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## **MEDIA STATEMENT**

### **JUDICIAL SERVICE COMMISSION**

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#### **JUDICIAL SERVICE COMMISSION'S DECISION ON COMPLAINT BY JUDGE-PRESIDENT MLAMBO AGAINST JUDGE MNGQIBISA-THUSI OF THE GAUTENG DIVISION OF THE HIGH COURT**

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A complaint by the Judge President of the Gauteng Division of the High Court, Judge President Mlambo, relating to delayed judgments in certain matters presided by Judge Mngqibisa-Thusi was referred to the Judicial Conduct Committee (JCC) and in a majority decision, the JCC recommended to the Judicial Service Commission (JSC) that the complaint be investigated by a Judicial Conduct Tribunal (Tribunal) in terms of section 16(4)(b) of the JSC Act. On 26 January 2023 the JSC requested the Chief Justice to appoint a Tribunal in terms of section 19 and 21 of the JSC Act to investigate allegations of incapacity, gross incompetence and gross misconduct against Judge Mngqibisa-Thusi. The Tribunal concluded its investigation and reported that the allegations of the failure by Judge Mngqibisa-Thusi to render judgments timeously are established as a matter of fact and that although she was ill and had spiritual challenges, these lasted for limited periods. The Tribunal concluded she was in breach of article 10(2) of the Code of Judicial Conduct. However, the Tribunal found that the conduct of Judge Mngqibisa-Thusi did not amount to gross misconduct because: she had spiritual challenges, she delivered a substantial number of judgments when she recovered from her illness; she does not suffer from incapacity; and that she is not grossly incompetent or guilty of gross misconduct in terms of section 177 (1) (a) of the Constitution.



The Tribunal report was considered by the JSC and the JSC, 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. The Commission decided that: Judge Mngqibisa-Thusi be directed to write a letter of apology to the Judge President of the Division and to the attorneys of all affected parties within 14 days of the decision; The Judge President of the Division should formally reprimand Judge Mngqibisa-Thusi; and a written warning be issued to Judge Mngqibisa-Thusi.

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