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JUDICIAL SERVICE COMMISSION

Enq: Ms Kutlwano Moretlwe
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13 June 2022

Ms Zukiswa Fokazi
#Unite Behind
11 Hans Strijdom Avenue
Cape Town
8001

Dear Ms Fokazi

#UNITEBEHIND'S COMPLAINT AGAINST JUDGE MAKHUBELE

- [1] I refer to the #Unite Behind complaint against Judge Makhubele.
- [2] I am directed by the Chairperson of the Judicial Service Commission, the Chief Justice, to write to you as follows:
- [3] You will recall that the Judicial Service Commission (JSC), at its virtual meeting held on 09 October 2020, requested the Chief Justice to establish a Judicial Conduct Tribunal (Tribunal) to investigate and report on the complaint by #UniteBehind against you.
- [4] In April 2021, the Chief Justice had pursuant to section 21 of the Judicial Service Commission Act, 1994 (JSC Act) established the Tribunal comprising of retired Judge of the Supreme Court of Appeal, Justice F D J Brand as the Tribunal President, Judge S S D Moshidi, a retired Judge of the Gauteng Division of the High Court and Ms N



Maduba-Silevu, a practising attorney, as members of the Tribunal. A copy of the Tribunal's terms of reference is enclosed with this letter for your ease of reference.

[5] Subsequent to his appointment and following an application for recusal from this matter Justice F D J Brand recused himself on 7 January 2022.

[6] Therefore, pursuant to section 21 of the Judicial Service Commission Act, 1994 (JSC Act) I have appointed retired Judge President of the KwaZulu-Natal Division of the High Court, Judge A N Jappie as the Tribunal President.

[7] Pursuant to the provisions of section 24 of the JSC Act, Adv E Zungu, the Director of Public Prosecutions in KwaZulu-Natal has been appointed as the Evidence Leader of the Tribunal. Details about the seat of the Tribunal and the dates of the hearing shall be communicated to you shortly.

Yours sincerely,



Kutlwano Moretlwe

Secretary, Judicial Service Commission