

APPLICANT: ANDRE HENRY PETERSEN

COURT FOR WHICH CANDIDATE APPLIES: NORTH WEST DIVISION

1 The candidate's appropriate qualifications:

1.1 B. Juris – 1995

1.2 LLB – 1999

2 Whether the candidate is a fit and proper person:

2.1 There is nothing in the application that would suggest that the candidate is not a fit and proper person.

3 Whether the candidate's appointment would help to reflect the racial and gender composition of South Africa:

3.1 The candidate is a coloured male. In the event that he is appointed, he will add to the demographics at the North West High Court.

4 The candidate's knowledge of the law, including constitutional law:

4.1 The candidate's knowledge of the law is sound. He has a strong commitment to constitutional values and rights.

5 The candidate's commitment to the values of the constitution:

5.1 The candidate does not appear to have direct experience in constitutional law.

6 Whether any judgments have been overturned on appeal:

6.1 Yes, *Nieco Properties 1005 and Another v Trustees for time being of the Indululeko Community Trust and others* (872/2017) [2018] ZASCA123 (21 September 2018).

7 The extent and breadth of the candidate's professional experience:

7.1 The candidate has regularly sat as an acting Judge during 2015 to 2020.

7.2 In total, the candidate has sat in the Gauteng Division and North West Division for 111 weeks.

8 The candidate's linguistic and communication skills:

8.1 Whilst the candidate has not written any legal publications, a review of his judgments, which are written in English, demonstrates that he is a proficient and able communicator in that language.

9 The candidate's ability to produce judgments promptly:

9.1 There is nothing to indicate that the candidate is not able to produce judgments promptly.

10 The candidate's fairness and impartiality:

10.1 No adverse comments were received.

11 The candidate's independent mindedness:

11.1 No adverse comments were received.

12 The candidate's ability to conduct court proceedings:

12.1 No adverse comments were received.

13 The candidate's administrative ability:

13.1 The candidate's experience as a practising Magistrate and as an acting Judge would suggest that he is an experienced administrator.

14 The candidate's reputation for integrity and ethical behaviour:

14.1 No adverse comments were received.

15 The candidate's judicial temperament:

15.1 No adverse comments were received.

16 The candidate's commitment to human rights, and experience with regard to the values and needs of the community:

16.1 The candidate was appointed as a lecturer to the Regional Court Magistrate at a sexual offences seminar in 2015.

16.2 He also offered lectures in criminal law and procedure at the Johannesburg Regional Court as part of a process of weekly ongoing judicial development in collaboration with a colleague between 2015 to 2017.

16.3 The candidate assisted in his capacity as National Secretary of JOASA to organise a conference for members of JOASA in 2010.

16.4 The candidate lectured to aspirant Regional Court Magistrates in criminal law, criminal procedure and evidence via MS Teams Webinars (June/July 2020).

17 The candidate's potential:

17.1 The judgments of the candidate are sound in law.

17.2 The candidate has the potential to be a good Judge of the High Court.

18 **The message that the candidate's appointment would send to the community at large:**

18.1 The appointment of the candidate would contribute to the transformation of the judiciary as regards gender.