



AFT PRESS STATEMENT
1 DECEMBER 2025

ON THE ARREST OF A HIGH COURT JUDGE AND THE INTEGRITY OF THE JUSTICE SYSTEM

Advocates for Transformation issues this statement following the arrest of Judge Portia Dipuo Phahlane of the Gauteng division on allegations of bribery, corruption and money laundering. Allegations of this nature directed at a sitting judge strike at the heart of judicial authority and require an unequivocal institutional response.

It is alleged that Judge Phahlane received gratification amounting to R2.4-million, including benefits directed towards the intended purchase of a R6.5-million property. It is further alleged that R2-million was paid into a conveyancing account for her benefit. These allegations include claims of undisclosed payments, the use of intermediaries and an intention to influence the outcome of litigation before her.

It is also alleged that a court interpreter, employed within the High Court, facilitated certain meetings and payments. This allegation is relevant only because it demonstrates that the alleged misconduct penetrated the operational environment of the court itself. The central concern remains the conduct alleged against the judge. The involvement of an intermediary, if proven, reflects a structural vulnerability but does not detract from the gravity of the allegations directed at the judicial officer.

Judge Phahlane denies all wrongdoing and intends to plead not guilty. Her presumption of innocence is acknowledged. However, allegations of this magnitude demand immediate, transparent and decisive action from the bodies entrusted with safeguarding judicial integrity.

Reports indicate that allegations have been made concerning payments, property related arrangements and the provision of VIP protection. These matters are under active investigation. Their correctness will be determined in the appropriate forums. AFT expresses no view on the merits of any allegation.

An affidavit has been furnished to the authorities by a whistle blower. The affidavit alleges that payments, protection arrangements and property related transactions were made for the benefit of the judge by persons with an interest in litigation before her. Supporting documentation

includes invoices, payment confirmations and internal records. These allegations, and the accompanying material, will be assessed by the competent authorities. AFT does not express a view on the accuracy of the allegations.

Allegations concerning impartiality were previously raised under oath in recusal proceedings filed on 3 March 2023. The application was adjudicated on 31 March 2023 and leave to appeal was refused on 5 May 2023. These earlier proceedings form part of the factual background to the current investigation. They do not determine culpability. They do, however, underscore the importance of clear institutional responses when concerns emerge in sworn affidavits.

Additional affidavits were filed in the recusal proceedings by legal representatives acting on behalf of litigants. These affidavits reflect the professional responsibilities of those representatives and confirm that practitioners acted within their mandate in placing concerns before the court.

It is a matter of public record that civil proceedings were initiated on 14 January 2025 and 16 April 2025 seeking damages R10-million and R18.125-million. The summons included a claim for R3.125-million in VIP protection costs. Subsequent documentation now forming part of the investigative record suggests that these services may not have been privately funded in the manner alleged. This contradiction requires proper examination through established processes.

In June 2025 civil proceedings were instituted by the judge against litigants and their legal representatives, including Senior Counsel who moved the recusal application, on the premise that the allegations were defamatory. Pleas disputing those claims were delivered. Judicial independence requires that litigants and their representatives be free to advance their cases and to place concerns before the court without apprehension that a presiding judge may initiate private litigation against them. Circumstances in which a judge sues litigants or their attorneys arising out of disputes resulting disputes before adjudicated by a judge undermines

the appearance of impartiality. These concerns arise irrespective of the correctness of any allegation and require transparent institutional attention.

Claims that the judge feared for her safety raise a further systemic question. Where a judicial officer believes that her life is under threat, established protocols require that the matter be reported without delay so that SAPS, Crime Intelligence and the Office of the Chief Justice may initiate appropriate protective measures. Judicial officers are state assets. Their protection is a constitutional responsibility of the State. The absence of a clear state-led response calls for clarification as to whether the applicable judicial security protocols were activated and whether those systems functioned as intended.

A further systemic concern arises from the pattern of integrity failures across the justice system. Across several divisions interpreters and court officials have been arrested for soliciting bribes, manipulating dockets and interfering with court processes. The Masters' Offices have, over many years, faced documented challenges including maladministration, fraud, irregularities in deceased estates and vulnerabilities in the administration of the Guardian's Fund. These issues do not determine the merits of the present matter. They do, however, illustrate the wider institutional context in which concerns about judicial integrity arise and underscore the need for comprehensive reform across the justice system.

The National Executive Committee therefore calls upon the Minister of Police and the Minister of Justice to indicate whether any threat was formally reported, what protective steps were taken and what reforms will be implemented to strengthen the protection of judicial officers in future. These questions concern institutional responsibilities and assume nothing about the merits of the allegations.

Judicial officers are bound by the Constitution, the Code of Judicial Conduct and the Judicial Service Commission Act. The Prevention and Combating of Corrupt Activities Act prohibits the acceptance of gratification by a judicial officer. South Africa's commitments under the United Nations Convention against Corruption, the African Union Convention on Preventing and Combating Corruption and the Protocol against Corruption of the Southern African Development Community reinforce the duty of the State to maintain an ethical and trusted judiciary.

The Auditor-General has an essential role in assessing whether internal controls within the Office of the Chief Justice and the Department of Justice were adequate to detect or prevent irregularities of the nature now alleged. Strong

governance systems protect judicial independence and maintain public confidence in the administration of justice.

In terms of the Public Audit Act the Auditor-General has the authority to determine whether material irregularities occurred within the governance systems supporting the courts, to identify weaknesses in internal control, to issue remedial directions and, where necessary, to refer matters for further investigation. AFT calls upon the Auditor-General to assess whether any red flags should reasonably have been detected earlier, whether earlier audit findings were acted upon and what corrective measures are required to strengthen the governance environment in which judicial officers discharge their functions. These are institutional questions and do not assume the correctness of any allegation.

This matter arises shortly after South Africa's removal from the Financial Action Task Force grey list. The judiciary is central to the enforcement of anti-corruption measures. Its integrity is indispensable to sustaining confidence in the rule of law both domestically and internationally.

Advocates for Transformation calls for a full and transparent account from the Office of the Chief Justice, the Judicial Service Commission, the Ministry of Police and the Ministry of Justice regarding the steps taken when allegations first emerged, the processes followed thereafter and the measures now in place to safeguard judicial independence during any inquiry. Transparency strengthens, rather than weakens, the judiciary.

Reform must follow. Judicial oversight structures must be strengthened. Case allocation systems must be transparent and auditable. Declarations of assets and interests must be updated and verifiable. Lifestyle risk indicators must be assessed promptly. Early-warning mechanisms must be institutionalised to ensure that credible concerns receive timely attention.

The administrative environment supporting the courts must be reinforced. Integrity screening, continuous ethical training, secure digital case management systems, auditable access controls and confidential reporting channels are essential components of a modern justice system.

Judicial independence is strengthened by accountability. A justice system that is ethical, transparent and intolerant of misconduct safeguards every right and every liberty.

Advocates for Transformation reaffirms its respect for the judiciary and its commitment to protecting the rule of law. AFT will continue to support principled reform and engage constructively with all relevant institutions to uphold the integrity of the courts. **A**

Issued by the National Executive Committee of Advocates For Transformation

Adv Myron Dewrance SC
National Chairperson



“A JUSTICE SYSTEM THAT IS ETHICAL, TRANSPARENT AND INTOLERANT OF MISCONDUCT SAFEGUARDS EVERY RIGHT AND EVERY LIBERTY.”