



## **October 2019 JSC Interviews: Midrand | 7 – 11 October 2019**

JSC interviews overview brief for members of the press and the public

### **Monitoring the process of how South Africa's judges are appointed to the bench**

The Judicial Service Commission (JSC) interviews candidates twice a year for judicial positions in the superior courts of South Africa. This is the place where the judges who sit in South Africa's courts and preside over the nation's court cases are nominated to the bench. Judges Matter is committed to monitoring this process.

### **Judges Matter monitors the JSC interviews in order to bring transparency and awareness to the judicial appointments process in South Africa.**

The way judges in South Africa are appointed matters. The quality of our judges is determined by the quality of the process we use to appoint judges. This process needs to be transparent and accessible to all people in South Africa. A good appointments process leads to good judges on the bench. Good judges make good judgments.

**There will be a live stream of the JSC interviews on the Judges Matter website for the public to watch. To watch the interviews, visit [www.judgesmatter.co.za](http://www.judgesmatter.co.za) from Monday 7 October.**

Judges Matter has put together the following document for members of the press and the public which includes all the details of the JSC interviews taking place from the 7 – 11 October 2019, the list of candidates, details of the JSC commissioners and an overview of what takes place at the interviews.

If you have any queries regarding this document or the JSC interviews you can contact us at [info@judgesmatter.co.za](mailto:info@judgesmatter.co.za)

## Issues of note at the JSC interviews:

### Candidates:

**Judge Ronald Hendricks** has been interviewed twice before, in April 2017 and October 2017, for the position of Deputy Judge President of the North West Division of the High Court. In October 2019 he will be interviewed for the third time for this position. Hendricks's handling of traditional leadership cases has raised concern among critics. [Read his profile for details.](#)

**Judge Bulelwa Pakati**, has been interviewed twice by the JSC, in October 2017 and April 2019, for the position of Deputy Judge President of the Northern Cape Division of the High Court. She is now applying for a position at the Eastern Cape Division of the High Court. It was revealed in both her previous interviews that Judge President Kgomo had written a letter highly critical of Pakati to the JSC. She also revealed the severe divisions within the Northern Cape court. [Read her profile for more details.](#)

Cape Town Chief Magistrate **Daniel Thulare** is applying for a vacancy at the Western Cape Division of the High Court. [Read his profile for details.](#)

**Judge Gerrit Muller** is applying for the position of Deputy Judge President of the Limpopo High Court. Judge Muller presided over a case that left the country cold for its exposing of the bankrupted failures of post-apartheid South Africa: the death of five year-old Michael Komape who drowned after falling into the pit latrine at his rural school. [Read his profile for details.](#)

### JSC Members:

**Judge John Hlophe** is Judge President of the Western Cape Division of the High Court. He is also the elected representative of the Judges President at the JSC (*although this needs to be confirmed and may have changed*). However even if he doesn't appear as a representative of the Judges President, he may still sit in on the Western Cape candidates' interviews. As such he could sit in on the JSC interviews, **however**, he is subject to an outstanding [conduct tribunal](#) which has yet to be resolved. [Freedom Under Law](#) has raised an objection to Judge Hlophe sitting on the JSC while his conduct tribunal is still pending.

Minister of Justice & Correctional Development, **Mr Ronald Lamola**, has replaced Michael Masutha and October 2019 will be his first sitting at the JSC interviews.

**Ms Thandi Modise**, Speaker of the National Assembly of South Africa, sits on the JSC.

Both **Mr Julius Malema**, Leader of the EFF and **Adv Dali Mpofu**, National Chairperson of the EFF sit on the JSC.

**Adv Glynnis Breytenbach** has been designated to sit on the JSC panel as the representative of the Democratic Alliance, the October 2019 round will be her first sitting at the JSC interviews.

## **JSC Interviews Details**

From the 07 – 11 October the Judicial Service Commission (JSC) will be interviewing the shortlist of selected candidates for various judicial positions in the High Courts of South Africa. These sessions are open to the public and anyone may attend. ***We encourage the press to attend and monitor the interview process.***

Here are the details for the interviews:

**Dates:** 07 – 11 October 2019

**Venue:** Office of the Chief Justice in Noordwyk, Midrand ([see map](#)).

**Time:** From 08h00 onwards daily

**JSC Spokesperson:** Mr C P Fourie, 082 881 1737

**Interview Schedule:** [Download the schedule](#)

## **List of candidates: October 2019 JSC interviews**

### 1. Electoral Court (One vacancy)

- Ms Sheila Cheiramiwa Lushaba
- Mr Graehymme Jesus Williams

### 2. Eastern Cape Division of the High Court, Bhisho (One vacancy)

- Adv Margaux Leigh Beard
- Adv Phillip Horatius Sigqibo Zilwa SC

### 3. Eastern Cape Division of the High Court, Grahamstown (Two vacancies)

- Adv Margaux Leigh Beard
- Ms Amelia Marisa Da Silva
- Adv Motilal Sunil Rugunanan

### 4. Eastern Cape Division of the High Court, Mthatha (One vacancy)

- There were no suitable candidates that could be placed on the shortlist.

### 5. Eastern Cape Division of the High Court, Port Elizabeth (Two vacancies)

- Adv Margaux Leigh Beard
- Adv Nyameko Wellman Gqamana SC
- Judge Bulelwa Myra Pakati
- Adv Motilal Sunil Rugunanan

6. Free State Division of the High Court (One vacancy)

- Ms Nokuthula Sylvia Daniso
- Ms Thiloshni Ramdeyal
- Adv Ilse Van Rhyn

7. Gauteng Division of the High Court (Five vacancies)

- Mr Dario Dosio
- Adv John Holland-Müter
- Adv Avrielle Maier-Frawley
- Mr David Makhoba
- Adv Moleboheng Mamorena Pascalina Mdalana-Mayisela
- Ms Shanaaz Christine Mia
- Mr Anthony Peter Millar
- Adv Cassim Ismail Moosa
- Mr Marcus Lekgaloa Senyatsi
- Adv Rean Strydom SC
- Dr Elmarie Van Der Schyff
- Adv Brad Christopher Wanless SC

8. Limpopo Division of the High Court (Deputy Judge President) (One vacancy)

- Judge Thifhelimbilu Phaniel Mudau
- Judge Gerrit Cornelius Muller
- Judge Arnoldus Mauritius Legodi Phatudi
- Judge Moletje George Phatudi

9. North West Division of the High Court (Deputy Judge President) (One vacancy)

- Judge Ronald Deon Hendricks

10. Western Cape Division of the High Court (Two vacancies)

- Adv Diane Margaret Davis SC
- Adv Deidré Susan Kusevitsky
- Adv Frederick Siegfried Gustav Sievers SC
- Adv Hayley Maud Slingers
- Mr Daniel Mafeleu Thulare

## JSC Commissioners

The Judicial Service Commission (JSC) performs an advisory role to the President and national government on any matters relating to the Judiciary or administration of justice. The committee was established in terms of section 178 of the Constitution.

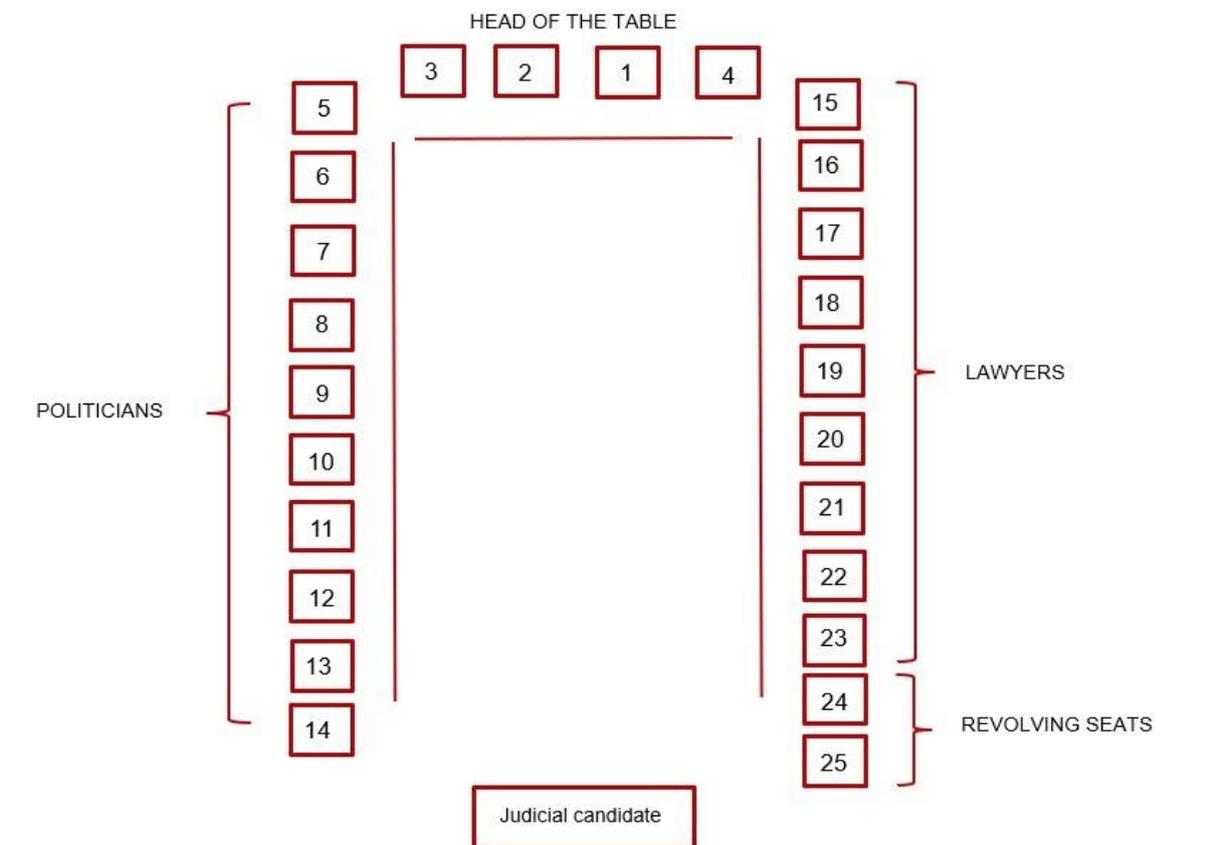
The JSC also assists in interviewing all of the candidates for the judicial posts available across South Africa and following those interviews the committee makes recommendations for appointment to the bench to the President.

To find out more read our [introduction to the JSC](#)

The Judicial Service Commission has 23 Commissioners on the panel who interview judicial candidates, as well as the Judge President of the Division and the Premier of the Province (or the Premier's appointee).

Read our article for more details on each of the Commissioners: [Who sits on the JSC panel?](#)

**This is the layout of where the JSC Commissioners sit during the interviews:**



Here is a list of the current Commissioners on the JSC panel:

	<b>MEMBERS OF THE JSC</b>	<b>CURRENT COMMISSIONERS</b>
	<b>HEAD OF THE TABLE</b>	
<b>1</b>	Chief Justice	Chief Justice Mogoeng Mogoeng
<b>2</b>	President of the Supreme Court of Appeal	Justice Mandisa Maya
<b>3</b>	Representative of the Judges President	*TBC
<b>4</b>	Minister of Justice & Correctional Development	Mr Ronald Lamola
	<b>POLITICIANS</b>	
<b>5</b>	Designated by National Assembly	Ms Thandi Modise, ANC
<b>6</b>	Designated by National Assembly	Mr Gratitude Magwanishe, ANC
<b>7</b>	Designated by National Assembly	Mr Vusumzi Cyril Xaba, ANC
<b>8</b>	Designated by National Assembly	Mr Julius Malema, EFF
<b>9</b>	Designated by National Assembly	Mr Narend Singh, IFP
<b>10</b>	Designated by National Assembly	Adv Glynnis Breytenbach, DA
<b>11</b>	Delegates from the NCOP	Ms Sylvia Lucas
<b>12</b>	Delegates from the NCOP	Mr Archibold Jomo Nyambi
<b>13</b>	Delegates from the NCOP	Mr Mosimanegape Kenneth Mmoiemang
<b>14</b>	Delegates from the NCOP	Mr Thamsanqa Dodovu
	<b>LAWYERS</b>	
<b>15</b>	President's appointee	Adv Nkosi Thomas SC
<b>16</b>	President's appointee	Adv Thandi Norman SC
<b>17</b>	President's appointee	Adv Thabani Masuku SC
<b>18</b>	President's appointee	Mr Sifiso Msomi
<b>19</b>	Acting Advocate	Adv Dali Mpofu
<b>20</b>	Acting Advocate	Adv Jennifer Cane
<b>21</b>	Acting Attorney	Mr C P Fourie
<b>22</b>	Acting Attorney	Mr Mvuzo Notyesi
<b>23</b>	A Professor of Law	Mrs Nomthandazo Ntlama
	<b>REVOLVING SEATS</b>	
<b>24</b>	Judge President of the Division	
<b>25</b>	Premier of the Province (or Premier's appointee)	

\*TBC: The Representative of the Judges' President is still to be confirmed.

NCOP = National Council of Provinces

This is a general description of where commissioners sit to be used as a guideline. Commissioners may switch the order of seating amongst themselves.

President's Appointees: The current President's Appointees were all appointed by former President Zuma.

## **What happens at the JSC Interviews:**

The JSC Interviews will usually start with a meeting of the commission. This is a closed meeting and the public may not attend.

After the meeting of the commission the JSC will interview judicial candidates in line with the interview schedule. An interview is usually scheduled to be 40 minutes to an hour per candidate, but can be shorter or, more usually, longer than the prescribed time. **It is not unusual for the interviews to run considerably longer than the schedule** and some even continue well into the evening.

During the interviews the candidate is asked a series of questions by the JSC commissioners. The Chief Justice will start the questioning, then the Judge President of the court to which the candidate is seeking an appointment will ask questions and the Premier of the province (or the Premier's appointee), followed by the Minister of Justice.

Following this any member of the commission may ask the candidate questions. Although commissioners are advised to limit themselves to three questions per candidate, this is often not the case in practice. We at Judges Matter are actively examining the criteria that the JSC commissioners use in assessing candidates through their questions. **Questioning is often uneven during the JSC interviews and candidates are not asked the same questions.** The questions asked of candidates certainly do not always relate to criteria. In fact, many of them relate to judicial politics, the functioning of the courts, and the progress of the JSC itself in appointing a transformed bench. You can read our article on [questions of criteria at the JSC interviews](#) on our blog.

When the interviews for a court are concluded **the JSC will deliberate** on the candidates and vote for which candidates to recommend for appointment to the bench. These deliberations are closed to the public.

At the end of each day of interviews representatives of **the JSC will address the media** and announce which candidates have been nominated for judicial positions. The nominations are then sent to the President who makes the appointments.

Judges Matter live streams the interviews for the public to watch as well as live tweeting news and updates about the JSC interviews as they happen. **You can follow us on Twitter at [@WhyJudgesMatter](#)**

## **Contribute to Judges Matter:**

*Our commitment to bringing transparency to the judicial appointments process in South Africa comes at a cost.*

It costs **R6 000 per candidate** to bring you the live stream of the JSC interviews. We call on you to help us by contributing towards the live streaming of judicial candidates.

### **EFT ACCOUNT DETAILS**

**Bank** Standard Bank of South Africa Limited

**Account** UCT Donations Account

**Branch** Rondebosch

**Branch code** 025009

**Account number** 071522387

**Type of account** Current

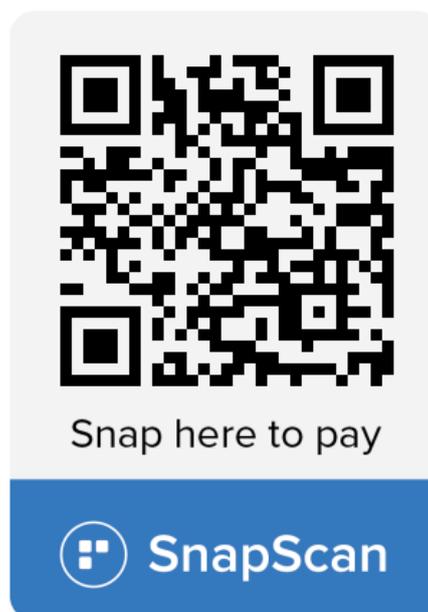
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Or visit our [donate page](#) for more details.



**Spread the word about the JSC interviews:**

Help Judges Matter spread the word about the JSC interviews by sharing the following tweets with your community:

1. The next round of #JSC interviews is taking place from the 7 – 11 October. You can watch South Africa’s next judges get appointed LIVE on [www.judgesmatter.co.za](http://www.judgesmatter.co.za) #JudgesMatter #JSCinterviews
2. I believe the judicial appointments process should be transparent and fair. If you care about who presides over South Africa’s courts, then watch the #JSC interviews from the 7 – 11 October live on #JudgesMatter at [www.judgesmatter.co.za](http://www.judgesmatter.co.za)
3. How judges are appointed in South Africa matters to all South Africans. A good process makes for good judges and good judges make good judgments. Watch the October JSC interviews LIVE on [www.judgesmatter.co.za](http://www.judgesmatter.co.za) #JudgesMatter #JSC #JSCinterviews
4. The #JSC decides who sits on the benches of the superior courts of South Africa. This process demands attention from the public so #JudgesMatter is live streaming the #JSCinterviews from 7 – 11 October for you to watch. Learn more here: [www.judgesmatter.co.za](http://www.judgesmatter.co.za)

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You can also take part in the conversation on Twitter about the JSC interviews as they happen using the hashtags #JudgesMatter #JSC and #JSCinterviews

**You can follow us on Twitter at [@WhyJudgesMatter](https://twitter.com/WhyJudgesMatter)**

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