

VACANCY: DEPUTY JUDGE PRESIDENT OF THE EASTERN CAPE DIVISION OF THE HIGH COURT¹

Candidate: Judge Fathima Bibi Adam Dawood

1. The candidate's tertiary qualifications, professional admissions, honours, and permanent judicial appointments
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1.1. The candidate holds the following tertiary qualifications:

- BA (Law), University of Durban Westville (1989)
- LLB, University of Durban Westville (1991)

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

- admitted as an advocate in 1992

1.3. The candidate was permanently appointed to the following judicial roles:

- Judge of the High Court (Eastern Cape Division, Mthatha) July 2008

1.4. The candidate has acted in the following roles:

- Judge of the High Court (various seats in the Eastern Cape and KwaZulu-Natal Divisions) intermittently from November 2004 until permanent appointment
- Deputy Judge President (Eastern Cape Division, Mthatha) October – December 2023 and January – March 2024
- Judge of the Supreme Court of Appeal April – May 2024; April – May 2025; October – November 2025; and January – March 2026
- Deputy Judge President (Eastern Cape Division, Gqeberha) April – June 2026

¹ Editor's note: The review committee to which this candidate was assigned failed to undertake a review of the candidate's nomination pack and legal writing or to provide any comments on the candidate. The editor has undertaken a summary of the information presented in the candidate's nomination pack to assist the JSC. This comment must be read understanding that no input was received from practitioners in the Eastern Cape and it was not possible for the editor to analyse any of the candidate's judgments. No adverse inferences should be made as to the candidate's merit.

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 of the bench

- 3.1. As far as could be ascertained, there are currently 27 permanent judges of the Eastern Cape Division of the High Court:
- 8 black women (7 African, 1 Indian)
 - 11 black men (8 African, 1 Coloured, 2 Indian)
 - 3 white women
 - 5 white men
- 3.2. According to the questionnaire, the candidate is an Indian woman.

4. The maximum period the candidate could serve if appointed

- 4.1. At the time of the interviews, the candidate will be approximately 57 years and 4 months old and will have completed a period of approximately 18 years and 3 months of active service. If appointed, the candidate would be eligible to complete a further period of up to 12 years and 7 months of active service.

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

- 5.1. The candidate has been a member of the following organisations and professional bodies, which indicates that she is personally committed to the values of the Constitution and, particularly, the furtherance of transformation within the legal profession:
- Society of Advocates, KwaZulu-Natal: 1992–2008
 - NADEL (National Association of Democratic Lawyers): 1992–2008
 - Advocates for Transformation: 1998–2008
 - IARMJ (International Association of Refugee and Migration Judges): 2016–present
 - NBEB (National Bar Examination Board): 2017–present

- International Association of Women Judges (IAWJ): 2025–present
- 5.2. Moreover, the candidate has held the following positions within some of these organisations, all of which point to a personal commitment to transformation and other constitutional values:
- Society of Advocates, KwaZulu-Natal Interview, Selection and Pupillage & Advocacy Training Sub-Committee: Member, 2005–2008
 - Society of Advocates, KwaZulu-Natal Transformation Sub-Committee: Member, 2006–2007
 - Bar Council, KwaZulu-Natal Legal & Human Rights Sub-Committee: Member, 2006–2008

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

- 6.1. The candidate can be expected to have a broad and varied knowledge of the law, having practised as an advocate for 18 years before being elevated to the bench 18 years ago. It is clear from the candidate’s questionnaire that she has a keen appreciation for constitutional law, particularly in relation to access to justice through fair adjudicative law.
- 6.2. It was unfortunately not possible to conduct an analysis of the candidate’s judgments.

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

- 7.1. The candidate has disclosed that 12 of her judgments have been taken on appeal. On appeal, 6 judgments have been upheld, and 6 judgments have been overturned.
- 7.2. It was not possible to conduct an analysis of the treatment of the candidate’s judgments on appeal, nor to establish whether any further judgments of the candidate have been appealed against.

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

- 8.1. The candidate practised as an advocate for 16 years before her elevation to the bench. She has 18 years’ experience as a permanent judge and acted in different seats prior to her permanent appointment. The candidate has acted in the SCA on four separate occasions.

- 8.2. The judgments listed by the candidate as being her most significant span a range of fields of law.
- 8.3. It can be expected that the candidate's knowledge of law will be broad and extensive given her significant experience as a judge.

9. The candidate's linguistic and communication skills

- 9.1. The reviewers were unable to consider the candidate's writings. The candidate's questionnaire was completed in a neat and structured manner.
- 9.2. The candidate has acted in the SCA for four stints over the past two years. A cursory search on SAFLII returned only four judgments penned by the candidate during this time: *Nkwe Platinum Limited and Another v Genorah Resources (Pty) Ltd and Others* (921/2024) [2026] ZASCA 27 (11 March 2026), *James Thomas Evans v Western Province Athletics* (1349/2023) [2025] ZASCA 119 (18 August 2025); *Ntuli v S* (128/2023) [2025] ZASCA 114 (30 July 2025); *Edward Nathan Sonnenberg Inc v Judith Mary Hawarden* (421/2023) [2024] ZASCA 90; 2024 (5) SA 9 (SCA) (10 June 2024), though this is by no means definitive.

10. The candidate's ability to produce judgments promptly

- 10.1. The candidate indicated that 1 judgment was reserved at the time of completing the questionnaire, but that parties were still to make further submissions
- 10.2. It was not possible to evaluate the candidate's record in relation to delivering judgments promptly.

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. There is no reason to believe that the candidate, if appointed, would not bring an independent mind to bear on issues presented for judicial determination, nor that the candidate would be unduly influenced in any way, including by the executive or legislative branches of government.

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

13.1. The candidate has held the following leadership positions, which would indicate that she is a competent administrator:

- NADEL, Durban: Vice-Chairperson, 2005–2007/2008
- Society of Advocates, KwaZulu-Natal: Honorary Secretary, 2006–2008
- Advocates for Transformation: Secretary, 2004–2008
- NADEL, Durban: Chairperson, 2007–2008
- NADEL Newsletter: Convenor, 2004–2008
- NADEL Legal Advice Desk: Convenor, 2005–2008
- NADEL Durban Projects Sub-Committee: Convenor, 2006
- Society of Advocates, KwaZulu-Natal Interview, Selection and Pupillage & Advocacy Training Sub-Committee: Member, 2005–2008
- Society of Advocates, KwaZulu-Natal Transformation Sub-Committee: Member, 2006–2007
- Bar Council, KwaZulu-Natal Legal & Human Rights Sub-Committee: Member, 2006–2008
- Eastern Cape Library Sub-Committee (Mthatha): Chairperson, 2008–present
- Eastern Cape Library Committee: Chairperson, 2022–present
- Security Committee (Eastern Cape Judges): Chairperson, 2026

13.2. The candidate has acted as Deputy Judge President in two seats of the Eastern Cape Division. In addition to her experience on the bench over the past 18 years, including several acting stints at the Supreme Court of Appeal, the candidate has quasi-judicial experience as a commissioner at the Small Claims Court from 2001-2005 and as a member of the Industrial Court between 1994 and 1998. These experiences would tend to enhance a candidate's ability to perform the duties of a deputy judge president.

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

14.1. As no full review of the candidate was undertaken, it is not possible to express an

opinion.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported judgments

1.

Unreported judgments

2.

Judgments upheld on appeal

3.

Judgments overturned on appeal

4.

Academic writings

5. Example