

Resume` of
Mandla Mnyatheli
“Mnyatheli”

PSLC (Dip Juris), B Juris., LLB (Unitra), LLM Corp (UP).

Advocate of the High Court of South Africa

Member of the Johannesburg Bar (Society of Advocates)

Business Address:

Telephone:

Mobile:

E-mails:

JOURNEY SUMMARY

Cumulative period as Advocate: Twenty-Three (23) years

Period as Member of the Bar: Twelve (12) years

EXPERIENCE:

1. 2011 to-date: **Admission** as Member of the Bar (Society of Advocates)
2. 2006 to 2011: **Chief Director:** Office of Company and Intellectual Property Enforcement (“the Dti”) now DTIC:
3. 2003 to 2006: **Senior Legal Advisor & Quality Review Manager:**
Financial Services Board (**FSB**) (now Financial Sector Conduct Authority (**FSCA**))

4. 1998 to 2003: **Deputy Director of Public Prosecutions:** National Prosecuting Authority (“the NPA”); Admitted as Advocate the year 2000
5. 1997 to 1998: **Special and Legal Advisor** to Deputy Chairman of the South African Telecommunications Regulatory Authority (**SATRA**), now the Independent Communications Authority of South Africa, (**ICASA**)
6. 1997 to 1999 **Attorney** of the Supreme (now High) Court of South Africa
7. 1995 to 1997: **Candidate Attorney**
8. 1990 to 1994: **Senior Magistrate**
9. 1987 to 1990: **Magistrate**
10. 1983 to 1987: **Public Prosecutor**

PRINCIPAL AREAS OF PRACTICE

Mnyatheli regards himself as a Barrister and Senior Junior Advocate for all purposes, with a conscious bias to the following areas of practice:

Alphabetically

Administrative law, Commercial, Competition, Construction and Corporate laws, Dispute Resolution, Employment & Labour, Forensic Investigations.

Aspects of:

Communications, Financial Services and Intellectual Property Law

(Constitutional Law necessarily interwoven in all of the above)

General Civil, Labour and Criminal litigation

And enjoys exposing himself to new and specialized areas of the legal discipline, such as Cyber, and Information Technology (IT) law.

Vocational and Acquired Skills:

Adjudication: (Judicial, Quasi-judicial and Administrative settings)

Dispute Resolution: (General, Matrimonial, Labour and Religious)

Drafting (Legal): (Commercial, Corporate and Legislative)

Investigations: (Forensic and general)

Interviewing:

Obtaining, extraction and processing of instructions or information for either litigious presentation, representation or adjudication

Leadership: (General)

Lecturing: (Law and general)

Litigation: (Admin law, Commercial, Construction, Corporate, General Civil, Labour and Criminal, and Intellectual Property)

Management: (General)

Mentorship: (General)

Negotiation: (Legal and General)

Report Writing: Disciplinary, Forensic and General investigations and general

EDUCATIONAL (ACADEMIC) QUALIFICATIONS:

Master of Laws (LLM-Corporate law) -2005: University of Pretoria:
Bachelor of Laws (LLB) -1992: University of Transkei
Bachelor of Law (B Juris): -1986: University of Transkei

Diploma Juris (Dip Juris) -1984

Certificate in Money-Laundering Control & Detection under Financial Intelligence Centre (FIC)

Certificate in Project Management: (Financial Services Board)

P-G Cert. in Executive Leadership & Management (Palama) (Current);

Certificate of Attendance in Competition law

Cert: Intellectual Property Law Enforcement (USPTO) Virginia, USA

MEMBERSHIP OF PROFESSIONAL BODIES

- Johannesburg Bar (Society of Advocates);
- Advocates for Transformation;
- Corporate Counsel Association of South Africa (CCASA);
- National Association of Democratic Lawyers (NADEL);
- Black Management Forum (BMF)

He also served on the following bodies:

- South African Dental Technicians Council : President
- Moses Kotane Foundation: Trustee
- Lengau Group (Pty) Ltd: Chairman

And other smaller social and religious formations

He is married with four children.

NB: Previously, Advocate Mnyatheli was *called* to serve as **Acting Judge**

of the High of South Africa in the Eastern Cape Division, from August to September 2018 and from 8 October 2018 to end on 14 December 2018; [two (2)] terms in the same Division.

References

Adv Sydwell Shangisa SC:

Adv Mzungulu Roy Mthombeni:

Dr MVS Gantsho:

NB: A detailed Curriculum Vitae is available on request

CV OF ADV. KGOSITOI AUBREY SEDUPANE

PART A: VOCATIONAL SKILLS, MEMBERSHIP & REGISTRATION

SKILLS:

- Arbitration (and Award Writing)
- Mediation (and Settlement Drafting)
- Chairing and Initiating Disciplinary Inquiry
- Facilitation and Training
- Investigation and Dispute Resolution
- Legal Advice and Research, and Legal Administration
- Legislative Drafting, and Policy Drafting & Review
- Litigation and Drafting for Litigation
- Contract Drafting & Management skills (Commercial & employment contracts)

REGISTRATION:

- Legal Practice Council (LPC)
-

PART B: STRATEGIC & PROFESSIONAL KNOWLEDGE/COMPETENCY

- Strategic Capability & Leadership skills, Business Acumen, Effectiveness & Efficiency.
 - Financial, human and project management, Change management, and Procurement & Supply Chain Management.
 - Constitutional & Human Rights Law, Administrative law, Access to information law; Interpretation of Statutes.
 - Corporate and Company Law; Governance and administration.
 - Business Rescue Law; Law of delict; and Insolvency.
 - Prospecting & Mining Law and related contracts, Environmental Law, Construction Contract Law.
 - Labour Law and Disciplinary Hearings.
-

PART C: PUBLICATIONS

- **BOOK**
- **Title** : Reinforcing Constitutional Values in the 6th Term – We are running out of time!
- **Publisher** : Self-published (Kgositoi Aubrey Sedupane); **ISBN**: 9780620912747
- **Date** : 22 May 2021
- **Foreword by**: Former President Kgalema Motlanthe

• **Opinion Articles**

Number of articles: 13 opinion articles in the respective newspapers: City Press and The Star
Focus areas : A just public service, leadership, good governance, land, languages, use of state resources and efficiency of constitutional bodies

PART D: LEGAL OPINION

- **Nature** : Constitutional and Human Rights Law
 - **Addressed to** : MEC Phophi Ramathuba
 - **Date** : 26 August 2022
 - **Matter** : MEC Phophi Ramathuba pertaining her engagement with a patient, an alleged illegal immigrant, at a hospital in Limpopo
-

PART E: ADMISSION AND VOCATIONAL LEGAL PRACTICE TRAINING – COMPLETED

Year : 2007
Admission : Advocate of the High Court of South Africa
Court : High Court of South Africa (Transvaal Provincial Division)

Year : 2020 January to November 2020
Programme: Pupillage / Practical Vocational Training
(Civil law procedure: action and motion – opposed unopposed and urgent application; drafting & legal writing; labour and administrative law; criminal law procedure; corporate law; customary and constitutional law; and cybercrime) **Institution** : Gauteng Society of Advocates

Year : 2001
Programme :- Practical Legal Training
Institution : University of Free State (Bloemfontein)

PART F: EDUCATION

- **DEGREE (Not obtained)**
-

Year & Degree : 2002 – Doctor of Philosophy in Law
Institution : University of North West (Mafikeng Campus)

- **DEGREES; PROGRAMMES AND CERTIFICATES & SHORT COURSES (Obtained)**
-

Year & Degree: 2001 - Master of Laws in Human Rights (LL.M)
Institution : University of Free State (Bloemfontein Campus)
Courses : Advanced Interpretation, Application and Limitation of the Bill of Rights; Advanced study on Employment Equity in the Workplace; Advanced Study of International Human Rights Law; and

Thesis (research): Aliens' right of admission, residency and equitable treatment in employment in SA.

Year & Degree: 1997 to 2000 - Baccalaureus Legum (LLB)
Institution : University of North West (Mahikeng Campus)
Courses : Constitutional law, Administrative law, Law of evidence, Enrichment and Estoppel, Public & Private international law, Interpretation of statute, Labour Law, Law of Contract, Company Law, Law of Evidence, etc.

• **PROGRAMMES - (1 year) - obtained**

Year and Programme: 2007 - Programme in Public Procurement and Supply Management (NQF Level 6)
Institution : University of South Africa

• **CERTIFICATES (06 months) - obtained**

Year and Course: 2015 - Company Law: Fundamental Principle (NQF Level 8) **Institution**
: University of Johannesburg

Year and Course: 2011 - Certificate Programme in Advanced Labour Law **Institution**
: University of Pretoria

Year and Course: 2010 - Certificate Course in Legislative Drafting
Institution : University of Pretoria

• **SHORT COURSES - obtained**

-
- **Year and course:** October 2022 – Arbitration Training (Law Society - 3 days)
 - **Year and course:** May 2022 – Nyukela Public Service SMS Pre-entry Programme
 - **Year and course:** August 2013 – Corporate Governance (Spectacular – 1 day)
 - **Year and course:** July 2009 – Short Course in Contract Management (Univ. Pretoria -3 days)

• **MATRICULATION**

Year and matric: 1996 - Senior Certificate (Matriculation: Exemption)
Institution : ST Mary's High School (Mahikeng)

PART G: EXPERIENCE (2003 to date)

1.1.
Institution : National Department of Justice and Constitutional Development (DoJ&CD)
Position : Director: Elimination of Racial Discrimination - (18 September 2023 to date)
ICJ Case : SA // Israel application to the International Court - Tasks::
(i) draft letters to chairpersons of United Nations treaties committees and to the Human Rights Council;
(ii) draft statement for the Minister of Justice for presentation at the ICJ;

- (iii) handle PAIA requests related to the decision to apply to the ICJ, cost incurred regarding the case including of the legal team appointed by DoJ&CD; and
 - (iv) serve as focal point for the DoJ&CD in its engagement with DIRCO and the United Nations Independent Commission of Inquiry on the Israel / Palestine matter.
-

1.2.

Entity: (Self-employed) - Sedupane's Legal Consultancy; and Constitutional Implementation and Governance Consulting (Member and Director, respectively) – (April 2021 to August 2023)

Services rendered:

- Introduced to and drafted a Mine and Human Rights Policy for African Rainbow Minerals mining company (ARM)
- Conducted investigation on the conduct of directors on reckless trading, and for possible criminal or disciplinary action, and on voidable transactions.
- Advised on Business Rescue Law, Business Rescue Plan and the rights of creditors.
- Filed claim on behalf of client in business rescue proceedings.
- Drafted Shareholders Agreements, contracts, sale of shares agreements, Deeds of Surety, NonDisclosure Agreement, Business/Broker Agreement, MOAs, offer to purchase immovable property (land), Joint Ventures, etc.
- Drafted policies for of Sedibeng Water (fraud prevention policy, whistle blowing policy, employee performance management policy, Disposal of immovable property policy, contract management policy, Ethics Management Policy, Policy on unauthorised, irregular, fruitless, and wasteful expenditure) and provided legislative interpretation services in relation thereto as a subcontractor.
- Drafted Conditions of service, employment contracts, and codes of conduct.
- Advised on Prospecting and Mining Law; Drafted and filed Appeals at Department of Mineral Resources and Energy; and at the Department of Environmental Affairs.
- Drafted Letters of demand and negotiated settlements out of court.
- Provided legal advice on labour related matters, including advice on termination of services of employees based on operational grounds, retirement age, dismissals, and represented client in labour arbitration.
- Presided/Chaired on a disciplinary hearing of an employee at a managerial level.
- Divorce mediations: drafted settlement agreements and parenting plans with due regard to constitutional imperatives of the rights of a child; and
- Drafted court papers, i.e., Notices, Affidavits, Pleadings and Heads of Argument for various matters; and Disciplinary Hearing documents, i.e. letter of suspension, notices and charges, etc

1.3. **Executive Management** (29/04/2013 – 30 April 2014)

Institution : Commission for the Promotion and Protection of the Rights of Cultural, Religious and linguistic Communities (CRL Rights Commission)

Position : Acting Chief Executive Officer

KRAs and Achievements:

- Developed the strategic plan and annual performance plan and monitored performance of the Commission. Managed budget of more than R30 million per annum for the entire Commission.
- Developed and executed Organisational Transformation Plan to match and place personnel per their qualifications.
- Merged two units to avoid duplication of work and use available resources effectively and efficiently.
- Revised the supply chain management procurement policy and systems by centralizing the function and introduced a checklist for compliance to curb potential abuse and create a better accountable environment.
- Reviewed the records management policy and File Plan & Developed the conditions of service.
- Advertised, conducted interviews, and made appointment for a new Audit Committee.

1.4. Senior Management

Institution : Commission for the Promotion and Protection of the Rights of Cultural, Religious and linguistic Communities (CRL Rights

Commission)

Position : Senior Manager - Legal Services & Conflict Resolution (Investigation of Complaints)

Years of experience: 12 years of experience (8 years & 6 months permanent + 3 years & 8 months acting capacity)

KRAs and Achievements

- Developed the strategic plan and annual performance plan of the unit and monitored performance of the unit.
 - Formulated legal services & conflict resolution framework – Complaints Procedure Handling Manual, established law library; drafted legislative review process and legal opinion/advice process.
 - Investigated and handled complaints, as well as facilitated resolution of conflict related to complaints.
 - Provided sound legal opinions, reviewed, and drafted contracts, MOUs, SLAs, and policies.
 - Provided sound constitutional and corporate law legal advice to the Commission and members of the public.
 - Drafted proposals on legislative amendments of various laws including inputs on Disaster Management Regulations on Covid-19. Reviewed policies and By-Laws of municipalities that impact on the mandate of the Commission.
 - Conducted legal research and produced legal reports, including Public Holidays vs Religious/Cultural Holydays: In pursuit of equality among religious and cultural groups); & ‘The Laws and Practices in the Workplace and Institutions of Learning vs Cultural and Religious Rights of Communities (Dress Code and Challenges of Traditional Healers)’ • Chaired the Bid Evaluation and Specification Committees.
 - Managed litigation where the Commission was as amicus curiae and other cases wherein the Commission was a Respondent, and drafted court papers e.g., notices, affidavits; etc.
 - Drafted a Work from Home Policy which incorporates adherence to Disaster Management Regulations on Covid-19.
-

1.5. Middle Management

Years of experience: 5 years of experience (08/01/2007 – 30/09/2012)

Institution : Commission for the Promotion and Protection of the Rights of Cultural, Religious and linguistic Communities (CRL Rights Commission)

Position : Manager - Legal Services & Conflict Resolution (Investigation of Complaints)

KRAs and Achievements

- Developed the business plan, and approved workplans.
- Monitored performance of the unit.
- Drafted Complaints Handling Manual.
- Conducted investigations on complaints and facilitated resolution thereon.
- Provided sound legal opinions, reviewed, and drafted contracts, MOUs, SLAs and policies.
- Provided sound constitutional and corporate law legal advice to the Commission and members of the public. Conducted legal research and produced legal reports.
- Drafted proposals on legislative amendments; and reviewed policies and By-Laws of municipalities that impact on the mandate of the Commission.

1.6. Legal Research

Years of experience : 03 year (01/10/2003 – 03 January 2007)

Institution : South African Human Rights Commission

Unit : Promotion of Access to Information Act **Position**
: Legal Researcher - PAIA

Key Result Areas:

- Conducted legal research on PAIA, including in a comparative perspective to reform, improve, review or amend PAIA.
- Organised and reported on the 2nd International Conference of Information Commissioners.
- Analysed section 32 reports from public bodies; Drafted and compiled section 10 Guide of the PAIA; Guided bodies on section 14 and 51 PAIA Manual.
- Trained organs of state and private bodies on PAIA; and Prepared legislative amendments.

1.7. Legal Intern

Period : April 2003 – September 2003

Institution: National Department of Communications

PART H: REFERENCES

Referee : Dr Wesley Mabuza (Former Chairperson - CRL Rights Commission) **E-mail**

:

Referee : Adv Tseliso Thipanyane (Former CEO - South African Human Rights Commission) **E-mail :**

Referee : Mr Mziwodumo Rubushe (Former colleague - South African Human Rights Commission) **E-mail :**

Referee : Adv Graig Philander (Former supervisor CRL Rights Commission) E-mail

