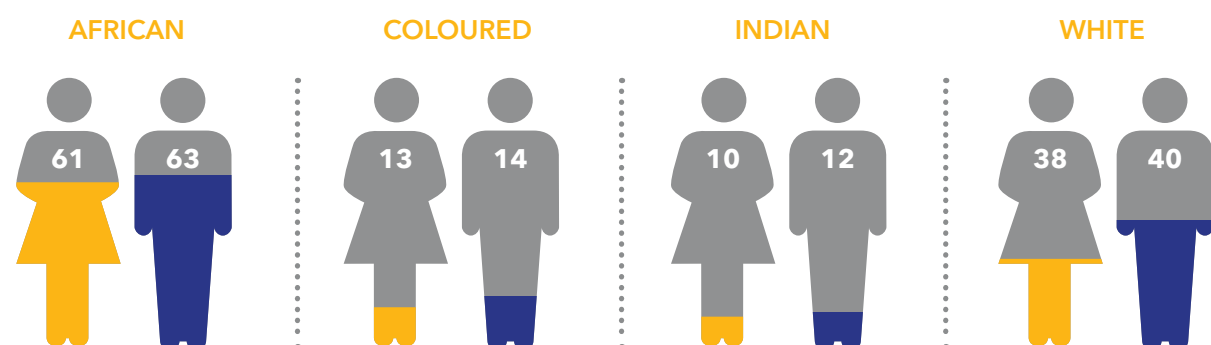
Table 3: Number of Judges appointed during the period 01 April 2024 to 31 March 2025 specifying gender and race

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 (Chief Justice)	1	1	1A	0
Supreme Court of Appeal	7	7	1W 1C	2W 2C 1A
Land Court	2	2	1W 1C	0
Labour Court and Labour Appeal Court	1	1	0	1A
Gauteng Division of the High Court	6	6	1W 1I	1W 3A
KwaZulu-Natal Division of the High Court	5	5	1A 1I	2A 1W
Limpopo Division of the High Court	1	1	1A	0
Mpumalanga Division of the High Court	1	1	0	1A
North West Division of the High Court	4	4	0	1C
Western Cape Division of the High Court	4	4	1W 2A 1I	0
<b>TOTAL</b>	<b>29</b>	<b>29</b>	<b>14</b>	<b>15</b>

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 2025, was made up of two hundred and fifty-one (251) 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





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	1	1	4	3	25
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	4	15
Gauteng Division (Pretoria)	10	13	0	0	0	2	9	8	42
Gauteng Local Division (Johannesburg)	10	4	1	1	3	2	6	7	34
KwaZulu-Natal Division (Pietermaritzburg)	4	5	0	0	2	0	2	1	14
KwaZulu-Natal Local Division (Durban)	3	2	1	1	0	2	2	1	12
Labour Appeal Court	0	1	0	0	0	0	1	1	3
Labour Court	3	3	0	1	1	0	1	2	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	0	0	0	2
Mpumalanga Division (Nelspruit)	3	1	0	0	0	0	0	0	4
Mpumalanga Local Division (Middelberg)	0	2	0	0	0	0	0	0	2
Northern Cape Division (Kimberley)	2	2	0	1	0	0	1	1	7
Mpumalanga Local Division (Middelberg)	0	2	1	0	1	0	1	1	6
Northern Cape Division (Kimberley)	5	6	6	5	1	1	2	4	30
<b>TOTAL</b>	<b>63</b>	<b>61</b>	<b>14</b>	<b>13</b>	<b>12</b>	<b>10</b>	<b>40</b>	<b>38</b>	<b>251</b>
<b>%</b>	<b>25%</b>	<b>24%</b>	<b>6%</b>	<b>5%</b>	<b>5%</b>	<b>4%</b>	<b>16%</b>	<b>15%</b>	<b>100%</b>
<b>TOTAL</b>	<b>124</b>		<b>27</b>		<b>22</b>		<b>78</b>		<b>251</b>
<b>%</b>	<b>49%</b>		<b>11%</b>		<b>9%</b>		<b>31%</b>		<b>100%</b>

At the end of the reporting period, the Judiciary was made up of two hundred and fifty-one (251) Judges in all Superior Courts, of which sixty-three (63) (25%) were African males, sixty-one (61) (24%) were African females, fourteen (14) (6%) were Coloured males, thirteen (13) (5%) were Coloured females, twelve (12) (5%) were Indian males, ten (10) (4%) were Indian females, forty (40) (16%) were White males and thirty-eight (38) (15%) were White females.

A racial breakdown indicated that from the total of two hundred and fifty-one (251), one hundred and twenty-four (124) (49%) of Judges are African, twenty-seven (27) (11%) Coloured, twenty-two (22) (9%) Indian and seventy-eight (78) (31%) White.

A gender breakdown of the Judiciary reflected that at the end of the period under review the

Judiciary comprised one hundred and twenty-nine (129) (51%) males and one hundred and twenty-two (122) (49%) females. Noteworthy, is the gender transformation in the following Divisions of the High Court, which have a female representation of 50% or more:

- Eastern Cape Local Division, Bhisho (50%);
- Eastern Cape Local Division, Mthatha (57%);
- Free State Division, Bloemfontein (53%);
- Gauteng Division, Pretoria (55%);
- KwaZulu-Natal Local Division, Durban (50%);
- Mpumalanga Local Division, Middelburg (100%);
- Northern Cape Division, Kimberley (57%);
- North West Division, Mahikeng (50%);
- Labour Court (55%);
- Limpopo Division, Polokwane (50%); and
- Western Cape Division (53%).



# 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 consisted of the Chief Justice, the Deputy Chief Justice and four other Judges, two (2) of whom were 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 Committee to the Deputy Chief Justice. During the period under review, the Chief Justice delegated her functions to the Acting Deputy Chief Justice, Justice Madlanga.

During the period under review, the four (4) 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 were:

- (a) Justice C N Jafta;
- (b) Justice J B Shongwe;
- (c) Justice H Saldulker; and
- (d) Justice N P Mabindla-Boqwana.

## 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 24 April 2024, the JCC convened a meeting to consider appeals in accordance with section 18(1) of the JSC Act. Thirteen (13) appeals were considered by the JCC. All the appeal rulings were handed down and issued to the parties.

On 25 July 2024 the JCC convened to determine complaints in terms of section 16(1) and in terms of section 18(1) of the JSC Act. There was one (1) complaint in terms of section 16(1) and seven (7) appeals in terms of section 18(1). The JCC handed down all the rulings and they were issued to the parties.

On 24 October 2024, nineteen (19) appeals were referred to the JCC for consideration. Fifteen (15) rulings were handed down and four (4) rulings are 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:

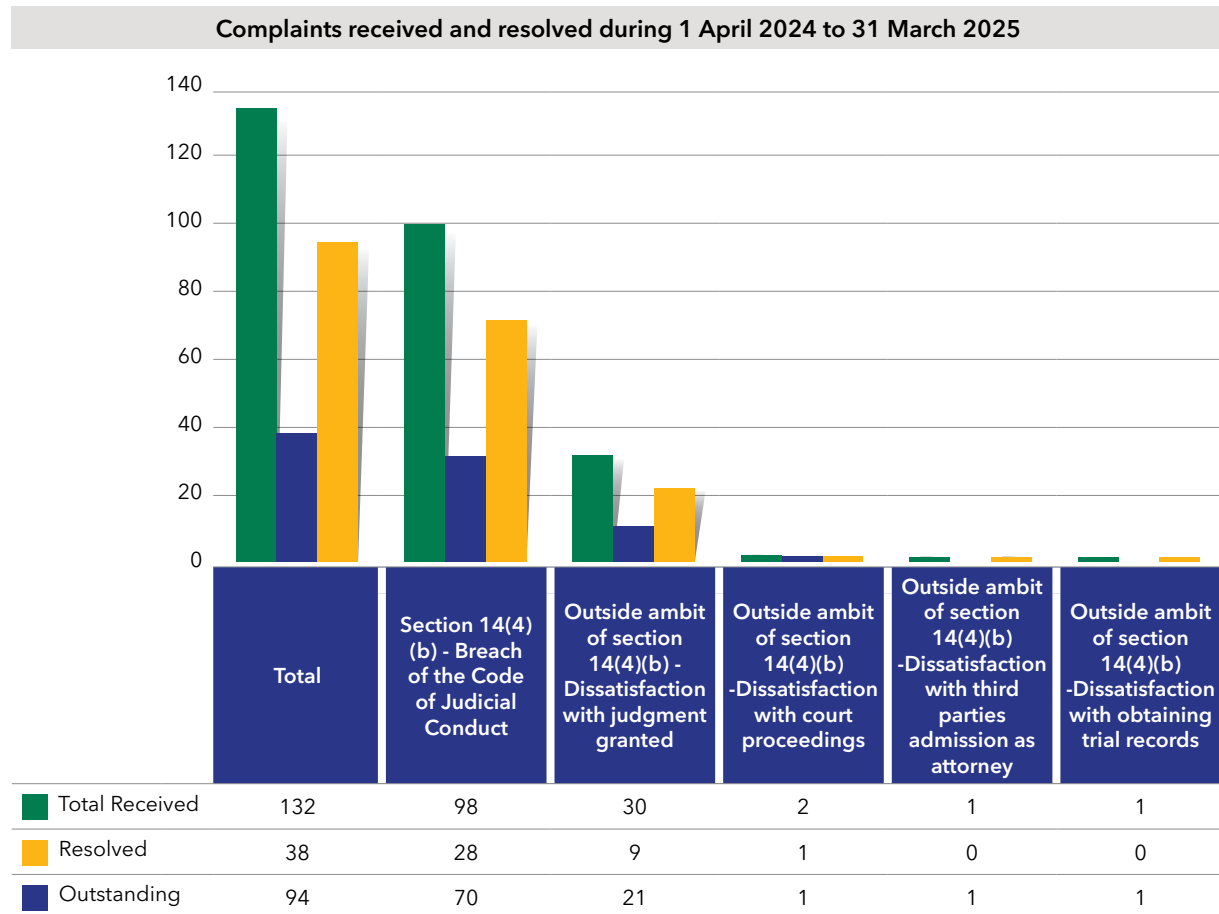
- "(a) Incapacity giving rise to a judge's inability to perform the functions of judicial office in accordance with prevailing standards, or gross incompetence, or gross misconduct, as envisaged in section 177(1)(a) of the Constitution;*
- (b) Any wilful or grossly negligent breach of the Code of Judicial 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 2024 to 31 March 2025 during the reporting period**



For the reporting period 2022/23 financial year, ninety-three (93) complaints were received. Of these, seventy-two (72) (77%) were resolved and twenty-one (21) (23%) were carried over to the 2023/24 financial year. Of the twenty-one (21), fourteen (14) (67%) were resolved in the 2023/24 financial year and seven (7) (33%) were carried over to the 2024/25 financial year. Of the seven (7), none were resolved in the period under review and are carried over to the 2025/26 financial year.

For the previous reporting period, namely the 2023/24 financial year, one hundred and twenty-five (125) complaints were received. Of these, seventy (70) (56%) were resolved and fifty-five (55) (44%) were carried over to the 2024/25 financial

year. Of the fifty-five (55), six (6) (11%) complaints were resolved and forty-nine (49) (89%) are carried over to the 2025/26 financial year.

For the period under review (2024/25 financial year), one hundred and thirty-two (132) complaints were received, and thirty-eight (38) (29%) complaints were resolved, whilst ninety-four (94) (71%) were pending at the end of the current financial year. The outstanding complaints are carried forward to the next financial year (2025/26).

Of the one hundred and thirty-two (132) complaints received, ninety-eight (98) (74%) related to alleged breach of the Code of Judicial Conduct in terms of section 14(4)(b) of the JSC Act and

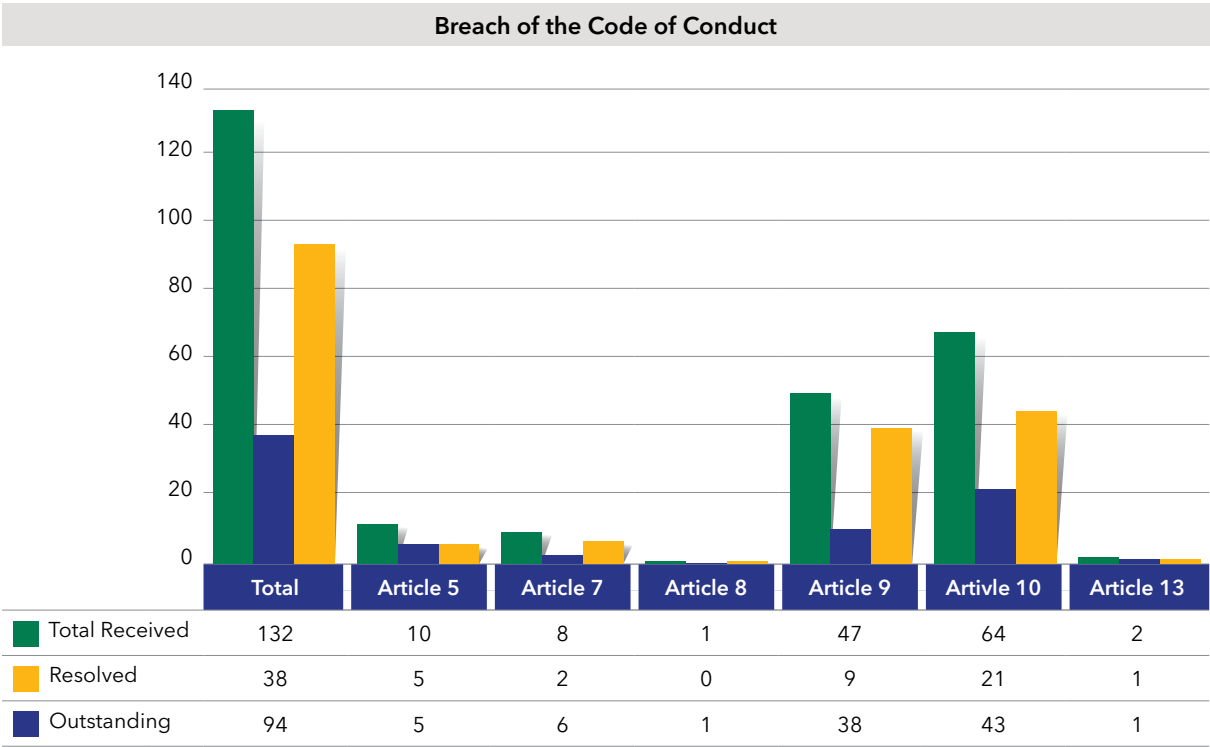
thirty-one (31) (23%) related to the dissatisfaction with a judgment or order, whilst three (3) (2%) complaints related to dissatisfaction with court proceedings.

Of the one hundred and thirty-two (132) complaints that related to alleged breach of the Code of Judicial Conduct in terms of section 14(4)(b) of the JSC Act, ten (10) related to Article 5 (To Act Honourably), eight (8) complaints related to

Article 7 (Equality), one (1) complaint related to Article 8 (Transparency), forty-seven (47) complaints related to Article 9 (Fair Trial), sixty-four (64) complaints related to Article 10 (Diligence) whilst two (2) complaints related to Article 13 (Recusal) of the Code of Judicial Conduct.

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 thirty-eight (38) complaints were resolved. Seventeen (17) 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 (8) complaints were dismissed in terms of section 15(2)(d) on the basis that they were found to be frivolous or lacking in substance, two (2) 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), one (1) complaint was withdrawn, three (3) complaints were dismissed in terms of section 17(4)(a) and finally seven (7) complaints were

dismissed due to the JCC’s lack of jurisdiction to entertain complaints over acting judges.

Further, of the ninety-four (94) complaints pending, nineteen (19) complaints were referred in terms of section 17 of the JSC Act, five (5) complaints were referred to Heads of Court for adjudication and one (1) complaint was referred for further adjudication under section 16 of the JSC Act. Nine (9) complaints were appealed and are under consideration by the JCC. Fifty-six (56) complaints are awaiting the Acting Chairperson’s determination, and five (5) 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 4: Complaints received from 01 April 2024 - 31 March 2025**

SUPERIOR COURT	Total number of complaints received	No. Resolved	% Resolved	Average number of months from receipt to resolution	No. Pending	% Pending
Constitutional Court	0	0	0%	0,0	0	0%
Supreme Court of Appeal	0	0	0%	0,0	0	0%
Eastern Cape Division	9	5	56%	2,8	4	44%
Free State Division	2	1	50%	3,0	1	50%
Gauteng Division	50	16	32%	3,1	34	68%
KwaZulu-Natal Division	11	1	9%	12,0	10	91%
Limpopo Division	15	4	20%	9,0	11	80%
Mpumalanga Division	1	0	0%	0,0	1	100%
North West Division	2	0	50%	0,0	2	50%
Northern Cape Division	1	1	100%	10,0	0	0%
Western Cape Division	10	3	30%	6,7	7	70%
Labour Court and Labour Appeal Courts	30	7	30%	5,4	23	70%
Land Court	1	0	0%	0,0	1	100%
<b>TOTAL</b>	<b>132</b>	<b>38</b>	<b>22%</b>	<b>4,6</b>	<b>94</b>	<b>78%</b>



A comparison of the number of complaints received and the number of resolved complaints as well as 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 (2024/25)	% Resolved	Unresolved Complaints carried forward to the next reporting period (2024/25)	% Unresolved
2021/22	95	89	94%	6	6%
2022/23	93	72	77%	21	23%
2023/24	125	70	56%	55	44%
2024/25	132	38	29%	94	71%
TOTAL NUMBER	445	269	60%	176	40%

During the reporting period 2021/22, ninety-five (95) complaints were received. Of these ninety-five (95) complaints, eighty-nine (89) (94%) complaints were resolved and six (6) complaints remain unresolved.

During the reporting period 2022/23, ninety-three (93) complaints were received. Of these, seventy-two (72) (77%) complaints were resolved and twenty-one (21) (23%) remained unresolved and were carried forward to the next financial year.

During the reporting period 2023/24, one hundred and twenty-five (125) complaints were received, and seventy (70) (56%) complaints were resolved, whilst fifty-five (55) (44%) were outstanding at the end of the reporting period.

During the 2024/25 financial year, one hundred and thirty-two (132) complaints were received, and thirty-eight (38) complaints were resolved, whilst ninety-four (94) complaints remain outstanding and are carried over to the next financial year (2025/26).

In summary, over the four-year period, four hundred and forty-five (445) complaints were received. Of these, two hundred and sixty-nine (269) (60%) were resolved and one hundred and seventy-six (176) (40%) remained unresolved and are carried forward to the 2025/26 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 Committee 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 Tribunal in terms of section 21 of the JSC Act.

The following Tribunals were appointed and the following activities transpired in the respective Tribunals:

### 5.4.1. Complaint against Judge T A N Makhubele

The Tribunal that was constituted as a result of the complaint lodged by #UniteBehind against Judge T A N Makhubele reconvened on 22 January 2024. The hearing took place from 22 to 26 January 2024. It was remanded to 07 - 09 February 2024 for further hearing. Subsequently, the Tribunal was again postponed to 11 - 13 March 2024 for the final hearing of evidence. The hearing was concluded on 11 March 2024 and parties were requested to

file their heads of argument. The Evidence Leader undertook to file their heads of argument by 26 April 2024 and Judge Makhubele undertook to file her heads of argument by 30 April 2024. The dates scheduled for arguments were 22 - 23 July 2024.

The Tribunal completed its report on 9 January 2025 and it was sent to the Chief Justice. The small JSC is due to consider the report in the new financial year, on 2 April 2025.

#### **5.4.2 Complaints against Judge M K Parker**

The Tribunal that was constituted as a result of the complaints lodged by ten (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 from 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 parties' legal representatives to ascertain their readiness for the hearing. The parties agreed to have the hearing postponed and commence from 24 to 28 February 2025. It was raised that on account of Judge Parker's ill-health it would pose a difficulty for him to travel to the seat of the Tribunal in 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 Tribunal attending physically and the parties joining virtually.

The matter is carried over to the next financial year as the Tribunal ordered that the complainants file written submissions by 7 April 2025 and the respondent file his submissions by 15 April 2025. Oral arguments are set to be heard on 29 April 2025.

#### **5.4.3 Complaint against Judge N P Mngqibisa-Thusi**

The Tribunal was constituted as a result of the complaint lodged by Judge President D Mlambo of the Gauteng Division of the High Court against Judge N P Mngqibisa-Thusi. The Tribunal completed its report on 29 April 2024 and it was sent to the Chief

Justice. The small JSC considered the report on 6 August 2024 and found that in terms of section 20 (5)(b) of the JSC Act, Judge Mngqibisa-Thusi is guilty of misconduct not amounting to gross misconduct.

#### **5.4.4. Complaint against Judge T A Maumela**

The Tribunal was constituted as a result of the complaint lodged by Judge President D Mlambo of the Gauteng Division of the High Court against Judge T A Maumela. The hearing took place on 18 to 19 March 2024. Due to Judge Maumela's ill health, the hearing took place only on 18 March 2024 and could not proceed further. It was postponed to 27 May 2024 to afford the Judge time to recuperate. On 24 May 2024, the Judge's legal representatives filed an application to postpone the hearing to a date in August 2024. The application was granted and the hearing was postponed to 17 September 2024.

On 16 September 2024, Judge Maumela's legal representatives filed an application for postponement of the Tribunal hearing owing to ill health. The Tribunal granted the application for postponement and the hearing took place on 25 March 2025. At the hearing it was decided that Judge Maumela's legal representatives would file an expert report by his medical team for consideration on 9 April 2025, leading to the matter being carried over to the next financial year.

#### **5.4.5. Complaint against Judge President S M Mbenenge**

The Tribunal constituted to consider the complaint lodged by Ms A Mengo against Judge President Mbenenge was scheduled to take place from 7 to 11 October 2024. On 7 October 2024 the Tribunal, together with the complainant's legal representatives and the respondent's legal representatives, met virtually to determine another date for the hearing as the Tribunal could not proceed owing to outstanding evidence and was accordingly postponed.

The Tribunal proceeded on 13 to 24 January 2025 as scheduled. At the end of that period the Tribunal was postponed to the next financial year for further hearing, from 5 to 16 May 2025.

# 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 (6) 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 Relating to the Judicial Service Commission Act, 1994: Disclosure of Registrable Interests (the Regulations) requires the Registrar, for the purpose of indicating the degree of compliance with the Register in the annual report of the Commission, also to 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 2024/25

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 Relating to the Disclosure of Judges' Registrable Interests, 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 Judges' Registrable Interests and, thereafter, cause a copy of all entries relating to that Judge to be communicated to the Judge (Regulation 3(3)).

In 2024/2025, fourteen (14) Judges commenced active service in the Judiciary of South Africa. These Judges disclosed their registrable interests within thirty (30) days of appointment as prescribed by the regulations and the disclosed information has been entered into the Register and copies of entries made into the Register were provided to the Judges in terms of Regulation 3(3).

## 6.3 STATUS OF DISCLOSURES FOR ALL JUDGES AS OF 31 MARCH 2025

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)). During 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 their registrable interests and, where applicable, make such further disclosures or amendments as may be required.

In the 2024/25 financial year, there were two hundred and fifty-one (251) Judges in active service and all of them disclosed their registrable interest 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.







# 7 REPORT ON OTHER MATTERS

## 7.1 LITIGATION AGAINST THE COMMISSION

For the period under review there are twenty-three (23) matters before the courts. The status of each of these matters is set out in the table below:

**Table 7: Litigation case overview**

No.	Litigation matter	Date initiated	Date Finalised / Age of pending matter	Status
1.	Poswa J v JSC – Case No. 8381/22 Gauteng Division, Pretoria	11 February 2022	37 months	JSC filed its Answering Affidavit in May 2024.
2.	Montshiwa v JSC and others – Case No. 22/15160 Gauteng Division, Johannesburg	28 April 2022	37 months	Awaiting issuance of court date.
3.	Hlophe JP v JSC – Case No. 2022/19027 Gauteng Division, Johannesburg	29 August 2022	19 months	Judge Wepener advised the applicant to write a letter to the DJP for allocation of a court date in 2025.
4.	Amalgamated Lawyers Association v JSC – Case No. 36684/22 Gauteng Division, Johannesburg	19 October 2022	29 months	Leave to appeal was granted by the SCA on 15 February 2024 with an order directing that the matter be heard by a Full Court in the High Court.
5.	Sekgala v JSC – Case No. 2023-001952 Gauteng Division, Johannesburg	26 January 2023	26 months	The State Attorney filed the answering affidavit in the interlocutory application on 23 June 2023.
6.	Former President Jacob Zuma v the President of RSA, JSC and Zondo CJ – Case No. 2023-070201 Gauteng Division, Pretoria	15 August 2023	19 months	On 10 May 2024 the explanatory affidavit was sent to the state attorney for filing in court.

No.	Litigation matter	Date initiated	Date Finalised / Age of pending matter	Status
7.	African Institute for Human Rights and Constitutional Litigation vs President of the Republic of South Africa & 2 Others – Case No. CCT249-23 Constitutional Court	30 August 2023	2 months	Direct access was refused on 22 November 2023.
8.	Lawyers Without Borders (Pty) Ltd v President of the Republic of South Africa and 2 others – Case No. CCT246/23 Constitutional Court	30 August 2023	9 months	Direct access refused on 4 June 2024.
9.	Freedom Under Law (FUL) 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. FUL reserved their rights in relation to part B of the application.
10.	Freedom Under Law v Judge President JM Hlophe and Others – Case No. CCT19/2024 Constitutional Court	24 January 2024	8 months	Application dismissed on 20 August 2024.
11.	Urgent interdict: Judge JM Hlophe v the Speaker of the National Assembly and others - Case no: 3023/24 Western Cape Division	14 February 2024	13 months	The notice to abide has been filed. State Attorney has instructed Counsel to draft the explanatory affidavit.
12.	Democratic Alliance v MJ Hlophe and others – Case No. 16170/2024 Western Cape Division	19 July 2024	5 months	The full court granted an order interdicting Dr Hlophe from participating in JSC processes. The DA, Dr Hlophe and MKP filed applications for leave to appeal. The applications were dismissed on 20 December 2024.
13.	Freedom under Law v Speaker of National Assembly and others – Case No. 16463/24 Western Cape Division	29 July 2024	8 months	The Commission opted to enter a notice to abide by the decision of the Court.
14.	Corruption Watch v Speaker of the National Assembly and others – Case No. 1677/24 Western Cape Division	30 July 2024	8 months	The Commission opted to enter a notice to abide by the decision of the Court.

No.	Litigation matter	Date initiated	Date Finalised / Age of pending matter	Status
15.	Direct access: DA, FUL and Corruption Watch NPC v Hlophe and others – Case No. CCT253/24 Constitutional Court	29 August 2024	7 months	The State Attorney was instructed on 11 September 2024 to file a notice to abide.
16.	Mr Dlodlo v Acting Chairperson of the JCC and the JSC – Case No. 2024-111031 Gauteng Division, Johannesburg	6 October 2024	5 months	An application to strike out the defence was received from Mr Dlodlo. The State Attorney was instructed on 7 October 2024 to file a notice to oppose the application.
17.	Urgent application: Mavudzi and Another v JSC	8 October 2024	0 months	The interdict application was not granted.
18.	Urgent application re interdict: Mavudzi v JSC and others – Case No. 2024-129442 Gauteng Division, Johannesburg	17 October 2024	5 months	The Commission opposed the application and Counsel was instructed to prepare an answering affidavit.
19.	Lentsoe La Toka v Etienne Labuschagne – Case No. 2024-122692 Gauteng Division, Pretoria	25 October 2024	5 months	The Commission opposed the application and Counsel was instructed to prepare the answering affidavit.
20.	Review application: Makunga v President Ramaphosa and others – Case No. 2024-25639 Western Cape Division	28 November 2024	4 months	The applicant is to file his Replying Affidavit by 19 May 2025.
21.	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	1 month	The Commission resolved not to oppose the proceedings and instructed the State Attorney to merely file a comprehensive explanatory affidavit to assist the court.
22.	[Direct Access] Hlophe v DA and others – Case No. CCT31/25 Constitutional Court	3 March 2025	3 weeks	The Commission instructed the State Attorney on 6 March 2025 to file a notice to abide.
23.	Mothusi Philemon Mogari v State Attorney and others Case No: 2025/028709 Gauteng Division, Pretoria	7 March 2025	3 weeks	The Commission opposed the application and Counsel was instructed to prepare an answering affidavit.

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

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

**Date initiated:**

11 February 2022

**Reason for pending:**

Applicant to file his replying affidavit.

**Overview of the case:**

Judge Poswa launched an application in the North Gauteng 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 05 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 the filing of 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, together with an application for condonation regarding the respondents' late answering affidavit to the applicant's second further supplementary affidavit, which are scheduled to be filed by 26 April 2024. The Commission filed the answering affidavit in May 2024.

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

**Date initiated:**

28 April 2022

**Reason for pending:**

Awaiting court date.

**Overview of the case:**

Mr Montshiwa launched an application in Court for the review and setting aside of the Commission's decision to recommend to the President of the Republic of South Africa Deputy Judge President Hendricks' appointment as Judge President of the Division of the North West 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 seeking an order that the decision taken by the JSC to recommend JP Hendricks while the main review application against the JP's recommendation

was still pending be set aside. 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 the condonation of the late filing of the Commission's heads of argument which have since been filed. Once the President's heads of arguments are filed, the State Attorney will be in a position to apply for a date of hearing. On 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.



### 7.1.3 HLOPHE JV JSC AND OTHERS [CASE NO: 2022/19027] GAUTENG DIVISION, JOHANNESBURG

**Date initiated:**

29 August 2022

**Reason for pending:**

Awaiting court date.

**Overview of the case:**

Former Judge President Hlophe (Hlophe JP) instituted an application to review and set aside the decision taken by the Commission on 25 July 2022. The decision was to advise the President of the Republic of South Africa 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 decision taken by the Commission on 25 July 2022 to advise the President to suspend Hlophe JP

to be 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 applicant had to file his heads of argument by 10 January 2025 and all the respondents were to file their heads of argument by 03 February 2025. The presiding judge, Judge Wepener, directed the applicant to write a letter to the Deputy Judge President of the Division for the allocation of a court date in 2025.

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

**Date initiated:**

19 October 2022

**Reason for pending:**

Awaiting court date

**Overview of the case:**

Amalgamated Lawyers Association (ALA) instituted a review application for an order declaring that the Commission's conduct to recommend, Judge M G Phatudi for appointment as Judge President in the Limpopo Division of the High Court during the interviews of the third, fourth and fifth respondents on 5 October 2022, was unlawful. Additionally, the ALA seeks the review, declaration of invalidity, and setting aside of the Commission's decision, which was announced on 05 October 2022, to list and recommend the fifth respondent to the President of the Republic of South Africa, in accordance with section 174(6) of the Constitution, for appointment as Judge President of the Limpopo Division of the High Court. The ALA further requests the remittal of the matter to the first respondent for

reconsideration or to commence *de novo* before the Commission, 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 manually under case number 22/27367. The said decision pertained to the recommendation of Judge Phatudi for judicial appointment as Judge President of Limpopo Division of the High Court.

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 the pending litigation.

Judge Phatudi has since filed an answering affidavit to the interlocutory application and ALA has filed a replying affidavit thereto. Black Lawyers Association 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 Wednesday 30 August 2023 and the following transpired:

- Tebeile Institute was admitted as a party to the proceedings.
- Black Lawyers Association was admitted as *amicus curiae*.
- Limpopo Legal Solutions' application to be joined as a party was refused.
- The 5th respondent attorneys' section 47 of the Superior Courts Act point of law 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 01 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 court in the High Court.

A court date is yet to be allocated.

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#### 7.1.5 SEKGALA V JSC [CASE NO: 2023-001952] GAUTENG DIVISION, JOHANNESBURG

**Date initiated:**

01 January 2023

**Reason for pending:**

Applicant to file his replying affidavit

**Overview of the case:**

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 02 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 for the drafting of 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.

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#### 7.1.6 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 court order

**Overview of the case:**

The Secretariat received a review application filed in the High Court of South Africa Gauteng Division, Pretoria, under case number 2023-070201.

The applicant challenges multiple decisions made by the President and seeks an order -

- reviewing the establishment of the nominations panel for unlawfulness, irrationality, and unconstitutionality;
- setting aside the rejection of a recommendation made by the Commission for unlawfulness, irrationality, and unconstitutionality;
- 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 01 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 with the court.

7.1.7 NOTICE OF MOTION - AFRICAN INSTITUTE FOR HUMAN RIGHTS AND CONSTITUTIONAL LITIGATION V PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND OTHERS [CASE NO: CCT 249-23] CONSTITUTIONAL COURT

**Date initiated:**  
30 August 2023

**Date of finalisation:**  
Direct access was refused on 22 November 2023.

**Overview of the case:**  
The Secretariat received application papers filed with the Constitutional Court. The applicant, the African Institute for Human Rights and Constitutional Litigation, is a South African non-profit organisation dedicated to litigating constitutional and human rights matters within South

Africa and beyond. The application is directed at various respondents, including the President of the Republic of South Africa, the Commission, and the Minister of Justice and Correctional Services. The applicant seeks an order, *inter alia*, declaring that section 174(3) of the Constitution is inconsistent with and/or contradicts section 174(1) of the Constitution. There seems to be no relief sought against the Commission. The matter is currently pending. The State Attorney has filed a notice to abide and awaits a draft of its explanatory affidavit from Counsel.

7.1.8 NOTICE OF MOTION - LAWYERS WITHOUT BORDERS (PTY) LTD V PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND OTHERS [CASE NO: CCT 246/23] CONSTITUTIONAL COURT

**Date initiated:**  
30 August 2023

**Date of finalisation:**  
Direct Access refused on 4 June 2024.

**Overview of the case:**  
The Secretariat received application papers filed at the Constitutional Court. The applicant, Lawyers

Without Borders (Pty) Ltd, a registered company in South Africa, filed an application that pertains to constitutional matters involving the appointment of key judicial positions. The application arises from the actions taken by both the former President of South Africa, Mr J G Zuma, and the current President, Mr C M Ramaphosa, purporting to act under section 174(3) of the Constitution. The applicant seeks an order, *inter alia*, declaring

that section 174(3) of the Constitution is inconsistent with Section 9(1) and Section 23(1) of the Constitution. There seems to be no relief sought against the Commission. This application is similar to the one of *African Institute for Human Rights and Constitutional Litigation v President of*

*the Republic of South Africa & 2 Others* mentioned above and similarly to its decision in this matter, the Commission has resolved to abide the Court's decisions and merely file an explanatory affidavit. The first and third respondents have filed their notice to oppose.

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

##### **Date initiated:**

9 November 2023

##### **Reason for pending:**

FUL reserved its rights in relation to part B of the application.

##### **Overview of the case:**

The Secretariat received an unsigned Notice of Motion and founding affidavit from FUL, a non-profit organisation, served electronically on 29 November 2023, to review and set aside the decision of the Commission taken on 02 and 03 October 2023 to not fill in 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 02 and 03 October 2023:

- (i) 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;
- (ii) its failure to consider whether the remaining candidates should be recommended for appointment to the remaining two vacancies;
- (iii) 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:

- (i) to declare unlawful the Commission's failure

to develop, publish and apply assessment criteria for the selection of candidates for appointment as Judges;

- (ii) the Commission be directed to develop and publish the selection criteria for the selection of candidates for appointment within three months; and
- (iii) 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, FUL's legal representative proposed mediation under Rule 41A to resolve Part A of the application. On 20 December 2023, the Chief Justice wrote to the Litigation Committee directing that Commissioners Ngcukaitobi and Matolo-Dlepu participate in the 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 04 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 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.

7.1.10 FREEDOM UNDER LAW V DR HLOPHE AND OTHERS [CASE NO: CCT 19/24]  
CONSTITUTIONAL COURT

**Date initiated:**  
24 January 2024

**Date of finalisation:**  
Application dismissed on 20 August 2024.

**Overview of the case:**  
The Commission received a Notice of Motion from Dr Hlophe seeking various forms of relief from the Constitutional Court including:

- a declaration that it has exclusive jurisdiction to decide the application, alternatively, grant him leave to bring the application directly to the court;
- a declaration that Parliament has failed to fulfil its constitutional duty to pass rules for the impeachment or removal of Judges, as required under section 177(1)(b) of the Constitution;.

- the setting aside of the resolution adopted by the Parliamentary Committee on Justice and Correctional Services, which recommended his removal from judicial office to the National Assembly;
- an order that Parliament adopts rules for the removal of Judges in accordance with section 177(1)(b) of the Constitution; and
- a declaration that all procedural and other steps taken by the National Assembly against him, purportedly under section 177(1)(b) of the Constitution, are unlawful, unconstitutional, and invalid.

The State Attorney was instructed on 01 February 2024 to file a notice to abide and an explanatory affidavit. The FUL has filed an application to intervene in the proceedings as a party.

7.1.11 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:**  
Awaiting court order.

**Overview of the case:**  
This matter involves urgent interdict proceedings 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 the 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 these parliamentary proceedings under Constitutional Court case number, 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 its explanatory affidavit.

7.1.12 DEMOCRATIC ALLIANCE V DR JM HLOPHE AND OTHERS [CASE NO: 16170/2024] WESTERN CAPE DIVISION

**Date initiated:**  
19 July 2024

**Date of finalisation:**  
20 December 2024

**Overview of the case:**  
On 19 July 2024, the Commission received application papers from the Democratic Alliance (DA) seeking to have Dr Hlophe interdicted from participating in the processes of the Commission (Judicial Appointments), in Part A of the application, and in Part B, thereof, to have the decision of the National Assembly to designate Dr Hlophe as one of its representatives to the Commission set aside.  
  
The Commission resolved to enter a notice to abide by the decision of the Court and intends

to instruct the State Attorney to file the notice to abide. The full court of the Western Cape Division of the High Court granted the interdict as sought. The DA, Dr Hlophe and the uMkhonto weSizwe (MKP) filed applications for leave to appeal. The DA sought to have the decision of the National Assembly taken on 9 July 2024 to designate Dr Hlophe to the Commission be declared unconstitutional and invalid and Dr Hlophe and MKP sought to have the decision to interdict him from participating in the Commission, be declared invalid and be set aside and to declare that the decision of the Judicial Service Commission to refuse postponement of its sitting scheduled for 7 to 11 October 2024 is irrational, unlawful and/or unconstitutional in terms of section 172(1)(a) and / or section 38 of the Constitution. The applications were dismissed on 20 December 2024.

7.1.13 FREEDOM UNDER LAW V SPEAKER OF THE NATIONAL ASSEMBLY AND OTHERS [CASE NO: 16463/24] WESTERN CAPE DIVISION

**Date initiated:**  
29 July 2024

**Reason for pending:**  
Awaiting court order

**Overview of the case:**  
The Commission was served with an application from FUL seeking to have Dr Hlophe interdicted

from participating in the processes of the Commission (Judicial Appointments), in Part A of the application and in Part B of the application, to have the decision of the National Assembly to designate Dr Hlophe as one of its representatives to the Commission set aside. The Commission entered a notice to abide by the decision of the court.

**7.1.14 CORRUPTION WATCH V SPEAKER OF THE NATIONAL ASSEMBLY AND OTHERS [CASE NO: 1677/24] WESTERN CAPE DIVISION**

**Date initiated:**  
30 July 2024

**Reason for pending:**  
Awaiting a court order.

**Overview of the case:**  
The Commission was served with an application launched by Corruption Watch for an order to

interdict Dr Hlophe from participating in the processes of the Judicial Service Commission (Judicial Appointments), in Part A of the application, and in Part B thereof, to have the decision of the National Assembly to designate Dr Hlophe as one of its representatives to the Commission set aside.

The Commission entered a notice to abide by the decision of the court.

**7.1.15 DIRECT ACCESS: DA, FUL AND CORRUPTION WATCH NPC V HLOPHE AND OTHERS [CASE NO: CCT253/24] CONSTITUTIONAL COURT**

**Date initiated:**  
29 August 2024

**Reason for pending:**  
Awaiting court order.

**Overview of the case:**  
The Commission received a Notice of Motion from DA, FUL and Corruption Watch NPC vs Hlophe and others seeking various forms of relief from the Constitutional Court including –

- the granting of direct access in terms of section 167(6)(a) of the Constitution and Rule 18 of the Court’s Rules;
- the declaration of the decision of the National Assembly taken on 09 July 2024 to designate Dr Hlophe as unconstitutional and invalid; and
- the review and setting aside of that decision.

The Commission instructed the State Attorney to file a notice to abide the court’s decision on its behalf.

**7.1.16 MR 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:**  
Applicant to file his replying affidavit.

**Overview of the case:**  
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.

#### 7.1.17 URGENT APPLICATION RE INTERDICT: MAVUDZI V JSC AND OTHERS [CASE NO: 2024-129442] GAUTENG DIVISION, JOHANNESBURG

**Date initiated:**

17 October 2024

**Reason for pending:**

Awaiting court date

**Overview of the case:**

The Commission was served with a review application filed in the Gauteng Division of the High Court, Johannesburg, in which the Applicant seeks to challenge the decision of the Commission to recommend to the President Mr Makamu's appointment as a Judge of the Gauteng Division of the High Court. In Part A of the application, the applicant sought to interdict the President of the Republic from appointing Mr Makamu pending the outcome of Part B in terms of which he sought an order –

- declaring the decision by the Commission to recommend Mr Makamu unconstitutional and invalid; and
- reviewing and setting aside the said recommendation and referring the matter back to the Commission to await the outcome of the investigation by the JCC into the complaint against Mr Makamu for gross misconduct.

The Commission instructed the State Attorney to oppose the application and appoint counsel. The hearing in relation to Part A interdict was heard on 11 December 2024 before Judge Adams and was struck off the roll for lack of urgency. Counsel was instructed to finalise the answering affidavit in relation to Part B.

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#### 7.1.18 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 court date.

**Overview of the case:**

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:

- Part A
  - » Pending the final determination of Part B of the application, that the implementation of the Commission's decision to recommend Advocate Labuschagne for the appointment as a Judge of the Gauteng Division be stayed;
  - » That the implementation decision

referred to in paragraph 1 above includes the provisions and requirements set out in Sections 174(6) and 174(8) of the Constitution;

- » That the costs of the application be paid by the first respondent, alternatively any other respondent or person that opposes the application.
- Part B
  - » To declare that 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;



- » To declare that the Commission’s decision to recommend Adv Labuschagne for the appointment as a Judge of the Gauteng Division is unconstitutional, irrational and invalid because it does not fully comply with the requirements of Section 174(1) of the Constitution;
- » That the recommendation/advisory by the Commission for appointment of Adv Labuschagne to be a Judge of the Gauteng Division is hereby reviewed and set aside;
- » That the second respondent forthwith takes all the necessary steps for the purpose of recalling and/or withdrawing the advisory/recommendation for the appointment of the first respondent as a Judge of the High Court; and
- » The Commission is 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 which was done only on 12 November 2024. On 14 November 2024, the Commission informed the applicant that there has been irregular service with regard to the application 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 instructed the State Attorney to oppose the application and appoint Counsel.

#### 7.1.19 REVIEW APPLICATION: MAKUNGA V PRESIDENT RAMAPHOSA AND OTHERS [CASE NO: 2024-25639] WESTERN CAPE DIVISION

**Date initiated:**

28 November 2024

**Reason for pending:**

Applicant to file his replying affidavit.

**Overview of the case:**

The Commission was served with a review application filed in the Western Cape Division of the High Court for the review and setting aside

of 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.

#### 7.1.20 JUDGE NKOLA JOHN MOTATA V PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND OTHERS [CASE NO: 2025017277] GAUTENG DIVISION, PRETORIA

**Date initiated:**

19 February 2025

**Reason for pending:**

Awaiting a court order

**Overview of the case:**

The Commission was served with an application filed in the Gauteng Division of the High Court

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

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

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#### 7.1.21 HLOPHE V DA AND OTHERS [CASE NO: CCT31/25] CONSTITUTIONAL COURT [DIRECT ACCESS]

**Date initiated:**

3 March 2025

**Reason for pending:**

Awaiting court order.

**Overview of the case:**

The Commission was served with an application launched by the applicant in the Constitutional Court seeking leave to appeal against the order of the Western Cape Division of the High Court which interdicted him from participating in the processes of the Commission. The Commission instructed the State Attorney to file a notice to abide.

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

**Date initiated:**

7 March 2025

**Reason for pending:**

Awaiting court date.

**Overview of the case:**

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 committee member to deal with it in terms of section 17 of the JSC Act. The Commission instructed the State Attorney to oppose the application.

7.2 BUDGET OF THE COMMISSION

The Commission was allocated a budget of R11 672 000 in the 2024/25 financial year. This budget consisted of R3 797 000 for the compensation of employees, R7 771 000 for goods and services and R104 000 for the purchase of capital assets. The recorded expenditure at the end of the financial year under review was R16 963 000. The over-expenditure may be attributed to the increase in the

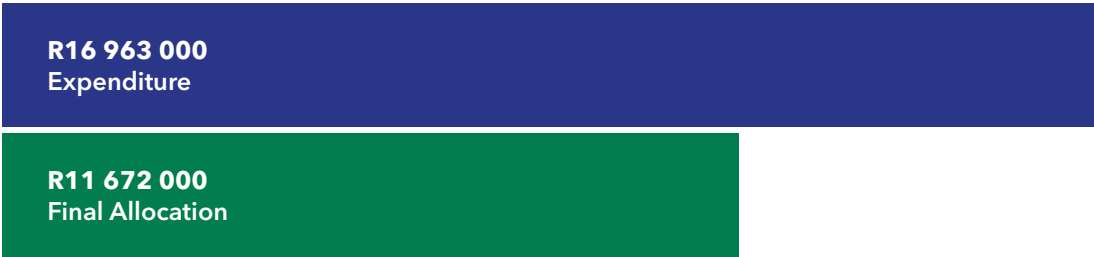
Commission’s activities such as the Tribunals, the special sitting of the Commission and a significant rise of the number of complaints brought against Judges.

The 2024/25 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	2 828 000	969 000
Goods and Services	7 771 000	14 031 000	-6 260 000
Purchase of Capital Assets	104 000	104 000	-
TOTAL	11,672 000	16,963 000	-5 291 000

Figure 7: Budget allocation and expenditure 2024/25



# 8

## CONCLUSION

The Commission has continued to discharge its constitutional and statutory mandate pertaining to the appointment of Judges and all other matters which fall within the ambit of its responsibilities. The transformation of the Judiciary remains central to the Commission's processes when considering candidates for judicial appointment. The Commission's focus on this constitutional

imperative will continue until the Judiciary fully 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 timeously.





**OFFICE OF THE CHIEF JUSTICE  
REPUBLIC OF SOUTH AFRICA**





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REPUBLIC OF SOUTH AFRICA**

#### **CONTACT US**


##### **Office of the Chief Justice**

188, 14th Road, Noordwyk, Midrand, 1685

Private Bag X10, Marshalltown, 2107


Tel: +27 10 493 2500 (Switchboard)


[www.judiciary.org.za](http://www.judiciary.org.za)

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