

*CANDIDATE: ADV NYAMEKO WELLMAN W GQAMANA SC*

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**COURT FOR WHICH CANDIDATE APPLIES: EASTERN CAPE  
DIVISION OF THE HIGH COURT (PORT ELIZABETH)**

**1 The candidate's appropriate qualifications:**

1.1 We submit that the Applicant has appropriate qualifications for the position sought as is apparent from his CV.

**2 Whether the candidate is a fit and proper person:**

2.1 The Applicant is well known to us. He has practised at the Port Elizabeth Bar since 1998 and acquired Silk status on the 26 June 2014;

2.2 Nothing in the Applicant's application or in the material reviewed and comments received on him suggest that he is not a fit and proper person.

**3 Whether the candidate's appointment would help to reflect the racial and gender composition of South Africa:**

3.1 The candidate is a black man.

3.2 While his appointment will contribute to racial representivity, it will not contribute to the gender transformation of the judiciary.

3.3 There are currently 24 Judges in the Eastern Cape Division, 12 of whom are white

**4 The candidate's commitment to the values of the Constitution:**

4.1 The Applicant has displayed a thorough commitment to the values of the Constitution and upholding its provisions;

4.2 The Applicant has been involved in transformation and has also been nominated by NADEL;

4.3 The candidate is well known in the Eastern Cape Society of Advocates and is known to be committed to the values of the Constitution.

**5 The candidate's knowledge of the law, including constitutional law:**

5.1 The Applicant has displayed thorough knowledge of the law, including Constitutional Law;

5.2 The Applicant has acted on a number of occasions as a Judge in the High Court in Port Elizabeth and Grahamstown;

5.3 A review of the Applicant's Judgments attached to his application, indicates that he has a sound understanding of the relevant legal principles.

**6 Whether any judgments have been overturned on appeal:**

6.1 The Applicant stated in paragraph 9.4 of his application, that one of his Judgments was taken on Appeal and that his Judgment was overturned on Appeal.

**7 The extent and breadth of the candidate's professional experience:**

7.1 The candidate has extensive professional experience. In this regard:

7.1.1 He has been involved in most aspects of the law. He did criminal law as a junior advocate. He is currently involved in mainly Administrative law, Labour law and medical negligence matters. He is also involved, to a lesser extent, in unlawful arrest and detention matters, opposed motions and constitutional law.

7.2 He has also been involved in numerous organisations. In this regard:

7.2.1 He has been a part-time lecturer at Vista University;

7.2.2 He has been involved in numerous arbitrations through the Arbitrations Foundation of South Africa;

7.2.3 He was a part-time CCMA Commissioner;

7.2.4 He has acted as a Judge on numerous occasions;

7.2.5 He has been a member of and also Chairperson of NADEL;

7.2.6 He has been a member of and also Chairperson of the Eastern Cape Bar Council;

7.2.7 He has been involved in pupil training;

7.2.8 He has been involved in Advocates Transformation.

**8 The candidate's linguistic and communication skills:**

8.1 The candidate has excellent linguistic and communication skills.

**9 The candidate's ability to produce judgments promptly:**

9.1 The candidate has produced Judgments promptly.

**10 The candidate's fairness and impartiality:**

10.1 The candidate has displayed fairness and impartiality in presiding over matters as well as in Judgments delivered.

**11 The candidate's independent mindedness:**

11.1 We submit that the candidate is of an independent mind.

**12 The candidate's ability to conduct court proceedings:**

12.1 The candidate is well able to conduct Court proceedings and has a thorough knowledge of Court procedure

**13 The candidate's administrative ability:**

13.1 We believe that the candidate has good administrative ability

**14 The candidate's reputation for integrity and ethical behaviour:**

14.1 The candidate has a good reputation for integrity and ethical behaviour

**15 The candidate's judicial temperament:**

15.1 The candidate has good judicial temperament and conducts himself in a dignified manner;

15.2 There were no concerns which appear from the Judgments that we have considered.

**16 The candidate's commitment to human rights, and experience with regard to the values and needs of the community:**

16.1 The candidate has displayed commitment to human rights and has experience in various fields. This includes:

16.1.1 Chairperson of the Advocates Transformation in Port Elizabeth;

16.1.2 Being an Advocate pupil trainer;

16.1.3 Being a member of and chairperson of NADEL;

16.1.4 Being a member of and chairperson of the Eastern Cape Bar Council

**17 The candidate's potential:**

17.1 We believe that the candidate has potential to enjoy a long and illustrious career on the bench

**18 The message that the candidate's appointment would send to the community at large:**

18.1 The candidate is a black man and his appointment will send a positive message to the community at large.

18.2 The candidate's appointment would fulfil the expectations of the community at large in that:

18.2.1 he is a product of the Eastern Cape;

18.2.2 he has engaged himself in numerous activities and societies as an Advocate;

18.2.3 he has worked his way up through the ranks of Advocate and acquired Silk status which was conferred on him in 2014; and

18.2.4 he is a likeable and competent person.

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## **ANNEXURE: LIST OF JUDGMENTS CONSIDERED**

### **Reported decisions**

We have discussed the candidate's performance in Court, with Senior Advocates who have appeared before him, some of whom are listed in the Judgments he has supplied. The overall impression is that he is well prepared, and engages with the representatives showing his knowledge and understanding of the papers.

### **Unreported decisions**

### **Judgments upheld on appeal**

### **Judgments overturned on appeal**

The candidate has referred to a Judgment of his which was overturned on appeal.