

JSC INTERVIEW ROUND: OCTOBER 2024

VACANCY: JUDGE, KWAZULU-NATAL DIVISION OF THE HIGH COURT

ADVOCATE SIPHOKAZI JIKELA SC

1. The candidate's tertiary qualifications, professional admissions, honours, and permanent judicial appointments

1.1. The candidate holds the following tertiary qualifications:

1.1.1. B. Iuris, University of the Transkei (now Walter Sisulu University) (1999)

1.1.2. LLB, University of the Transkei (now Walter Sisulu University) (2004)

1.2. The candidate holds the following professional admissions and honours:

1.2.1. state prosecutor from September 1999 to January 2004

1.2.2. admitted as an advocate in 2005

1.2.3. conferred Senior Counsel status in May 2021

2. The candidate's integrity and ethics

2.1. No circumstances are known to the reviewers 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. The racial and gender composition on the bench

3.1. There are currently 24 permanent judges of the KwaZulu-Natal Division of the High Court:

3.1.1. 8 black women (6 African, 1 Coloured, 1 Indian)

3.1.2. 10 black men (7 African, 3 Indian)

3.1.3. 3 white women, and

3.1.4. 3 white men.

3.2. According to the questionnaire, the candidate is an African woman.

4. The maximum period the candidate could serve if appointed

- 4.1. At the time of the interviews, the candidate will be approximately 46 years and 11 months old and will have completed a period of approximately 10 months of service as an acting judge.
- 4.2. If appointed, the candidate would be eligible to serve as a judge for approximately 23 years until the age of 70.

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

- 5.1. The candidate is a member of the Black Lawyers Association (BLA), South African Women Lawyers Association (SAWLA); and Advocates for Transformation (AFT) and has been the chairperson of AFT since 2022.
- 5.2. The candidate has served on the Ethics Committee of the Society of Advocates of KwaZulu-Natal and has convened the Transformation and Skills Development Committee since 2022.

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

- 6.1. In addition to the candidate's experience as a state prosecutor and advocate over the past 25 years, the candidate has specialised experience as a result of her membership of the Rules Board for Courts of Law (Superior Courts Committee), Financial Services Tribunal, Financial Intelligence Centre Appeal Board, Provincial Treasury Bid Appeals Tribunal, and Municipal Bid Appeals Tribunal.

7. Judgments of the candidate that have been taken on appeal.

- 7.1. The candidate has indicated that none of her judgments have been taken on appeal.

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

- 8.1. From September 1999 to January 2004 the candidate commenced employment as a state prosecutor.
- 8.2. From March 2005 to March 2015 the candidate practiced as an advocate at the Durban Bar.
- 8.3. From March 2015 to September 2015 the candidate was employed as a senior manager at the KZN Department of Cooperative Governance and Traditional Affairs.

- 8.4. From October 2015 to date the candidate resumed practice as an advocate at the Durban Bar.
- 8.5. The candidate is a panellist member of the Financial Services Tribunal as of 2022 to date.
- 8.6. The candidate is a panellist member of the Financial Intelligence Centre Appeal Board as of 2022 to date.
- 8.7. The candidate acted as a Magistrate at the Durban Regional Court from May 2006 to November 2006.
- 8.8. The candidate has sat as an acting judge in the KwaZulu-Natal Division, and the Eastern Cape Division, for 10 sessions, amounting to 42 weeks.

9. The candidate's linguistic and communication skills

- 9.1. The candidate's judgments are written in English.
- 9.2. Nothing in the judgments and other writings considered by the reviewers indicates that the candidate's linguistic and communication skills are not adequate.

10. The candidate's ability to produce judgments promptly.

- 10.1. The candidate indicated that three judgments were outstanding at the time of completing the questionnaire:
 - 10.1.1. *SL Siwani v The State*. Judgment reserved on 24 May 2024, set to be delivered on 19 June 2024, was delivered on 24 June 2024;
 - 10.1.2. *SM Ngcobo v The State*. Judgment reserved on 17 May 2024, set to be delivered on 20 June 2024; and
 - 10.1.3. *SG Cele v PF Cebisa N.O.* Judgment reserved on 10 May 2024, set to be delivered on 28 June 2024.

11. The candidate's ability to conduct court proceedings fairly, efficiently, and effectively.

- 11.1. The reviewers received no adverse comments from colleagues relating to the candidate's ability to conduct court proceedings fairly, efficiently, and effectively.

12. The candidate's independent-mindedness

- 12.1. The reviewers received no adverse comments from colleagues relating to the candidate's independent-mindedness.

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

- 13.1. The candidate has experience sitting on a variety of committees and tribunals, indicating sound administrative abilities.
- 13.2. The candidate has made a significant contribution to the Society of Advocates of the KwaZulu-Natal Bar Council and currently serves as convenor of the following subcommittees: Transformation and Skills Development Committee, and the State Attorney Liaison Committee. The candidate also served on the Ethics Committee: 2019 to 2022.
- 13.3. The candidate holds a position of leadership with the Advocates for Transformation (AFT).
- 13.4. The candidate was the Presiding Member of the Financial Services Tribunal.

14. The message that the candidate's appointment would send to the public at large

- 14.1. The candidate's appointment as a judge would send a positive message to the public at large as the candidate has a diverse range of experience, both as a practising legal practitioner for 25 years, and through her work on specialist tribunals and bodies. The candidate has also worked to further ethics and transformation within the legal profession.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported judgments

1. None

Unreported judgments

1. *Kew v S* (CA&R138/19) [2020] ZAECGHC 46 (21 May 2020)
2. *Nkosinathi Mzolo v RHODES UNIVERSITY & 1 Other*: Case No: 2461/2020 - (Eastern Cape Division, Grahamstown)
3. *Siwani v S* (AR30/23) [2024] ZAKZPHC 50 (26 June 2024)

Judgments upheld on appeal

4. None

Judgments dismissed on appeal

5. None