

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

Candidate: Judge Vuyokazi Pamella Noncembu

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

- BA Law (1996); and LLB (2007) University of the Western Cape.

1.2. Candidate has been appointed to the following positions:

- Appointed as Judge on 1 August 2022.
- Additional Magistrate in 2005- 2013;
- Control Magistrate in 2008-2010;
- Regional Magistrate (KZN) October 2013 to October 2018;
- Regional Court President November 2018 to July 2022;
- Office of the Chief Justice, Judge 1 August 2022.
- Magistrate in 2005;
- Regional Magistrate in October 2013;
- Judge of the High Court on 1 August 2022.
- Acting Senior Magistrate in November 2011 to June 2012;
- Acting Regional Magistrate (KZN) September 2010 to February 2011;
- Acting Judge (North West High Court) October to November 2020;
- Acting Judge (Gauteng and East Cape High Court) between 2021 and June 2022 (period not stipulated);

- Acting Deputy Judge President (Gqeberha High Court) on 20 July 2026 to date (approximately 4 weeks).

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. 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 53 years and 10 months old and will have completed a period of approximately 4 years and 2 months of active service. If appointed, the candidate would be eligible to complete a further period of up to 16 years and 1 months of active service.

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

- 5.1. The candidate has served as a Deputy President of the South African Chapter of the International Association of Women Judges from 2013 to 2021 and served as Vice President on the programmes of the SAC-IAWJ Committee. The above together with her membership of the Black Lawyers Association for the period 2013 to 2014 confirms that the candidate is an active member of the legal community and of a number of legal organisations which all commit to the values of the Constitution.
- 5.2. The candidate's appointment would in itself lead to transformation within the legal profession in that no woman has to date held the position of Deputy Judge President in the Division.

- 5.3. The candidate is a well-respected member of the Bench in the Eastern Cape and is committed to the values of the Constitution and has always indicated a commitment to the achievement of dignity, equality and freedom for all and human rights generally.

6. The candidate's knowledge of the law, including constitutional law
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- 6.1. Prior to her appointment as a Judge of the High Court, the candidate's legal experience had largely been in the lower courts, including holding the position as Regional Magistrate. The main focus of her legal experience up to that time appears to have been criminal law although she also had enjoyed a number of years' experience as a Regional Magistrate.
- 6.2. The candidate was appointed as a Judge in the Eastern Cape Division of the High Court, Gqeberha on 1 August 2022. She accordingly has had only 4 years' experience in her current position. From her judgments and conduct in court it is apparent that the candidate has an excellent grasp of the law and a diverse knowledge and understanding of the law.
- 6.3. The judgements penned by the candidate are well reasoned, analytical and cogent.

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

- 7.1. The candidate indicates that four of her judgments have been unsuccessfully appealed against, with one having been to the Supreme Court of Appeal.
- 7.2. The candidate asserts that she is unaware of any judgements which have been successfully appealed against.

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

- 8.1. The candidate has some 29 years' legal experience, being six years in the National Prosecuting Authority, 23 years in the Department of Justice and Constitutional Development as a magistrate and Regional Court President and 4 years as a Judge of the High Court.
- 8.2. Until her appointment as Acting Deputy Judge President on 20 July 2026, the candidate has not previously acted in the position. The candidate has therefore to date only had approximately 1 month's experience in the position for which she wishes to be considered. At the time of her application on 1 June 2026 the candidate had never acted

in the position of Deputy Judge President. However, the candidate has extensive experience in the administration of justice and has shown that she has the ability to confidently manage the conduct of matters she is seized with in court.

- 8.3. Notwithstanding the candidate's lack of experience as Acting Deputy Judge President and the relatively short duration of her appointment to the bench in the Eastern Cape, the candidate in the short period that she has acted in the position, has demonstrated a remarkable efficiency in managing the administration and affairs and functioning of the Gqeberha High Court.
- 8.4. It is accordingly left to the JSC to determine whether the lack of experience as a Deputy Judge President precludes the candidate from being appointed in the position.
- 8.5. Although seniority does play a role in the appointment of a Deputy Judge President, it does not necessarily detract from the fact that a more junior member of the Bench may be appointed as Deputy Judge President.

9. The candidate's linguistic and communication skills

- 9.1. The applicant's motivation and judgments attached to her application, exhibit adequate linguistic and communication skills.

10. The candidate's ability to produce judgments promptly

- 10.1. The candidate lists two outstanding judgments both of which were reserved on 7 May 2026.
- 10.2. The candidate's list of outstanding judgments as per her application have not been outstanding for more than three months.
- 10.3. In one of the candidate's reported judgments, *AL v CAL* (31/2020) [2021] ZANWHC 81 (15 April 2021), a rule 43 application, the reasons for the order were only delivered some six months after the matter was heard.

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

- 11.1. The candidate is well known in this division and is well respected and has always been committed to dispensing justice in a fair and transparent manner.
- 11.2. The candidate's demeanour in court when interacting with Counsel or witnesses is impeccable.

- 11.3. The candidate has the necessary ability to conduct court proceedings fairly, efficiently and effectively.

12. The candidate's independent-mindedness

- 12.1. The candidate has shown an ability to express her views articulately. The candidate has shown a commitment to social justice and brings an independent mind to bear on matters which require judicial determination.
- 12.2. There is certainly no reason to believe that the candidate would in any way be unduly influenced in her functions as a presiding judge including influence by the executive or legislative branches of the government. In fact, her past record indicates the contrary.

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

- 13.1. There is nothing to suggest that the candidate's administrative ability as a sitting judge has been remiss in any manner whatsoever, and the candidate has shown the administrative ability to manage the court process.
- 13.2. The only proviso is the potential suggestion that the candidate lacks experience in the position of Acting Deputy Judge President and the short period of tenure as a sitting judge in this division.

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

- 14.1. The candidate's appointment would evidence transformation in the Eastern Cape.
- 14.2. The candidate's credentials are beyond reproach, and she has shown a commitment to Constitutional values as well as a comprehensive understanding of the law in general.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported judgments

1. *Africa Agriculture & Trade Investment Fund v Francois Veinings* [2026] 2 All SA 1 (SCA) (24 February 2026);
2. *Gwebindlala v President of the Republic of South Africa & Others* [2024] (4 All SA 810) (ECM).

Unreported judgments

3. *AL v CAL* (31/2020) [2021] JAMWHC 81 (15 April 2021);
4. *Zilwa and Another v South African Legal Practice Council* (7367/2021) [2021] ZAGPPHC870 (8 November 2021);
5. *Nagel v Minister of Police* (CIV/APP/MG14/19) [2020] ZANWHC66 (23 October 2020);
6. *Nagabindi v S* (A52/2021) [2021] ZAGPPHC572 (31 August 2021);
7. *Katlego v Minister of Police* (313/2018) [2020] ZANWHC88 (5 November 2020);
8. *Thinadukada & Another v Minister of Police*, Case No. CA 32/2025;
9. *Outdoor Investment Holdings v Minister of Police*, Case No. 14784/2021.

Judgments upheld on appeal

10. *Outdoor Investment Holdings v Minister of Police*, Case No. 14784/2021.
11. *Gajjar v Schol Property and Consulting*, Case No. 2722/2021;
12. *Morgan Beef (Pty) Ltd. v Gray Jade & Another*, Case No. 3345/2022;
13. *Africa Agriculture & Trade Investment Fund v Francois Veinings* [2026] 2 All SA 1 (SCA) (24 February 2026).

Judgments overturned on appeal

14. None

Academic writings

15. Sentencing in the Erstwhile Child : Imprisonment and Committal to a Child and Youth Centre, 2017 SACJ 299.