



TO: President of the Republic Of South Africa, Honorable Mr Cyril Ramaphosa
(Served on Email: president@po.gov.za)

AND CC: Deputy President of Republic of South Africa, Honorable Mr David Mabuza
(Served on Email: (Deputypresident@presidency.gov.za)

AND CC: Minister of Justice and Constitutional Development – Honorable Mr Ronald Lamola (Served on Email: Ministry@justice.gov.za)

AND CC: Constitutional Court and JSC - Chief Justice Mokgoeng Mokgoeng
(Served on Email: Generaloffice@concourt.org.za)

AND CC: Supreme Appeal Court - President: Mandisa Muriel Lindelwa Maya,
(Served on Email: (ZKanku@justice.gov.za)

AND CC: Public Protector Busisiwe Mkhwebane, Adv
(Served on Email: meambreym@pprotect.org)

AND CC: Commission on Restitution of Land Rights- Chief Land Claims Commissioner:
Nomfundo Ntloko-Gobodo, Ms (Served on Email: landclaims@drdlr.gov.za)

AND CC: Speaker of Parliament – Honorable Mrs Thandi Modise
(Served on Email: speaker@parliament.gov.za)

AND CC: Chief whip of all parties represented in Parliament

AND CC: MEDIA

Ref No: **JCJ2021/003-1**

Date : 16 March 2021



**Re: HOLA BON RENAISSANCE FOUNDATION URGENT REQUEST FOR
THE ESTABLISHMENT OF THE JUDICIAL COMMISSION OF
INVESTIGATE ALLEGATION OF JUDICIARY CAPTURE, CORRUPTION,
BRIBES, INTERFERENCE AND JUDICIARY OVERREACH OF MEMBERS
OF THE JUDICIARY IN PARTICULAR JUDGES IN TERMS SECTION 84(2)F
OF THE CONSTITUTION**

1. The above matter refers
2. The letter serves to request urgently for the establishment of the Judicial Commission of investigate allegation of judiciary capture, corruption, bribes, interference and judiciary overreach of members of the judiciary in particular the Judges
3. The matter is an urgent request to the President of the Republic of South Africa,
4. Hola Bon Renaissance Foundation “HBRF” request the President of the Republic to establish such commission since he is the only person with powers vested unto him as enshrined in terms of Section 84(2)f of the Constitution of the Republic of South Africa. Section 84(2)f of the constitution states *“that the President has the powers entrusted by the Constitution and legislation, including those necessary to perform the functions of Head of State and head of the national executive and appointing commissions of inquiry”*

5. HBRF PROPOSED TERMS AND CONDITIONS BUT NOT LIMITED TO:

- a) It is the prerogative right of the President to Establish such a commission
- b) It is furthermore the prerogative right of the President to appoint the presiding judge
- c) In the interest of Justice we propose that the President to appoint three former and/or retired judge as the presiding judges with one of them as the lead judge , and with the Chief Justice as the custodian and/or ultimate anchor.



- d) Due to the uncertainty of the investigation in the judiciary, we propose that the judiciary should cover Magistrate Court, High Court, SCA and Constitutional Court
- e) That the three judges should at least reach 50+1 quorum (a fifty plus one) and that its decision and/or recommendation should apply the 50+1(a fifty plus one) quorum
- f) We furthermore propose the names of retired judge Dikgang Moseneke, Judge Denies Davis and any retired women Judge.
- g) That any member of the public including that State Organs and/or Chapter 9 institutions who has a direct interest in the outcome of the Judicial commission and should therefore be permitted to participate as a witness to the matter.
- h) That any member of the public including that of the State Organs and/or Chapter 9 institution who seeks to joins in the proceedings to assist the Commission because of its interest in the matter before the Commission. It chooses the side it wishes to join unless requested by the Commission to urge a particular position.
- i) Judiciary Commission shall intend to engage on the merits of the specific matter; and will not only concentrate on the legal principles applicable, especially apropos the Honorable Chief Justice's directives and/or the commission

6. THE INTEREST OF THE HBRF AND OF THE PUBLIC:

- a) The main objective of the HBRF is to realize a country that has full confident into the judiciary system and remove and/or alienate and/or validate any claims and/or allegation on members of the judiciary



- b) To contribute within means of establish and promote the equal justice in South African community and within the Judiciary, more particularly to use the law as an instrument to advance the constitution
- c) It is in the public interest and
- d) In the interest of Justice that the constitutional court should preserve the integrity of judiciary
- e) The **rule of law** be applicable
- f) To furthermore enable the public and any Institution of the three Spheres of Government “ Executive, Legislature and Judiciary” to uphold the law and contribute to the supreme law that governs the country which is the constitution of the Republic of South African, 1996
- g) Everyone is innocent until proven guilty and therefore the commission shall be recommendations to necessary bodies and institutions thereof.
- h) Uphold the Constitution of the Republic of South Africa

7. THE BACKGROUND

- a) In terms of the section 165 of the constitution which prohibit any person or organs of the State to intervene with the Court, that has been the ground of poor and/or no investigation on claims and/or allegation of corruption in the judiciary



- b) The SAPS, National Prosecuting Agency, Public protector and any institution and/or any person of South African found it difficult to investigate the members of the Judiciary where there is an allegation associated with such member “Judge”.
- c) It is the President of the Republic Of South Africa who can reinstitute, re-instill and revive the spirit of justice and democracy in the country, be seen as a token of hope that governs through the rule of law, and that ensures the law is adhered, cherished and respected by all South Africans.
- d) Members of the public, and/or including various institutions have approach various State Organs, Judiciary, other institutions of the law including Section 9 organs such as the Public Protect whom may had preliminary investigation and facts yet due to limitations and/or line of authority and/or jurisdictions could not proceed to prosecute and/or arrest and/or litigate against any judges implicated.
- e) The South Africans have been up in arms and more complains about the violations of the constitution and/or abuse and/or interference and/or capture of the Judiciary and/or corruption, bribes, and judiciary overreach of members of the judiciary by the members of the judiciary who behave and/or think and/or operate to be above the law of the Republic of South Africa .
- f) This establish of the Judicial Commission to investigate allegation of Judiciary capture, corruption, bribes, interference and judiciary overreach of members of the judiciary in particular Judges, should not be seen and/or undertaken to be replacing of existing processes and institution aim to achieve that but to advance



constitutional democracy in the interest of the public with the following pillars of transparent, accountability, openness, justice and upholding the constitution

- 8. May your consent and/or disagreement be in writing within 14 days of receipt of this letter.
- 9. Failure and/or ignorance of this letter, HBRF shall approach directly constitutional court and seek permission to approach the court to enforce the establishment the judiciary commission.

8. Kindly acknowledge receipt of this letter

Regards

Boutshitswe P Mothopeng Msieleng

Representative of Hola Bon Renaissance (HBR) Foundation

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COPY: Received Copy hereof on this the

_____ day of _____ 21

