

In the matter between:

THABEX LIMITED
MARIUS WELTHAGEN
JOHN ANTHONY CRUISE
IZAK BENJAMIN TONDER
JEFFREY RAYMOND RAPOO
JAN WALTER KRUGER
MASANKISI KAMWANGA
ANGEL DIAMONDS (PTY)LTD

1ST APPLICANT
2ND APPLICANT
3RD APPLICANT
4TH APPLICANT
5TH APPLICANT
6TH APPLICANT
7TH APPLICANT
8TH APPLICANT

And

THE MINISTER OF NATURAL RESOURCES
THE COMMISSIONER OF MINES
AND GEOLOGY
MINISTER OF TRADE OF INDUSTRY
THE MINING BOARD
THE ATTORNEY GENERAL
RESKOL DIAMOND MINING (PTY)LTD
C J ENGELBRECHT
P MOSEBO

1ST RESPONDENT
2ND RESPONDENT
3RD RESPONDENT
4TH RESPONDENT
5TH RESPONDENT
6TH RESPONDENT
7TH RESPONDENT
8TH RESPONDENT


REASONS FOR RECUSAL - 30TH AUGUST, 2012

- [1] It has come to my attention that some people who say are investors have approached the powers that be, in Government, i.e. the Executive, in relation to this case –in particular the pending judgment that is due on the 1st November, 2012. They have complained about the fact that the date for

judgment in November is too far. It appears the impression that was either created or formed was that I might not be exactly upstanding.

[2] I was not only shocked by the implication that I might be involved in some underhand dealings, I was also surprised at the forum they chose to complain. I am uncertain whether the idea was to put political pressure on the court or it was merely to embarrass the court. Either way I was disappointed by people who have legal representation who instead chose not to use it appropriately. Cases/matters that are *sub-judice* or are already partly heard are discussed at the court and nowhere else. This court does not bow easily to political pressure, neither does it take kindly to being discussed at political forums, when the Chief Justice is available and accessible. It is unfortunate that certain parties feel that instead of approaching the court to resolve any misunderstandings, it is easier for them to approach the Executive arm of Government for intervention, when the Head of the Judiciary had not yet been approached. I view this in a very serious light indeed.

[3] In view of this debacle and in order to avoid real or a perception of bias on my part, it makes sense that I therefore, recuse myself from this matter or other related matters. The file in CIV/APN/664/2010 will go back to the Roll Office for reallocation.



L. CHAKA-MAKHOOANE
JUDGE