

Judge steps aside from Bromwell case

By [Ashleigh Furlong](#)

6 Jul 2017

Acting Judge Leslie Weinkove has stepped away from the Bromwell Street court case. In March, an application was launched by the residents requesting that he recuse himself.



Bromwell Street residents and members from Reclaim the City picket outside the Western Cape High Court before their court hearing in January. Photo: Ashraf Hendricks

Due to [“offensive comments”](#) made by Weinkove during the hearing of the case, residents felt that he “may have been biased” against them. The recusal was due to be argued on 3 and 4 August.

The Bromwell Street residents are facing eviction for a development by the Woodstock Hub. The City of Cape Town has argued that they can be temporarily accommodated in Wolwerivier. But Ndifuna Ukwazi Law Centre, representing the residents, argues that the City has a constitutional obligation to provide the residents with emergency accommodation as close as possible to their homes and that the conditions in Wolwerivier would “further entrench their vulnerability”.

Ndifuna Ukwazi Law Centre Attorney Disha Govender told GroundUp that Weinkove informed them on 14 June that he was stepping aside from the matter.

Acting Judge Mark Sher will preside over the matter and it will be “heard afresh” in September.

Govender said that the residents expressed relief upon hearing that Weinkove was stepping aside and that they are looking forward to seeing the re-argument of the case.

Residents will however continue with their complaint against Weinkove, which was lodged with the Judicial Service Commission. They believe that Weinkove “violated their right to dignity and breached the code of ethics required of judges”.

Weinkove has [previously defended his comments](#) saying that when he said that resident Charnell Commando was “just a kitchen assistant” and questioned what she knew about the city’s budget, he wasn’t being “antagonistic”.

“I wanted to know on what basis she was an expert to face the information given by the defendant,” he said.

“You are saying that I should recuse myself because I dared to question her affidavit,” he said.

“It doesn’t seem to me I was in any way antagonistic to her.” He said that if this kind of conduct justifies recusal “then so be it”.

GroundUp contacted Weinkove’s office for comment but was told by a registrar assisting Weinkove that there was no way to reach him for comment, and that he would only be back in the office during the court’s next term.

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