



# JUDGES MATTER

**Judicial Services Commission interviews  
2 October 2018**

**Gauteng Division of the High Court  
Interview of Ms S N I Mokose**

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CJ M. Mogoeng: Please switch on your mic.

Ms S. N. I. Mokose: Good morning, Chief Justice.

CJ M. Mogoeng: Are you well?

Ms S. N. I. Mokose: I'm well, thank you and how are you?

CJ M. Mogoeng: I'm very well, thank you.

Ms S. N. I. Mokose: Thank you.

CJ M. Mogoeng: Are you still an Attorney?

Ms S. N. I. Mokose: I am still an Attorney, Chief Justice.

CJ M. Mogoeng: And you have been for about 17 years?

Ms S. N. I. Mokose: It's 27 years.

CJ M. Mogoeng: Is it? You count the pupillage period or after pupillage?

Ms S. N. I. Mokose: It's after.

CJ M. Mogoeng: Okay, after.

Ms S. N. I. Mokose: I was admitted in 1991.

CJ M. Mogoeng: Okay. Oh, my maths. Anyway, I'll take your word for it. My calculation is wrong. And you've been with a number of firms?

Ms S. N. I. Mokose: That's correct.

CJ M. Mogoeng: What does it mean to be a consultant in a firm of Attorneys?

Ms S. N. I. Mokose: What it means is...

CJ M. Mogoeng: What does one do as a consultant?

Ms S. N. I. Mokose: I am consulted on issues pertaining to the running of the firm. I am also asked to assist and give advice on property matters, which is what I had a keen interest in, but I'm also asked to give advice on other matters.

CJ M. Mogoeng: Okay, so you are not a director of the firm? You are not an employee of the firm. You just have a contractual arrangement with them or what?

Ms S. N. I. Mokose: That's correct.

CJ M. Mogoeng: Yes and if you add up your acting stints in 2016, 2017 and 2018, for what period would you say, all in all, you've acted?

Ms S. N. I. Mokose: It's 87 weeks that – *ja*.

CJ M. Mogoeng: 87 weeks?

Ms S. N. I. Mokose: That's correct.

CJ M. Mogoeng: And I noticed that you've attended SAJA's Judges' programmes?

Ms S. N. I. Mokose: That's correct.

CJ M. Mogoeng: Even the advanced?

Ms S. N. I. Mokose: Yes, both of them.

CJ M. Mogoeng: Were they of any good?

Ms S. N. I. Mokose: Yes, they were very helpful.

CJ M. Mogoeng: How did you manage to attend, because many practitioners are not able to attend, because while here there is not income and I understand that others would rather – would only be able to attend if there was some kind of a stipend made available to them by the judiciary or the state. How did you manage? How did you get it right?

Ms S. N. I. Mokose: In respect of the basic Court, the basic Aspirant Court, I was still a practising attorney and my firm allowed the time off and I think that was a week that we were off at that time.

CJ M. Mogoeng: Yes.

Ms S. N. I. Mokose: In respect of the second one it was in early January that I attended. We were not back at work at that time.

CJ M. Mogoeng: Okay. And were there other practitioners that attended this programme or not?

Ms S. N. I. Mokose: Yes, there were other practitioners. There were attorneys and there were several counsellors (indistinct) [00:03:07].

CJ M. Mogoeng: Okay. Now, did you have a serious challenge with reserved judgments or not?

Ms S. N. I. Mokose: Chief Justice, I think in the last time I was here, there were a couple of judgments, which had taken longer than the three months, which are recommended.

CJ M. Mogoeng: Yes.

Ms S. N. I. Mokose: But since then there have been none which have taken longer than the three months.

CJ M. Mogoeng: You've never had a judgment reserved for 12 months or something?

Ms S. N. I. Mokose: No, no. Not at all.

CJ M. Mogoeng: Yes. Okay. JP?

JP J. Hlophe: Thank you, Chief Justice. Ms Mokose, good morning.

Ms S. N. I. Mokose: Good morning, JP.

JP Mlambo: Just before I go onto the spreadsheet, or in fact let me start there, you said 87 weeks, which is well over a year. It's nearly two years?

Ms S. N. I. Mokose: It's nearly two years.

JP Mlambo: Right. Now, I see, if I compare you to the other candidates you've done 23 full weeks in appeals only and you've done a lot of criminal appeal work there.

Ms S. N. I. Mokose: That's correct.

JP Mlambo: Right. Would you say that compensates for you not having sat as a Criminal Trial Judge?

Ms S. N. I. Mokose: I believe that that actually does, because of the – not only are you sitting in there for weeks, but you've got on each day that you are sitting maybe four matters that you have to work on and consider.

JP Mlambo: Right. I see you've also spent five weeks in the Urgent Court?

Ms S. N. I. Mokose: That's correct.

JP Mlambo: How did you manage that, because my experience is that Attorneys generally find it difficult to act in the Urgent Court?

Ms S. N. I. Mokose: I didn't find it difficult. I think with the collegiality of my seniors they were able – the first time that I had to sit in this Court, to hold my hand and talk me through it and I think I got some very useful tips from the senior Judges in that respect.

JP Mlambo: Right and I also see you've spent a whopping 17 weeks in the Unopposed Motion Court and 12 weeks in the Opposed Motion Court? Those are difficult Courts. Am I not correct?

Ms S. N. I. Mokose: Those are very difficult Courts. The Opposed Motion Courts have a lot of matters. On a good day you will have 50. On a bad day you can go right up to 70, but you work at it. You work consistently through the matters and well, I did get through them. The Opposed Motion – there are less matters, but there's much more work to be done in respect of the Opposed matters, more preparation before you get to Court and I think you get a two week lead before going to Court on the Opposed matters.

JP Mlambo: You also did two Special Civil trials and two Special Motions?

Ms S. N. I. Mokose: That's correct, yes. That's correct.

JP Mlambo: Now, the Chief Justice asked you about reserved judgments and you say you've now complied with the norm of not taking longer than three months?

Ms S. N. I. Mokose: That's correct.

JP Mlambo: ...in handing down your judgments.

Ms S. N. I. Mokose: That's correct.

JP Mlambo: Could I just request you to go back to when you were interviewed last year. There was the question of a judgment that was called to have been reserved by you for longer than seven or eight months if I'm not mistaken? Do you remember that matter?

Ms S. N. I. Mokose: I remember that matter.

JP Mlambo: Can you just clarify what happened there?

Ms S. N. I. Mokose: Okay.

JP Mlambo: Did the judgment take eight months or nine months?

Ms S. N. I. Mokose: No, that is not correct. as I had explained, what had happened is that judgment was handed down, I think it was the 19<sup>th</sup> of June if my mind serves me correctly. On the day I gave an *extempore* judgment, which is a judgment which I read into the record. I do have a copy of the digital recording of the judgment and they had access to the digital recording. In fact, before a judgment is handed down, we do ensure that the parties are informed that a reserved judgment will be handed down at a particular time on a particular day and this is what was done. I think what the Commissioner was querying was that he had a copy of a judgment, which I had subsequently signed and the copy was a revised copy and in two places, on the front cover of the judgment and on the last page it is written that it was revised and that is the copy, which was signed on the 4<sup>th</sup> of September 2017.

JP Mlambo: Okay. Now, the difference between an *extempore* judgment is that the *extempore* date is the effective date of – the effective date of handing down the judgment?

Ms S. N. I. Mokose: That's correct. The effective date of handing down the judgment is the date that the *extempore* judgment is being handed down.

JP Mlambo: Right and that was far less than the eight months?

Ms S. N. I. Mokose: That's correct.

JP Mlambo: And the revised is because people may want to go and appeal and whatever, so they give you the digital copy to correct and you revise and then you sign and then you hand it back.

Ms S. N. I. Mokose: That's correct. I was given a digital copy to revise. I found it easier to hand them a copy of the judgment which I had typed and printed and rather than go through the digital copy and that was the copy which was handed to the clients at the end of the day.

JP Mlambo: Let me just move on to your experience. You say in your questionnaire that you're a property law specialist. You were the first female to be admitted as a conveyancer – black female, if I'm not mistaken?

Ms S. N. I. Mokose: That's correct – black female.

JP Mlambo: Right and you've had positions of leadership in that special area in the Law Society?

Ms S. N. I. Mokose: That's correct, JP.

JP Mlambo: Chief Justice, I've got not further questions. Thank you very much.

CJ M. Mogoeng: Thank you, JP. MEC Lesufi?

Mr Lesufi: Thank you so much, Chief Justice. I think from the last engagement I'm fine, save to say maybe if Ms Mokose will feel comfortable just to explain and take this Commission in confidence about your South African citizenship?

Ms S. N. I. Mokose: Thank you, Commissioner. I've been a permanent resident in South Africa since 1990. I hold a British citizenship by virtue of my birth. I grew up in Lesotho. I applied for my citizenship and in November - I think it was the 22<sup>nd</sup> of November I was then asked by the Department of Home Affairs to attend an induction, which induction I did in fact attend. We were supposed to have been sworn in the following week, but we were told at the induction that there is a little bit of a problem in that the Minister is not available, so for that reason we have been waiting for the citizenship to be conferred on us, but for all intentional purposes everything has been complied with with regards to the citizenship.

CJ M. Mogoeng: Commissioner Msomi?

Mr Msomi: Thank you, Chief Justice. Good morning, Ms Mokose.

Ms S. N. I. Mokose: Good morning, Commissioner.

Mr Msomi: Yes, thank you so much. We invite obviously various law bodies to comment on the candidates when they apply and my colleagues from the General Council of the Bar are here and they've raised the concern or rather they raised the criticism in their comments and that is captured in paragraph 12 of their comments and they say this: "Reports from practitioners who have appeared before the candidate indicate that the candidate lacks the ability to properly manage Court proceedings, suggesting a lack of adequate familiarity with Court procedure and process." And they go on to say: "A report from a senior practitioner indicated that the candidate had not adequately prepared for the matter prior to it being heard." What is your comment to that observation by my colleagues who are sitting on my right?

Ms S. N. I. Mokose: Thank you, Commissioner. It's a very difficult comment to comment to. I don't have an indication as to whether I was seated in Johannesburg or in Pretoria. We have different practice manuals in the different divisions of the Gauteng High Court. It is possible that the person who made that comment may have been one who's practicing or is mostly appearing in one or the other of the divisions. I also don't have an indication as to whether it was a trial that could've been running, whether it was an Opposed Motion or whether it was even an Unopposed Motion or any of the other areas that we work in. So, it's a very difficult comment to comment to. In respect of the second one that I was not adequately prepared. Likewise I – it is very difficult. I have not been approached by the JP, whom I know. He meets frequently with the – in a forum to discuss matters of mutual interest and I would've expected if things were that bad that the

JP be notified that the candidate that you have actually put here is not capable and the one thing I can say is I will always prepare for my matters that I am going to be attending to in Court.

Mr Msomi: Thank you, the second question then from me and it is the last question relates to whether in any of the matters that you have presided upon, have you had an opportunity to develop our common law and are you able to refer us to an example where you gave a ground-breaking judgment, which changed our common law?

Ms S. N. I. Mokose: I don't know about ground-breaking judgment, but I think I have contributed to the development of our common law. In the pack which was part of my application, there is a matter there, I think Nedbank and Diedericks, I think it is, in which there was a very difficult matter in respect of the MCA and I think that particular matter will actually – is an indication of my contribution that I have made thus far.

CJ M. Mogoeng: Minister?

Mr Masutha: Thank you and good morning, Ms Mokose.

Ms S. N. I. Mokose: Good morning, Minister.

Mr Masutha: Just in relation to – as a follow-up to – just checking on your experience, you are an Attorney?

Ms S. N. I. Mokose: That's correct, Minister.

Mr Masutha: And have you practiced in the High Court as an attorney or at what point, prior to your acting stints have you, if at all, been exposed to work in the High Court?

Ms S. N. I. Mokose: Thank you, Minister. I have been exposed to work in the High Court. I have not personally appeared, because of the specialised nature of the work that I would do. I would work more as consultant in respect of litigation matters. So, it is in that respect, but before then...

Mr Masutha: Just in relation to that, would that also apply in the lower Courts that basically you were not a trial Attorney. You were basically...

Ms S. N. I. Mokose: More often...

Mr Masutha: ...more legal administration?

Ms S. N. I. Mokose: More often than not the matters were matters, which would be brought before the High Court, so in all the matters that I did do so, it was High Court matters.

Mr Masutha: Yes.

Ms S. N. I. Mokose: And prior to that, when I was doing my articles and I was a junior attorney, very early in practice, I did not appear in any of the Courts, by virtue of the fact that we needed to have a working knowledge of Afrikaans and in fact we had to have a university course and for that reason, I did not have right of appearance. I would, however, prepare all documents for my seniors or those who were able to appear in Court to do just that.

Mr Masutha: Did you not find it a quantum leap, moving from an Attorney's practice, which was largely – which largely did not involve Court appearance to suddenly find yourself having to act on the bench and actually confront a trial situation and that kind of an environment. How did you find that experience? Couldn't that have explained some of the criticism that's been levelled against you in relation to your ability to fully apprehend proceedings at that level?

Ms S. N. I. Mokose: Thank you, Minister. I have been acting since 2016 Term 1 in the High Court. I did – the problem with the criticism is that there is no indication as to when this happened. I have gone back and looked at criticisms that the comments which were given, in respect of the 2017 application and there were none of those, so it's very, very difficult for me to say that maybe – at what stage these criticisms could've crept in and in respect of whether I found it fickle, yes it's a very different environment from the environment that I was in, but with the help and the support of my colleagues, the senior Judges I have overcome the challenges I may have had at the beginning.

Mr Masutha: Thank you, Chief Justice.

CJ M. Mogoeng: Thank you, Minister. Commissioner Nkosi Thomas?

Ms Thomas: Thank you, Chief Justice. Good morning, Ms Mokose.

Ms S. N. I. Mokose: Good morning, Commissioner.

Ms Thomas: You appeared before us previously and you were asked a question about the disciplinary proceedings in which you were found guilty by the Law Society and were sanctioned to the tune of a fine of R10 000.00. Do you remember that?

Ms S. N. I. Mokose: It was a suspended sentence.

Ms Thomas: Was it suspended?

Ms S. N. I. Mokose: It was suspended.

Ms Thomas: Very well, but my question to you and that happened – when did...? Just refresh my memory, when did that happen?

Ms S. N. I. Mokose: I think 2003, 2004 and 2005.

Ms Thomas: That's right. Now, the question is, have you ever been found guilty of a similar misdemeanour, subsequently?

Ms S. N. I. Mokose: None at all.

Ms Thomas: And you've learned from the errors of your ways, would you say?

Ms S. N. I. Mokose: I definitely did learn from the errors.

Ms Thomas: Thank you. Thanks, Chief Justice.

CJ M. Mogoeng: Thank you, Commissioner. Commissioner Malema?

Mr Malema: Thank you very much, CJ. Back to the MEC's question. I just want to understand. Are you a naturalised citizen?

Ms S. N. I. Mokose: Mr Malema, I'm waiting to be naturalised.

Mr Malema: So you're not a naturalised citizen?

Ms S. N. I. Mokose: I'm not a naturalised citizen.

Mr Malema: Thank you.

CJ M. Mogoeng: Commissioner Singh?

Mr Singh: Thank you, Chief Justice. Good morning, Ms Mokose.

Ms S. N. I. Mokose: Good morning, Commissioner.

Mr Singh: I just want to refer to the question in 9.5 on reserved judgments, where you stated there are three matters.

Ms S. N. I. Mokose: I had four matters at the time that I wrote them.

Mr Singh: Yes and I note that you last acted between the 21<sup>st</sup> and the 29<sup>th</sup> in Johannesburg on the 29<sup>th</sup> and 13<sup>th</sup> July in Pretoria. Are these judgments ready to be handed down, if you're given the opportunity?

Ms S. N. I. Mokose: They have in fact been handed down and I did in fact act in the third term up until the 21<sup>st</sup> of September.

Mr Singh: So, they've all been handed down?

Ms S. N. I. Mokose: They've all been handed down, Commissioner.

Mr Singh: Thank you, Chief Justice.

CJ M. Mogoeng: Thank you, Commissioner Singh. Commissioner Mpfu?

Mr Mpfu: Thank you. Good morning.

Ms S. N. I. Mokose: Good morning, Commissioner Mpfu.

Mr Mpofu: Yes, I've also known you for many years. You were my senior at Wits.

Ms S. N. I. Mokose: That's correct, Commissioner.

Mr Mpofu: Yes. Now, I'd like to ask you two things very briefly. One is, given the specialised and non-litigation nature of your practice and as you've said, you haven't appeared in the High Court for the reasons you have explained. What special efforts have you had to take during your acting stints to enhance your eligibility for elevation to the bench?

Ms S. N. I. Mokose: Commissioner, I'd like to say that I have been on three courses to enable me to act. The first course is the one which was – which I attended, which was being held by the Law Society of the Northern Provinces and then I attended the SAJA basic aspirant Judges' course and then I attended the advanced aspirant Judges' course. Whilst I have been acting in the High Court, both at Pretoria and at Johannesburg, I have had seniors that have been able, where I think that I need to consult or get an idea about a procedural matter, I would most definitely do so, but it has been very few and far between cases.

Mr Mpofu: Thank you. The second issue is to do with the empowerment of women or fighting gender discrimination. Now, do you know – your appointment should constitute something to that, but it doesn't follow automatically by virtue of you being a female, that you'll necessarily contribute to the transformation in that important area. One of the ways in which we can predict whether you will contribute is by your past record. As an Attorney of 27 years standing and having worked mainly in the so-called large white law firms, have you in your career ever made any special efforts to brief black female Advocates or even empower other female junior Candidate Attorneys and alike within those firms and those environments?

Ms S. N. I. Mokose: Commissioner, I have. I was also in my own practice for 14 years. I made it a point of ensuring that I employed or gave the opportunity to black females, knowing the struggle that I had gone through as a black female. In my position as a director (indistinct) [00:26:15] the same was true. All my secretaries were black females. The other thing that I did too, is I empowered – there were three black Candidate Attorneys, whom I mentored and trained for them to become – to pass the conveyancing and material practice exam. I continued to do so. I have also briefed black female Counsel in respect mainly of my *pro bono* work that I do do in refugee – that I have been doing in refugee law.

Mr Mpofu: Just in closing I want to say that despite what Commissioner Msomi read out to you about the (indistinct) [00:27:06] TCP's comments, it also says that: "We are of the view that you have great potential for a long and successful career as a judicial officer and you'll be of great service to the bench" just to balance it out. Thank you.

Ms S. N. I. Mokose: Thank you, Commissioner.

CJ M. Mogoeng: Justice Navsa?

Mr Navsa: Hi Ms Mokose, I have a sense of *Deja vu* listening to you, because I spent about five years in the Johannesburg High Court. I really have two questions for you. It's an intimidating Court in terms of volume. I think that JP accepts that. You had a limited experience. I think all of the people at my vintage would've had a limited experience. When you get there it becomes Commercial Court and as the Minister indicated, it's a quantum leap. So, there's a great deal to learn and deal with. Do you accept, given your limited background and I may deal a bit with the criticisms about your lack of practical experience that you have to hit the ground running. You get thrown into the deep end and it's an ongoing incredibly taxing exercise, but you've got to do it. If you want to come out on top, you've got to continue developing. That's the first question. Second question is just a follow-up on what Commissioner Malema put to you and it's really in terms of the qualifications and who we can and can't appoint. You said for all intents and purposes the citizenship process has terminated or has reached its conclusion. Have you been informed of that? Do you have something in confirmation of that, so that when we make the decision, it's presented to us? Is there any finality on that? Is there any official documentation of finality on that? Thank you.

Ms S. N. I. Mokose: Sorry, let me answer the second one first. The issue of the citizenship, I have been following it up since November last year and as I explained, what normally happens, you go to an induction and a week later you go for the swearing in and the position is that the Minister was not available to swear us in at that point. In my pack of documents there is a letter confirming that I have attended that. I have on Wednesday this week managed to get hold of the Chief Director in the Citizenship Department who just confirmed telephonically that they decided to waive the process of swearing in, because of the fact that it took such a long time, so all that I would need to do is attend on his office to get my certificate. So, there's nothing more for me to do, because of the fact that it took such a long time, because of the change in the members of the Executives.

CJ M. Mogoeng: The second one?

Ms S. N. I. Mokose: The second one...

CJ M. Mogoeng: Hit the ground running...

Ms S. N. I. Mokose: Sorry, can I ask the Commissioner just to repeat that one again?

Mr Navsa: Sorry, I just go back to my own experience and I think your JP, who used to be my clerk once upon a time will tell you the same that you've got to – particularly if you have limited experience, given the volume that you're faced with, given the number of matters that you're expected to deal with and I think people with Adv Mpofo will agree with that. You really have to come to grips with that. It's a quick learning, ongoing, intense exercise and I really wanted to know, do you accept that as so and are you committed to that ongoing intense exercise to put yourself on top of it all?

Ms S. N. I. Mokose: Thank you, Commissioner. I think, first of all, my experience is limited in the sense that I did not appear in Court on behalf of clients, but at the

end of the day, as a conveyancer, you first have to be an Attorney. You have to know the law and practice the law and in my conveyancing work we did just that. We had to have vast experience of the law. In respect of the loads, the amount of work, I agree, Commissioner, the amount of work that is expected of us is quite a lot. I think I have worked very hard and it can be seen in my judgments and then not only in the number of judgments, but in the quality of judgments that I have acquitted myself and I will continue to strive to acquit myself better.

CJ M. Mogoeng: Your follow-up question, Minister?

Mr Masutha: Just thank you and thanks for indulging me, Chief Justice. Just on the citizenship thing, there's something just I want to clear in my head. You qualified at Wits for your L.LB in 1998 and you've since practiced in South Africa?

Ms S. N. I. Mokose: That's correct.

Mr Masutha: But I seem to be understanding you to say you only applied for citizenship of the Republic, only in 2017? Is that – am I missing something?

Ms S. N. I. Mokose: In 2016.

Mr Masutha: Oh, okay 2016?

Ms S. N. I. Mokose: That's correct.

Mr Masutha: What could've been the reason for waiting between 1998 – I can understand when you're still a student that maybe it wasn't opportune or whatever, but since 1988 I'm not sure how many years we're talking about there, is there a particular reason why you only waited until 2016 to apply for citizenship, which happens to be the time when you started acting as a Judge in South Africa in particular. Has that got to do with it, because of your aspiration of joining the bench or what prompted you suddenly after all these years?

Ms S. N. I. Mokose: Commissioner, thank you for that question. I – as I've mentioned briefly, I'm a citizen, but I do not have it there, because the city did not allow dual citizenship. I kept my citizenship until I realised I cannot keep it anymore and reverted to the citizenship of my birth, which allows dual citizenship. I had been trying to apply before and the red tape is what prevented me, but I then thought I have been in this country for this long, I am not...

Mr Masutha: You have been trying to apply before for South African citizenship?

Ms S. N. I. Mokose: Yes.

Mr Masutha: Since when specifically?

Ms S. N. I. Mokose: I think it was about 2009 – I think it was that I went to the Department. There was a lot of red tape and one of the things...

Mr Masutha: But it was only until then that you contemplated South African citizenship?

Ms S. N. I. Mokose: That's right.

Mr Masutha: I think that...

Ms S. N. I. Mokose: And as I've... Are you...? As I've explained, Lesotho did not allow for dual citizenship, so I took up my British citizenship in 2015, when I realised that I'm going to have to make a concerted effort to sort out my citizenship. I have been living in South Africa. My mother is South African. Half my family is here. So, I – my work life has been in South Africa. So, it's for that reason I thought that it's only right that I should arrange – sort out my citizenship issues.

Mr Masutha: Thank you, Chief Justice.

CJ M. Mogoeng: Half your family is here? What connection do you still have with Britain?

Ms S. N. I. Mokose: My mother's family – all my mother's family are South African and I see them all the time.

CJ M. Mogoeng: Ja, what about Britain now? What connection do you still have with Britain for you to want to return its citizenship?

Ms S. N. I. Mokose: CJ, it's really a matter of travel – when you have to travel, which just makes it a little easier than what it was in Lesotho.

CJ M. Mogoeng: Is that why you are returning your British citizenship?

Ms S. N. I. Mokose: South Africa allows us to retain dual citizenship.

CJ M. Mogoeng: No, I know. There's a Judge in Pretoria who has dual citizenship, British and South African. I'm not attacking you. I just want to know, is it for the purpose of travelling, to smoothen your travel?

Ms S. N. I. Mokose: That's correct.

CJ M. Mogoeng: Okay. Commissioner Mpofu?

Mr Mpofu: Thank you, just a follow-up on the citizenship thing. For the record, if you want to be a citizen of Lesotho, I think that's great.

Ms S. N. I. Mokose: It's actually been – a bill has been passed in parliament about three weeks ago that Lesotho now allows dual citizenship.

Mr Mpofu: Yes. Okay, but in any event, Section 174(1) of the Constitution says, "Any appropriately qualified woman or man, who is a fit and proper person may be appointed as a judicial officer" and then it says, "Any person to be appointed to the Constitutional Court must also be a South African citizen." Now, in the light of that, will that be any impediment to your appointment, right now, while you are waiting for your South African citizenship?

Ms S. N. I. Mokose: There is no impediment for my appointment at the moment.

Mr Mpofu: Thank you.

CJ M. Mogoeng: There would be an impediment if you wanted to be a Constitutional Court Judge?

Ms S. N. I. Mokose: That's correct, CJ.

CJ M. Mogoeng: Yes. Commissioner Norman?

Ms T. Norman: Thank you, Chief Justice. Good morning, Ms Mokose.

Ms S. N. I. Mokose: Good morning.

Ms T. Norman: I just want to go back to what Commissioner Msomi has put to you as to what – the comments of the GCB, but then take you back to their comments, when you applied last year, in October. When in the same paragraph, paragraph 12, when they commented about you, last year, they said that paragraph deals with the candidate's ability to conduct Court proceedings and they said members have commented that the candidate is able to conduct Court proceedings. I just want to place that on record and secondly take you to the comments from the National Forum of Advocates. That has been panned by the Secretary Bar Council of the National Forum of Advocates JJS Prinsloo SC. I'm not going to read the whole thing, but he supports all the candidates, but he says in the last paragraph, "The fortunate situation is that the nomination documents of all the candidates indicate that they have the qualities and special ability referred to above. We therefore have the privilege to recommend the appointment of all and any five of the nominees in this division. So, just taking that forward, have you ever, since 2016, right up until today, ever received any letter, any e-mail from any advocate from any Bar, saying that Judge, we are not happy with your performance, you have disappointed us. You have not read the papers or anything of the sort?"

Ms S. N. I. Mokose: Not at all, Commissioner.

Ms T. Norman: Thank you. Thank you, Chief Justice.

CJ M. Mogoeng: Thank you so much, Ma'am. You're excused.

