

CURRICULUM VITAE OF

JUSTICE BAAITSE ELIZABETH (Bess) NKABINDE (BORN MOTSATSI)

Personal details

Bess Nkabinde, born in 1959 at Tlokweg/Silverkrans in the North West Province, is blessed with four children and three grandchildren.

Education

She matriculated in 1979 at Mariasdal High School, Tweespruit, Free State Province and obtained a BProc degree in 1983 (University of Zululand) in Kwa-Zulu-Natal. In 1986 and 1987, she obtained LLB (North West University) and a Diploma in Industrial Relations, respectively.

Honorary Doctorate: North West University (Potchefstroom Campus) 2022.

Professional History

- 1984 – 1988: Drafted legislation as a State Law Advisor (Bophuthatswana).
- 1988: Admitted as Advocate (Bophuthatswana).
- 1989: Served Pupillage (Johannesburg Bar).
- 1989: Admitted as Advocate (Republic of South Africa - Pretoria).
- 1990 – 1999: Practised as an Advocate (North West Bar Association). Areas of law: civil, commercial, matrimonial as well as criminal matters.
- 1993: Participant in the Judicial Mentoring Programme (CANADA).

Judicial Experience

- February - October 1999: Acting Judge of the High Court (Bophuthatswana Provincial Division).
- November 1999: Permanently appointed as Judge of the High Court (Bophuthatswana Provincial Division).
- 2000 and 2003: Acting Judge of the Labour Court (Johannesburg).
- October 2004 - May 2005: Acting Judge of the Labour Appeal Court.
- June - November 2005: Acting Judge of the Supreme Court of Appeal.
- January 2006 - December 2017: Justice of the Constitutional Court of the Republic of South Africa.

- May 2016 - June 2017: Acting Deputy Chief Justice of the Republic of South Africa.
- November 2016: Acting Chief Justice of the Republic of South Africa.
- October 2018 - 2020: Acting Judge of Appeal – Supreme Court of Namibia, WINDHOEK.
- October 2022 to date: Judge of Appeal – Court of Appeal of Botswana, GABORONE.

Additional legal experience

- Investigated and led evidence at the Mpshe Commission of Inquiry into the Mutiny of Warders at Mogwase Prison (1994-1995).
- Served on the Special Tribunal on civil matters likely to emanate from Investigations by the Special Investigative Units established in terms of Act No. 74 of 1996.
- Involved in Small Claims Court matters in Mafikeng (1998 – 1999).
- Played a role as a member of the Sub – Committee of the Coordinating Committee of the Justice System, on Racism and Sexism within the Judiciary in 2004.
- Chaired the Rules Board for Courts of Law (2004-2013), at the instance of the Ministry for Justice and Constitutional Development.
- Participated in the sub-committee of the Judicial Education Training Committee.
- Designated Judge (2019 to date) in terms of the Interception and Monitoring of Information and Provision of Communication Related Information Act, 2002 (Act 70 2002).
- Chairperson and Member: Independent Panel Established in terms of the Rules of the National Assembly on the Removal from Office (in terms of section 194 of the Constitution) of a Holder of Public Office in a State Institution Supporting Constitutional Democracy (November 2020 – February 2021).
- Designated President (by the Chief Justice) of the first Judicial Conduct Tribunal (under the auspices of the Judicial Service Commission (JSC) – constituted in terms of the Judicial Service Commission Act, 1994 (Act 9 of 1994).
- Chairperson: Disciplinary Inquiry established pursuant to the remedial action directed by the Public Protector in her *Report on an investigation into allegations of Improper Conduct Regarding Mr D Mogajane's Application for the Position of Director- General at National treasury and his Subsequent Appointment to the same position by National Treasury* (2019).
- Chairperson and Member: *The Independent Ad Hoc Appeal Tribunal into the Ombud Report on Circumstances Surrounding the Care and Death of Mr S Lethole at Thembisa Tertiary Hospital* (2022).

Other professional involvements

- Attended and facilitated a discussion on *The Rights of Minorities within the context of Access to Justice* at the First South Asian Regional Judicial Colloquium on *Access to Justice* - Facilitated by Commonwealth Human Rights Initiative (CHRI), International Centre for the Legal Protection of Human Rights (Interights) and the Office of the High Commissioner for Human Rights (OHCHR) (November 2002 – New Delhi, INDIA).
- Paper and Presentation on *Appeals and Reviews and Sentencing* to the Aspirant Judges (Judicial Education Training Programme (JOHANNESBURG)).
- Paper and Presentation addressing newly appointed Magistrates at the Magistrates' conference (Justice College) on *Judicial ethics, independence and accountability* (PRETORIA).
- Paper: Addressing attendants at the Family Court Seminar (Justice Regional Office/ Office of the Family Advocate) (MAHIKENG).
- Paper and presentation: *Socio-economic justice* during the National Council of Provinces (NCOP) roadshow in bringing Parliament to the People (MAHIKENG).
- Presiding Justice: The final round of the 21st African Human Rights Moot Court Competition organised jointly by the Centre for Human Rights of the University of Pretoria and Universidade Eduardo Mondlane of Maputo October 2012 Maputo, MOZAMBIQUE).
- Panel Member: The final round of the 16th African Human Rights Moot Court Competition organised jointly with the Centre for Human Rights of the University of Pretoria. (August 2007-Dakar, SENEGAL).
- Panel Member: The final round of the 16th African Human Rights Moot Court Competition organised jointly by the Centre for Human Rights of the University of Pretoria (Constitutional Court- SOUTH AFRICA)
- Teaching/Conducting seminars for post-graduate students at the University of Maryland, School of Law: *Introduction to South African Constitutional Jurisprudence* (September-October 2008 – Baltimore, UNITED STATES OF AMERICA).
- Paper presentation in celebration of the Anniversary of the Universal Declaration of Human Rights (UDHR): University of Maryland (October 2008) – Published in the Maryland Law School Review Journal (Baltimore, USA).
- Presented paper: *Human Rights and Appellate Courts – Constitutional Court, South Africa* at Fourth AIJA Appellate Judges' Conference (November 2008– Melbourne - AUSTRALIA).
- Paper and presentation and Co-Chairing of a Session on *Accountability and Judicial Reform*: International Conference of Jurists (May 2012 London - UNITED KINGDOM)
- Judicial Exchange- Symposium attended by senior Judges from the South African Judiciary and senior Judges from England and Wales, Scotland, and Northern Ireland (11- 14 JUNE 2009 Edinburgh - SCOTLAND).

- Keynote address: *The Experience of the South African Constitutional Court and Public Interest litigation (PIL) as a Tool of Social Transformation: Challenges, Achievements and Lessons Learned* – Symposium on PIL in East Africa at the Retreat for Appellate Judges organised by the International Governance Alliance Conference facilitated by the Commonwealth – September 2014 – UGANDA).
- Paper presented at the International Convention on the Cessation of War and Achievements of World Peace on *Women: African Agents for Change* (The objective was to discuss the role of women as catalyst in peace keeping efforts in Africa – under the umbrella of the International Women’s Peace Group (IWPG) (March 2015 UNISA – Pretoria).
- Keynote address: *An Act of Creation – the gift and responsibility of constitutional lawyering for young legal professionals* – Wits Awards (April 2010).
- Keynote address: *The Imperative for Gender Equality and Justice in South Africa – towards the third decade of democratisation* UNISA Women Empowerment (August 2013).
- Keynote address at the Seminar for Judges on *Tax and Equality* organised by the South African Education Institute (SAJEI) (July 2016- Durban).
- Keynote address on *Women in Law in the Boardroom* BLA, Legal Education Centre (October 2016 Johannesburg).
- Welcoming address at the opening function of the Fourth Conference of Constitutional Jurisdictions of Africa (CCJA) on *Promoting the Independence of the Judiciary and the Rule of Law* (April 2017 Cape Town).
- Keynote address: *Leadership Summit* - North West University (June 2017, Johannesburg).
- Keynote address: Department of Education Celebrating Women (September 2017, Pretoria)

Affiliations/Directorships and other positions held.

- Member: North West Bar Association (1990 -1999); Secretary of the Bar (1998 – 1999).
- Member: Aids Committee, Bophuthatswana (1988).
- Member: Black Lawyers Association (BLA).
- Member: North West Parks Board (1995 - 1999).
- Director: Dirapeng (Pty) Ltd and Golden Leopard Resorts (Pty) Ltd (1997 - 1999); Invest North West (Pty) Ltd (1997 - 2000).
- Member: South African Women Lawyers’ Association (Retired member)
- Governor: International School of South Africa (1995 - 1999).
- Member: Small Claims Court, Mafikeng (1998 - 1999).
- Member: Defunct Sub-Committee of the Judicial Education Training Committee.
- Member: International Association of Women Judges: SA Chapter.

- Director: School Aid of South Africa (NGO –in partnership with School Aid –UK, the Department of Basic Education; Liberty and Standard Bank – for construction/ Renovation of libraries and supply of books for disadvantaged young learners to promote literacy in schools) (2015 to date).
- Member (2021 –2022): Rhodes University Council (public representative at the instance of the Minister of Higher Education, Science and Innovation in terms of the Higher Education Act, 1997 (Act 101 of 1997).
- Chairperson: Pius Langa School of Advocacy (2021-to date).
- Chairperson: Appointments Panel of the Press Council (Current).
- Member of a Panel to consider nominations for membership to the South African Reserve Bank Board (2022 to date).

Currently active in Rural Community Youth Upliftment (educational and recreational opportunities – sport): Chairperson: Silverkrans Shotokan -Karate Club/Sports Academy (NGO).
