

## 'Judicial committee should be set up to discipline judges guilty of misconduct'

PRETORIA: Judges should have to answer to a conduct committee when cases of misconduct and incompetence arose, Justice and Constitutional Development Minister Enver Surty said yesterday.

Surty, in a lecture to the Faculty of Law of the University of Pretoria, said it was critical to ensure that the administration of the courts by the executive did not impinge on the independent and impartial dispensation of justice.

"It stands to reason that a weak, unprincipled judiciary will be powerless to stem a tide of human rights violations and to keep state power in check," he said.

"But what constitutes misconduct and gross misconduct? What standards are expected of the judiciary? And who should do the disciplining of judges in matters that do not justify impeachment? The proposed answer to these questions, which I believe is the proper balance between accounta-

bility and independence, is a conduct committee of the Judicial Service Commission made up of judges and a code of conduct against which individual judge's conduct can be measured."

Surty's comments come after two high-profile cases involving South African judges.

In one case, Judge Nkola Motata crashed his car into the wall of a house in Johannesburg in January 2007, allegedly while drunk. In the

other, Western Cape High Court Judge President John Hlophe was alleged to have interfered with Constitutional Court judges in the corruption case of Jacob Zuma.

Surty said the core principle of security of tenure ensured that a judge could be removed for gross incompetence or misconduct only after the JSC had made such a finding, and the National Assembly had adopted a resolution to that effect by two-thirds of its members. – Sapa