

VACANCY: JUDGE OF THE NORTHERN CAPE DIVISION OF THE HIGH COURT

Candidate: Janine Adèle Snyders

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:

- LLB, University of the Free State (2002)
- LLM, University of the Free State (2003)

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

- admitted as an attorney on 18 March 2005
- admitted as a notary in 2008
- admitted as a conveyancer in 2015

1.3. The candidate has acted in the following roles:

- Acting Judge, Northern Cape Division, January to December 2017
- Acting Judge, Northern Cape Division, January to June 2021
- Member of the Northern Cape Consumer Court from 2015 to 2018
- Chairperson of the Northern Cape Consumer Court, 2018 to date

2. The candidate's integrity and ethics
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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.

2.2. The candidate is known in the legal fraternity as a person whose ethics and integrity are beyond reproach.

3. The racial and gender composition of the bench
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3.1. As far as could be ascertained, there are currently 7 permanent judges of the Northern

Cape Division of the High Court, Kimberley:

- 3 black women (2 African, 1 Coloured)
- 2 black men (2 African)
- 1 white woman
- 1 white man

3.2. According to the questionnaire, the candidate is a coloured woman.

4. The maximum period the candidate could serve if appointed

4.1. At the time of the interviews, the candidate will be approximately 45 years and 10 months old. If appointed, the candidate would be eligible to complete a period of up to 24 years and 1 months' of active service as a judge, if her cumulative acting stints of approximately 1.5 years are not taken into account.

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

5.1. Although this facet is not expressly addressed in the candidate's nomination pack, the candidate's personal commitment to the values of the constitution, particularly that of human dignity, equality, non-racialism and non-sexism, is evident from the way she interacts with practitioners, litigants and witnesses.

6. The candidate's knowledge of the law, including constitutional law¹
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- 6.1. The candidate has a very broad range of knowledge of the law, as a result of her background, which includes her practice as an attorney since 2005 to date and her exposure to numerous areas of the law as detailed in her completed questionnaire and curriculum vitae, including Constitutional law.
- 6.2. The candidate has held acting appointments in the Northern Cape Division from January to December 2017 and from January to June 2021.
- 6.3. The candidate included three judgments penned by her in the nomination pack. A further approximately ten judgments authored by the candidate can be found on SAFLII.

¹ Note from the editor: Sections 6, 8, and 13 of the comments for all three candidates shortlisted for appointment to the Northern Cape Division contained/contain near identical, formulaic responses. It does not appear that the candidates' judgments were critically analysed by the reviewers.

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

7.1. The candidate has disclosed that six judgments have been taken on appeal, and the reviewers found one further judgment of the candidate that has been taken on appeal. On appeal, none of the judgments have been upheld, and five judgments have been overturned. The candidate indicated that in two matters the outcome of the appeal is unknown to her.

7.2. The judgments of the candidate overturned on appeal which could be located by the reviewers are:

- *Van Wyk v Daberas Adventures CC* (1431/2016) [2021] ZANCHC 62 (19 November 2021). In *Van Wyk* the appeal court found that the court *a quo* erred in dismissing the application for lack of *locus standi* of the appellant, because the court *a quo* erred in finding that the serving trustees had, in the absence of one of them, not been able to take valid decisions by means of a unanimous vote by all of them jointly.
- *Buys and Others v Minister of Police and Another* (2339/2016) [2018] ZANCHC 37 (29 June 2018). In *Buys* the appeal court overturned the order by the court *a quo* dismissing the application and ordering each party to pay their own costs. It was held that the court *a quo* erred in disallowing a supplementary affidavit establishing that the criminal prosecution of the appellants had been withdrawn on the basis that it was irregularly introduced and that the first respondent was not *ad idem* with the contents thereof, and, further, by failing to take into account what had been conveyed to the court *a quo* from the bar. The affidavit and the submissions from the bar ought to have been allowed in the court *a quo*'s discretion and allowing it would have caused no prejudice to the first respondent.
- *Tsilo v The State* (K/S 10/2017) [2025] ZANCHC 17; 2025 (1) SACR 527 (NC) (7 March 2025) In *Tsilo*, the appeal court overturned the accused's conviction and sentence to life imprisonment on a count of premeditated murder. It was held that the court *a quo* erred in finding the facts of an SCA judgment to be substantially similar to the matter *in casu* and further erred in analysing the evidence correctly. The conviction was therefore overturned and the sentence amended to 15 years in accordance with sec 51(2) of the CPA, read with Part II of Schedule 2 of the CLAA.
- *Karibuni Security Services CC v MEC, Department of Health, NC Province*

(2558/2017) [2020] ZANHC 62 (26 June 2020) In *Karibuni* the appeal court held that the court *a quo* erred in finding that it lacked the necessary jurisdiction to make a determination on the application or interpretation of sec 198A of the LRA, and that the appellant was an independent contractor, and that the protestors were acting within the course and scope of their employment with the appellant, and therefore confirming the orders subject to the rule *nisi*, which ought to have been discharged, with costs.

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

- 8.1. The candidate has practiced as an attorney for approximately 22 years, been an admitted conveyancer for approximately 12 years and an admitted notary for approximately 19 years.
- 8.2. The candidate's curriculum vitae indicates experience across wide-ranging fields, including criminal law, Magistrate's Court practice, all aspects of High Court litigation, and commercial law, contract law, labour law, mining law and environmental law.
- 8.3. The candidate has acted in the Northern Cape Division for 6 terms, as a member of the Northern Cape Consumer Court for four years and as the Chairperson of the Northern Cape Consumer Court for approximately 9 years.

9. The candidate's linguistic and communication skills

- 9.1. Nothing in the judgments considered by the reviewers indicates that the candidate's linguistic and communication skills are not adequate.

10. The candidate's ability to produce judgments promptly

- 10.1. The candidate indicated that no judgments were outstanding at the time of completing the questionnaire.
- 10.2. Of the 13 judgments of the candidate considered by the reviewers, only one was handed down more than three months after hearing. However, it must be noted that in the one judgment referred to, being *Alpha Primary School and Another v Head of Department, Department of Education, Northern Cape and Others* (1120/2017) [2018] ZANHC 10 (12 February 2018), the bench consisted of two judges, and the judgment only exceeded the three-month time period by 10 days.

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

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

14.1. In view of the facts as set out above, the candidate is not only a fit and proper candidate to be appointed to the bench, but her appointment would also be an asset to the bench. The reviewers believe that her appointment to the Northern Cape Division of the High Court would convey a message to the public that the judiciary is committed to transformation and representativity on the bench.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported judgments

1. None.

Unreported judgments

2. *Dippenaar v Minister of Correctional Service and Others* (569/2015) [2017] ZANHC 27 (31 March 2017)
3. *Moalahi v Road Accident Fund* (938/20147) [2021] ZANHC 32 (23 July 2021)
4. *Roman v Roman and Others* (2659/17) [2017] ZANHC 72 (17 November 2017)
5. *Alpha Primary School and Another v Head of Department, Department of Education, Northern Cape and Others* (1120/2017) [2018] ZANHC 10 (12 February 2018)

Judgments upheld on appeal

6. None.

Judgments overturned on appeal

7. *Van Wyk v Daberas Adventures CC* (1431/2016) [2021] ZANHC 62 (19 November 2021)
8. *Buys and Others v Minister of Police and Another* (2339/2016) [2018] ZANHC 37 (29 June 2018).
9. *Tsilo v The State* (K/S 10/2017) [2025] ZANHC 17; 2025 (1) SACR 527 (NC) (7 March 2025)
10. *Karibuni Security Services CC v MEC, Department of Health, NC Province* (2558/2017) [2020] ZANHC 62 (26 June 2020)

Academic writings

11. None.