

**APPLICANT: MR. MZIWONKE SAMSON DUNYWA**

**COURT FOR WHICH CANDIDATE APPLIES: EASTERN CAPE  
DIVISION, HIGH COURT GRAHAMSTOWN AND HIGH COURT  
MTHATHA**

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

1.1. The candidate holds the following degrees:

1.1.1. B Juris – University of Zululand – 1983

1.1.2. LLB – University of South Africa – 1989

1.1.3. LLM – Nelson Mandela Metropolitan University – 2007

1.2. The candidate is appropriately qualified. The candidate has 36 years' experience in adjudicating matters in the lower courts (of which 23 years was in the Regional Courts).

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

2.1. The candidate is fully qualified and is Regional Court President of the Eastern Cape Regional Division since 2013.

2.2. There is nothing in the candidate's application or in the material review and comments received on the candidate to 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 an African male which would enhance the racial composition of the bench.

3.2. His appointment will not enhance gender representivity on the bench.

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

4.1. The candidate indicates that he has experience in both criminal and civil law.

4.2. During the course of his career the candidate has advised numerous public entities on the interpretation and application of the regulatory framework applicable to such institutions. The candidate was the investigator in the disciplinary proceedings of the Chief Magistrates of Kimberley and Kempton.

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

5.1. A reading of the candidate's application and the judgments annexed thereto indicate that he appears to recognize the values enshrined in the Constitution.

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

6.1. Question omitted on the review.

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

7.1. The candidate was been a Lower Courts and Regional Court Magistrate from 1983 to present.

7.2. As stated before, the candidate has acted as a Regional Court Magistrate, Eastern Cape for a period of approximately 23 years.

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

8.1. The candidate's judgments are in English and the reading thereof shows that his linguistic and communication skills are good.

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

9.1. Question omitted from review.

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

10.1. There is nothing to suggest that the candidate is not impartial.

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

11.1. No adverse comments regarding the candidate's independent mindedness have been noted.

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

12.1. The candidate has an excellent ability to conduct Court proceedings.

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

13.1. Question omitted from review.

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

14.1. The Eastern Cape Society of Advocates is unaware of any circumstances that give doubt to the candidate's integrity and ethical behaviour.

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

15.1. The Eastern Cape Society of Advocates have indicated that the candidate always treats them cordially and with respect, and furthermore that he showed a good judicial temperament.

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

16.1. Question omitted on review.

**17. The candidate's potential**

17.1. The candidate has excellent potential as appears from the application.

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

18.1. The candidate is an African male and his appointment will enhance racial but not gender representation on the Bench.