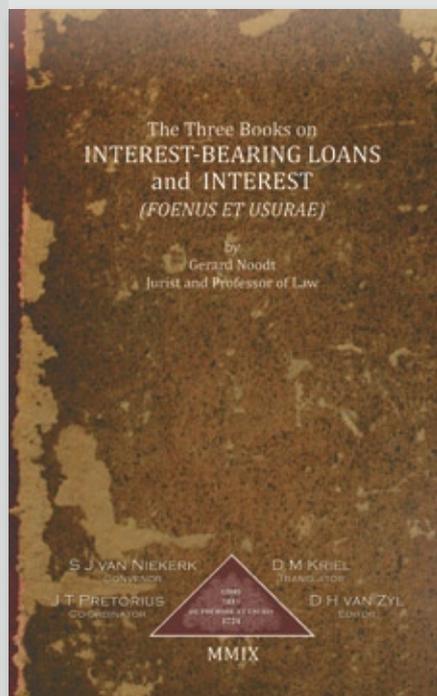


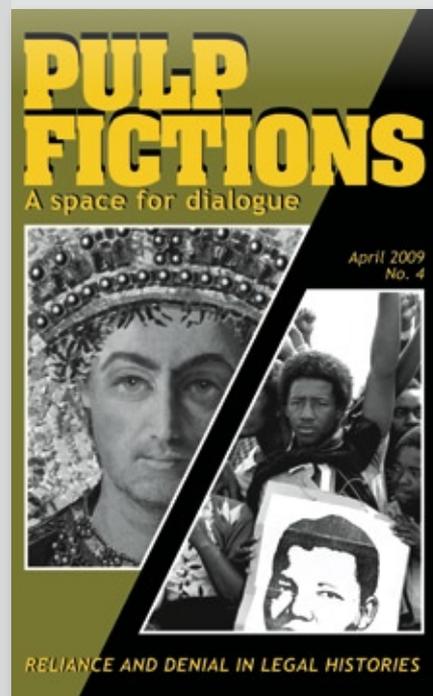
The three books on interest-bearing loans and interest (FOENUS ET USURAE)
 Author: Gerard Noodt



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PULP Fictions 4 - Reliance and denial in legal histories
 Authors: AJ van der Walt and Lize Kriel



PULP Fictions 5 - A lawyer's response to the current travails of South African constitutionalism
 Author: Justice Johan Froneman



PULP currently has 11 books in various stages of production which were due to be released early in 2010, amongst which are:

- Indigenous people's rights
- Holding the blues to account: An overview of policing in South Africa
- Compendium of environmental regulations
- 2008 African Human Rights Law Reports

For more information visit the PULP website: www.pulp.up.ac.za.



First Human Rights World Moot Court Competition: Addressing discrimination



UN High Commissioner for Human Rights, Ms Navi Pillay, and former Chief Justice of the Constitutional Court, Pius Langa.

As the 'All rise' call sounded through the venue, the judges of the first Human Rights World Moot Court Competition, hosted by the Faculty of Law, marched in and solemnly took their seats at the table. The colourful flags of the 45 participating countries flapped in the background as 20 law students from all corners of the world prepared to argue their cases before the judges.

United Nations High Commissioner for Human Rights (UNHCHR), Ms Navi Pillay, presided over the moot. Other members of the bench included eminent jurists from around the world, two former Chief Justices of South Africa's Constitutional Court, Arthur Chaskalson and Pius Langa, and David Johnson, a human rights expert and South Africa's former regional representative in the Office of the High Commissioner for Human Rights.

TuksLaw students were excluded from participation in the competition as the University hosted the event. The competition was organised by the Centre for Human Rights in conjunction with the UNHCHR.

The teams who participated in the final round were the winners in the written competition which preceded the events on 9 December. The competition was open to students from all institutions of higher learning worldwide who were studying for a first degree in law.



UN High Commissioner for Human Rights, Ms Navi Pillay, and Prof Christof Heyns, Dean of the Faculty of Law.

The ten teams, comprising two members each, had 15 minutes in which to convince the judges of the merits of their hypothetical case, which dealt with discrimination, tolerance and the responsibility of the state to protect human rights in two fictional neighbouring states.

The Human Rights Declaration, international covenants, conventions and other aspects of international law served as guidelines.

Each of the five UN regions had two teams who argued against each other and the winners from each of the regions were decided in the final rounds. First to argue were the teams from the African region, followed by those from Western Europe, Latin America and the Caribbean, Eastern Europe and Asia.

The participants scored points for their knowledge of the facts; the correct and articulate analysis of the issues; familiarity with international authorities; general knowledge of the substance and processes of international law; knowledge of the legal principles directly applicable to the facts; organisation; clarity; response to questions; ingenuity and persuasiveness.

Verdicts were delivered by the panel of judges and the teams from the American University in Cairo (African region), the University of Lucerne Law Faculty, Switzerland (Western Europe), the Pontifícia Universidade Católica de São Paulo, Brazil (Latin America and the Caribbean), the Institute of International Relations of Taras Shevchenko Kyiv National University, Ukraine (Eastern Europe) and the National Law School of India University, India (Asia) emerged as the winners.

'This kind of exercise prepares law students for the real world. It is an exciting way for them to deepen their knowledge of rights and learn from each other', said Ms Pillay.

According to her the young people did extremely well, especially if taking into account that most of them had to present and argue their cases in a language other than their native tongue. English and French were the only languages allowed.

'They displayed good preparation, a good understanding of international law and how it is applied in practice. They also had to argue not as individuals, but as lawyers and they had to argue creatively', she said.

The competition formed part of the UN's 61st celebration of the adoption of the Universal Declaration of Human Rights in 1948 and focused on the theme of discrimination which was also the theme chosen for Human Rights Day in 2009. These Human Rights celebrations were, for the first time ever, not conducted from the headquarters in Geneva, but centred in Pretoria.

'We are confident that the World Human Rights Moot will become an annual institution. It is a playful way to put some very serious issues on the table and to introduce a new generation of leaders to the dynamic nature of the human rights project', concluded Prof Christof Heyns, Dean of the Faculty of Law.



The African regional winners were Ms Ilene Molina and Ms Claudia Blandon from the American University in Cairo, Egypt.



The Western European regional winners were Ms Milena Grob and Mr Jonas Hertner from the University of Lucerne Law Faculty, Switzerland.



The Latin American and Caribbean regional winners were Ms Gala Ligia Dahlet and Mr Raphael Daibert Gomide from the Pontifícia Universidade Católica de São Paulo, Brazil.



The Eastern European regional winners were Ms Tetiana Iatsenko and Ms Iuliia Kruk from The Institute of International Relations of Taras Shevchenko Kyiv National University, Ukraine.

TuksLaw students hit a four in Moot Court Competitions

TuksLaw students participated in a number of Moot Court Competitions during 2009 and early 2010 and managed to bag four wins. They won the Commonwealth Moot Court Competition, the English round of the University of the Free State's First Year Moot Court Competition and the Ambassador's Round of the 28th John Marshall Law School International Moot Court Competition in Information Technology and Privacy Law and more recently the 51st Phillip C Jessup Moot Competition that was held from 4 to 6 February in Pretoria.

6th African Trade Moot

Students also participated in the 6th Annual African Trade Moot, a joint initiative of the Centre for Human Rights, the University of the Western Cape and the World Trade Organisation (WTO), which was held from 28 September to 2 October in Pretoria. TuksLaw obtained fifth place in this competition. This competition offered a unique opportunity for students from English-speaking African countries to engage in topical trade issues related to international trade law as argued before the WTO Trade Dispute Settlement Body. Students representing nine law faculties from six African countries participated in the competition.



Fitr: TuksLaw team members Jan Norval and Genio Gioia, who were coached by Daniel Keeyv, a LLM student at the Faculty.

16th Commonwealth Moot Court Competition



The first moot court competition in 2009, where TuksLaw shined, was held in Hong Kong and coincided with the 16th Commonwealth Law Conference held in the city from 5 to 9 April 2009. Eleven teams from eleven countries competed for the honours. Participation in the competition is by invitation only. The challenge posed to participants dealt with a complicated and very topical problem revolving around, amongst other things, an international arms deal scandal, corruption and United Kingdom (UK) companies and procedural law. The TuksLaw team, consisting of then second-year law student Ms Katherine Harding and third-year law student Mr Ian Learmonth, with Mr Lourens Grové from the Law Clinic as coach, did not only win the competition overall, but also obtained the highest marks in the preliminary rounds and won all the other awards in the competition, namely best oralists in the preliminary and final rounds.

28th John Marshall Law School International Moot Court Competition in Information Technology and Privacy Law



Mr Lourens Grové from the Law Clinic (left) and Ms Sylvia Papadopoulos (far right) in the Department of Mercantile Law mentored Ms Charné van Biljon and Mr Itumeleng Matlou, who won the Ambassador's Round of the 28th John Marshall Law School International Moot Court Competition in Information Technology and Privacy Law. The competition was held in Chicago, Illinois during October 2009. The competition – established in 1981 – is one of the largest and most respected international moot court competitions. Students from law schools throughout the US and other countries gather each year to argue challenging and unresolved issues of technology law. The focus of this year's competition was on Privacy Law and how it relates to online satellite imaging software.

18th African Human Rights Moot Court Competition



Prof Frans Viljoen, Director of the Centre for Human Rights (CHR), Prof Oyewo Oyelowo, Dean of the University of Lagos' Faculty of Law, and Mr Norman Taku, Deputy-Secretary General of the International Association of Constitutional Law discuss the progress of the 18th African Human Rights Moot Court Competition, held in Nigeria from 10 to 15 August 2009. Seventy law faculties from 26 countries across Africa took part in the competition, which was organised by the CHR in collaboration with the University of Lagos. The competition simulated the African Court on Human and Peoples' Rights, which was recently established by the African Union for the continent. The theme for 2009 was the rights of minority groups as enshrined in the African Charter. TuksLaw team members Ofentse Motlhasedi and Wesley Timm were placed seventh overall. However, both TuksLaw team members were ranked under the top six oralists - a feat no other university was able to accomplish at this competition.

Schools Moot Court Competition

Jolandi Swanepoel (Grade 10) and Kathleen Dlamini (Grade 11) from Pretoria High School for Girls won the second Schools Moot Competition hosted by the Faculty of Law on 10 October. The aim of this competition is to help aspirant law students to understand the Constitution, develop the skills necessary for a career in law and to experience legal action in a court room environment. In addition, the faculty uses this competition to discover young talent. Eleven teams - comprising two learners each - acted



as advocates and appeared before a simulated South African Constitutional Court, arguing the opposing sides of a hypothetical case involving the right to equality in the context of education and cultural diversity. Visit www.up.ac.za/law for information on the 2010 National Schools Moot Court Competition.

University of the Free State's First-year Moot Court Competition

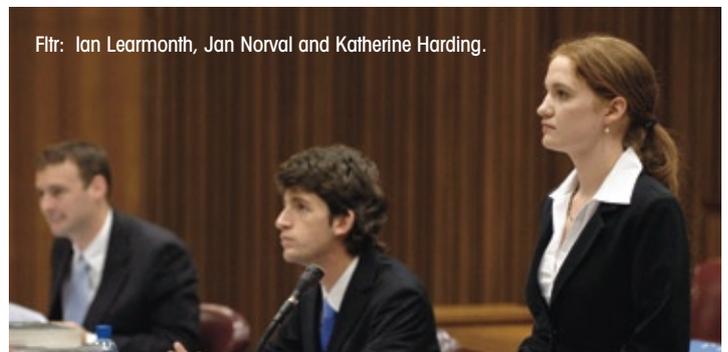
Mr Khomotso Moshikaro and Mr Jason Gouveia won the English section in the University of the Free State's First-year Moot Court Competition. TuksLaw students notched up a win in the English competition for the third consecutive year. The competition was held on 9 October and four teams from UP took part - with two teams competing in the English and Afrikaans categories respectively. Mr Moshikaro also won the award for the Best Individual Oralist.



51st Phillip C Jessup Moot Court Competition

During March 2010 TuksLaw students will represent South Africa at the international leg of the 51st Phillip C Jessup Moot Court Competition after winning the national competition, which took place from 4 to 6 February in Pretoria. The international competition will be held in March in Washington, United States of America. More than 500 law schools from 80 countries will take part in this competition, the biggest in the world. The team from TuksLaw is from right to left Ms Katherine Harding, Mr Jan Norval en Mr Ian Learmonth. Mr Lourens Grové coached the team. Ms Harding also received the award as Best Oralist.

Flr: Ian Learmonth, Jan Norval and Katherine Harding.



Flr: Seen here with Danny Berry and Derik van der Linde, who also represented TuksLaw at this Competition, are Coach Morgan Courtenay, Bianca Balmelli and Alberts Krige.

TuksLaw students, Mr Albert Krige and Ms Bianca Balmelli, finished second in the annual LexisNexis Mock Trial Competition which was hosted by the Law Clinic at the end of September. Ten teams from local universities, as well as the University of Namibia, participated.

The competition consists of six rounds dealing with different criminal matters, and the winners are selected based on their abilities to litigate criminal cases and to follow proper criminal court procedures.

LexisNexis Mock Trial Competition

The rounds were judged by top legal practitioners from different spheres of the legal profession, including Adv Retha Meintjes from the National Prosecuting Authority, former Judge David Curlewis and his son, Dr Llewellyn Curlewis. The adjudicators provided invaluable feedback to the students after each round.

Faculty of Law welcomes new academics

During 2009 the Faculty of Law appointed the following academics:

Prof Yvonne Mokgoro

Prof Yvonne Mokgoro served as one of the country's first Constitutional Court Justices. When her term ended in 2009, she accepted a position as an extraordinary professor in the Centre for Human Rights

Prof Mokgoro is no newcomer to the faculty - during 1994 she was a lecturer in the Department of Legal History, Comparative Law and Legal Philosophy – until shortly before her appointment to the Constitutional Court.

She obtained her LLB degree at the former University of Bophuthatswana in 1984 and completed her LLM in 1987. She also studied at the University of Pennsylvania in the United States, where she obtained an additional LLM degree.

After completing her LLB degree, she worked as a maintenance officer and public prosecutor in the former Mmabatho Magistrate's Court. Shortly thereafter she was appointed as a lecturer in the Department of Jurisprudence at the former University of Bophuthatswana.

In 1992 she joined the University of the Western Cape and the following year she was appointed as a Specialist Researcher (Human Rights) in the Human Science Research Council's Centre for Constitutional Analysis. She was also a part-time lecturer at UP.



Former Constitutional Court Justice Yvonne Mokgoro has been appointed as an extraordinary professor in the Centre for Human Rights.



The former High Commissioner of the South African Human Rights Commission, Mr Jody Kollapen, was appointed as a research fellow in the CHR.

Mr Jody Kollapen

The former High Commissioner of the South African Human Rights Commission (SAHRC), Mr Jody Kollapen, was appointed as a research fellow in the CHR.

He completed his LLB degree at the University of the Witwatersrand and practiced in Pretoria until he joined Lawyers for Human Rights in 1991 as coordinator of their Political Prisoners' Release Programme. In 1995 he was appointed as the organisation's National Director.

Mr Kollapen was involved in many of the most sensational political cases in the country, including the Sharpeville Six, the Delmas Treason Trial, and the failure of the Medical and Dental Council to enquire into the behaviour of the doctors who treated Steve Biko.

He was also a member of the selection panel that chose the commissioners for the Truth and Reconciliation Commission.

He joined the SAHRC in 1996 and was responsible for overseeing the work of the Commission relevant to Civil and Political Rights, including issues relating to the Administration of Justice.

Prof Charles Fombad

Prof Charles Fombad, previously from the University of Botswana, joined the Faculty of Law's Department of Public Law early in 2010.

He completed his LLB degree at the University of Yaoundé in Cameroon, his LLM in 1982 and his doctorate at the University of London in 1986.

Prof Fombad has extensive international experience and has lectured at various universities around the world. Apart from his position at the University of Botswana, he was a senior lecturer at the University of Yaoundé II, a visiting lecturer at the University of Buea and the University of Dschang, both in Cameroon.

Prof Steve Cornelius

Prof Steve Cornelius is considered one of South Africa's leading experts on Commercial Law, Law of Succession and Roman Law.

He has published various articles on Contract Law and Sport Law and is the author of two books entitled *Introduction to sport contracts in South Africa* and *Principles of the interpretation of contracts in South Africa*.

Prior to his appointment at UP, Prof Cornelius was the Director of the Centre for Sport Law at the University of Johannesburg. He is also a visiting fellow of the Anglia Ruskin University in the United Kingdom.

Mr Mark Christian

Mr Mark Christian is a UP alumnus and was appointed as a senior lecturer in the Department of Procedural Law. He completed his LLB degree at UP and worked as a candidate attorney before his appointment as a public prosecutor in Middelburg, Mpumalanga in 1993.

From 1994 to 2003 he was a legal advisor at the former City Council of Pretoria and in 2004 he was appointed as the Manager of Prosecutions at the City of Tshwane Metropolitan Municipality: Municipal Courts.

Dr Thino Bekker

Dr Thino Bekker obtained his LLD degree from the University of South Africa. He is an admitted attorney, conveyancer and notary. He recently completed his LLD degree. The title of his thesis was *The parole evidence rule in the South African law of contract*.

He is also registered as a debt counsellor at the National Credit Regulator. He will present classes in Deeds and Notarial Practice, Civil Procedure, as well as the LLM module in Advanced Law of Evidence.

and said goodbye to others



Prof Lorreta Ferris, formerly in the Department of Public Law, took up a position at the Institute for Marine and Environmental Law at the University of Cape Town.



Michelle Olivier, a professor in the Department of Public Law, left for the United Kingdom.



Philip Thomas, a professor in the Department of Legal History, Comparative Law and Philosophy retired at the end of 2009. Read more about his career in the article below.



Prof Stu Woolman said farewell to the Department of Public Law at the end of 2009. He joined the School of Law at the University of the Witwatersrand at the beginning of 2010.

Prof Philip Thomas lê die tuig neer ná byna 40 jaar by UP

Hy is nie net 'n gerekende kenner op die gebied van regsgeeskiedenis en Romeinse reg nie, maar is ook 'n gedugte perderuiter wat gereeld aan skouspringkompetisies deelgeneem het en is op die koop toe 'n talentvolle olieverskilder, perdeteler en beesboer.

Asof dit nie genoeg is nie, praat hy ses tale vlot! Die tale sluit Afrikaans, Engels, Nederlands, Duits, Frans en Italiaans in en hy is ook 'n kundige op die gebied van Latyn. Dit is dus nie verbasend dat hy 'n gewilde spreker by internasionale konferensies is en gereeld uitgenooi word om as dosent by verskeie Europese Universiteite klas te gee nie.

Afgesien van al sy prestasies is sy voete gelukkig stewig op die aarde, antwoord prof Duard Kleyn op die vraag hoe hy sy kollega, prof Phillip Thomas, sou beskryf.

Prof Thomas, 'n voormalige hoof van die Departement Regsgeeskiedenis, Regsvergelyking en Regsfilosofie het einde verlede jaar ná 'n lang en

voortreflike loopbaan in die Fakulteit Regsgeleerdheid afgetree.

Prof Thomas is van Nederlandse-afkoms en het sy Meestersgraad in die regte in 1969 aan die Erasmus Universiteit in Rotterdam behaal. In die 1970s het hy na Suid-Afrika gekom om onder prof Paul van Warmelo, 'n voormalige dekaan van die Fakulteit Regsgeleerdheid en 'n kundige op die gebied van regsgeeskiedenis en Romeinse reg, te studeer.

Hy het sy LLD-graad in 1978 aan die Universiteit van Suid-Afrika voltooi. Die titel van sy tesis was *De geschiedkundige ontwikkeling van de erfrechtelijke posisie van onwettige kinderen in Nederland en Zuid-Afrika*.

In 1971 is hy aangestel as 'n dosent in die departement Romeinse Reg en Regsfilosofie en drie jaar later is hy aangestel as 'n senior dosent in die Departement Regsgeeskiedenis, Regsvergelyking en Regsfilosofie. Van 1984 tot 2000 was hy hoof van dié departement.

Deur die jare is hy tot verskeie hooggeplaaste posisies verkies en het hy ook 'n C-gradering van die Nasionale Navorsingstigting ontvang. Hy is tans President van die Suidelike-Afrikaanse Vereniging vir Regsgeeskiedkundiges, was 'n stigterslid van die *Akademie für Europaisches Privatrecht* in Oostenryk en is 'n lid van die redakteursraad van *Fundamina*, die Suid-Afrikaanse tydskrif vir Regsgeeskiedenis.

Hy is die outeur of mede-outeur van meer as 15 boeke of hoofstukke in boeke en het ook 'n groot aantal artikels in regstydskrifte gepubliseer.

Volgens prof Kleyn – die vorige Dekaan van die Fakulteit Regsgeleerdheid – is een van prof Thomas se grootste bydraes waarskynlik die handleidings wat hy vir studente geskryf het.

'Hy het altyd gepoog om studente op 'n 'eenvoudige' dog doeltreffende wyse aan belangrike regsbeginne bekend te stel', sê prof Kleyn.

STIAS: A gathering of minds



Tshepo Madlingozi

'Intellectually stimulating and an amazing experience that has had a tremendous impact on the way he will approach his research in future'. That is how Mr Tshepo Madlingozi, a senior lecturer in the Department of Legal History, Comparative Law and Legal Philosophy, described his recent stint at the Stellenbosch Institute for Advanced Study (STIAS).

STIAS is based at the University of Stellenbosch and was established in 2005 with the aim of providing a modern research and seminar centre where top international and local researchers, as well as intellectual leaders can gather to discuss and reflect on important issues that face the world and to generate innovative and sustainable solutions to problems.

Groups comprising academics from different disciplines are also invited to spend time at the centre and to discuss their research. Mr Madlingozi was part of the group that included former Chief Justice of the Constitutional Court, Arthur Chaskalson, Prof June Sinclair, former Pro-Vice-Chancellor of the College of Humanities and Social Science at the University of Sydney and currently an honorary professor in the Department of Private Law at UP, Pierre de Vos, a senior professor in Private Law at the University of the Western Cape, Ms Reanette Taljaard, the youngest member of the Democratic Alliance to be elected to parliament, Prof David Speert, an eminent immunologist from British Columbia University and Mr Hans Huyssen from the Department of Music at the University of the Free State. Mr Huyssen is internationally renowned for his research on classical music and traditional Xhosa music.

Action research

Mr Madlingozi is currently conducting research for his Masters degree in sociology. His research focuses on the impact of the law on society and on whether the law 'changes' citizens from activists to victims, how and when people use the law and what happens when they use the law.



He is also the National Advocacy Coordinator for the Khulumani Support Group, a non-governmental organisation that helps survivors of *apartheid* crimes and aims to contribute to their transformation from 'victims to active citizens'. The organisation currently has more than 55 000 members and over the past four years Mr Madlingozi has conducted interviews, carried out observations and studied changes in their political subjectivity as a result of relying on the human rights discourse. It is this combination of law and sociology that makes his research unique.

Khulumani is currently involved in a court case against Daimler AG, Ford Motor Company, IBM, General Motors Corporation and Rheinmetall. The case was first lodged against the defendants in New York in 2002 – the first of its kind in international legal history.

Mr Madlingozi played a major role in planning the plaintiffs' strategy to sue the companies for compensation because they allegedly benefited financially as a result of their engagement with the *apartheid* regime – at a time when *apartheid* was declared as a crime against humanity.

He plans to use the findings of his research to develop a more comprehensive strategy for the organisation to ensure that it becomes a force to be reckoned with and that 'government responds appropriately when called upon'.

Gathering of the minds

The aim of these 'gatherings of the mind' at STIAS is to help researchers 'broaden their thinking and to shape the approach to their research', says Mr Madlingozi.

Each member of the group had to present a lecture on his or her current research project. The rest of the team was then invited to put questions to the presenter and to comment and advise on the research project.

According to Mr Madlingozi the input from academics and professionals from various backgrounds was invaluable and assisted him to identify new or overlooked angles in his research.

Leani skiet Springbokkleure los



Me Leani van Dyk (23), 'n akademiese medewerker in die Departement Privaatreg, het onlangs haar Springbokkleure in kleiteikenskiet verwerf.

Me Leani van Dyk (23), 'n akademiese medewerker in die Departement Privaatreg, het onlangs die eerste vrou geword om in die kleiteikenskietdissipline bekend as *Sporting*, haar Springbokkleure te verwerf.

Leani en haar spanmaats het in November aan die Wêreldkampioenskappe in Warrnambool, Australië, deelgeneem en sy het in die top 30 geëindig.

Afgesien van die verwerwing van haar Springbokkleure, sluit ander hoogtepunte haar oorwinnings in die Suid-Afrikaanse-, Sentraal-Gautengse, Vrystaatse-, Oos-Kaapse-, Limpopo- en die Kwazulu-Natalse-kampioenskappe vir vrouens in. Sy is ook in 2008 aangewys as een van die top drie skuts (mans en vroue) in Noord-Gauteng.

Om vir Springbokkleure in aanmerking te kom, moet deelnemers gedurende die jaar aan agt plaaslike en 'n internasionale byeenkoms deelneem.

Leani vertel dat die gogga haar in 2002 gebyt het toe sy vir 'n naweek saam met vriende van haar ouers op hul plaas gaan kuier het. Sy het skaars aangeland, toe 'n haelgeweer in haar hande gestop en sy uitgenooi is om kleiduiwe te gaan skiet.

'Ek jag sedert 'n jong ouderdom saam met my pa, Jurgens, voëls, maar het geen idee gehad hoe om kleiduiwe te skiet nie. Die ouens het my 'n bietjie touwys gemaak en toe het dinge sommer beter begin gaan.'

Haar pa het vir haar 'n haelgeweer gekoop en sy het aan byeenkomste begin deelneem. Sy oefen tans twee keer per week by die Swartkops Weermag/Centurion kleiteikenklub en gebruik 'n Beretta sporting-haelgeweer wat spesifiek vir die sport gemaak is.

Die geheim van haar sukses is veelvoudig, vertel Leani. Sonder haar ouers en afrigter, Cliffie Bartman, se ondersteuning, sou sy nie ver gevorder het nie.

Natuurlike talent, ure se harde oefening op die skietbaan, geduld, deurstellingsvermoë, goeie hand-oogkoördinasie en hope selfvertroue – nie net in jouself nie, maar ook in jou geweer en ammunisie – help natuurlik ook heelwat!

Intellectual Property Law Centre established at UP

The Faculty of Law and Adams & Adams Attorneys joined forces in 2009 to establish the Intellectual Property (IP) Law Centre and a Chair in Intellectual Property Law at the University of Pretoria.

Adams & Adams is one of the most prominent law firms in South Africa. The aim of the Centre is to establish a working relationship between academia and the law profession and to establish an educational faculty where specialised training in areas of IP Law and Practice can be offered on a continuous and advanced level.

Tailor-made training courses will be developed and practical training offered. Another aim of the Centre is to create a cluster of knowledge and expertise

through which international developments in the area of IP can be monitored and appropriate strategies formulated.

According to Prof Rian Cloete, Director of the Centre, they will offer advanced academic programmes in IP and will also be involved in a number of community engagement projects.

Services that will be offered by the Centre include the advancement and dissemination of knowledge about IP to potential users of the system. In addition, the Centre will also provide legal services, advice and assistance to creators of IP in all fields of technology art and business.

Book club hosts leading legal minds

The Faculty of Law's book club hosted three prominent authors during 2009 as part of its efforts to introduce students to some of the country's leading legal minds. The authors included one of the world's most admired human rights advocates, a leading judge and academic, as well as a well-known anti-apartheid lawyer.

According to the coordinator of the book club, Prof Karin van Marle, the aim of inviting authors to speak about their books is to encourage students to read about relevant and current legal issues, their practical implications and how to integrate the lessons learned by the authors in their studies.

'Odyssey to freedom'

Adv George Bizos SC spoke about his autobiography entitled *Odyssey to freedom* at the first discussion hosted on 26 March. In his book he tells the story of how he and his father fled the aftermath of World War II and arrived in South Africa in 1941 – penniless and unable to speak English.

He also spoke about his involvement in some of South Africa's most sensational political cases and recalls his involvement in the defence of a number of anti-apartheid activists including former President Nelson Mandela, Walter Sisulu and the families of Steve Biko, Chris Hani and the Cradock Four.

Matthew Goniwe, Sparrow Mkhonto, Fort Calata and Sicelo Mhlauli were abducted by members of the security police while travelling from Port Elizabeth to Cradock in 1985. They were tortured, killed and their bodies were left to burn in the vehicle that they were travelling in.

'Precedent and possibility'

Judge Dennis Davis of the Western Cape High Court visited the faculty on 4 August to talk about his book entitled *Precedent and possibility* which is co-authored by Ms Michelle le Roux. Their book highlights the historical use and abuse of law in South Africa.

'In a different time'

In his book entitled *In a different time*, Mr Peter Harris recounts the events that led to his dramatic gambit to save the Delmas Four from the death sentence. He was the keynote speaker at the third book discussion hosted on 14 October.

The book tells the story of the Delmas Four, Jabu Masina, Ting-Ting Masango, Neo Potsane and Joseph Makhura, who were arrested in 1987 at a time of great political uproar in South Africa.

Mr Harris was their defence attorney, but knew from the start that the former regime was going to throw the book at them. After their conviction, he convinced the court to agree that their families could plead in mitigation for their sons' lives. Their death sentences were set aside in 1989 and they were released in 1991.



Adv George Bizos SC (right), described by many as the world's most admired human rights advocate, was the first guest at the Faculty of Law's Book Club discussions. He spoke about his autobiography entitled *Odyssey to freedom*.

Alumni get together • Alumni byeen

The Faculty of Law hosted two alumni functions during 2009. One was held in the Mother City, while London played host to the second.

Kaapstad

Die funksie in Kaapstad is by De Oude Welgemoed Restaurant in Welgemoed aangebied. Onder die eregaste was Regter Deon van Zyl. Prof Christof Heyns, Dekaan van die Fakulteit Regsgeleerdheid het 'n kort aanbieding oor die Universiteit van Pretoria en nuwe verwikkelinge in die fakulteit gedoen.

By die geselligheid was:



Me Elene Groenewald, Regter Deon van Zyl en prof Christof Heyns.



Me Anneke Viljoen en prof Rian Cloete.

... and abroad

The alumni function in London was hosted by the British South African Law Association (BSALA) on 22 July. Many of the guests included UP alumni. Members of the legal profession in the UK and law students from the University of London also attended.



Mr Lance Terry (left), Chairperson of the British South African Law Association, Prof Christof Heyns and Adv Johan Du Toit of Selborne Chambers in London.

Taalsentrum help studente om vaardighede te verbeter

'n Taalsentrum om studente te help om hul akademiese taalvaardighede te verbeter, is in Mei verlede jaar deur die Fakulteit Regsgeleerdheid op die been gebring.

Befondsing vir die daarstelling van die sentrum, die geesteskind van prof Christof Heyns, Dekaan van die Fakulteit, is deur die Getrouheidsfonds vir Prokureurs beskikbaar gestel.

Volgens prof Anton Kok, koördineerder van dié sentrum, is die projek van stapel gestuur om veral LLB-studente by te staan om hul akademiese taal- en skryfvaardighede te verbeter en om hulle met die strukturering van langer opdragte te help.

'Die groot getalle regstudente in klasse maak dit feitlik onmoontlik om voldoende individuele aandag aan en terugvoer te gee oor die opdragte wat studente inhandig', sê prof Kok.

Volgens hom is van die moontlike oorsake waarom studente probleme ervaar met veral die skryf van langer opdragte, die feit dat al hoe minder studente lees en dat die gebruik van selfone en ander elektroniese media gelei het tot die ontwikkeling van 'n 'nuwe' manier van kommunikeer – taal wat gekenmerk word deur kort boodskappe en afgekorte woorde.

In die regsberoep is dit noodsaaklik dat prokureurs en advokate uitgebreide argumente aan regters kan voorhou wat logies gestruktureer is, sê prof Kok.

Die sentrum het vyf tutors aangestel. Twee van die tutors was taalkundiges en drie was regstudente. Die tutors het individuele sessies per afspraak aangebied en studente van die begin van 'n opdrag tot die voltooiing daarvan bygestaan.

Hulle het onder meer studente gehelp om hul opdragte logies te struktureer en om voetnotas en bronne reg aan te haal.

'Gebruikmaking van die sentrum se dienste was vrywillig en was nie vakgebonden nie', sê prof Kok.

Volgens hom is die sentrum goed deur studente ondersteun en hoewel die diens op LLB-studente gemik was, het hulle gevind dat LLM- en LLD-kandidate ook hier kom aanklop het vir hulp met hul skripsies.

Die fakulteit ondersoek tans die ontwikkeling van 'n skryfprogram wat in klasverband aangebied kan word.

Die fakulteit het ook in samewerking met die Seattle Regskool in die Verenigde State van Amerika 'n konferensie oor taalvaardigheid aangebied. Lees meer oor die konferensie op die volgende bladsy.

Legal writing conference

A legal writing conference was hosted by the Faculty of Law in conjunction with the Seattle Law School, based in the United States (US). The conference was presented by Professors Laurel Oates and Mimi Samuel from 1 to 4 July.

A number of American and South African academics, as well as law practitioners, read papers and conducted practical workshops dealing with the vexing problem of teaching reading and writing skills to large groups of students.

A wide range of topics such as group exercises, assessment methods, teaching effective sentences, plain language, and effective teaching models were addressed in an effort to solve the problem of the poor writing and reading skills of law students.



Supervised Internships

Ten LLB students were selected to participate in the Faculty of Law's supervised internships programme (SIS 420, an elective) in 2010.

'The aim of this programme is to expose students to the context in which the law operates and where possible to render community service', says Ms Elzet Hurter from the Student Development Office.

During internships, students serve a minimum of 120 hours at host institutions such as the National Prosecuting Authority (NPA), the Johannesburg Stock Exchange (JSE) or the Centre for Child Law.

Internship programmes are supported by academic staff members who serve as academic supervisors. Officials at the host institutions serve as host supervisors and have to submit assessment reports on the students' performance during the internship periods.

Upon completion of the internship programmes the students have to submit written reports to the dean and also have to conduct oral presentations during which they are evaluated by assessment panels.

The faculty would like to thank the following institutions for hosting students during 2009:

Johannesburg Stock Exchange	1 Student
Competition Tribunal	1 Student
National Prosecuting Authority	3 Students
Financial Advisory and Intermediary Services Ombud	1 Student
Lawyers for Human Rights	1 Student
Family Advocate	1 Student
Centre for Child Law	2 Students

The faculty is currently looking for institutions who will act as hosts for third- and fourth-year LLB students. For more information kindly contact Ms Hurter at (012) 420 2924 or elzet.hurter@up.ac.za.

Webber Wentzel se donasie gee hupstoot aan die Reg van Afrika-versameling

Die Fakulteit Regsgeleerdheid se Reg van Afrika-versameling, wat in die OR Tambo Regsbiblioteek gehuisves word, het onlangs 'n welkome hupstoot gekry met 'n skenking van sowat R200 000 deur die Webber Wentzel Regsfirma.

Webber Wentzel is een van die oudste regsfirmas in Suid-Afrika en is reeds in 1868 gestig. Dié firma het takke in Johannesburg, Kaapstad en Engeland en het oor die jare verskeie nasionale en internasionale toekennings gewen. Hulle het onder meer al met die louere weggestap as die Afrika Regsfirma van die Jaar en is deur Chambers en Vennote aangewys as die Voorste Besigheidsregsfirma.

Die doel van die Reg van Afrika-versameling, wat in 2001 begin is, is om as 'n primêre bron van inligting oor die wetgewing van lande in Afrika te dien.

'Min inligting oor Afrika se wetgewing en regsverslae is wêreldwyd beskikbaar', sê me Shirley Gilmore, hoof van die OR Tambo Regsbiblioteek.

Volgens haar het hulle besluit om met die versameling te begin omdat studente, navorsers en regsfirmas toenemend begin navraag doen oor die wetgewing van Afrika-lande.

'Sonder 'n versameling van dié aard sal dit onmoontlik vir regsnavorsers wees om die wetgewing van Afrika-lande te bestudeer of om vergelykende studies te doen wat dié lande insluit', sê me Gilmore.

Met die fondse wat deur Webber Wentzel geskenk is, beoog die biblioteek om bykomende inligtingsbronne soos onder meer handboeke en regstydskrifte van alle Afrika-lande aan te koop en om die versameling so op datum as moontlik te hou.





Workshop focuses on Labour Law

The Department of Mercantile Law and the South African Society for Labour Law (SASLAW) joined forces in 2009 to present a workshop that focused on the practical implementation of labour law reviews. The workshop was the first of its kind hosted in the country.

'The workshop could not have been presented at a more opportune time, especially in light of the Department of Mercantile Law's goal to foster closer links between the academia, the profession and our students', said Prof Stefan van Eck, Head of the department.

According to him the response to the workshop was excellent. Approximately 90 attorneys, advocates, human resources managers, LLM and LLB students attended the workshop.

The workshop

Ms Clare Fincham, a spokesperson of SASLAW, said that the workshop was unique in that it focussed on the practical steps required by labour law and industrial relations practitioners to process review applications.

'Review applications can be both procedurally and legally complex and whereas other workshops focus on the test for review, we focussed on the practical implementation. In addition, our target audience was people who have little or no experience in conducting reviews and those who needed to learn the basic steps', she said.

The workshop was presented by Adv Nick Smyth, a leading labour attorney at Goldfields Mining and past president of the SASLAW Gauteng Chapter.

A number of topics were discussed, including amongst others:

- A basic overview of the law governing review applications including the applicable provisions of the Labour Relations Act and relevant case law;
- The Labour Court rules governing review applications;
- How to manage the consultation with the client – what to ask and what documents you need to obtain;
- Drafting, serving and filing the founding affidavit;
- Enforcement of the award and application to stay enforcement of the award; and
- Obtaining, serving and filing the transcription of the record of the CCMA proceedings, as well as drafting, serving and filing the rule 7A(8)(a) supplementary affidavit.

The South African Society of Labour Law

SASLAW is a non-profit organisation and was established in 1997 with the aim of bringing together a wide range of professionals who are actively involved in labour law and labour relations.

Based on the success of the occasion, Prof van Eck has indicated that a joint workshop between the Department of Mercantile Law and SASLAW may very well become an annual event.

Fakulteit help studente om bestuurslisensies te kry

Die Fakulteit Regsgeleerdheid het gedurende 2009 'n projek van stapel gestuur om behoeftige studente te help om hul bestuurslisensies te kry.

Sowat R30 000 is vir dié loodsprojek beskikbaar gestel en tien studente is aanvanklik gekies om daarby te baaf. Drie studente het bestuursopleiding benodig en sewe studente moes eers hul leerlinglisensies slaag voordat hulle agter die stuur kon inskuif.

Die fakulteit maak gebruik van eksterne diensverskaffers om studente te leer bestuur.

Geluk aan al die studente wat hul bestuurslisensies ontvang het en sterkte aan diegene wat hul toetse in 2010 gaan aflê.



Thabo Mbeki launches NEPAD book



Former South African President Thabo Mbeki and Dr Hespina Rukato, author of the book *Future Africa: Prospects for democracy and development under NEPAD*, shares a lighter moment at her book launch hosted by the Faculty of Law on 11 November.

Dr Rukato was Deputy Chief Executive Officer of the NEPAD Secretariat and a senior research fellow in the Centre for Human Rights while writing the book.

Mr Mbeki, one of the founding fathers of NEPAD, was the keynote speaker at the event. The function was attended by dignitaries from various embassies, senior government officials, senior office-bearers of the NEPAD secretariat, as



well as representatives from the University of Pretoria's Executive Management Committee.

Dr Rukato emphasised the fact that the book is a personal account of her experiences at NEPAD. The book tells the story of NEPAD, the dynamics that led to its establishment, the implementation of structures and programmes, the mobilising of resources, the role of the Regional Economic Communities and the integration of NEPAD into the African Union (AU).

The book also contains a chapter dedicated to the future prospects of the organisation. According to Dr Rukato, NEPAD has 'begun to lay the foundation for Africa's sustainable development'.

Centre completes collaborative research on indigenous peoples in Africa

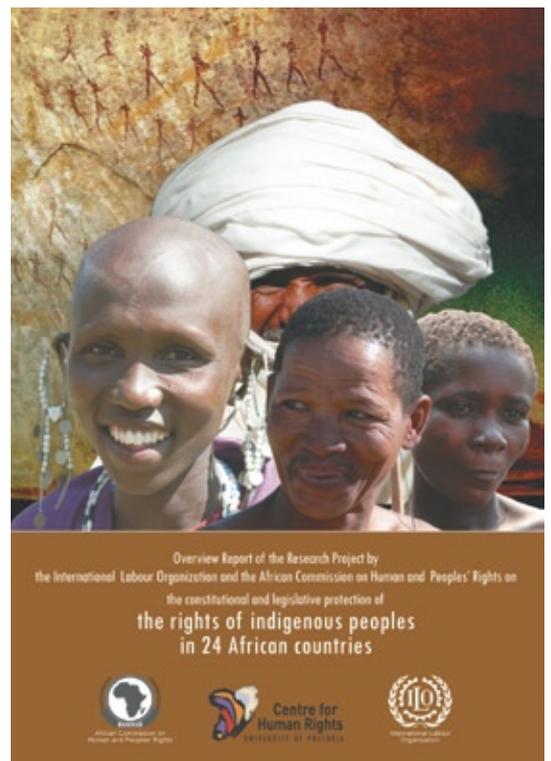
The Centre for Human Rights joined forces with the International Labour Organisation and the African Commission on Human and Peoples' Rights to conduct the first comprehensive survey on the rights of indigenous peoples' rights in Africa.

Indigenous peoples worldwide are faced with injustices such as dispossession of historical land and resources and forced assimilation into the way of life of dominant groups.

Indigenous peoples in Africa face even bigger challenges, as many African states are reluctant to acknowledge the existence of indigenous groups within their territories.

The survey was completed recently and culminated in the publication of the findings in various reports that have subsequently been adopted by the African Commission.

Full electronic versions of these reports, the overview report, and primary legal documents pertaining to indigenous peoples is contained in a database developed as part of the project and are available at www.chr.up.ac.za/indigenus.



Centre for Human Rights photographic competition winners

As part of its Master of Law (LLM) in Human Rights and Democratisation in Africa programme, the Centre for Human Rights arms each of its students with a disposable camera and the challenge to take photographs that they feel best represent the status of human rights in Africa.

The photographs are usually taken during the students' field visits to various African countries. During 2009 the groups paid field visits to Kenya, Sierra Leone, Sudan and Rwanda.



The winning photograph is entitled *Modern bath* and was taken in the south of Sudan by Mr Zweli Lunga from Zimbabwe.

According to Mr Lunga, people without privacy are people without dignity. People without dignity lose an essential aspect of being fully human.

According to him, being fully human is a notch above being a brute and when people reach alarming levels of need, when they cannot protect themselves from the vulgar eyes of the world, when their shame is wiped away and all they are left with is nothing but a resigned sense of apocalyptic existence, then the humanity of human fellowship has failed itself.

'Left without means, without access to services and without respect, their nakedness is our shame, their lack a terrible indictment of our inability to act to protect human dignity. When these people lose their dignity, we all do.'



The second prize went to Ms Chongo Chitupilla from Zambia for her photograph entitled *Ironic*.

This photograph was taken near the town centre in Freetown, the capital of Sierra Leone. Sierra Leone has a very high rate of youth unemployment and Freetown is beleaguered by large numbers of young people sitting idly by the roadside.

'Uneducated and unskilled, they are unable to find formal employment, but desperately need to provide bare necessities for themselves and their families. Many are forced to turn to informal employment such as collecting wood and scrap metal for sale', said Ms Chitupilla.

If they do sell their goods, it is not lucrative, but it does put food in the stomach – at least for a day. It is called living from hand-to-mouth and there is nothing 'bright' about that life, she said.



Ms Marie Kawera from Rwanda was awarded third prize for her photograph entitled *When the world turns its back against the future*.

The photograph was taken in an Internal Displaced People Camp in Naivasha, Kenya. Children in the camp have been deprived of their basic needs such as adequate shelter and a clean environment.

'In light of these conditions, it is highly likely that they will suffer further human rights violations including their right to education, food and protection against abuse', said Ms Kawera.

Centre for Child Law celebrates a triumphant 2009

The Centre for Child Law was extremely busy during 2009. Not only were staff members involved in coordinating a new undergraduate course in Child Law, as well as the LLM in Child Law, but they also hosted interns and were involved in the various moot courts in which students from the faculty competed.

In addition, staff members presented papers at national and international conferences, published articles in journals and contributed a number of chapters to books.

'The demand for training on the Children's Act and the Child Justice Act also kept us on our feet – literally – as we presented many training workshops around the country for magistrates, clerks of the court and legal aid lawyers', says Dr Ann Skelton, Director of the Centre.

Four judgments from the Constitutional Court

With regard to their strategic litigation work, there have been four written judgments from the Constitutional Court during 2009 in which the Centre featured. These judgments are briefly described below:

Centre for Child Law v Minister of Justice and Constitutional Development and Others [2009] JOL 23881 (CC)

In this matter the Centre successfully challenged the Constitutionality of minimum sentences (long terms of imprisonment including life) for 16- and 17-year olds. The court declared certain subsections of the Minimum Sentences Act to be invalid insofar as they referred to 16- and 17-year olds. The effect going forward is that when a Court is sentencing any person who was below 18-years at the time of the commission of the offence, the court has full discretion and must follow the Constitutional injunction to use imprisonment as a last resort and for the shortest appropriate period of time.

Development Director of Public Prosecutions, Transvaal v Minister of Justice and Constitutional Development and Others 2009 (2) SACR 130 (CC)

Child victims and witnesses were the subject matter of this Constitutional Court case. The Centre, together with Childline, entered into this matter as amici curiae. The judgment found that the provisions in the Criminal Procedure Act 51 of 1971 were not in themselves unconstitutional, but that the way in which the law operates fails to provide sufficient protection.

The Court ordered the Minister of Justice to provide information to indicate readiness to put the law relating to intermediaries (to assist children to give evidence without coming face to face with the offender) fully into operation.

The Centre responded to the Minister's first report, whereafter a second report was filed. This is an example of structured interdict – an order which the court itself supervises. Such orders are not common, as this is only the third one that has been ordered by the Constitutional Court.

Johncom Media Investments Limited v M and Others 2009 (4) SA 7 (CC)

The Centre represented the Media Monitoring Project (MMP) who was admitted as amicus curiae. The matter concerned section 12 of the Divorce Act which prohibited publication of any details of a divorce. Broadly, the amicus curiae agreed that section 12 was unconstitutional, and argued that the order of invalidity should be suspended to give the legislature time to come up with a

more nuanced approach, otherwise children will suffer prejudice. The matter was heard in the Constitutional Court on 8 May 2008.

Judgment was handed down on 17 March 2009. The Court made an order striking out section 12 of the Divorce Act. In addition, the order included a clause stating that publication of the identity of (and any information that may reveal the identity of) any party or child in divorce proceedings is prohibited. The only exception is that authorisation to publish such information may be granted by a court in 'exceptional circumstances'.

Biowatch v Registrar Genetic Resources and Others (Centre for Child Law and Others as amici curiae) [2009] JOL 23693 (CC)

This case dealt with the awarding of costs in public interest cases. The general rule, developed by the Constitutional Court, has been that where an organisation litigates in its own name in the public interest, it will not attract a costs order, unless its conduct in the litigation is reckless or vexatious.

The Centre joined as amicus curiae, indicating that as children often cannot litigate in their own names the organisations that bring cases on their behalf need clarity on the rules for costs order in public interest litigation.

The Court held that where litigation raises constitutional issues, the applicant should not run the risk of an adverse costs order. If an applicant raising a constitutional issue wins, however, it should be entitled to an award of costs.

Victory in the Supreme Court of Appeal (SCA)

The Centre also litigated in the Supreme Court of Appeal (SCA) in 2009. In this case, a 13-year old boy pleaded guilty to murder. His lawyer handed in a statement to the Court, admitting the elements of the crime, but nothing was said in Court about the fact that this boy, according to law, lacked criminal capacity until such capacity was proved by the State.

'He was originally sentenced to eight years in prison, which we appealed in the KwaZulu-Natal High Court some time ago, and which was substituted for a wholly suspended prison term. At that stage the High Court did not agree with the Centre's argument that the boy's criminal capacity had not been adequately dealt with, because the Court was of the view that the fact he was legally represented cured the defect', says Dr Skelton.

The Centre then applied and was granted leave to appeal to the SCA. They succeeded in the SCA, because the Court agreed that the fact that the boy was legally represented was not sufficient to dislodge the onus on the state to prove criminal responsibility, and further, that the Magistrate had also erred in not asking questions to clarify this.

'The conviction was set aside. The Centre found the judgment to be somewhat disappointing (despite the fact that we won the case) as we had laid the basis for clear rules and guidelines to be set down with regard to the taking of pleas for children below the age of 14-years, but the court did not find it necessary to do so', says Dr Skelton.

She further said that the judgment serves as a warning to prosecutors, defence lawyers and magistrates to take diligent care in plea proceedings when they are dealing with children who are below the age of 14-years.

Law Clinic tasked to investigate debt-counselling

The extent of over-indebtedness amongst South African consumers appears from statistics released by the National Credit Regulator (NCR) in June 2009. According to these statistics only 55.9% of the 17.9 million credit active consumers were in good standing, which is a decrease of 1.7% when compared with the previous quarter, and a decrease of 4.5% when compared with the quarter ending in June 2008. The NCR points out that the trend of consumers with impaired credit records has been on the increase since June 2007.

Debt counselling, also known as debt review or debt restructuring, was introduced by the National Credit Act of 2005 as an additional debt relief measure (alongside voluntary sequestration and administration) to assist the over-indebted consumer. The gist of the process in brief is that an over-indebted consumer may approach a registered debt counsellor to be declared over-indebted and eventually to have his or her debt restructured in terms of a court order.

However, further statistics provided by the NCR revealed that in December 2008 only 1 400 out of 42 000 debt counselling applications have managed to proceed through the courts. Clearly debt counselling was not achieving its objective and the NCR accordingly requested the Law Clinic to conduct an assessment as to the reasons for the ineffectiveness of the debt-counselling process.

Research was conducted during the period of January to April 2009 and resulted in a comprehensive 350-page report entitled *The Debt Counselling Process: Challenges to Consumers and the Credit Industry in General*. The report was submitted to the NCR in April 2009 and released into the public domain during September 2009. (The full report can be accessed at ncr.org.za).

The research team, consisting of Mr Franciscus Haupt, Prof Melanie Roestoff and attorney and registered debt counsellor, Ms Mareesa Erasmus, identified shortcomings in the Act itself and suggested a number of amendments to the Act, and to the regulations promulgated in terms of the Act.

The proposed amendments include an amendment of the prescribed education, experience and competence requirements for debt counsellors, the clearing away of uncertainties pertaining to the procedure that should be followed when debt-counselling matters are referred to court and the powers of the court when granting a debt restructuring order in terms of the Act.

A number of case studies and the findings of two qualitative and quantitative surveys also form part of the report. The case studies and surveys indicated that one of the main reasons for the non-functioning of the process was the lack of cooperation by credit providers, and to lesser degree debt counsellors, in the debt-counselling process.

The report has evoked widespread reaction in the press and at subsequent conference proceedings. The main findings were presented to the SA Reserve Bank, debt-counselling organisations and credit providers.

The report has resulted in the NCR requesting the Law Clinic to draft proposed amendments to the Act and Regulations which were recently submitted to the Department of Trade and Industry.

Friends of the Law Clinic get together

The Law Clinic hosted their annual Friends of the Law Clinic cheese and wine function on 4 November. The event was held on the lawn adjacent to the Law Clinic and was attended by Magistrates, Commissioners, members of the Pretoria and Johannesburg Advocate Bars, banking organisations, as well as members of the Faculty of Law.



Guests were treated to beautiful music by violin player Francesca Pretorius to create just the right ambience.



Adv Marius Oosthuizen SC enjoys the company of Mr and Ms Nolte.



Mr Tony Richards and Mr Paul Slot from Octogen in a relaxed mood.

Hatfield-gemeenskapshof vier sesde verjaardag

In 2004 het die Universiteit van Pretoria (UP) en verskeie vennote kragte saamgesnoer om die eerste gemeenskapshof in Suid-Afrika te vestig. Dié loodsprojek was so suksesvol dat daar binne ses jaar reeds 18 soortgelyke gemeenskapshowe regoor die land tot stand gebring is.

Die Hatfield-model is geskoei op die Manhattan-gemeenskapshof wat in 1998 in die VSA gestig is om veral sake rakende die verwaarlosing van kinders deur verlaafde ouers of toesighouers te hanteer.

Die Hatfield-gemeenskapshof is in samewerking met die Departement Justisie en Konstitusionele Ontwikkeling, die Departement Sosiale Ontwikkeling, die Departement Korrektiewe Dienste, die Stadsraad van Tshwane en die Nasionale Vervolgingsgesag begin en het aanvanklik net sake binne die jurisdiksiegebied van die Brooklyn-polisiestase aangehoor.

Die aanvanklike hofsittings het in 'n omgeboude bus plaasgevind. Sunnyside-polisiestase se sake is later bygevoeg en tans word twee howe bedryf uit geboue waarin die Hatfield brandweerstase oorspronklik gevestig was.

Volgens mnr Franciscus Haupt, Direkteur van UP se Regskliniek, het die verskillende vennote besluit om saam te span in 'n poging om Brooklyn, Hatfield en Sunnyside – woonbuurte in die onmiddellike omgewing van die Universiteit – se hoë misdadafsyfer aan te spreek.

Die Hatfield-gemeenskapshof is 'n volle distrikshof en sake soos winkeldiefstal, bedrog, roof, dronkbestuur, ontvangs van gesteelde goedere, gesinsgeweld, dwelmmisbruik en –handel, asook prostitusie, word hier aangehoor.

UP se Regskliniek verskaf volledige regsdiens aan mense wat dit nie kan bekostig nie. Me Mariette Jansen van Vuuren, 'n prokureur by die Regskliniek, asook twee kandidaatprokureurs, me Edna Pitsi en me Soretha Venter, is voltyds tot die beskikking van beskuldigdes wat vir regshulp kwalifiseer.

Die hof fokus ook op die voorkoming van misdaad en juis daarom word gemeenskapsdiens dikwels gebruik om oortreders te straf. Navorsing toon dat oortreders wat tronkstraf vir geringe misdrywe uitdien dikwels as geharde misdadigers uit die tronk kom.

'Oortreders kry ook die geleentheid om 'n afwentelings- of rehabilitasieprogram te deurloop. Sowat 90% van die beskuldigdes wat in die gemeenskapshof verskyn kom uit moeilike omstandighede', sê me Jansen van Vuuren.

Oortreders wat die afwentelingsprogram wil deurloop moet egter aan sekere kriteria voldoen.

Die hof hanteer meer as 160 nuwe sake per maand waarvan slegs sowat 5% van die oortreders studente is.

'Misdrywe soos dronkbestuur en dwelmmisbruik onder leerders is egter 'n groeiende probleem', sê mnr Haupt.



Me Mariette Jansen van Vuuren (middel), 'n prokureur by UP se Regskliniek, me Edna Pitsi en me Soretha Venter, twee kandidaatprokureurs, is voltyds tot die beskikking van persone wat regshulp benodig.

Regsloopbaandag

Verlede jaar se loopbanedag, wat op 14 Maart deur die Fakulteit Regsgeleerdheid aangebied is, was weer goed deur studente en regsfirmas ondersteun. Tydens die geleentheid kry studente die kans om met verteenwoordigers van regsfirmas te gesels en ook om hul CVs aan belangstellendes te oorhandig.



Court brings human rights violators to book

The International Criminal Court (ICC) in The Hague was paramount in bringing perpetrators of crimes against humanity to book, said Ms Fatou Bensouda, Deputy Prosecutor of the ICC at a function hosted by the Faculty of Law on 15 March.

According to Ms Bensouda, who also heads the prosecution division of the Office of the Prosecutor, it is important that Africa was at the forefront in the ratification of the Rome Statute, the treaty that led to the establishment of the Court. More than 30 African countries are either signatories or have ratified the statute. This is more than half of the members of the African Union (AU).

She criticised the position of the AU on the issuing of a warrant of arrest for Sudanese President Omar al-Bashir, and said that if countries do not want to prosecute these perpetrators, the ICC will.

'Impunity is no longer an option', she said.

Ms Bensouda was elected Deputy Prosecutor of the ICC by the Assembly of States Parties in 2004. Prior to that she worked as a legal advisor and trial attorney at the International Criminal Tribunal for Rwanda (ICTR) and rose to the position of senior legal advisor and head of the Legal Advisory Unit.

Before joining the ICTR, she was the general manager of a leading commercial bank in The Gambia. Between 1987 and 2000, she held a host of posts from deputy director of public prosecutions, attorney-general to minister of justice, in which capacity she served as chief legal advisor to the President and Cabinet of the Republic of The Gambia. She holds a Master's degree in international maritime law and law of the sea.

Interview with a former TuksLaw Rhodes Scholar

The Rhodes scholarship was founded by Cecil John Rhodes and was first awarded in 1903. Ninety scholarships to study at Oxford University in the United Kingdom are awarded annually to students from across the world. Four scholarships are available to applicants from South Africa. In addition there is one scholarship for applicants from Botswana, Lesotho, Malawi, Namibia and Swaziland. In 1984 Tuks Alumnus Ms Mariette Geldenhuys was one of the first students from the University of Pretoria (UP) to receive a Rhodes scholarship. TuksLaw spoke to her about her experiences at Oxford University and her life now.

What is a Rhodes scholarship?

To be considered for a Rhodes scholarship, applicants must meet strict academic criteria. However, Rhodes also stipulated that he does not want students who are 'merely bookworms', but students whose greatest aspiration is to 'perform public duties'.

Scholarships were initially only available to men and it was only in the 1970s that the first women were awarded bursaries.

In 1977 Ms Ramachandran Govender was the first South African woman to be awarded a scholarship and in 1978 Mr Loyiso Nongxa was the first black South African to benefit.

Back to Mariette Geldenhuys

Ms Geldenhuys completed her BLC and LLB degrees (*cum laude*) at UP in 1981 and 1983. After completing her studies, she was appointed as a junior lecturer in the Department of Roman Dutch Law.

In 1984 she won a Rhodes scholarship for post-graduate study in law and criminology at Oxford University.

Q: Please tell us a bit about your experience at Oxford - what were your main impressions?

A: Oxford provided a window to the outside world at a time when access to information about events in South Africa and elsewhere was severely restricted. I learned and grew tremendously in my time there and relished the opportunity to interact with students and immigrants from all over the world, including South African exiles who were living in England at the time.

Q Did you find that your education in South Africa and especially at the UP prepared you adequately for your time at Oxford?

A: Yes, I was well-prepared by the excellent education I received at UP's Faculty of Law. The educational system in Oxford is quite different in that undergraduate education takes place in the form of individual tutorials with tutors in each college. At the postgraduate level, the format is more similar in that students attend lectures and work on theses under the supervision of advisers.

Q: What do you do today?

A: I have my own law practice in Ithaca, New York, where I have lived and practiced law for the past 22 years. My practice in recent years has focused on Collaborative Law and mediation as ways to resolve legal disputes respectfully and peacefully, without litigation. I founded the Ithaca Area Collaborative Law Professionals group in 2003 to promote the practice of Collaborative Law. Another major practice area is Lesbian, Gay, Bisexual and Transgender (LGBT) civil rights. Unlike South Africa, where the Constitution prohibits discrimination on the basis of sexual orientation, there are no constitutional protection on the Federal level in the United States. While some State constitutions have been interpreted to mandate equal rights in areas such as marriage, others explicitly discriminate against LGBT citizens. I was one of the legal counsels for clients seeking the right to marry in New York State. I serve on the National Family Law Advisory Council of the National Center for Lesbian Rights, the New York State Bar Association Special Committee on LGBT people and the law and the Family Law Institute committee of the National LGBT Bar Association.



Ms Mariette Geldenhuys