

Judges Hlophe and Motata removed from office

President Cyril Ramaphosa has officially removed Judges John Mandlakayise Hlophe and Nkola Motata from judicial office following the National Assembly resolutions to remove them.



Image source: Getty Images

In a statement, the Presidency said the Constitution states that a judge may be removed from office only if the Judicial Service Commission finds that the judge suffers from an incapacity, is grossly incompetent, or is guilty of gross misconduct and the National Assembly calls for that judge to be removed, by a resolution adopted with a supporting vote of at least two thirds of its members.

Secondly, the Constitution states that the President must remove a judge from office upon adoption of a resolution calling for that judge to be removed.

“The President accordingly removed Judge President Mandlakayise Hlophe of the Western Cape Division of the High Court from judicial office following the National Assembly resolution to remove Judge Hlophe, as stipulated in section 177 (1) (b) of the Constitution,” the Presidency said on Thursday.

A total of 305 Members of Parliament voted for the removal of Judge Hlophe from judicial office, with 27 members voting against his removal.

The Judicial Service Commission referred the matter to Parliament after the Judicial Conduct Tribunal (JCT) concluded that Hlophe's conduct breached the provisions of section 165 of the Constitution by improperly attempting to influence the two Justices of the Constitutional Court to violate their oaths of office.

The JCT established that Hlophe's behavior seriously threatened and interfered with the independence, impartiality, dignity and effectiveness of the Constitutional Court and further undermined public confidence in the judicial system.

President Ramaphosa has also removed Retired Judge of the Gauteng High Court Division, Justice Nkola John Motata following the National Assembly resolution to remove him, as provided for in section 177(1) (b) of the Constitution.

A total 296 Members of Parliament voted for Judge Motata's removal from office, with one voting against, and thirteen members being recorded as having abstained.

Retired Judge Motata was found guilty of gross misconduct following a drunk driving conviction in 2009.

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