



## **EFF STATEMENT ON THE IMPEACHMENT OF JUDGE JOHN HLOPHE**

Wednesday, 21 February 2024

The Economic Freedom Fighters (EFF) vehemently condemns the politically motivated impeachment of Judge John Hlophe. This vindictive act by certain elements of the National Assembly serves as a blatant attack on judicial independence and a betrayal of the public's trust in the justice system.

The proceedings against Hlophe by the Judicial Service Commission (JSC) have been procedurally unfair, with both the Judicial Conduct Tribunal (JCT) and the JSC overstepping their authority in carrying out their responsibilities. These procedures were unlawful and did not adhere to legislative requirements. Furthermore, the National Assembly declined to delve deeper into the JSC's findings, merely accepting them at face value.

Hlophe's journey in the judiciary reflects a steadfast commitment to justice and transformation. From his humble beginnings as a gardener, he rose through the ranks, becoming the first Black judge president of the Western Cape High Court. He remains one of the most educated judges and legal scholars we have seen, who has been extensively published, written the most judgements, and significantly influenced case law in South Africa.

Hlophe has presided on several landmark cases such as the Cape Killarney matter involving unlawful evictions, and granting security of tenure to vulnerable communities. He also oversaw a maintenance case that resulted in the establishment of rigorous laws regarding men who neglect to pay child maintenance. This included the enactment of legislation allowing a man's pension to be confiscated and allocated towards maintenance payments, greatly reducing the burden that black African women have to carry.

Furthermore, Hlophe consistently ruled in favour of workers' rights, promoting fairness and dignity in the workplace. Beyond individual cases, Hlophe played a transformative role within the Western Cape judiciary, a heavily racist establishment where he championed diversity and inclusivity, fostering a court system that reflects the demographics of South Africa.

Additionally, he mentored several judges, nurturing talent and grooming future generations of judges committed to social justice. Of many such talents are figures such as former Chief Justice Sandile Ngcobo and the current Deputy Chief Justice Mandisa Maya.

Hlophe's courageous stance against entrenched racism in the legal system further exemplifies why his impeachment is a blatant act of silencing. In 2005, he submitted a 43-page report to the then Minister of Justice exposing the insidious reality of racial prejudices permeating all levels of the legal profession, with particular focus on the discrimination faced by black judges in the Western Cape.

This report, far from being a personal vendetta, documented instances of black judges being ridiculed, ostracised, and deliberately undermined by their white counterparts. Hlophe himself, with his progressive rulings and commitment to social justice, became a prime target of such racist attacks.

His subsequent remarks in interviews about the calculated attempt to undermine the intellect and talent of African judges were not mere pronouncements, but a desperate call for accountability. This systemic racism stifles not only individual careers but also the progress of our entire legal system, preventing it from truly reflecting the demographics and needs of South Africa.

Therefore, it is crucial to understand that the impeachment of Judge Hlophe represents a systematic attack on the black intelligentsia in South Africa, orchestrated by a harmful alliance between the ANC and the DA. Both parties find common ground in their aim to suppress dissenting voices and dismantle the hard-won progress achieved by black South Africans.

Hlophe's progressive rulings, his commitment to representing the marginalised, and his role in empowering future black judges make him a target for this alliance. His impeachment sends a chilling message – black professionals who dare to challenge the status quo and advocate for justice will be ostracised and silenced.

The EFF refuses to accept this travesty of justice and condemns the silencing of those who speak truth to power. We stand in solidarity with Hlophe and condemn this attempt to dismantle the gains of the black struggle. We call upon all progressive forces to unite and resist this insidious attack on judicial independence and the black intelligentsia of South Africa.

**ISSUED BY THE ECONOMIC FREEDOM FIGHTERS**

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