

**JSC INTERVIEW ROUND: APRIL 2022**

**CANDIDATE: ADVOCATE HOOSEN SATTAR GANI SC**

**COURT FOR WHICH CANDIDATE APPLIES: KWAZULU-NATAL  
DIVISION OF THE HIGH COURT, PIETERMARITZBURG**

**1. The candidate's tertiary qualifications, professional admissions and honours:**

1.1. The candidate has the following qualification:

1.1.1. B. Comm – degree completed end of 1996;

1.1.2. LLB – degree completed end of 1998; and

1.1.3. LLM – Degree completed end of 2003.

**2. The candidate's integrity and ethics:**

2.1. No circumstances are known that would suggest that the candidate is not a person of integrity with a reputation for ethical behaviour or is not a fit and proper person for appointment.

**3. Whether the candidate's appointment would help to achieve an appropriate racial and gender composition on the bench:**

3.1. There are currently 26 full time judges on the KwaZulu-Natal bench comprising (as far as could be ascertained):

3.1.1. 10 black women (5 African, 4 Indian, 1 Coloured);

3.1.2. 10 black men (4 African, 3 Indian, 3 Coloured);

3.1.3. 1 white woman; and

3.1.4. 5 white men.

3.2. The candidate is a black (Indian) man.

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

4.1. The candidate is committed to the values of the Constitution. He is committed to the achievement of dignity, equality and freedom for all, and human rights generally. This is evident from the following:

4.1.1. He has been a member of the Society of Advocates of KwaZulu-Natal since July 1999 up to the present time. He has been the Deputy Chairperson of both the Durban and Pietermaritzburg Bars during September 2019 to September 2021. He is the current Chairperson of the Pietermaritzburg Bar from September 2021 to date. He has served various terms on the KwaZulu-Natal Bar Council as set out by him in the questionnaire and has been a member of several committees as set out in the questionnaire including the Transformation Committee.

4.1.2. He has been an oral examiner for pupils as well as a pupillage lecturer on the subject of ethics.

4.1.3. He has been a member of the Advocates for Transformation and represented it in the KwaZulu-Natal Bar Council. He has also been the Advocates for Transformation representative on the National Bar Examination Board and its Deputy National

Coordinator since 2012 up to the present time. He has also been the AFT representative on the Pietermaritzburg Bar Committee.

4.1.4. He has been a member of the National Association of Democratic Lawyers (NADEL) from 1999 to the present date.

4.1.5. He has been a member of the International Bar Association (IBA) from 2002 to 2016. He was also a member of the Commonwealth Lawyers Association (CLA) from 2002 to 2008.

4.1.6. He is member of the Habibia Soofe Centre, Pietermaritzburg, the South African National Zakat Fund (SANZAF) and the Gift of the Givers.

4.1.7. He is known to have transferred his skills and expertise in the field of law to pupils and junior counsel and is supportive of transformation of the legal profession that it represented the true demographics of the country.

4.1.8. He has over the years made a very significant contribution to the legal profession as correctly set out in the questionnaire under paragraphs 5 to 13.

4.1.9. There can be no doubt that he has a serious commitment to the values enshrined in the Constitution.

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

5.1. The candidate has a good grasp and knowledge in diverse fields of the law.

- 5.2. Subsequent to commencing practice as an advocate, he lectured LLB students in corporate law and also served as an External Examiner. He did so at the University of KwaZulu-Natal and the School of Law. He also lectured pupil advocates in Ethics and lectured to candidate attorneys in the LSSA's Legal Education and Development Course.
- 5.3. He has vast legal experience in the practice of law as set out in paragraph 6 of the questionnaire. His practice as a senior counsel *inter alia* involved corporate law, constitutional and administrative law, pensions law and tax law. Although as a junior counsel he did several legal matters in the High Court involving criminal law, his practice as a senior counsel involving criminal law is limited to those cases where constitutional or fiscal issues are raised in the criminal matters.
- 5.4. Most of his practice involves administrative and constitutional law.
- 5.5. He has appeared in some ground-breaking cases which dealt with novel points of the law which are listed in paragraph 6.3 of the questionnaire. He has appeared on several occasions in the Supreme Court of Appeal and the Constitutional Court.
- 5.6. Apart from his practice as an advocate he participated in many activities which has had a positive impact on his legal experience which activities are set out in paragraphs 7 and 8 of the questionnaire.
- 5.7. He has acted as an acting judge in the KwaZulu-Natal Division, Pietermaritzburg and Durban on the following dates:
- 5.7.1. 27 January to 1 March 2020;

- 5.7.2. 5 October to 6 November 2020;
- 5.7.3. 22 February to 28 March 2021;
- 5.7.4. 17 May to 18 June 2021;
- 5.7.5. 16 August to 17 September 2021; and
- 5.7.6. 4 – 29 October 2021.
- 5.7.7. He is presently acting as a judge in the civil session in Pietermaritzburg and will do so until March 2022.
- 5.7.8. He also acted as a judge for a criminal session.
- 5.7.9. During the criminal session he heard and completed a full criminal trial, delivered judgment on conviction and on sentence. The matter related to charges of robbery with aggravating circumstances, attempted murder, two counts of murder, unlawful possession of a firearm and unlawful possession of ammunition.
- 5.7.10. During the civil sessions, he dealt with civil trials, criminal trials, motion court, opposed motions, admissions and strike-off applications. He prepared multiple written judgments in various matters including with co-judges.

**6. Judgments of the candidate that have been overturned, upheld or commented on, on appeal:**

6.1. According to the candidate, none of his judgments have yet proceeded on appeal, but two applications for leave to appeal are pending which are as follows:

6.1.1. *MC Calee & Others vs Mgethes Trading & Others* Case Number: 102887/16P; and

6.1.2. *Liberty Group Limited vs MS Moosa* Case Number: 2311/2021P

which are set out by the candidate in paragraphs 9.4 and 9.5 of the questionnaire.

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

7.1. The candidate has vast professional experience as set out hereinabove and expanded upon here below:

7.1.1. The candidate has a wealth of experience in different fields of the law. He has been in practice for twenty-two years and has made significant contributions to the legal profession, to transformation initiatives, to legal education and access to justice and developed the law with due regard to constitutional rights and values.

7.1.2. He has acted as the Chairperson of the Special Board for Tax Appeals uninterruptedly since being appointed to that position during 2008 and at present, his appointment is until 2023.

- 7.1.3. As mentioned, he has served as an acting judge in the High Court and in both criminal and civil courts. During 2013 or so, he was invited by the International Law Students Association in Washington DC, USA to serve as a judge for its annual Prize Moot Contest and did so.
- 7.1.4. He has served as a Commissioner of the Small Claims Court, Pietermaritzburg for many years and resigned during 2020.
- 7.1.5. Since approximately 2006, he has sat as an arbitrator in several private arbitrations. He has also served as a mediator in private disputes.
- 7.1.6. As mentioned, from an academic perspective, he has lectured to students as well as pupils. He attended several law conferences internationally and addressed sessions on specific topics on several occasions.
- 7.1.7. He has delivered several judgments whilst acting as a judge in the High Court. These judgments are well-reasoned and are based on a good analysis of the facts of the case, a sound and rational analysis of those facts and an application of the law to those facts giving sound reasons for his findings and his eventual judgment on the matter. In short, his judgments are well articulated.

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

- 8.1. As mentioned above, the candidate's judgments are well-written and well-reasoned. He has an excellent command of the English language. His verbal communication skills are also excellent.

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

- 9.1. As far as we are aware, the candidate delivers his judgments promptly.

10. **The candidate's ability to conduct court proceedings fairly, efficiently and effectively:**

- 10.1. From comments from counsel who have appeared before the candidate whilst he acted as a judge, he met all the attributes of fairness, punctuality, preparedness, courtesy, good temperament, good judicial management, and adherence to procedural rules, optimal use of court time and resources as well as meaningful engagement with counsel with appropriate responsiveness.

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

- 11.1. The candidate's independent mindedness is revealed in his judgments as well as in his interaction with his colleagues while practising as an advocate over the last twenty-two years.

12. **The candidate's administrative ability (other than in relation to court proceedings):**

- 12.1. The candidate has excellent administrative ability. He has acted in various bodies as referred to above and revealed in the questionnaire.

**13. The message that the candidate's appointment would send to the public at large:**

13.1. We are of the respectful view that the candidate's appointment would send a good and positive message to the public at large.