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## **Media Statement**

### **MEDIA STATEMENT ON ALLEGATIONS OF POLITICAL INTERFERENCE AND CORRUPTION AT THE SUPREME COURT OF APPEAL AND EASTERN CAPE DIVISION OF THE HIGH COURT**

The President of the Supreme Court of Appeal (SCA), President Mandisa Maya, the Judges of the SCA concerned (Justices Nambitha Dambuza, Caroline Nicholls, Sharise Weiner and Nolwazi Mabindla-Boqwana), and the Judge President of the Eastern Cape Division of the High Court, Judge President Selby Mbenenge, for his part and also on behalf of his Division, note, with consternation, the remarks allegedly made by Mr Andile Lungisa intimating that his matter was not fairly decided due to the political and familial affiliations of the Judges and undue influence at the respective Courts.

These allusive and false remarks, which undermine the integrity of the judiciary and judicial independence and constitute contempt of court and crimen injuria offences, are reported to have been made when Mr Lungisa handed himself over to authorities at the North End Prison in Port Elizabeth to begin serving his two-year sentence following a conviction on charges of assault with intent to do grievous bodily harm.

The management of judicial functions of each Court is the responsibility of the Head of that Court. This includes the assignment of judicial officers to sittings and the assignment of cases to judicial officers. Once this function has been exercised by the Head of Court, the Judge assigned hears the matter and arrives at a decision based on the law and the facts placed before him or her.

It is the responsibility conferred on each Judge, through the oath or affirmation taken on assumption of office, to enable him or her to adjudicate disputes honestly and impartially on the basis of the law and the evidence, without external pressure or influence and without fear of interference from anyone. The core of the principle of judicial independence is the complete liberty of the Judge to hear and decide the cases that come before the courts.

Any criticism against the Judiciary should be fair and made in good faith. More importantly, such criticism should be specific and clear. Efforts to discredit the Judiciary by levelling allegations of corruption against the Judiciary as a whole or against individual Judges without proof, or seeking to allude to an alignment between individual Judges and political figures or role-players without any further substantiation, must be condemned.

In those instances where Judges are believed to have conducted themselves unethically or unlawfully, other arms of the state, entities or members of the public should make use of the structures set up to address such concerns, and report them to the Judicial Conduct Committee of the Judicial Service Commission and relevant law enforcement agencies. Similarly, complaints against Magistrates must be reported to the Magistrates Commission and law enforcement agencies.

President Maya, the Judges of the SCA concerned and Judge President Mbenenge wish to reiterate that any person with credible evidence of corruption or undue influence within the Judiciary must come forward, produce the evidence and be willing to testify to it in a court of law or before any commission of enquiry. Without evidence, such allegations cannot be investigated.

The rights of President Maya, the SCA Judges concerned and Judge President Mbenenge remain reserved, and they have demanded a retraction of the offensive remarks from Mr Lungisa.

**Ends.**

***Issued by the Office of the Chief Justice***

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