



OFFICE OF THE CHIEF JUSTICE (OCJ) COMPLAINTS FORM

1 Name and contact details of the complainant

Hola Bon Renaissance Foundation

Represented by Boutshitswe Preddy Mothopeng Msieleng

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1. Nature of the complaint

- a) Gross misconduct
- b) Failure to uphold the rule of law and the integrity of the judiciary.
- c) Gross negligent conduct
- d) Denying access to justice
- e) Undermining of laymen who represent the applicant "HBR" before him
- f) Forced to hear a Semi Urgent Application under urgent application
- g) Confirming that he didnt have Jurisdiction of take matters of Semi Urgent and still ordering on the matter
- h) Refusing to allow the semi urgent matter to be on the semi urgent roll
- i) A semi urgent Matter dismissed on grounds of an urgent applicant and that of the applicant
- j) Failure to read and consider the Applicant "HBR" practise notes in particular the request for a special allocation
- k) failure to listen to read and consider the Applicant "HBR" Notice of motion, in connection with a Semi urgent
- l) Allowing disruption by respondent to discuss private matter during applicant presentation
- m) Predetermine outcome
- n) Conflict of Interest in the matter
- o) A judge behaves reduces the public trust and/or respect for the judiciary and the judicial system
- p) The applicant in its practice notes it clearly indicated that the application is a semi urgent matter would take a day to hear the matter, yet during the proceeding the Applicant was harrassed to finish quicker his argument "we dont have the hole day" words of the Judge
- q) conduct was prejudicial to the independent , impartiality, dignity, accessibility,
- r) efficiency of the court



2. If the complaint is about court officials, the name of the court and court official/s if known

at the High Court, Gauteng Division in Pretoria- the matter was heard via Zoom Cloud Meetings. The presiding official is Judge Mabuza,

3. If the complaint relates to a case pending in a court, please provide the case number

Case No:1357/2021

4. Background and history of the complaint

HBRF approached the Gauteng Division Pretoria court seeking its matter to be heard on a semi urgent basis and be put on the semi urgent roll.

The matter is Hola Bon Renaissance Foundation “Applicant” vs President of Republic of South Africa and others “respondent” in Case No: 1357/2021

When HBR (the applicant), made followup with the registrar “ Mrs Mohale”, she confirmed a day on the 1st February 2021 that the matter was on the urgent roll and when asked that our matter is a semi urgent she confirmed everything to be in order, but could not confirm the judge allocated .

On the 2nd February 2021, the Case No:1357/2021 the matter was number 2 on the roll and that the matter was the last to heard after 24 other matters.(see the attached court Roll 1 and 1 B)

The applicant had no legal representative, so it was represented by Mr Boutshiswe Preddy Mothopeng Msieleng, who on various submissions he informed Judge Mabuza that the application was a semi urgent matter,

Judge Mabuza continues with the matter knowing that it does not fall under the Urgent application because of its complications in the matter it belongs to the semi urgent.

The Judge continue to ask questions of why the applicant it had more than 2000 papers and that it should be dismissed. Furthermore that the applicant did not comply with the practise, irrespective that it was explained to him and in the papers that the matter was enrolled as a semi urgent.



During the proceeding the respondent counsel would disrupt the presentation of the applicant and tell the Judge that “May he be excused to go and fetch his child from school in 20 mintes and he will be back” during the proceedings

The HBR Notice of Motion and its practice notes (see attached annexure 2) were clear that the duration of the hearing should be 1 day, however for a matter that started to be heard after 24 (twenty four) other matters, which were in the roll and the judge continue to harras the applicant during its submission and say I quote “ We dont have the whole day here ”.

The treatment and behaviour of the judge was unbecoming and he did not even provide guidance on matters when the applicant needed clarity or so. When the applicant address and remind the judge on the issue of access to justice in terms chapter 2, section 34 of the constitution, the applicant was informed to skip that process of was meant to reminds the judge of his oath.

For Judge had predetermined outcome , this was when the court started he was addressing it as a matter to be dismissed.

The judge said I quote “ that semi urgent matters were in heard only capte town and that they do not deal with such matters” and still in stead of remivign it from the roll he proceed to hear the matter and issued a court order, on a matter he has no juristiction.

The matter was heard via zoom and it was recorded

The completed Complaints form must be submitted to a Complaints Officer responsible for the implicated court or to the National Complaints Officer if it relates to services rendered at the National Office of the OCJ.

Contact details of the National Complaints Officer as well as Complaints Officers responsible for the courts may be accessed via the following link: <https://www.judiciary.org.za/index.php/complaints/ocj-complaints>

