

**APPLICANT: MR TAKALANI VINCENT RATSHIBVUMO**

**COURT FOR WHICH APPLICANT APPLIES: MPUMALANGA  
DIVISION OF THE HIGH COURT, MIDDELBURG OR MBOMBELA**

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

1.1 The candidate is duly qualified, having obtained:

1.1.1 B Iuris (University of Venda) during 1995; and

1.1.2 LLB (University of Venda) during 1999;

1.1.3 LLM International Law (University of Johannesburg) 2004 – cum laude.

1.2 The candidate is experienced, having worked as:

1.2.1 National Prosecuting Authority – Public Prosecution (1996 – 2000);

1.2.2 SA Judiciary: Magistrate – Johannesburg (2000 – 2009);

1.2.3 SA Judiciary: Regional Magistrate Gauteng – Johannesburg (2009 – present); and

1.2.4 Acting Judge of the High Court – South Gauteng High Court and Mpumalanga Local Division (2013; 2014; 2016; 2017; 2018 and 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 The Regional Court President has issued a certificate of good standing in support of his application dated 9 December 2019;
  - 2.1.2 The Magistrate's Commission of RSA issued a certificate of good standing in support of his application dated 10/12/2019;
  - 2.1.3 The Association of Regional Magistrates of Southern Africa (ARMSA) also submitted a letter in support of his application dated 9 December 2019; and
  - 2.1.4 the candidate has also received the "Lamp of Knowledge" award by ARMSA three years in a row – this award is awarded to a magistrate who displays and shares exceptional knowledge in law.
- 2.2 There do not appear to be any:
  - 2.2.1 complaints or disciplinary proceedings pending against him in his professional capacity; or
  - 2.2.2 criminal or civil litigation pending against him.
- 2.3 The candidate is also involved in various sub-committees which aim to serve the legal fraternity and community as well as to promote transformation, as may gleaned from the candidate's involvement in the:
  - 2.3.1 National Union of Prosecutors of South Africa – Chairperson: Gauteng (1999 – 2000);

- 2.3.2 Association of Regional Magistrates of Southern Africa – Chairperson: Salaries and Legislation Committees (2015 – present);
  - 2.3.3 Judicial Officers’ Association of South Africa (JOASA) – Secretary: Gauteng (2006 – 2008);
  - 2.3.4 JOASA: Vice President (2008 – 2010);
  - 2.3.5 JOASA: President (2010 – 2012);
  - 2.3.6 Lower Court Remuneration Committee – member (2011 – present);
  - 2.3.7 Magistrates’ Commission – Commissioner (2013 – 2015);
  - 2.3.8 Judicial and Administrative IT Steering Committee (2014 – present); and
  - 2.3.9 ARMSA – NEC Member (2016 – present).
- 2.4 He is also the editor in chief of the first SAJEI Newsletter – an electronic newsletter for magistrates of all ranks.

**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 The candidate’s appointment would help to transform the racial composition of the bench but not the gender composition.

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

4.1 The candidate is well-versed in the law, having being a presiding officer for almost 20 years; having presided over civil and criminal matters, and given judicially sound judgments.

4.2 He has had four articles published over the years – such articles comprising of topics relating to criminal law and human rights 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 from the content of paragraph 2.1 above, among others, as well as his involvement in:

5.1.1 Member of the Advisory Board to the Madzivhandila College of Agriculture (2013 – 2018);

5.1.2 Member of the Board – Rearailwe Ekurhuleni Community Care (NPO for homeless children) (2019 – present);

5.1.3 Member of the Edenglen High School Governing body (2018 - present [term ends 2021]);

5.1.4 Member of the Mooifontein Primary Laerskool School Governing Body (2005 – 2010);

5.1.5 Member of the Church Board – Midrand Worship Centre (2007 – 2011); and

5.1.6 the candidate has also indicated that he has given advice to members of the public via radio and UNISA; assisting in the

training of attorneys through partnership with Legal Education and Development (LEAD); and taking part in training workshops aimed at magistrates.

**6. Whether any of his judgments have been overturned on appeal**

6.1 The candidate is not aware of any of his judgments – delivered in the High Court during his tenure as an acting judge – being taken on appeal.

6.2 He furthermore indicates that although “many” of his judgments delivered in the Regional Court have been taken on appeal, his judgments were upheld and all such appeals were dismissed.

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

7.1 The candidate is a proficient lawyer, as may be garnered from:

7.1.1 His 24 year experience in the law as detailed in paragraph 1.2 above, comprising:

7.1.1.1 4 years as prosecutor;

7.1.1.2 9 years as a magistrate;

7.1.1.3 11 years as a regional magistrate; and

7.1.1.4 several terms as an acting judge over the last seven years.

7.1.2 The various fields of law in which he practised, to wit, criminal law and civil litigation.

7.1.3 The fact that the candidate's application is supported by the Regional Court President; the Magistrates' Commission of the RSA; and ARMSA.

## **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:

8.1.1 the fact that he was and remains a Regional Court Magistrate; and

8.1.2 his well-defined and accessible judgments – five written judgments have been attached to the candidate's application.

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

9.1 It is not entirely evident whether the candidate is able to produce judgments promptly – at the time of his application (dated 10 December 2019) the candidate have five reserved judgments outstanding – all reserved during October/November 2019.

9.2 He also had two part heard matters which were set down for hearing during the course of January 2020.

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

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

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

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

**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 his career record and his involvement in the various committees of the legal fraternity and those of his community (school governing bodies) and church.

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

14.1 The candidate's integrity and ethical behaviour appear to be incontrovertible.

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

15.1 The candidate's integrity is undisputable, having regard to his appointment as magistrate and acting judge for prolonged periods.

**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, appear from his involvement in the activities and subcommittees previously mentioned.

**17. The candidate's potential**

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

17.2 The candidate's age, to wit 46 years, will not inhibit his ability to reach his full potential before reaching retirement age.

**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; and

18.1.2 judges are involved in and understand the needs of the community.

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

### **Reportable decisions**

*S Nkuna v Minister of Police* (Mpumalanga Division, Mbombela, Case no.: 627/2018);

*The State v WJ Matjeke* (Gauteng Local Division, Case no.: 49/2016).

### **Not reportable decisions**

*LP V JCP* (Gauteng Local Division, Johannesburg, Case Number: 34959/2015);

*Kunene Motors Holdings Limited v Izicwe Maintenance & Trading CC*  
(Mpumalanga Division, Mbombela, Case no.: A154/2018)

*JT Rafutho v The State* (Gauteng Local Division, Case no.: A288/2016).

### **Judgments upheld on appeal**

Unknown.

### **Judgments overturned on appeal**

N/A.