



# TUKSLAW news

Volume 2: August 2008

Africa's Global Law Faculty

## TUKSLAW students World Champions

The Faculty of Law of the University of Pretoria won the International Criminal Trial Moot Court Competition in The Hague, in The Netherlands in December 2007. A total of 14 top faculties of law from around the world were invited to participate.

It is envisaged that learners from all schools in South Africa and its neighbouring countries will be invited to the Pretoria Schools Moot Court Competition in future.

Michael Dafel, Andrew Molver, Avani Singh and Jonathan Swanepoel argued a hypothetical case based on some of the contentious issues surrounding the International Criminal Court.

The Tuks team kicked off their presentations by echoing the vision first expressed by former UN Secretary-General Kofi Annan: 'that in the creation of an International Criminal Court lay the hope for international justice'.



The winners are from left: Andrew Molver, Avani Singh, Jonathan Swanepoel and Michael Dafel.

The jury noted that many of the points debated during the competition had not been foreseen during the drafting of the International Criminal Court's statute.

The Pretoria team won an additional award for the best memorial, prepared by Jonathan Swanepoel.

## TUKSLAW team Continental Champions

The University of Pretoria won the 17th African Human Rights Moot Court Competition which ended on 5 July 2008.

The team also won the prize for the best English memorials. The Competition, which is presented annually by the Centre for Human Rights, took place on the campus of the University of Pretoria, to coincide with UP's centenary year. A record number of teams representing 71 law faculties from 28 countries across Africa participated in a closely contested competition.

In the final round, the Tuks team merged by draw of lots with the University of Ghana and Eduardo Mondlane University in Mozambique and appeared for the Applicant. Arguing, as though before the recently-established African Court on Human and Peoples' Rights, a hypothetical problem which involved the 'right not to be poor', this new team appeared against the combined team of Université Gaston Berger de Saint-Louis, Senegal, Université Mohammed Premier, Oujda, Morocco, and the University of Lagos, Nigeria, who appeared for the Respondent.

Johann Spies was the coach and Mr Lourens Grové the coordinator.

Ian Learmonth, Katherine Harding, Avani Singh and coach Jo Spies.



UNIVERSITEIT VAN PRETORIA  
UNIVERSITY OF PRETORIA  
YUNIBESITHI YA PRETORIA  
Faculty of Law

## Yvonne Mokgoro receives honorary doctorate

Constitutional Court Judge Yvonne Mokgoro was honoured by the University and Faculty of Law on 22 April with a doctorate in law. The degree LLD *Honoris Causa* was conferred on her during the Autumn Graduation Ceremony.

Judge Mokgoro has made significant contributions to the legal profession throughout her long and distinguished career. Her contributions to academia, the judicial system and the broader legal community have had a meaningful and considerable impact on the lives of all South Africans, but especially on women and children. Her continued service to the legal profession and to the Southern African community has ensured that she is not only a leading South African jurist, but also an internationally acclaimed figure.

Judge Mokgoro enjoys a long-standing association with the Faculty's Centre for Human Rights and Department of Legal History, Legal Philosophy and Comparative Law. In 2001 she was awarded the CHR Woman of the Year in Law award and in 2006 she served as a judge in the final round of the 15<sup>th</sup> African Human Rights Moot Court Competition held in Addis Ababa, Ethiopia.

She taught Comparative Law at the University of Pretoria during 1994.



Judge Yvonne Mokgoro - the degree LLD *Honoris Causa* was conferred on her by Prof Niek Grové, Registrar.

## Langdienstoekennings

Langdienstoekennings is onlangs aan 5 personeellede in die Fakulteit gemaak. Hulle is mnr Pieter van der Spuy van die Departement Privaatreg en proff Johan Lötz en Hennie Klopper van die Departement Handelsreg, me Hetta de Beer, ook van die Departement Handelsreg en prof Christof Heyns, Dekaan.



Mnr Pieter van der Spuy



Prof Johan Lötz



Me Hetta de Beer



Prof Hennie Klopper

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# Hoof van Privaatreg Waarnemende Regter

Prof Trynie Boezaart, Hoof van die Departement Privaatreg, het gedurende die tweede termyn tussen 14 April en 20 Junie waargeneem as regter van die Hooggeregshof in Pretoria, nadat sy deur regter-president Bernard Ngoepe genader is.



Prof Trynie Boezaart

"Om waarnemende regter te wees, was vir my 'n groot uitdaging en 'n verrykende geleentheid. Uitdagend omdat die pos normaalweg praktykserwaring verg en ek dit vanuit 'n akademiese agtergrond moes benader. Verrykend, omdat ek hier die geleentheid gehad het om my akademiese kennis toe te pas. Voorwaar 'n hoogtepunt in my beroepslewe", sê sy.

Prof Boezaart het onder meer strafappèlle, volbankbeslissings, siviele gedinge, bestrede en onbestrede mosies, spesiale hersienings en petisies waarin verlot tot appèl in stafsake aangeteken word, hanteer. Sy is ook blootgestel aan 'n groot gedeelte van die straf- en siviele werk wat in die Hooggeregshof gedoen word. Volgens haar is haar taak egter vergemaklik deur haar bedrewe klerk, Suzette van Heerden.

"Dit was ook interessant om betrokke te wees by die toelating van advokate, prokureurs, aktevervaardigers en natuurlik om ons oudstudeerders raak te loop."

Prof Boezaart is beïndruk met die hoë etiese en akademiese standaarde wat deur die Transvaalse Provinsiale Afdeling van die Hooggeregshof gehandhaaf word.

## Exceptional achievers in the Faculty honoured



Prof Christof Heyns, Dean, with Prof Johan Scott; John Dugard (keynote speaker at the event); André Boraine and Stu Woolman.

The University honoured 23 of its academics as exceptional achievers and celebrated the high calibre of their work in the fields of research, education and learning on 14 March 2008. Three of these academics were from the Faculty of Law.

The awards are divided into three categories: the Chancellor's Award, the Exceptional Achievers Award and the Exceptional Young Researchers Award.

Prof André Boraine, Head of the Department of Procedural Law and Prof Johan Scott from the Department of Private Law received Exceptional Achievers Awards. These awards are made for a three-year

period. Other current holders of the award are Prof Frans Viljoen, Trynie Boezaart and Christof Heyns. Prof Stuart Woolman from the Department of Public Law received the Exceptional Young Researchers Award.

The Exceptional Achievers Awards is hosted annually to honour academics who are leaders in their field and serve as role models to the UP community. According to Prof Calie Pistorius, Vice-Chancellor and Principal of the University of Pretoria, the exceptional achievers deliver key inputs to the University's core business and therefore deserve the University's moral and material support. "One of the University of Pretoria's key driving forces is its commitment to delivering quality research outputs. We are, therefore, extremely proud of these people who are responsible for establishing and maintaining the University's reputation as the leading research university in the country," Prof Pistorius said.

## Prof Danny Bradlow appointed as SARChI Chair



Prof Danny Bradlow has been appointed as the holder of the SARChI Chair in International Development Law and Africa Economic Relations jointly in the Faculty of Law and the Faculty of Economic and Management Sciences.

Prof Bradlow, born in South Africa, is Professor of Law and Director of the International Legal Studies Programme, and

Co-ordinator of the Hubert H Humphrey Fellowship and International Visitors Programmes at the American University is Washington College of Law, in Washington DC, where he specializes in International Economic Law.

He is a member of the Roster of Experts for the International Review Mechanism at the African Development Bank, and a member of the Board of Directors of ILEAP (International Lawyers and Economists Against Poverty) and of the Governing board of the African Law Institute. He focuses on international financial institutions, creative financing for development, international legal aspects of sustainable and equitable development, and the legal aspects of debt and financial management.

The South African Research Chair Initiative or SARChI is funded by the Department of Science and Technology through the

National Research Foundation (NRF). Prof Bradlow is currently at the University of Pretoria for short periods of time. He will be in a full-time capacity from January 2009.

The two main research areas which will be promoted by the SARChI Chair is Global Economic Governance and how it relate to Africa, as well as Sustainable Development and Infrastructures Projects and related legal issues.

Prof Bradlow and the researchers associated with his Chair will occupy a house close the Faculty of Law's northern parking area which has been made available for this purpose. Prof Bradlow hopes to turn the house into an intellectual hub where people can have discussions and interact.

"I regard the people I work with here as very dynamic and entrepreneurial. They are constantly looking for development possibilities for students and staff. They also contribute towards South Africa and the region. I hope that the Chair can contribute towards that goal", he said.

Prof Bradlow's biggest challenge in the new position would be defining a research agenda that is broad enough to incorporate PhDs, is do-able and makes a decisive contribution. His goal is also to create international collaboration.

Prof Bradlow holds degrees from the University of Witwatersrand and Northeastern University and Georgetown University in the USA and is a member of the New York and District of Columbia Bars.



## Kenner van internasionale reg aangestel

Regter Albert Hoffmann is aan die begin van Augustus in die Departement Publiekreg aangestel. Regter Hoffmann is 'n Regter van die Seeregtribunaal in Hamburg, Duitsland.

Voor sy verkiesing tot die Tribunaal in 2005 was hy Hoofstaatsregsadviseur in die Departement van Buitelandse Sake. Vanaf 1999 tot

2003 was hy ook Suid-Afrika se regsvertegenwoordiger by die Verenigde Nasies in New York.

Tydens sy studies ontwikkel hy 'n belangstelling in die internasionale reg en na 'n kort tydperk in die prokureurspraktyk sluit hy in 1983 by Buitelandse Sake aan as staatsregsadviseur. "Dit was omtrent die enigste plek waar internasionale reg in die praktyk beoefen kon word." Gedurende hierdie tyd verwerf hy 'n Meestersgraad in internasionale reg aan die Universiteit van Johannesburg en doen verdere nagraadse studie aan sowel die Universiteit van Pretoria as Columbia University in New York.

As staatsregsadviseur is hy betrokke by staatkundige en internasionale onderhandelings wat sou lei tot 'n demokratiese bedeling in Suid-Afrika en adviseer hy 'n tegniese komitee oor die insluiting van internasionaalregtelike bepallings in die nuwe Grondwet. Hy was verder gemoed in onderhandelinge met die VN Hoë Kommissaris vir Vluchtlinge vir die repatriasie van politieke vluchtlinge, die tuislande se herinkorporering in Suid-Afrika, Namibië se onafhanklikwording en die uiteindelijke oordrag van Walvisbaai. Hy adviseer ook die nuutverkose Regering oor sake rakende Suid-Afrika se hertoetreding tot die

internasionale gemeenskap en die sluiting van internasionale verdrae en ooreenkomste. Hy verteenwoordig Suid-Afrika in verskeie internasionale organisasies waar hy ook 'n leidende rol gespeel het en instrumenteel was in Suid-Afrika se ratifisering van die VN se Seeregkonvensie.

"As Regter van in 'n internasionale hof is daar 'n groot verantwoordelijkheid om my en my kollegas om toe te sien dat geskille tussen state rakende die uitleg en toepassing van die Seereg asook ander reëls van die internasionale reg wat daarmee verband hou op 'n vreedsame en regverdigde wyse bygelê word. Daar word dikwels na die VN Seeregkonvensie verwys as die Grondwet vir die See aangesien dit den doel het om alles wat met die see en sy bronne te make het, te beheer."

"Vir my is dit 'n uitdaging om weer op hoogte van akademiese ontwikkelings te kom en om die hele spektrum van die vakgebied weer onder die knie te kry. Ek geniet die klassituasie en om met studente te werk. Ek het 'n deernis vir jong mense se situasie en wil hulle graag ontmoet net daar waar hulle is", sê hy.

"Ek dink respek teenoor 'n medemens, die handhawing van beskaafde waardes en om jouself nie hoër as 'n ander te ag nie, is baie belangrik. Ek sien myself as 'n vredemaker wat poog om vreedsame oplossings te kry wat tot alle partye se voordeel is."

"Die Universiteit van Pretoria is bekend vir uitnemendheid en slaag wat my betref besonder goed daarin om die oorgangs- en transformasieproses suksesvol deur te voer. Ek beskou dit as 'n voorreg om my lang verbintenis met die Regsfakulteit op hierdie wyse te kan voortset", sê hy.

# Jaarlikse prysuitdelingsfunksie



Regter Eberhard Bertelsmann.

Die prysuitdelingsfunksie van die Fakulteit Regsgeleerdheid is jaarliks een van die hoogtepunte op die sosiale kalender van die Fakulteit. Vanjaar se funksie het op Donderdagaand 17 April in die Ouditorium plaasgevind.

Prof Christof Heyns het die gaste verwelkom waarna Regter Eberhard Bertelsmann die geleentheidsrede gelewer het. In sy rede het hy ook lof gebring aan me Cecile van Riet, voorheen verbonde aan die Fakulteit Regsgeleerdheid, vir haar baanbrekerswerk in regte.



Prof Caroline Nicholson van die Departement Regsgeskiedenis, Regsvergelyking en Regsfilosofie oorhandig 'n toekening aan Hanneke Verwey.

Regter Eberhard Bertelsmann, geleentheidspreker, hy het ook gewys op die uitdagings en geleenthede wat die reg in Suid-Afrika tans bied.

Sewe van die pryse en trofee is deur Marianne Grobler ingepalm. Dit sluit in die Adams en Adams-prys; die EM Hamman-wisseltrofee; die Harold Galasko-prys; die Routledge Modise-prys en die SASOL-prys. Sy was ook die wenner van die Grotius-penning wat deur die Raad van die Pretoriase Balie geskenk word en tydens 'n latere geleentheid oorhandig sal word. Sy het die Penning ontvang as student wat die beste uitslae in die finale LLB-eksamen aan die einde van 2007 behaal het.

Vier van die pryse is aan Hanneke Verwey toegeken. Dit sluit in die Carpe Diem-prys; DH van Zyl-prys; die Neels Campher-prys en die die Shadrack Mbonani-gedenkprys.

Altesaam 15 studente het voorgraadse pryse en trofee gewen terwyl twee nagraadse studente pryse en trofee ontvang het. Daar is ook 70 merietesertifikate en vier beurse toegeken.



Prof Christof Heyns, Dekaan, oorhandig een van vele toekennings aan Marianne Grobler.

'n Nuwe toevoeging was dat die UP studente wat die wenners van die Kovsies Eerstejaars Skynhofkompetisie en die wenners van die Internasionale strafhof skynhof kompetisie wat Desember in Den Haag in Nederland plaasgevind het, elk 'n toekening ontvang het.



## Leading legal minds

The University honoured close on a hundred researchers at a prestigious gala event on 26 March, as part of its centenary celebrations.

Tribute was paid to UP's *Leading Minds* for their contributions in their respective fields of expertise over the past century

Fifty-eight of the researchers received centenary research medals in person, while forty were honoured either posthumously, or *in absentia*.

Prof Sydney Brenner, joint Nobel Prize winner in 2002 in the category Physiology or Medicine, delivered the keynote address on 'Creating and Using Knowledge in the 21st century'.



The late Prof Lappies Labuschagne.

Two members of the Faculty of Law were included in the list. Prof JMT (Lappies) Labuschagne was honoured for his contribution during the 1990s and Prof Christof Heyns for the 2000s.

The researchers honoured, excelled in a multitude of fields. Their achievements highlighted not only the scope of knowledge pursued at the University, but also the commitment, determination and diligence of its staff.

# Child Justice Bill passed by the National Assembly



The Centre for Child Law has been centrally involved with the Child Justice Bill which was passed by the National Assembly on 25 June 2008. The journey to that event has been a long one: the Bill began its life at the South African Law Reform Commission in 1996. Ann Skelton (currently the Director of the Centre for Child Law) chaired the committee that produced the first draft. The Bill was initially introduced to parliament in 2002, and deliberations on it occurred during 2003. At that time various changes were made that were not reflective of the constitutional protections of children. The Bill's progress in Parliament was halted by the 2004 elections, and the Bill just 'disappeared' from the parliamentary agenda for five years.

There was thus much excitement when the Centre received the news late in 2007 that the Child Justice Bill would be back in Parliament.

The Portfolio Committee on Justice organised public hearings on the Bill in February this year because the Bill had been significantly changed. The new chairperson of the Portfolio Committee, Yunus Carrim, conducted the hearings and the deliberations following the hearings in a very democratic way, and civil society representatives were able to participate actively.

The Centre made written and oral submissions at the hearings. Whilst it was good to see the Bill back in Parliament, there were concerns about the changes that had been made to the Bill in 2003. The Centre's submissions therefore focused on three aspects: assessment, preliminary inquiry and diversion.

The original Bill has required that all children be assessed by a probation officer prior to the first appearance, so that there

would be good quality information available to decide on crucial matters. One such decision is whether a child's case could be 'diverted' away from the formal court system to a specially designed programme of plan, thereby being rehabilitated but avoiding contact with criminals and not getting a criminal record.

If a child is not diverted, then other decisions have to be made, such as whether the child may be released into the care of parents to await trial, or if he or she has to be detained, and if so which kind of detention. This type of decision is made at a preliminary inquiry (which takes the place of a first appearance in court). The changes to the Bill in 2003 had resulted in assessment and preliminary inquiry only being available in cases where children were charged with less serious crimes – the others would be fast-tracked into courts and detention.

The Centre's submissions explained why this would defeat the objects of the Bill: although serious cases need a different response from minor ones, good decisions can only be made if one has sufficient information about the child and his or her circumstances. This would actually serve to protect both the child and broader society as it would allow for better risk management. The Centre also felt that diversion should be available for consideration in all matters, though obviously in serious cases it would be highly unlikely that the prosecution would utilise this option. The 2003 Bill had simply cut out certain categories of offences from the possibility of diversion.

Of course, such arguments are not easy to make in the run up to elections in a country where everyone is concerned about crime. The Centre's position though, was that we must really re-think the way in which we deal with child offenders if we want to prevent and reduce crime, because what we are doing now clearly is not working.

The Centre's views were taken seriously by the Portfolio Committee, and many of the things campaigned for were won. Ann Skelton was co-opted onto a legal drafting sub-committee to assist with the finalisation of the Bill. On the day that the Bill was passed in Parliament her contribution was publicly acknowledged by the Minister of Justice. The Minister said (with a smile) that she had heard about the 'robust debates' in Parliament and that she appreciated the contributions made.

This is not the end of the journey for the Child Justice Bill. It must still be approved by the National Council of Provinces, but the Portfolio Committee is committed to it being passed this year. It is slated for implementation only in April 2010, in order to give the departments time to get everything in order.

# Pretoria Schools Moot Court Competition

The Faculty of Law recently introduced the Pretoria Schools Moot Court Competition, aimed at exposing aspirant law students to the law in a court room environment. The competition was also used to discover young talent who wish to pursue a law career.

Secondary schools in the Tshwane region were invited to send teams to participate.

The grand prize was financial assistance to the members of the winning team for the first year of legal studies at the University of Pretoria. This prize was won by the team from Loreto Convent, Margaret Ramano and Kelebogile Maphefo Khuduge. Alexandra Knight and Chevawn Blum from St Mary's Diocesan Schools for girls, were the runners-up. Margaret Ramano was also declared Best Oralist.

Eighteen schools from all areas of Pretoria entered the competition. Each school was represented by one team and each team consisted of two learners.

Each team acted as advocates appearing before a simulated South African Constitutional Court, arguing the opposing sides of a hypothetical case, dealing with a learner who insisted on his right to wear dreadlocks to school.



The winners of the competition, Margaret Ramano and Kelebogile Maphefo Khuduge with Judge Johann van der Westhuizen and Prof Christof Heyns, Dean.

The participating teams were invited to the University of Pretoria two weeks before the competition and were coached by TuksLaw students who have participated in international Moot Court Competitions.



Judges of the competition included from left Adv Danie van Loggerenberg; Judge Johann van der Westhuizen; and Drr Ann Skelton and Anton Kok.



More than 200 people attended the final round of the competition in the Auditorium.

## Discussion Forum on 'The state of human rights in South Africa'

Human Rights Day, which each year falls on 21 March (the anniversary of the 1960 Sharpeville massacre) was this year commemorated on 18 March by the Centre for Human Rights. The Centre hosted a Discussion Forum on 'The state of human rights in South Africa'.

The audience gathered in the auditorium to listen to a panel making presentations on the topic.

Prof Frans Viljoen, Director of the Centre for Human Rights, introduced the panel which consisted of Prof John Dugard, an *ad hoc* Judge of the International Court of Justice and an Extraordinary Professor at the Centre for Human Rights; Prof Kader Asmal, former Minister of Water Affairs and of Education, a former Member of Parliament, and a Board member at the Centre for Human Rights; and Mr Andile Mngxitama, involved with the Landless Peoples' Movement.

# Studente op Dekaan se Merietelys

Die Dekaan se Merietelysfunksie het vanjaar op Maandag 12 Mei plaasgevind en het die vorm van 'n skemerkelk aangeneem. Die geleentheid is in die binnehof gevier.

Die 21 eerstejaarstudente, 69 tweedejaarstudente en 71 derdejaarstudente wie se name op die lys verskyn het, is tydens die geleentheid deur die Dekaan bedank vir hul harde werk en toewyding.

Mnr Fabio Miceli, 2007 finalejaar LLB student, het 'n paar woorde uit die hoek van 'n student gesê. Hy het beklemtoon dat die sleutel tot sukses in 'n gebalanseerde lewe maar veral harde werk lê.

Die Dekaan het by die geleentheid aangekondig dat beurse aan verdienstelike studente op die Merietelys toegeken sal word.



Regstudente sien jaarliks daarna uit om te hoor of hul name op die Dekaan se Merietelys verskyn.



Prof Linda Schoeman-Malan van die Departement Privaatreg het as seremoniemeester opgetree.



Prof Piet Deport van die Departement Handelsreg, tweede van regs, saam met studente.



Van die studente wie se name op die Dekaan se Merietelys verskyn.

# Specialist in children's rights new Director



Dr Ann Skelton

Dr Ann Skelton has been appointed as the new Director of the Centre for Child Law.

Before being appointed, Dr Skelton was the Project Coordinator for the Children's Litigation Project.

Dr Skelton has worked as a human rights lawyer for 18 years and has since 1992 specialised in children's rights. In the 1990s, Dr Skelton was at the forefront of non-governmental efforts to bring about a new juvenile justice system for South Africa.

From 1999 to 2003, she was the National Project Coordinator of the Child Justice Project. This was a United Nations technical assistance project of the South African Government. The project won an Impumelelo Award for innovation.

Dr Skelton has presented papers at numerous conferences across the world and has published widely on child law and restorative justice. Dr Skelton has

lectured to both undergraduate and postgraduate students. She has travelled extensively and is a member of various national and international bodies dealing with human rights and children's rights.

The aim of the Children's Litigation Project project is to take public interest impact litigation to the courts in order to advance child law and children's rights. The work includes devising and maintaining a litigation strategy, screening and identifying cases for suitability or building cases that will establish rights for a group of children. The project undertakes research to support the litigation, drafts legal documents, brings and defends cases before the superior courts, and publicises court findings through relevant journals and newsletters. The Centre for Child Law has been involved in several high profile cases, and Dr Skelton appeared twice before the Constitutional Court last year, presenting *amicus curiae* submissions.

Dr Skelton's vision for the Centre for Child Law is to promote and develop the recognition of child law so that it is taken seriously as an important area of law. She believes that this will be achieved through strategic test litigation, as well as through writing and teaching about new laws and legal developments relating to children. Her aim is to mainstream the knowledge of child law to a wide range of legal academics and practitioners. Children will benefit from the increased knowledge of their rights and of protective provisions designed to assist them.

## New Lecturer at Mercantile Law hopes to inspire people



Ms Sylvia Papadopoulos (left) with Prof Stella Vettori, at the Law Teachers Conference

At the beginning of this year, Ms Sylvia Papadopoulos was appointed as Lecturer in the Department of Mercantile Law.

Ms Papadopoulos began her legal career as a legal researcher for the Department of Land Affairs in 1997, where she had the experience of working with and validating restitution land claims. A particular highlight in this period was the months spent working with the San people in the Kalahari.

After that, having moved into academia at the Damelin School of Banking as a part-time lecturer in 2002, she completed her LLM with distinction in 2003. In 2004 she moved to the Mamelodi campus of UP as a part-time lecturer. She was admitted as an advocate. Ms Papadopoulos has worked mainly in two areas of specialisation i.e. construction contract related disputes and Cyber law.

'I am eager to impart some knowledge or at least inspiration, and to take my subjects to new and interesting heights', she said.



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## New appointments



Ms  
Dineo  
Sithole

Ms Sithole obtained her National Diploma in Management Assistance at Rustenburg Orbit College (previously Rustenburg Technical College) in 1999. She worked as a Personal Assistant at NECSA (The South African Nuclear Energy Corporation) between May 2001 and 31 October 2004.

After that she joined the University of Pretoria where she worked at the Human Resources Department until she moved to the Office of the Dean as Departmental Administrator.

Her aspirations are to find a motivating place of work where she can apply her knowledge, skills and abilities. She sees herself as a serious, hard worker.



Me  
Annette  
Welman

Me Annette Welman is sedert begin April kontraktueel as Beampte by Studente-administrasie aangestel. Sy is verantwoordelik vir die administrasie van die eerste- en tweedejaarstudente.

Annette kom van die Universiteit van die Oranje Vrystaat af waar sy vir 9 jaar by die Fakulteit Gesondheidswetenskappe studente-administrasie en fakulteitsfinansies gedoen het. Sy het voorheen by Sanlam gewerk.

Annette kom oorspronklik van Graafwater in die Wes-Kaap en het op Stellenbosch BSc met Plant- en Dierkunde studeer. Haar belangstellings is lees, bak, naaldwerk en koormusiek.



Mr  
Joseph  
Makua

Mr Joseph Makua was recently appointed as Administrative Officer at Student Administration.

He previously worked at the Mamelodi campus of Vista University. In 2004 he took up the position of Administrative Officer at the Mamelodi campus of the University of Pretoria and was transferred to the main campus at the beginning of May.

Mr Makua enjoys soccer and rugby and is interested in cricket. He listens to jazz, opera and classical music.



Mr  
Evans  
Modiba

Mr Evans Modiba, newly appointed Administration Officer, comes from the University of Limpopo (Turfloop) where he has worked since 2003.

The core function of his position is general post graduate programmes administration, including functions like provision of information about programmes offered, processing applications and admissions.

Mr Modiba enjoys watching television, sports in general and interacting with people.

# International students welcomed



Close to 150 international students attended the function.

On 17 March, an informal welcoming of all international law students was hosted by the Faculty of Law. The Dean, Prof Christof Heyns, reaffirmed the Faculty's commitment towards making a contribution to legal education and legal research in Africa and elsewhere, and as such towards enhancing the rule of law. Some 150 students attended the function.

There are a total of 160 students from other African countries on the LLB programme, while 26 are enrolled on the LLM and 9 on the LLD programmes totalling 195 students.

They represent a total of 17 African countries. There are 20 students from other international destinations including students from countries such as Russia, Saudi-Arabia, Germany, The Netherlands and the USA.



The Faculty of Law is the first choice for students from many parts of the world.



Prof Anton van der Linde, Convener of the Internationalisation Committee of the Faculty, with some of the international students.



## Master's Degree in Law

Africa's Global Law Faculty

As from 2009, the Faculty of Law at the University of Pretoria offers a choice of six different courses for a Master's Degree through Research and 21 newly developed specialized courses for a Master's Degree through Course Work to local and foreign students.

Available courses are: LLM through Research in Human Rights; Legal History, Comparative Law and Legal Philosophy; Mercantile Law; Private Law; Procedural Law and Public Law.

LLM through Course Work in Child Law; Constitutional and Administrative Law; Corporate Law; Criminal Law; Environmental Law; Estate Law; Family Law; Human Rights and Democratisation in Africa; Insolvency Law; International Law; International Trade and Investment Law in Africa; Labour Law; Law and Political Justice; Law of Contract; Legal History, Comparative Law and Legal Philosophy; Mercantile Law; Multidisciplinary Human Rights (a MPhil in Multidisciplinary Human Rights is available in the Faculty of Humanities); Private Law; Procedural Law; Socio-economic Rights and Theory and Practice and Tax Law.

The closing date for application for international students is 31 August 2008 and for South African students 30 November 2008. For more information join our Post-graduate Open Day on 20 September 2008 at 09:00 in the Auditorium, Law Building, Hatfield Campus, University of Pretoria (RSVP: [evans.modiba@up.ac.za](mailto:evans.modiba@up.ac.za) / 012 420 4927) or visit our website @ [www.up.ac.za/law](http://www.up.ac.za/law)

Leading minds



Visit our website for further information on the Faculty of Law at [www.up.ac.za/law](http://www.up.ac.za/law)

# International links



## Prof van Marle to London

Prof Karin van Marle, Acting Head of the Department of Legal History, Comparative Law and Legal Philosophy visited Birkbeck College at the University of London in March. She presented LLM lectures for the Post-apartheid Jurisprudence module which is part of the LLM in Law and Political Justice.



## Deliberations on violence against women

Dr Karen Stefiszyn from the Centre for Human Rights, presented a paper on 'A brief overview of developments in sexual offences legislation in Southern Africa' at the UN Division for the Advancement of Women expert group meeting on good practices on violence against women legislation in Vienna, Austria in May.



## Paper on children in crisis delivered

In March, Prof Annette van der Merwe from the Department of Procedural Law visited the University of South Carolina Upstate to deliver a paper at a conference on 'Children in Crisis'. She gave a South African perspective of the prosecution of child sexual abuse cases.



## Prof Stella Vettori presents several papers

Prof Stella Vettori from the Department of Mercantile Law recently presented a Lecture at the School of Economics, Universiti Kebangsaan Malaysia entitled 'Economic Implications of Labour Movements' as well as a Faculty presentation, entitled 'Lifestyle of the elderly in rural and urban Malaysia and South Africa'. She also presented a lecture at the Faculty of Law, Universiti Teknologi Mara, Malaysia, entitled 'The Unprotected Disclosures Act as an Indirect Means of Enforcing Employers' Legal and Moral Duties and Obligations'. She presented a paper at the International Seminar on 'Individual Freedom and Working Relations' at the University of Bordeaux, France.



## Kweku Antwi to Portugal

Mr Kweku Antwi (left) from the Centre for Human Rights, participated as panellist in 'Citizenship in an Enlarged Europe: the contribution of economic, social and cultural rights', organised by the International Centre on Economic, Social and Cultural Rights (CIDESC) in Lisbon, Portugal in April.

## Prof Hansungule visits the Batwa people



Prof Michelo Hansungule with some of the Batwa people during his visit to Uganda.

Prof Michelo Hansungule from the Centre for Human Rights recently visited the Batwa people ('Pygmy') in Kabale, Uganda. The visit was organized by the London-based Minority Group International (MRG) which, among other things, works to promote the rights and interests of indigenous peoples around the world.

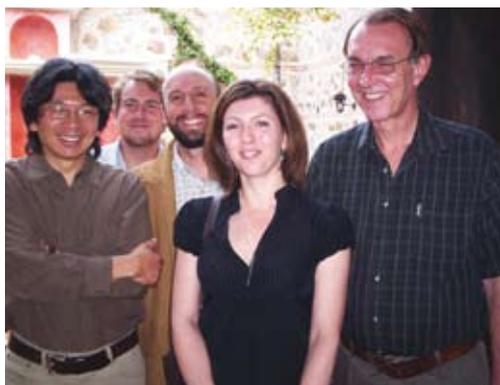
The purpose of this visit was to facilitate workshops for the Batwa leaders, women, men and youth on leadership, human rights and gender.

The Batwa, also known as Twa, are the oldest recorded inhabitants of the Great Lakes region of central Africa. Current populations are found in the nations of Rwanda, Burundi, Uganda and the Democratic Republic of Congo (DRC).

In 2000, they numbered approximately 80,000 making them significant minority groups in these countries. They are some of the most marginalised people in Africa, with a denied identity and without any right of participation. Prof Hansungule also visited Burundi, DRC and Rwanda under the same programme.

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## Law Clinic Head on panel of experts in Guatemala



The Director of the Law Clinic, Mr Franciscus Haupt was invited by the United Nations High Commissioner on Human Rights, to join a panel of international experts to act as advisors to the UN and to universities and civil society in Guatemala, with the view of establishing law clinics in that country.

During a seminar, held in Guatemala City in April, Mr Haupt presented a paper on 'The role of university law clinics in strategic litigation' and headed a work stream on 'Access to justice for indigenous communities'.

Some of the delegates at the UN Seminar in Guatemala (left to right) Prof Shin Simai (Canada); Mr Erik Nyman (UN); Dr Andres Sanchez (Guatemala); Dr Rachel Sieder (UK) and Mr Franciscus Haupt.

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## David Burdette gives inaugural address



Prof David Burdette, a former member of the Department of Mercantile Law, presented his inaugural address at the Department of Academic Legal Studies, Nottingham Law School, Nottingham Trent University in the UK, on 18 June 2008.

The title of his address was 'The road to hell is paved with good intentions: South Africa's new business rescue model under the spotlight'.

With Prof Burdette, in front of the oldest pub in the UK, to celebrate the occasion was Prof Christo Botha, Bernard Bekink, Kathleen van der Linde, André Borraine and Anneli Loubser.

# Students visit other African countries



The group who visited Rwanda in front of a resident's home.



LLM students in front of the Special Court of Sierra Leone.



LLM group in information session with Saleem Vahidy in Sierra Leone.



LLM group with Ray Cardinal in front of detention facilities in Sierra Leone.

A team of 32 students from the Faculty of Law undertook a human rights study trip to three African countries; Sierra Leone, Rwanda and Somaliland, in June. This is part of the LLM programme in Human Rights and Democratisation in Africa, presented by the Centre for Human Rights. For the first time LLB students were included in the delegation.

The students were divided into three groups. Each group was accompanied by an academic staff member and an administrative staff member. They met with government officials and human rights activists and experienced the legal systems in action.

The visit to Rwanda was aimed at making the students fully aware of the 1994 genocide and its causes. The students met with senior government officials, visited prisons and genocide sites. They also attended a hearing of the Gacaca courts. They interacted with non-governmental organisations involved in rehabilitating victims and offenders. An important part of the visit was spending time at the Office of the Prosecutor of the International Criminal Tribunal for Rwanda (ICTR).

While in Sierra Leone, the students were exposed to the causes and effects of the civil war that devastated the country. They attended trials at the Special Court for Sierra Leone and engaged with persons involved in prosecuting the main perpetrators of human rights violations and also those who are involved in fostering a culture of reconstruction and development. The students met key players such as government ministers, judges, opposition leaders and legal practitioners.

Part of the LLM programme focuses on the concept of a failed state, secession, state creation and genocide. The visit to Somaliland exposed the students to the democratisation challenges faced by countries in the Horn of Africa. This field trip focused on the issue of democratization, which is a core aspect of the LLM programme.

While in Somaliland, the students met the President of Somaliland, government ministers, Somaliland elders and members of NGOs. They also attended a lecture at the University of Hargeisa.

"Every student who has been on these trips has come back a different person with a richer experience on how they view issues of human rights and democratisation in Africa. These field trips are one of the most important components of this one year programme," said Martin Nsibirwa, LLM Programme Coordinator at the Centre for Human Rights.



# Debating Competition inspire students

On Friday 9 May a Debating Competition was held for students of the Faculty reviving an old tradition 'I strongly recommend that more competitions of this calibre and this nature should be hosted by the Faculty of Law' said Adv Johan Engelbrecht SC, who was a member of the judging panel.

The winning team, Realeboga Tshetlo and Itumeleng Matlou, both final year LLB students, opposed the proposition that 'marriages should expire after seven years unless both spouses agree to the continuation of the marriage'. Adv Johan Engelbrecht presided over the judging panel and expressed his satisfaction with the level of participation, as well as the confidence displayed by all participants. He was assisted by Ms Marissha Pillay, Ms Tronèl Joubert, Prof Jolandi le Roux, Prof Michelo Hansungule and Adv Andre Louw SC.

Mr Tshepo Madlingozi from the Department of Legal History, Comparative Law and Legal Philosophy was the Convenor, together with Ms Elzet Hurter, Student Development Officer.



The winners, Realeboga Tshetlo and Itumeleng Matlou with Adv Johan Engelbrecht and Adv Andre Louw.

# Stella Vettori international swimmer

Prof Stella Vettori from the Department of Mercantile Law swam in the World Masters Swimming Championships in Perth in April together with over 5 000 swimmers.

There was on average about 100 entrants per event and Prof Vettori was placed 8th in the 50 m backstroke for women 45 years and over, with a time of 38.04 seconds.

Prof Vettori was awarded Transvaal colours for swimming while at school and her husband, also a swimmer, won Northern Transvaal colours. Her son participates in water polo.

Prof Vettori has swum several Midmar Miles, always ending under the first ten in her age group. She trains for an hour three times a week and swims about 3 km in each training session.



Prof Stella Vettori with swimmers who participated in the World Masters Swimming Championships.



Prof Stella Vettori with the medal she received as one of the first 10 winners in her category.

New publications

# Pretoria University Law Press PULP

The Pretoria University Law Press (PULP) endeavours to publish and make available innovative, high-quality scholarly texts on law in Africa. Latest publications include amongst others:

## Pretoria Student Law Review 2007-1

The first volume of the Pretoria Student Law Review was published at the beginning of the year and has been distributed throughout South Africa to universities, law firms, judges and other stakeholders in the legal profession.

Submissions which are challenging, unconventional and relevant are welcomed and may be in the form of feature articles, case reviews, opinion pieces, responses to articles or discussions on current affairs. The objective is to create a forum for active discussions by law students from all universities.



## A PULP Guide: Where to publish articles on the law

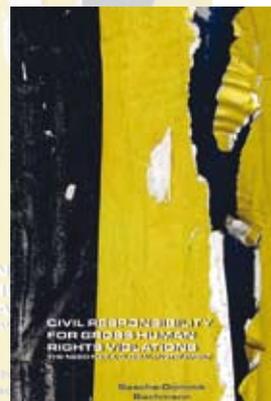
This guide focuses on information on selected academic journals relevant to law and accredited by the Department of Education of South Africa. South African academics are increasingly under pressure to publish their research in journals that are accredited by the Department of Education, not least because this translates into subsidy and because it plays a significant role in appointment, promotional and other similar procedures.



## Civil responsibility for gross human rights violations: The need for a global instrument

Editor: Sascha-Dominik Bachmann

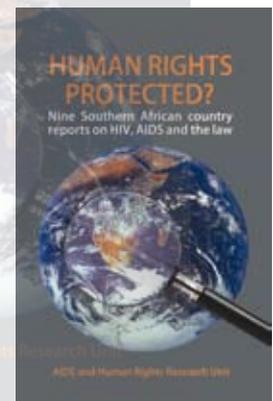
This book investigates the developments under international human rights law with regard to human rights protection, with the overall objective to develop an argument for a future international regime of civil liability for the individual and corporate perpetrators of gross human rights violations.



## Human rights protected? Nine Southern African country reports on HIV, AIDS and the law

By: AIDS and Human Rights Research Unit, Centre for Human Rights.

This publication charts the extent to which human rights are protected in the legal systems of the Southern African states with very high HIV prevalence rates. These countries are Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe. Issues covered include access to health care, privacy, non-discrimination, labour rights, women's rights, children's rights, prisoners' rights and the government's oversight function.



New publications

# Pretoria University Law Press

## PULP

The Pretoria University Law Press (PULP) endeavours to publish and make available innovative, high-quality scholarly texts on law in Africa. Latest publications include amongst others:

### VAT in Africa

Editor: Richard Kreyer

From an inauspicious start in the second half of the 20th century, Value Added Tax is now, just over five decades later, a key component of the revenue base in jurisdictions around the globe. A tax on final consumption is seen as an important element of sound public finance policy and the VAT.



### Compendium of Key Human Rights Documents of the African Union

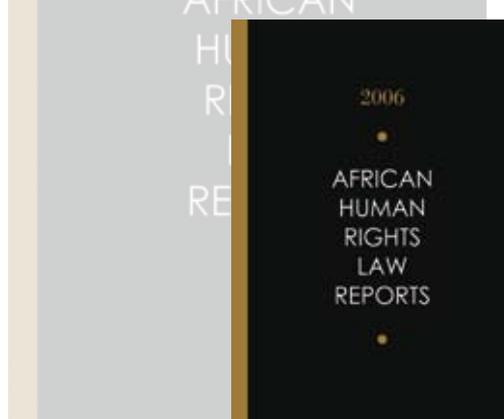
Editors: Christof Heyns and Magnus Killander

PULP recently brought out the Portuguese translation of the Compendium of key human rights documents of the African Union, to supplement the English, French and Arabic translations that have been published earlier.



### African Human Rights Law Reports 2006

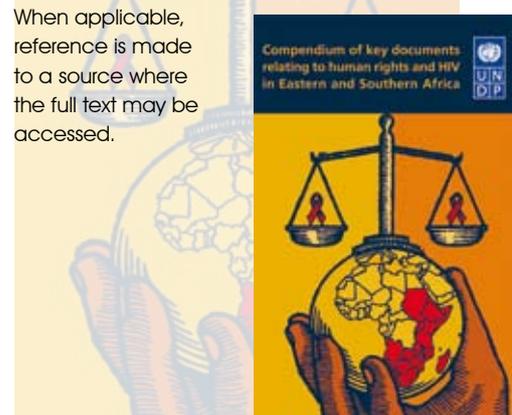
The seventh volume of the African Human Rights Law Reports is published by the African Commission on Human and Peoples' Rights and the Centre for Human Rights, University of Pretoria and covers cases decided in 2006. The Reports include cases decided by the African Commission on Human and Peoples' Rights and domestic judgements from different African countries.



### Compendium of key documents relating to human rights and HIV in Eastern and Southern Africa

The Compendium of key documents relating to human rights and HIV in Eastern and Southern Africa is a collection, in five parts, of global, regional, sub-regional and national human rights instruments, policies, legislation and case law that are relevant to HIV and AIDS. In most instances, only excerpts pertinent to HIV and AIDS are provided.

When applicable, reference is made to a source where the full text may be accessed.



# Alumni re-live memories at Faculty homecoming

The University of Pretoria dedicated a week in May to alumni. This event was aimed at encouraging its alumni (who are spread across the world) to return to the University and celebrate its 100th anniversary.

At least 80 alumni of the Faculty joined in the celebrations which took place on 14 May, to re-live their Tukkies memories.

Law alumni had the opportunity to go on a campus tour and a tour of the law building. A programme was presented in the Law Auditorium including an overview of where the Faculty is going, by the Dean, Prof Christof Heyns; a presentation on the history of the Faculty by Prof Johan Scott from the Department

of Private Law and a presentation by Advocate Kobus van Rooyen SC, on behalf of the alumni.

Afterwards the music event Songs from the Wood was held in the quad where alumni, staff, students and friends gathered to listen to different bands, watch dances and enjoy a meal and wine.

The Outlaws, a band consisting of staff entertained the audience with songs such as Pink Floyd's Brick in the Wall.

The crowd was entertained with drums, classical music, Mgeria music and blues as well as Latin and Persian dances.



On May 14, the Faculty of Law welcomed alumni at a Homecoming event.



Ms Hanri Ehlers assisted members of the alumni with registration



Alumni and students attended Songs from the Wood, a musical event presented by the Faculty.



Ms Brigit Kuschke from the Department of Private Law was the MC.



Prof Johan Scott gave an insightful and very well received overview of the history of the Faculty.

**100**  
1908 - 2008

# Highlights of the Law Teachers Conference



Supreme Court of Appeal Judge Mahomed Navsa was the keynote speaker at the gala dinner at Kievitskroon.

More than 200 delegates from South Africa and the rest of the world attended the Society of Law Teachers of Southern Africa Conference and the Southern African Society of Legal Historians Conference between 21 and 24 January 2008.

The conference was hosted by the Law Faculty as part of the University Centenary Celebrations.

The conference was officially opened by Mr Johannes Mahlangu, Chairperson of the National Council of Provinces and also a member of the Pan African Parliament. He delivered a speech focusing on the harmonisation of the law in Africa, and the work done by the Faculty in this regard.

Supreme Court of Appeal Judge Mahomed Navsa was a guest speaker at the formal gala dinner which took place at Kievitskroon, outside Pretoria. Other social highlights included an informal dinner at the Pretoria Zoological Gardens and a visit to Freedom Park.



Prof Stefan van Eck, Convener of the Faculty's centenary celebrations thanked Prof Caroline Nicholson, Convener of the Conference at the gala function at Kievitskroon.

Some of the plenary speakers included Sir Bob Hepple and Prof David Pugsley from the United Kingdom.



Present at the cocktail function were Prof Calie Pistorius, Vice-Chancellor and Principal; Mr Johannes Mahlangu, Chairperson of the National Council of Provinces and guest speaker; Prof Esmé du Plessis, Chairperson of the UP Council and Prof Christof Heyns, Dean of the Faculty of Law.



Proff Bernard Bekink and Christo Botha from the Department of Public Law at the braai at the National Zoological Gardens. The braai was sponsored by NexisLexis.



The Gala dinner at Kievitskroon was one of the highlights of the Law Teachers Conference.

# Opening van TUKSLAW kiosk

Die amptelike opening van die TUKSLAW kiosk in die binnehof van die Regsgebou het op 5 Maart plaasgevind.

Die doel van die kiosk is nie slegs om versnaperinge aan honger personeel en studente te verskaf nie maar ook om samehorigheid te bevorder, en om 'n 'siel' aan die Fakulteit te gee.

Die atmosfeer van die liggies, tafels en stoele en die geleent-hede waar musiek gemaak word en funksies aangebied word, lei 'n nuwe era in die geskiedenis van die Fakulteit in.

By die opening het die Dekaan ook melding gemaak van die skoonmakers van die gebou, en elkeen by naam bedank.

Mnr Sydney Mdlhophe is aangestel as 'Minister van Omgewingsake', om die kiosk en omgewing skoon te hou en om onnodige kragverbruik te verminder deur ligte en verwarmers in die gebou na ure af te skakel.



Louis Botha en Ian Learmonth.



Die studente het die geleentheid geniet.



Prof Philip Thomas en Adv Mabel Jansen SC.



Mnr Sydney Mdlhophe en David Maseko.

# Opedag by Regte gee visie aan voornemende studente

Minstens 700 leerders het die Opedag van die Fakulteit Regsgeleerdheid op Saterdag, 24 Mei bygewoon.

Leerders het die geleentheid gekry om inligtingssessies in die regsouditorium by te woon, waarna personeel en die Regshuis hul vrae kon beantwoord oor kursusse, loopbaanbeplanning, werksgeleenthede, beurse, lenings en ander belangrike kwessies.

Opedag gee leerders die geleentheid om die koshuise, die sport- en kultuurfasiliteite en die Studentesentrum te besoek. Verder kon leerders die atmosfeer op die kampus beleef en 'n voorsmakie van die studentelewe by Tuks kry.



Me Marelie Maritz, Akademiese Medewerker in die Departement Publiekreg by 'n gesin.



Opedag by die Fakulteit was 'n miernes van bedrywigheide.



Proff Stefan van Eck en André Boraine saam met 'n groep leerders.



Akademiese Medewerkers in die Fakulteit was reg om oral van hulp te wees.



Tot 700 leerders het vanjaar Opedag by die Fakulteit bygewoon.

## Law students participate in Rag

Fun and fundraising is what Rag is all about. This year was no exception. The Tuks Rag Festival has over the years become one of the biggest events on the university's calendar and it is all for the good cause of raising funds for charity.

The Law House and other law students started building floats early in February. The Dean and staff members visited the builders at the Rag farm in support of their hard work and dedication towards this noble task.

The official festivities started on the Friday night at the Rag farm when a colourful display of different floats built by UP students took to the streets of Pretoria. The procession left the main gate at 18:00. The end of the week was enjoyed in true Tuks style with loads of live entertainment and a rocking atmosphere.



Hanri Ehlers, with Rush Rautenbach and Faan Kok from Law House.



Mr Tshepo Madlingozi (left) from the Department of Legal History, Comparative Law and Legal Philosophy assisted students with building of the float.



Rush Rautenbach, the man who worked around the clock to make it all happen.

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## Regsloopbaandag suksesvol

Die jaarlikse Regsloopbaandag het vanjaar op Saterdag 15 Maart plaasgevind toe meer as 600 studente en 24 regsfiirmas en instansies mekaar in die lewendige atmosfeer van die Regsgeleerdheidsgebou ontmoet het.

Studente het die geleentheid gekry om met verteenwoordigers uit die arbeidsmark te gesels, gedagtes uit te ruil, vrae te vra en CV's beskikbaar te stel.

Prof Christof Heyns het tydens sy verwelkomingswoord in die Auditorium klem geplaas op die noodsaaklikheid van die Regsloopbaandag en die rigting wat dit aan studente bied. Ander sprekers was Regter Eberhard Bertelsmann; Adv John Mullins SC; Adv Dikaledi Chabeli; Distrikslandros Kemi Behari; mnr Chris Petty, Hoofeksamenbeampte van die Prokureurs-toelatingseksamen en me Annusha Pillay van Werksmans Prokureurs.





## Southern African Student Volunteers revived



Ms Gill Jacod-Guillarmod and a student assisted in renovating the toilets.

A project which is part of the process to revive the Southern African Student Volunteers (SASVO) in the Faculty of Law was launched by 15 law students at a school in Mamelodi, during the vacation in July.

The students, who volunteered their labour and skills at the Meetse A Bophelo Primary School in Mamelodi, developed a vegetable garden for the school and also assisted in upgrading the children's toilets.

Meetse A Bophelo has about 2 500 learners and 60 educators. 50 learners between the age of 5 and 12 had the opportunity to help develop the new garden. The learners are given one meal a day and it is hoped that once established, the vegetables from the new garden will ensure that their meals are nutritious and balanced.

"We bought the necessary equipment that they would need to sustain the garden. This included a wheelbarrow; spades; forks; a hose pipe and compost that will last a few months",



At the end 5000 seedlings were planted in preparation of a brighter future for the learners and staff.

said Anchane Kriek, a third year LLB student who assisted in co-ordinating the project.

Most of the law students stayed at the Mamelodi campus of the University of Pretoria. The students assisted in preparing the ground, working in the compost and planting the thousands of seedlings.

The project leader was Francois Wessels, assisted by Anchané Kriek.

As part of their contribution, the parents from Meetse A Bophelo provided lunch for the student volunteers, and some of the older pupils assisted with clearing the grounds. This ties in closely with the University of Pretoria's emphasis on community service as part of the university's focus. SASVO's policy of 50/50 involves working with communities, with half the effort coming from SASVO and half from the communities.

According to the Dean, Prof Heyns, 'the goal is to provide an opportunity to all students to do community service.

# Songs come from the Woods once more



3 Martini Lunch drummer.



Francois Wessels, the force behind The Outlaws.



Post-graduate student musicians.



Ms Gill Jacot-Guillarmod with some music-lovers.

On the evening of 14 May the second Songs from the Wood event took place in the Tree Square at the Faculty of Law, this time as part of the Alumni welcoming.

Songs from the Wood comprises of a series of music festivals where students and staff can express themselves through music. The idea was inspired by the success of the 2006 Faculty Festival. The event was part of the Alumni function hosted by the Faculty.

Music from all genres was enjoyed – Elad Mizrachi supplied Isreali percussion; The Outlaws (a staff and student band) played Pink Floyd, Guns and Roses, C C R and many more. 3 Martini Lunch entertained with jazz music and the audience enjoyed a variety of exotic dances

