

# Judges come clean on riches

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All are equal before the law, but, as with everything else in life, even among judges it appears there are those who have much and those who do not.



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Some of South Africa's judges own many properties, farms or holidays homes, hold millions in investments or earn money from royalties; others appear to have little worth mentioning.

For the first time, details of the wealth of South Africa's judicial officials have been compiled in a registry of judges' interests, which is available for public viewing.

In a first for the judiciary, President Jacob Zuma signed into law disclosure rules compelling sitting and retired judges - those discharged from active service but obliged to work from time to time - to declare their interests by the end of March.

More than 230 judges have made declarations ahead of Tuesday's deadline, including:

- Judge Andries Blignault of the Western Cape bench, who declared just more than R11m in investments and two homes;
- Judge Frederik Brand of the Supreme Court of Appeal, who has close to R6m in units trusts, R2.5m in investment policies and R1m in shares with companies such as Bidvest, Shoprite and construction giant WBHO.
- Justice Sisi Khampepe, with just over R6m in investments and a variety of shares in Vodacom and Sasol.
- Judge Kathy Satchwell, with just over R3m in investments and shares in companies that include Investec, MTN, Naspers, Kumba Iron Ore and Exxaro Resources.
- Chief Justice Mogoeng Mogoeng listed just two homes and an unspecified amount in rental income, and Deputy Chief Justice Dikgang Moseneke listed just more than R7m in investments, two homes and a plot at Zimbali in KwaZulu-Natal.
- Among the various judge presidents who declared were Mashangu Leeuw of North West, with two residential properties, an empty stand and R11,000 in rental income; Dunstan Mlambo of Gauteng, with one home and roughly R16,000 in shares; and Themba Sangoni, of the Eastern Cape, with two homes and rental income of R5,000 a month.

The deadline for submissions was set at 31 March, said Nathi Mncube, spokesman for the office of the chief justice.

He said the regulations did not prescribe specific sanctions against judges who failed to declare registrable interests, but they would be referred to the Judicial Conduct Committee.

"The Judicial Service Commission Act provides a variety of remedies that could be imposed for complaints classified as serious but non-impeachable, including a reprimand, written warning or any other corrective action that the JSC could think appropriate."

Retired judges still available for active service include Judge Willie Hartzenberg, who gets R60,000 a year from a family trust, R25,000 a year from interest on annuities and R1m on interest from unspecified investments.

Retired Judge Douglas Graham Scott received R4,700 a year as salary from the government of Lesotho.

According to the list filed with the registrar in Johannesburg, only four judges have failed to declare their interests - two of whom are listed as retired and two as acting.

They include former Constitutional Court Justice Zak Yacoob. He wrote to the JSC on Thursday, declaring his interests, but noted that he did not need to declare them with the registrar.

He said that although it was "absolutely spot-on" for judges to declare earnings outside their salaries, he did not believe the regulations, as they currently stood, compelled him to do so. Yacoob added that if the regulations did indeed compel him to declare, he would do so.

Former deputy president of the Supreme Court of Appeal Judge Louis Harms has filed a legal challenge to the disclosure rules, saying they were unconstitutional. In papers filed at the High Court in Pretoria, Harms said the disclosure requirements discriminated against him because he retired after 25 years' service at the age of 70.

Harms said those who retired before the age of 70 after 15 years were not required to disclose their interests as they could not be called up to serve after retirement.

He said he did not mind being recalled for duty, but he did not understand why his private life needed to be made public while the rules did not apply to some of his colleagues.

Free State Judge Shamin Ebrahim also did not declare her interests. She could not be reached for comment.

Western Cape Judge President John Hlophe declared two residential properties and a 40% stake in an entity called Wynvallei, as well as a R1m stake in another company.

Justice Edwin Cameron of the Constitutional Court declared four residential properties and R1m worth of investments in pharmaceutical company Aspen and cellphone giant MTN.

Judge Thokozile Masipa, who presided over the Oscar Pistorius murder trial, declared two homes.

Free State Judge Andre Jordaan declared R150,000 in income from farming and R80,000 from Vodacom for the rental of a tower.

Mncube said that for the 2014/15 disclosure period, 238 judges in active service disclosed their interests, including 20 retired judges who are available for service.

By law, judges receive a salary for life after they retire.

Source: *Sunday Times*

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