

**APPLICANT: JUDGE ANNA MALESHANE KGOELE**

**COURT FOR WHICH APPLICANT APPLIES: DEPUTY JUDGE  
PRESIDENT TO THE MPUMALANGA DIVISION OF THE HIGH COURT  
OF SOUTH AFRICA**

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

- 1.1 The candidate is duly qualified, having obtained B.PROC., LL.B.; and LL.M. degrees.
- 1.2 The candidate is experienced, having worked as:
  - 1.2.1 Prosecutor from 19 May 1988
  - 1.2.2 Magistrate from 25 September 1991
  - 1.2.3 Senior Magistrate from 1 December 1999
  - 1.2.4 Trainer: Magistrates at Justice College from 1 July 2001
  - 1.2.5 Regional Court Magistrate from 1 May 2008
  - 1.2.6 Acting Judge from 1 June 2008
  - 1.2.7 Judge from 25 November 2009
  - 1.2.8 Acting Deputy Judge President (NWHC)
  - 1.2.9 Judge Mpumalanga Division from 1 October 2019

## **2. Whether the candidate is a fit and proper person**

2.1 The applicant is a fit and proper person, because:

2.1.1 She has been a judge for more than 10 years, she has acted as Deputy Judge President and has been in many leadership positions of organisations such as the SA Chapter of the International Association of Women Justices as well as the IAWJ globally.

2.1.2 There do not appear to be any:

2.1.2.1 Complaints or disciplinary proceedings pending against her in her professional capacity.

2.1.2.2 Criminal or civil litigation pending against her.

2.1.3 The candidate contributed to transformation in that she transformed the Upington Magistrates Office, encouraged many women to become part of the judiciary in all spheres, from judges to the High Courts, the SCA and the Constitutional Court and trained many people for the profession.

## **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 woman.

3.2 The candidate's appointment would help to transform the racial and gender composition of the bench.

**4. The candidate's knowledge of the law, including constitutional law**

4.1 Based on the judgments she appended to her nomination form, the candidate is well-versed in the law.

4.2 There is no indication that the candidate is inexperienced in any usual fields of the law.

**5. The candidate's commitment to the values of the Constitution**

5.1 The candidate is committed to the values of the Constitution, as it appears, among others, from her involvement in transformation and training.

**6. Whether any of her judgments have been overturned or upheld on appeal**

6.1 The candidate referred to three judgments which had been overturned on appeal by the SCA.

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

7.1 The candidate is a proficient lawyer, as may be garnered from the judgments she appended to her nomination as well judgments she referred to.

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

8.1 The candidate is proficient in the English language and communication skills, as is apparent from the completion of her nomination form and the judgments appended thereto.

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

9.1 The candidate is able to produce judgments promptly.

9.2 On her nomination form dated 10 January 2020 only one reserved judgment, reserved on 5 December 2019, is noted.

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

10.1 There are no reservations or concerns regarding the candidate's impartiality and fairness.

10.2 This is clear from the judgments appended to her nomination form.

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

11.1 There are no reservations or concerns regarding the candidate's independent mindedness.

11.2 This is clear from the judgments appended to her nomination form.

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

12.1 No adverse comments have been received.

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

13.1 The candidate is administratively proficient, as may be gleaned from her nomination form, holding leadership positions and acting as Deputy Judge President in the North West Division of the High Court.

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

14.1 The candidate's integrity and ethical behaviour are incontrovertible.

14.2 Clear from the transformation actions during her career and leadership positions she has occupied.

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

15.1 The candidate's integrity is undisputable having regard to her career as set out above and in her nomination form.

**16. The candidate's commitment to human rights, and experience regarding the values and needs of the community**

16.1 The candidate's commitment to human rights, and experience regarding the values and needs of the community, are apparent having regard to her career as set out above and in her nomination form.

**17. The candidate's potential**

17.1 The candidate demonstrates potential to contribute to the judiciary, having regard to her experience, capabilities, and demeanour.

17.2 It is only necessary to peruse her Curriculum Vitae as appended to her nomination form to realise her potential to contribute to the judiciary

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

18.1 If the candidate is appointed, it will convey to the community at large that the judiciary:

18.1.1 Consists of judges that are competent, experienced, proficient, fair and just, and open minded, as is clear from the description of

her career and the content of the judgments she appended to her nomination form.

18.1.2

Judges are involved in and understand the needs of the community.

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

### **Reported decisions**

Set out in the nomination form, paragraph 16.2.

### **Judgments upheld on appeal**

Set out in the nomination form, paragraph 16.3

### **Judgments overturned on appeal**

Set out in the nomination form, paragraph 16.4