

# TuksLaw News

March 2010 to December 2010 • Volume 4

'A Global Law Faculty in Africa'



Prof Christof Heyns  
Dean: 2006 - 2010



UNIVERSITEIT VAN PRETORIA  
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Faculty of Law

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## TuksLaw News

(As of this edition the law student magazine, *De Facto*, is incorporated in the *TuksLaw News*)

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# Editorial

In this edition of *TuksLaw News*, we have combined the Faculty and Law House (*De Facto*) newsletters. This issue is also special as we pay tribute and bid farewell to Professor Christof Heyns who will be stepping down as Dean to take up his post in the United Nations as Special Rapporteur on extrajudicial, summary or arbitrary executions. Professor Heyns will still be with the Faculty in the newly established Institute for International Comparative Law in Africa.

We also commend all those who have participated in all the activities and events hosted by the Faculty or have represented the Faculty on national and international platforms. We applaud students who have excelled academically through hard work and sacrifice, those who excelled in extra-curricular activities, such as mooted, debating, legal writing and even in sports competitions and talent shows. We also congratulate lecturers who have been promoted, who have released new books and journal articles or are engaging in new ground-breaking research projects locally and internationally.

The Faculty of Law bids farewell to its graduates. We wish you all the best in your future endeavours and also encourage you to stay in contact with us by registering as an alumnus on [www.up.ac.za/alumni](http://www.up.ac.za/alumni).

As we reflect on the year that has past, let us remain committed to the ideals of justice, democracy and peace that the Faculty of Law stands for and continues to defend.

*Elzet Hurter (Managing Editor) and Joel Modiri (LLB I) (Student Editor)*

## Acknowledgment

The editors would like to thank the following staff members who contributed to this edition of *TuksLaw News*: Professors Trynie Boezaart, André Boraine, Erika de Wet, Charles Fombad, Christof Heyns, Anton Kok, Stefan van Eck, Karin van Marle and Frans Viljoen, Doctors Anne Louw and Ann Skelton, as well as Lizette Besaans, Yolanda Booyzen, Cheryl-Lee Botterill, Laurens Grové, Franciscus Haupt, Noëlle Oosthuizen and John Wilson.

## Five centuries into the future



The artist, Leon Bellingan, has prepared the above painting of what the Law Building will look like in 500 years' time. According to the Dean, Professor Christof Heyns, who co-commissioned this artwork with the former Dean, Professor Duard Kleyn, this is a shocking image 'As one walks into the Faculty, one sees our beloved building basically in ruins. It is an eerie reminder that even the structures that we take for granted will one day succumb to the relentless forces of time and nature - if not through global warming, then in some other way. It puts time into a broader perspective. We have books that date back six centuries in the law library, and now we have a painting that goes five centuries into the future, so we span 11 centuries. I suppose in some way the painting raises the question of what it is about the Faculty that will still be around in five centuries. I like the fact that this painting challenges our certainties and our sometimes exclusive focus on the present.'

## Dean to step down and take up United Nations position

In August 2010 the Dean of the Faculty, Professor Christof Heyns, was appointed by the United Nations as Special Rapporteur on extrajudicial, summary or arbitrary executions. He then announced that he will not seek a second term as Dean, when his first term of four years expired at the end of the year. He answered some questions:

**Q** *Tell us about the UN post.*

**A** Essentially my mandate entails that I am an independent adviser to the UN on killings worldwide that violate international law – whether the issue is police brutality, violations of humanitarian law during armed conflict, the imposition of the death penalty without proper safeguards, or anything of that nature. The mandate holder reports to the Human Rights Council in Geneva and the General Assembly in New York and has to visit a number of countries per year to conduct on-site investigations. It is a part-time position, so I shall remain a staff member of the Faculty, based in the new Institute for International and Comparative Law in Africa. I presented my first report to the General Assembly in New York a few weeks ago. It consisted of a 15 minutes presentation and 45 minutes of questions from the 192 countries assembled. It was an adrenalin-filled experience – you literally 'face the world' – but I have had a relatively easy start, so far. I think the best you can hope for in your professional life is a challenge that will require you to draw on everything that you have. This is such a challenge.

**Q** *Which aspects of your term as Dean do you regard as the highlights?*

**A** I enjoyed my term and almost every aspect of my work in the Faculty tremendously. I got a lot of energy from the people I worked with, introducing new initiatives and from getting results. I do not think we always appreciate what a great place this is and how much can be done with it.

I am happy that we could raise the admission criteria for the LLB significantly. The majority of our undergraduate students now complete a BA or a BCom degree first and thus follow a five-year route to the LLB. Our students took the national and international mooted world by storm, and we have grown our postgraduate programme considerably. Students have opportunities such as internships, visits to the Constitutional Court and having their articles published in the Pretoria Student Law Review. The Faculty also established a number of new specialised units, such as the Intellectual Property Law Centre, the International Development Law Unit, the Sport and Entertainment Law Centre and the Institute for International and Comparative Law in Africa. The Law Clinic moved to great new premises and we expanded our ample office space as a Faculty by something like 30 offices. The Pretoria University Law Press now publishes more new titles per year than most commercial legal publishers in the country.

And oh yes, I also think the kiosk, the chairs in the quadrangles and the table tennis etc. have made the Faculty a rather friendly place. I love standing in the queue to buy a cup of coffee in the mornings, where one can see how the trees and their shadows change with the seasons, with the odd ping-pong ball flying past.

**Q** *What were the low points?*

**A** I am not a natural at attending meetings. And I dislike 'one-size fits all' rules. You cannot run a place like this without strict adherence to the rules, but I often feel life is more complex. And I do feel guilty about some unfinished business. I would very much have liked to have been involved in the further reform of the LLB, and especially in ensuring that our students get more opportunities to practise their writing abilities and more opportunities for internships. We have made a good start, but we need a greater sense of urgency. And the Faculty still has a long way to go with transformation. Management also naturally involves conflict, which I do not like – although some of my colleagues say it is not like that, and others say it may be good preparation for the UN! But there are times as Dean when you are at odds with people with whom you would otherwise have been drinking a beer. It comes with the job.

**Q** *Is there anything you found particularly frustrating during the last four years?*

**A** One of the things I enjoy most in life is to ride swells with a surf-ski. That is what my friends and I do the whole December holidays at Stilbay. You paddle through the break, turn around, and then wait for the right wave. Your ski must be in the right position and you have to start paddling before the swell reaches you. It is an incredible thrill to feel the acceleration when the wave takes you. You go much faster than you would if you were paddling along on your own. I find it very frustrating in the Faculty when individuals, or we as a collective, miss the waves that we should have been riding. Sometimes we are too inward looking and do not pay attention, so the swell lifts us as it passes underneath, but we remain behind. Nonetheless, it is exhilarating to see staff and students take the waves. There are many – I would say growing numbers – who do just this. But I think we still miss many opportunities. And some sit on the beach- and complain that they are not going anywhere!

**Q** *There are those who say a Dean only becomes experienced after four years and that you should have stayed on for another term.*

**A** I understand and appreciate them saying that, and I would have stayed on if the UN position had not – rather unexpectedly – crossed my path. At the same time I think no one is irreplaceable, and sometimes one realises only afterwards that a change of leadership was in fact a good thing. I have a very specific approach – I see myself as a social reformer and a bit of a dreamer and spent much of my time on introducing new things in the Faculty, perhaps at the expense of other priorities. It may be good for the Faculty now to consolidate and perhaps grow in directions that I did not foresee. The reality is that the workload of the UN mandate is such that had I stayed on as Dean, I would probably have made a mess of both positions.

**Q** *You introduced things that one would not necessarily expect in a law faculty, such as the Faculty Festival. Why?*

**A** We need to develop and celebrate all our talents as students and staff, not only the academic part. The Festival is a bit of a house concert, and it helps to let people feel they belong to a broader community and perhaps to break through some personal barriers. Being a member of a band that does not only play in the garage was a personal breakthrough for me – even though I had to pull rank now and again to get to play the best parts! And the Book Club helps to nurture thinking and engages staff and students. I would still very much have liked to start a video club in the Faculty, giving students the opportunities to make documentaries about cases or short films in which they explore social issues. Perhaps we should still do it. Life is about much more than just formal studies. Lawyers deal with problem-solving, and we need to be able to draw on all our talents to do just that, if we are going to make any difference in this country.

**Q** *You were diagnosed with a life-threatening illness halfway through your term?*

**A** I was fortunate, and received excellent medical care. The whole episode set me back a couple of months, but not much more. I emerged with the perhaps predictable outcome of coming to terms with my own mortality. It is merely a matter of time, but that makes it so important what we do with the available time. Life and time is the same thing.

**Q** *Tell us about the short film you produced and the stories you write.*

**A** My son has produced a number of videos and last year he asked me to make a short film with him. We wrote the script over the December holidays. It is called 'After the World Cup'. He was essentially in charge of the filming. The movie opens with a scene where there is fighting at the Union Buildings, which we shot at five on a Saturday morning to avoid causing a traffic jam. I had to bring in the AK 47s and get them out of there before the police saw us - imagine the headlines 'Dean of Law caught staging a coup'. The short stories are a great form of therapy - it allows us to deal with and in some ways soften the harshness of our existence. What I sometimes think of as 'the terror of life'. And to imagine other realities.

**Q** *You studied at Yale Law School and teach on a regular basis at Oxford and at the American University in Washington DC. How do our students compare with theirs?*

**A** The best students here are as bright and as inquisitive as the best ones at those universities. You recognise them immediately – there is a certain bright-eyedness, a fresh take on an issue – whether you are here or in Moscow. More of our students should get – or rather take - the chance to go overseas, and come back to make a difference.

**Q** *You started Law House, De Facto and Tuks FM when you were a student at UP. Did that help prepare you to be Dean?*

**A** Well, those experiences give you the opportunity to see in very concrete terms that ideas can be turned into reality, and how good ideas acquire a life of their own. And I made lifelong friends – most of us who were on the first Law House Committee still meet monthly for lunch with our families. Ons drink net heelwat minder wyn deesdae! The University gave us R35 000 to establish what was then called Radio Tuks, and many years later it has grown significantly. In fact, when I listen to them I sometimes think that we have created a monster! But more seriously, as a student I felt that the Faculty, though it offered much, nevertheless missed many opportunities to be a more interesting and stimulating place. So, many years later when I became Dean, I grabbed with both hands the opportunity to do something about it. Hopefully someone who is feeling frustrated with our current shortcomings will take matters further in future.

**Q** *How do you see the future of the Faculty?*

**A** We have very committed and able people here, and a strong reputation, so I think we will continue to reap the benefits. We are also part of a great university, in the best possible location. But I think a number of things cannot be over-emphasised. The trick will not be to produce more lawyers, but rather better ones – more independent, bolder, more fearless, creative thinkers and doers. The Faculty constantly needs to be more outward-looking. Our mindset is often one of 'Business (law) as usual!' We need to think of ourselves as 'Africa's Global Law Faculty'.

I am now more convinced than ever of the crucial importance of this Faculty for the future of our country and continent. As I see it, South Africa is currently – as it has been for a large part of its history – at a knife's edge. Given the central role that we play in legal education and research in the country, this Faculty can play a determining role in whether we, as a country, tip to the one side or the other. If we mess it up, the country will not survive. That is how high, I think, the stakes are. But we need to recognise the right waves when they come our way – and ride them. We are not strong enough on our own.

**Q** *You have worked most of your professional life in the area of human rights. How do you see the fact that you will now be based at an Institute which deals with all aspects of law?*

**A** The effective protection of human rights remains my objective, but in order to achieve this one has to strengthen the role of the rule of law in general at the same time. Sometimes we tend to work with human rights in isolation, and that is a mistake. So I see both my roles as former Dean and as Director of the new Institute as attempts to build the base on which the human rights project can flourish.

**Q** *How do you approach new challenges?*

**A** Some years ago my family and I were in the northern part of the Czech Republic. There was a sign advertising a special offer to take ski lessons. It was cheap and I had always wanted to do it. So after showing us the basics in the morning, in the afternoon the guide took us up into the mountains, 3,5 kms. I ended up going down slopes that I had tried as best as I could to avoid. The guide yelled instructions from behind such as 'shoulders to the valley!', but my ambitions were limited to getting down alive. I remember at some point skiing backwards past the flimsiest wooden barriers that were the only thing between me and a drop of hundreds of metres. I suspect the guide thought I did it on purpose. As we got to the bottom, he skied up from behind and told me: 'You make so many mistakes – but you don't scare easily.'

Then you spend some time to reflect, and to start correcting the mistakes, before you go back up again. And the next time you start higher.

# Achievements and awards

## Four doctoral degrees conferred

During the course of the year, doctoral degrees were conferred upon four academic staff members.



Doctor Mariana Büchner-Eveleigh from the Department of Private Law obtained her doctoral degree from UNISA during May. Her doctoral thesis dealt with 'A critical analysis of legislation affecting the health of children', and was compiled under supervision of Professor JM Kruger (UNISA).



Doctor Magnus Killander from the Centre of Human Rights, under supervision of Professor Christof Heyns (UP), obtained his LLD degree for his thesis on 'The role of the African Peer Review Mechanism in inducing compliance with human rights'.



Doctor Ilze Grobbelaar-Du Plessis, from the Department of Public Law, completed her thesis titled 'Disability Law: An international law and legal comparative analysis', under the supervision of Professors Koos Malan (UP) and TP van Reenen (UWC).



Doctor Elzette Muller, from the Department of Mercantile Law, wrote her thesis 'A framework for wealth transfer taxation in South Africa' under the supervision of Professor Riel Franzsen (UP).

## Uitnemende presteerders

Professors André Boraïne, Hoof van die Departement Prosesreg en Christof Heyns, Dekaan van die Fakulteit Regsgeleerdheid, word aangewys as UP se uitnemende presteerders vir die periode Januarie 2011 tot Desember 2013.

## Akademici word bevorder

Doktor Danie Brand van die Departement Publiekreg en doktors Birgit Kuschke en Ann Skelton van die Departement Privaatreg word bevorder tot mede-professors vanaf 1 Januarie 2011.

## Lecturers of the Year

The following lecturers were voted 'Lecturer of the Year' by the respective year groups. These awards were announced at the annual Law Dinner during mid-October.

**Eerstejaar Afrikaans** - Doktor Anne Louw

**First year English** - Professor Neil van Schalkwyk

**Tweedejaar Afrikaans** - Professor Johan Lötze

**Second year English** - Doctor Birgit Kuschke

**Derdejaar Afrikaans** - Meneer Gerhard Wagenaar

**Third year English** - Professor Johan Scott

**Vierdejaar Afrikaans en Engels** - Professor Jolandi le Roux-Bouwer

# Recognition of achievement

The Faculty's annual Recognition of Achievement Function was held towards the end of March. During this function the Faculty acknowledged the academic performances of students who had excelled during the 2009 academic year.



The Deputy Dean, Professor Anton Kok, hosted the Recognition of Achievement Function.



Justice Johan Froneman from the Constitutional Court was the Keynote Speaker at this event.



Students celebrated their achievements.



Academic staff members celebrated the achievements of their students.



Students interacted with Justice Froneman.



Kaajal Nagindas receives the prize for Consumer Protection 220 from Mr Johan Botes, a director at DLA Cliffe Dekker Hofmeyr Inc.



Ruan Maré (left), a senior tutor in the Department of Private Law, was the Faculty's recipient of the 2009 Vice-Chancellor and Principal's Medal. He obtained 48 distinctions out of 55 modules over the four years of the LLB degree. Ruan was awarded an amount of R100 000 by the Rupert Foundation and aims to undertake studies abroad in order to complement the research module of his LLM degree in Criminal Law. With him is Mr Wildu du Plessis, a director at Werksmans Attorneys.



At the end of 2009, Donovan Westbrook, currently a candidate attorney at Bowman Giffillan Inc, completed his BComm Law LLB degrees within five years and obtained a total of 65 distinctions out of 70 modules.

# Alumni



Adv Ben Swart SC.



## 'Everest – from dream to reality'

Towards the end of August, Adv Ben Swart SC, an alumnus and former lecturer of the Faculty, shared his Everest summiting experience earlier this year with an enthralled audience. With various breathtaking images and an inspiring presentation, he captured the attention of the audience with his experiences before, during and after summiting on 24 May, demonstrating that attitude determines altitude.

## Doctoral alumni of the last century gather

In mid-November, the Faculty hosted a function in honour of its doctorate graduandi of the past century. Thirty UP doctoral degree recipients attended this special event during which Judge Frans Malan from the Supreme Court of Appeal delivered the keynote address. Since its inception 102 years ago, the Faculty has conferred 120 LLD degrees.



Professor Christof Heyns.



Doctor Amanda Boniface (LLD '07) and Judge Willie Seriti (LLD '93).



Judge Frans Malan (LLD '75).

# Developments

## Institute for International and Comparative Law in Africa

The Constitution of the Institute for International and Comparative Law in Africa (ICLA) of the Faculty was approved by Senate in May and the Institute – located in a renovated double-story house next to the Law Building on the Hatfield Campus – opened its doors in August. Drawing on the extensive networks that the Faculty has established over many years in Africa, the objective is that this research institute will become a first port of call for those who wish to engage in legal research and legal reform in Africa involving comparative or international law at the advanced level. Professors Christof Heyns and Erika de Wet will be co-directors.

The ICLA will enjoy the benefit of the Law of Africa Collection in the Oliver R Tambo Law Library, the most comprehensive collection of legislation and law reports of African countries under one roof in the world. The ICLA will mainly be involved in providing technical assistance to African governments and international organisations engaged in legal reform on the continent, and in engaging in collaborative projects with researchers on the continent and abroad. The ICLA will also house doctoral students and arrange seminar opportunities for government officials, judges, international civil servants and civil society.

In line with these goals the ICLA has been requested by the Max Planck Institute for International and Comparative Public Law in Heidelberg, Germany, to assume responsibility for the reports on the constitutions of the 53 countries of Africa for *Oxford Constitutions Online*, published by Oxford University Press. The project currently provides access to 188 country constitutions with extensive expert commentary from leading scholars. The ICLA is likewise responsible for reporting on African countries for the *Oxford Reports on International Law in Domestic Courts*, also published by Oxford University Press.

At the beginning of September, the ICLA hosted a seminar on the new Kenyan Constitution which was adopted by referendum on 4 August. The seminar was led by Professor Christina Murray from UCT, who is one of the three foreign members on the Kenyan Committee of Experts that prepared the Constitution.

Similar lectures are also organised by the ICLA in collaboration with the Centre for Human Rights and the International Development Law Unit of the Faculty of Law, under the umbrella of the Transnational Law Interest Group. These included a lunch lecture by Professor Barbara Holden-Smith, Vice Dean and Professor of Law at Cornell University during October, on the African-American influence on the jurisprudence of the United Nations Supreme Court.

In early 2011, the ICLA is hosting a seminar on International Air, Space and Telecommunications Law in collaboration with the Aerospace Industry Support Initiative of the South African Department of Trade and Industry, as well as the Institute of Air and Space Law at the University of Cologne, Germany. It is also planning a conference on African Constitutionalism during August 2011.

## Assisting law students with improving their writing skills recognised as *pro bono* work

There is widespread concern about the standard of law students' writing skills in South Africa. The Faculty has decided to take active steps to improve these skills by establishing a Language Centre, which is open to all law students. To this end we need the assistance of experts on a temporary basis to peruse assignments and provide feedback to students on their use of language.

In a significant step, the *Pro Bono* Committee of the Law Society of the Northern Provinces has decided to recognise the involvement of lawyers in the Faculty's Language Centre as *pro bono* work.

Students who require assistance with their writing assignments may approach the Language Centre. The student hands in the assignment at the Centre whereafter one of the supervising attorneys provides feedback on issues such as the large-scale and small-scale organisation of the assignment, vocabulary, grammar and spelling, but not on the legal principles as such. The focus of the Language Centre is on improving students' writing skills and is not aimed at replacing or augmenting the existing subject-specific tutor system.

The revised assignment is returned to the student and the supervising attorney explains the comments on the revised version to the student. The student must then incorporate the comments in a new draft of the assignment, and hand the assignment in again. This may happen a few times, until the supervising attorney is satisfied that the assignment has been significantly improved.

It will be ideal if the supervising attorneys could be available for a number of mornings or afternoons during the semester to assist in the Centre.

Attorneys and students who have been involved with the Language Centre in 2010 are Mr Glenn Rooseboom from HKR Attorneys, various attorneys from Spoor and Fisher, Melissa Ardendorf, Louis Botha, Ulrich Fobian and Natasha Mandizha.

We trust that future participants in this project will experience the satisfaction of making a contribution to the future of our administration of justice within a well-organised structure.

Interested persons are welcome to contact the Deputy Dean, Professor Anton Kok, at [anton.kok@up.ac.za](mailto:anton.kok@up.ac.za) or +2712 420 4126.



Fitr: Ulrich Fobian, Natasha Mandizha, Anton Kok and Louis Botha.



Fltr: Doctor Ann Skelton, Carina du Toit, Desiree Willemse, Karabo Ngidi and Ashleigh Dore.

## Centre for Child Law

The Centre for Child Law got off to a busy start this year, with Doctor Ann Skelton being appointed by the High Court in January as *curator ad litem* for 56 unaccompanied foreign children who had been living at the Central Methodist Church in Johannesburg. Doctor Skelton and Ms Karabo Ngidi regularly visit the Centre where the children are now staying in Soweto.

Ms Carina du Toit has also been working on a case that was unfolding in the Eastern Cape town of Molteno. It involved 92 orphans and vulnerable children who were left without foster care grants, due to a social worker failing to extend their foster care orders. The case was settled out of court, with the grants being paid retrospectively.

Two of the Centre's cases in the North Gauteng High Court resulted in civil claims victories for children who had been wrongly arrested and detained. Later in the year, the Centre went to Court on an urgent basis following a 'dragnet' operation by the city, which resulted in the removal of children working and begging on the street. Social workers demonstrated outside the building, and a Mozambican father was reunited with his little girl who had been wrongly removed.

Socio-economic rights was a strong theme in the Centre's work this year, with Mr Morgan Courtenay fighting a hard battle to demand suitable care facilities for children with conduct disorders, and Ms Clare Ballard coordinating a case about the need for government to fund a 'breast milk bank' for neonates at Kalafong Hospital.

The rights of children not to be evicted from a public school on private property without prior meaningful engagement was the theme of one of the Centre's cases before the Constitutional Court. The other two were about defamation by children – where the Centre acted for the Restorative Justice Centre, and the correct principles to be applied when sentencing primary caregivers of children. Judgments are awaited in these matters.

This year saw the inaugural Centre for Child Law Moot Court Competition. Teams were required to research and argue before a simulated High Court, the final of which took place in the Pretoria High Court. This year's case study involved terrorism; child trafficking; extradition and the sentencing of children. Teams from Rhodes University, the University of the Western Cape, the University of Pretoria and the University of South Africa competed in the competition. The University of Pretoria emerged as winners after a closely fought final round against Rhodes.



Book cover design by Yolanda Boozyen.

# Centre for Human Rights

## Dedicated to promoting human rights

The Faculty's Centre for Human Rights (CHR) and the Legal Resources Centre (LRC) met for the African Human Rights Day Celebrations on 21 October. On 21 October 1986, the primary Human Rights Treaty in Africa, the African Charter on Human and People's Rights, entered into force. Reflecting on human rights and governance in Africa, they called for the member states of the African Union (AU) to ratify all AU human rights instruments.

They also noted the role of customary law in enhancing or undermining women and children's rights and have urged African human rights institutions to develop the living customary law in line with the Charter. They believe this will result positively in the protection of the rights of previously disadvantaged groups, such as indigenous peoples and women.



## CHR's Ethiopian alumni perform on African platform

The CHR is very proud of two of its alumni from the 2005 LLM Human Rights and Democratisation in Africa (HRDA) programme.



Benyam Dawit Mezmur.

Doctor **Benyam Dawit Mezmur** was elected as a member of the African Committee of Experts on the Rights of the Child of the African Union (AU). Mezmur was nominated by his country to form part of the Committee which consists of 11 members from various countries. The Committee oversees the implementation of the African Charter on the Rights and Welfare of the Child (Africa Children's Charter) by different state parties. To date, 45 out of 53 AU member states have become party to this Charter.

After obtaining his LLM degree, Mezmur completed his doctoral degree with a focus on the African Children's Rights Charter at the University of the Western Cape (UWC), one of the partners on the LLM (HRDA). He has dealt with and published articles on issues pertaining to children's rights, such as child soldiers, children in conflict with the law and inter-country adoption.

Mr **Yoseph Mulugeta Badwaza** received the Alison Des Forges Award for Extraordinary Activism presented by Human Rights Watch.

Upon completion of the LLM programme, Yoseph returned to the Ethiopian Human Rights Council where he rose to the position of Secretary-General. Civil society organisations in Ethiopia have been adversely affected by the Charities and Societies proclamation which bars most from doing their work effectively. Despite these challenges, Yoseph has been relentless in advocating for human rights in his country.



Yoseph Mulugeta Badwaza.



Participants in the African Human Rights Moot Court Competition, Cotonou.

## 19th African Human Rights Moot Court Competition held in Cotonou

Every year, the African Human Rights Moot Court Competition is organised by the CHR in partnership with another law faculty on the continent. In 2010, the competition was co-organised by the Centre and the University of Abomey-Calavi, Benin, and was held in Cotonou at the beginning of October. Fifty-six universities from 26 countries attended this unique event on the human rights calendar in Africa. This year, 38 Anglophone, 15 Francophone and three Lusophone teams competed for the title. Three universities participated in the AHRMCC for the first time, namely the University of the Gambia, Christian University of Uganda and the University of Parakou in Benin.

## John Dugard recipient of the 2010 Gruber Foundation International Justice Prize

During the month of June, Professor Dugard received the 2010 Gruber Foundation International Justice Prize. Professor Dugard has been a Professor of Law at the CHR since 2007, where he has taught on the LLM programme and short courses. He also holds an honorary doctorate from UP. According to the Foundation, Professor Dugard has, through advocacy, legal reform and the use of international law as a means of safeguarding human rights, helped to make equal justice under law a reality for groups that historically have been the victims of systemic discrimination.

In the middle of the year, students participated in field trips focussing on the SADC region, and in particular Botswana, Swaziland, Zimbabwe and South Africa. One of the issues under investigation was the criminalisation of same sex acts and its impact on HIV/AIDS prevention in Botswana. The problem of documenting asylum seekers and xenophobic attitudes formed the main focus of research in South Africa. In Swaziland, some of the issues addressed were the examination of state practices and public perception. Gender-based violations, as well as the politicisation of food aid in Zimbabwe, came under the spotlight.

## 2010 field trips by LLM students on the Human Rights and Democratization Programme

Students on the LLM in HRDA annually undertake a field trip to investigate human rights issues and draft assessment reports on countries with unique human rights backgrounds.

## Seminar explores the emerging human rights mandate of regional communities in Africa

Towards the end of April, the CHR organised a seminar titled 'Exploring the emerging human rights mandate of regional communities in Africa'. There are eight Regional Economic Communities (RECs) in Africa recognised by the AU as the building blocks of the future African Economic Community. Some of these RECs have taken on a mandate to promote and protect human rights. The seminar explored the human rights work of three RECs; the Economic Community of West African States (ECOWAS), the East African Community (EAC) and the Southern African Development Community (SADC).



## Use of International Law in domestic courts in West Africa

Speakers and participants at the ILDC Workshop.

As part of the International Law in Domestic Courts (ILDC) project, for which the Centre is partly responsible, a workshop on the use of International Law in domestic courts in West Africa coincided with the AHRMCC in Cotonou, Benin. The workshop was organised by the CHR, the Amsterdam Centre for International Law and the West African Bar Association. The workshop brought together practicing lawyers from Anglophone and Francophone countries in the region.

During July, ILDC also held a roundtable discussion in Kampala, Uganda. Judges from Uganda, Kenya, Tanzania, Burundi, Rwanda and Southern Sudan participated in this event.



## Training for Somali's PAC

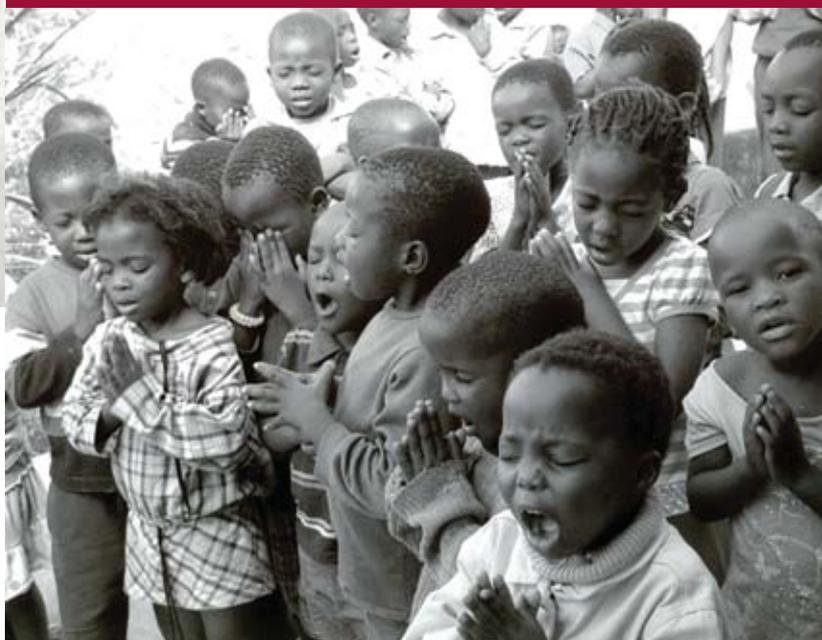
During September, the CHR presented a training course on Policing and International Law for 12 members of the Somali Police Advisory Committee (PAC) based in the transitional government controlled section of Mogadishu.

# 2010 Human Rights and Democracy through photography



▲ The winning photograph is entitled 'I don't know where it comes from or what good it has for me, all I know is that I have food for now'. The photo was taken at Mangwaneni, Mbabane in Swaziland, by Martha Bedane from Ethiopia. The image depicts a little girl who is one of the OVC's (Orphans and Vulnerable Children) in Swaziland.

In the spirit of mutual exchange aimed at strengthening the links between the regional Human Rights Master's programmes in other parts of the world, the African Human Rights Master's Degree introduced an amateur photography competition on human rights and democratisation. These images were taken by students during their field visits to various SADC countries during April this year.



▲ Mandala Dick Mambulasa from Malawi was awarded second place with his image titled 'These children are orphans'. The photo was taken at Manzini, Swaziland. According to Mambulasa, the principle of 'best interest of the child' is not only defined by a convention, statute or textbook.

◀ This photo, taken at Mbare, Zimbabwe, by Bubala Chibbonta from Zambia, depicts the heavy burden the African girl carries to ensure the survival of her family. She walks long distances to sell produce and the fact that she is a child makes her even more vulnerable. According to Bubala, a child can only be a child once, and this girl has been robbed of her childhood years by the heavy responsibility she carries.

For detailed articles, please visit [www.up.ac.za/law/chr](http://www.up.ac.za/law/chr)



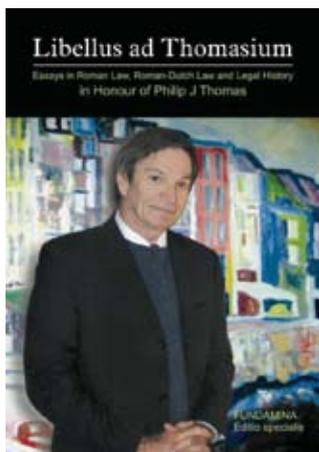
# Departments

## Legal History, Comparative Law and Legal Philosophy

by Professor Karin van Marle, Head of the Department

Members of the Department had another busy and exciting year filled with joy and sorrow, surprise and predictability – life as we know it.

There have been some changes in the Department over the past year. Our small number of permanent members of staff decreased even further with the retirement of Philip Thomas at the end of 2009. Professor Thomas worked in the Department for almost 30 years, teaching and conducting research in the fields of Legal History, Roman Law and Roman Dutch Law. Luckily, we did not have to say a final goodbye, as he remains with us as a Research Fellow in the Department since the beginning of 2010.



*'Libellus ad Thomasium. Essays in Roman Law, Roman-Dutch Law and Legal History in Honour of Philip J. Thomas'* is the title of this edition of *Fundamina*, offered by colleagues and friends to Philip Thomas on the occasion of him being accorded emeritus status as Professor of Roman Law at UP.

Although Professor Anton Kok is still a member of the Department, he has been wearing the Deputy Dean's 'locks' since the beginning of 2010. The remaining permanent academic members for 2010 were Professors

Duard Kleyn, Annelize Nienaber, Caroline Nicholson, Karin van Marle and Mr Tshepo Madlingozi. Mrs Sun t Slabbert is the administrator for the Department.

As usual, an enthusiastic team of tutors and assistants worked in the Department. Yvonne Jooste, Brenda Gwara, Lizelle le Roux and Jan-Harm de Villiers worked as academic associates in the Department and Yvonne Oyieke and Olivia Lwabukuna as assistant lecturers. Newly appointed lecturers, Ms Isolde de Villiers and Ms Lorette Arendse, will join us as from 2011.



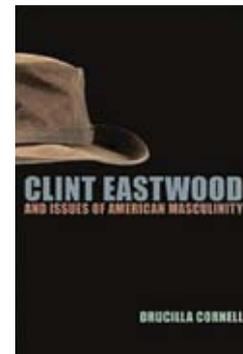
Mr Tshepo Madlingozi was awarded a Commonwealth Scholarship and has left for Birkbeck Law Department, University of London, where he is enrolled for doctoral studies for the next three years.

Two extraordinary professors visited the Department during

2010 – Professor Johan van der Walt during February and Professor Drucilla Cornell during August. Together with Professor Cornell, the Department hosted a Workshop on Ubuntu during August and a roundtable in honour of former Justice Yvonne Mokgoro. The Department was involved in organising, with the Dean's Office, an event for the Book Club on Drucilla Cornell's work *'Clint Eastwood and issues of American masculinity'*.



Professor Drucilla Cornell.



Professor Johan van der Walt.



Professor Pascal Pichonnaz.

Professor Pascal Pichonnaz from the University of Fribourg visited the Department during October and delivered a very interesting lecture on how different legal cultures influence understanding of Contract Law.

There was some time for play. In February, the Department participated in the Faculty Festival. Not only did we win the lunch-time pub quiz in the Law Clinic's coffee shop, but we also received a prize for our participation in the karaoke organised by the Department of Mercantile Law. The Department also had its own production at the Festival, *'Juris(im)prudence'* that presented Plato and the Republic in a 'jamming' of music, narrative and poetry. Well rounded also in play, a few of us were part of the Faculty's (victorious) soccer team against Law House. We also participated in the pre-World Cup shoot-outs where even though the Department had more fun than success, departmental member 'Golden Boot Madlingozi' played for the winning squad.



We would like to extend a word of thanks to all the students who went through our hands this year and to all the other members of Faculty. Thank you and good luck also to Professor Christof Heyns, who is stepping down as Dean at the end of the year.

# Mercantile Law



Monray Botha.



Sylvia Papadopoulos.



University of Essex, UK.



Gabriel Davel.

Another year has passed and for the Department there is much to look back on and reflect upon.

Monray Botha verlaat die diens van die Departement vroeër vanjaar om aan te sluit by die Universiteit van Johannesburg. Hy het egter betrokke gebly by TuksRegte op nagraadse vlak deur die kursus Transnasionale Besigheidsreg te fasiliteer en klasse aan te bied. Hy het ook LLM-studente met hulle skripsies begelei.

Towards the end of February, Sylvia Papadopoulos spent a week at the University of Essex to present two LLM lectures to the Information Technology, Media and E-Commerce students. The presentation was entitled 'The Fifa World Cup 2010 and E-Commerce: A South African Perspective'. The lectures detailed the dispute resolution mechanisms available for tourists to South Africa in the event that there was a contractual dispute for services provided, arising from an online booking through the Fifa Website and affiliated Fifa accredited service providers. She also had the opportunity to attend some seminars on British Telecoms Law.

During April, members of the Department presented a two-day Commercial Law Update Workshop in Johannesburg. The focus was on the latest developments in terms of the National Credit Act and the Consumer Protection Act, as well as aspects of the new Companies Act 71 of 2008, which will radically change the face of Corporate Law in South Africa. Presentations were made by Judge Mervyn King (Chairperson of the King Committee on Corporate Governance), Gabriel Davel (CEO of the National Credit Regulator), Professor David Burdette (Nottingham Trent University), Johann Scholtz (Webber Wentzel), Eric Levenstein and Ina Meiring (Werksmans), as well as UP academics Professors Piet Delpoort and Corlia van Heerden, and the Director of the Law Clinic, Frans Haupt.



Ftr: Stefan Renke (UP), Johann Scholtz (Webber Wentze) and Professor Stefan van Eck (UP).

From June through to September, the Department coordinated the participation of 50 Company Law students in the Sanlam iTrade Virtual Share Trade Competition. This competition enabled students to manage a risk free R1 million virtual portfolio, whilst gaining insight into trading processes and investing on the JSE. Further exposure included a presentation by Gerhard Lampen, Head of Sanlam iTrade, and Wildu du Plessis from Werksmans Attorneys. This firm also generously sponsored prizes awarded to the group of TuksLaw participants. The third year LLB students who walked away with the laurels were: in first place, Lize-Marie de Kock, followed closely by Henry Dicks, Rohan Kruger and Philip

van der Spuy who participated as a group and, in third place, was Noreen Mukora.



Professor Stefan van Eck, Hoof van die Departement Handelsreg, en Tronel Joubert was uitgenooi om gedurende September 'n referaat te lewer by die Internasionale Insolvensiereg Konferensie wat aangebied was deur Nottingham Law School. 'n Nuwe Maatskappijwet tree volgende jaar in Suid-Afrika in werking en bevat 'n omstrede ondernemingsreëlingsprosedure. Die referaat, getiteld 'The expected impact of Labour Law principles on South Africa's new corporate rescue mechanism (including a comparison with the position in the EU)', was mede-aangebied deur David Burdette, 'n buitengewone professor in die Departement.

Early in October, the Department, in conjunction with the South African Society for Labour Law (SASLAW), hosted a Labour Law Workshop for 55 lawyers, advocates, trade union officials and students.

This was the second consecutive year that such a workshop was held at the University of Pretoria. This year's workshop, presented by Adv Nick Smythe from the Johannesburg Bar, focused on the topical issue of 'Interdicting Strikes'. In particular, issues such as the constitutional limitations on the right to strike, the applicable provisions of the Labour Relations Act 66 of 1995 and the Labour Court Rules, were extensively addressed.

In early November three staff members presented papers at the Fifth International Conference on Legal, Security and Privacy Issues in IT Law (LSPI), the Fourth International Law and Trade Conference (ILTC) and the First International Private Law Conference (IPLC), which was held in Barcelona, Spain. Jacolien Barnard's presentation dealt with 'Redress for Consumers in terms of the Consumer Protection Act 68 of 2008: A comparative perspective'. Sylvia Papadopoulos addressed the audience on 'The Draft Anti-Counterfeiting Trade Agreement: A South African Perspective' and Professor Corlia van Heerden's paper dealt with 'Unsolicited Goods or Services in terms of the Consumer Protection Act 68 of 2008'.



Ftr: Adv Nick Smythe, Ezeife Gerike, Professor Stefan van Eck and Michael Yeates from Cliffe Dekker Hofmeyr.

## Private Law

Nog 'n akademiese jaar spoed ten einde en binnekort sal ons afgestudeerde studente die arbeidsmark betree – ons beste wense vergesel ons finalejaar studente op hul pad vorentoe, terwyl ons terug kyk na 'n paar van die hoogtepunte van 2010:

On invitation from Professor Helmut Koziol, Professor Johan Scott presented a lecture at the Institute for European Tort and Insurance Law during April in Vienna, Austria, on 'The impact of the Constitution on the SA Law of Delict, with particular reference to developments in the area of unlawful arrest'.

As National Rapporteur for South Africa, Doctor Birgit Kuschke presented the following papers at the World Congress of the International Association for Insurance Law held in Paris during May: 'The Effect of Climate Change on the Insurance Industry', and 'Mandatory Insurance: Legal and economic myths and realities'. Doctor Kuschke also made a contribution to 'Proposed Rules for Group Personal Insurance Schemes' at the Meeting of the Life, Pension and Collective Insurance Working Party that coincided with the Congress.

During September, Professor Anton van der Linde presented a paper entitled 'The consequences of not adhering to the basic trust idea: Some questions' at a Succession and Trust Law Conference at the University of the Western Cape (UWC). Professor Trynie Boezaart, Head of the Department of Private Law, and Doctor Ann Skelton, Director of the Centre for Child Law, presented a paper entitled 'From pillar to post: Legal solutions for children with debilitating conduct disorder' at a conference on 'Developments in the field of Disability Law in Africa', which was also hosted by UWC.

Several lecturers from the Department presented papers at the Family Law Colloquium held at UWC during September. They are Doctor Ann Skelton, Professor Neil van Schalkwyk, Professor Trynie Boezaart, Professor Anton van der Linde and Doctor Anne Louw, seen below.



## Procedural Law

At the end of 2010, we are taking stock of how the year has passed and what we have made of it. It is time for reflection, new beginnings and giving thanks, in particular to the members of staff in the Department.

In mid-July, as a pilot project, members of the Pretoria Bar under the guidance of Adv John Mullins SC presented a three-day course on trial advocacy to final year students. The programme, which was based on the training model of pupils, concluded with a moot trial presided over by actual judges. The reaction from the participants was overwhelmingly positive and the Department intends to make this an annual event.

Under the directorship of Professor Rian Cloete, the Centre for Sports and Entertainment Law (formerly the Centre for Sports Law) specialises in rendering legal services to the sporting and entertainment world, including sport federations and associations, the professional sports industry, organisations and professional athletes.



**Professor Christof Heyns (seated right) and Mr Chris Job (seated left) sign the agreement establishing the IP Centre, witnessed by members of the Faculty and Adams & Adams.**

Professor Cloete is also the Acting Director of the Centre for Intellectual Property Law, which was created by an agreement between Adams & Adams and the Faculty of Law in 2008. The IP Centre will serve as a platform for the promotion and development of Intellectual Property Law by advancing and disseminating knowledge about intellectual property to potential users of the IP system, as well as providing legal services, advice and assistance to creators of IP in all fields of technology, art and business. As from 2011, the Centre will introduce an LLM in Intellectual Property Law, with topics ranging from Trademark Law to International Property Law in Intellectual Context.

During February, Professor Wium de Villiers attended the Western Society of Criminology 37th Annual Conference held in Honolulu, Hawaii, and presented a paper titled 'Non-evidential derivative use of enquiry proceedings at subsequent criminal trial: The boundaries of prosecutorial authority'. At the beginning of June, he attended the 9th Biennial International Conference in Marrakesh, Morocco. The latter conference was hosted by the John Jay College of Criminal Justice, in partnership with the Advisory Council of Human Rights of the Kingdom of Morocco and Hassan II University Mohammédia Casablanca. The theme of the conference was 'Societies in Transition: Balancing Security, Social Justice and Tradition'. Here, Professor de Villiers delivered a paper on 'The compulsion to give self-incriminating evidence'.

Early in May, Professor Annette van der Merwe participated in the Non-Adversarial Justice: Implications for the Legal System and Society Conference in Melbourne, Australia. She addressed the Conference on 'Restorative Justice emerging in South Africa: some case studies'.

In mid-June, Professor André Boraïne, Head of the Department Procedural Law and Jani van Wyk participated in the 12th International Meeting of the INSOL Academics' Group in Dublin, Ireland. They addressed the meeting on 'Reconsidering the plight of the five foolish maidens: should the unsecured debtor stake a claim in real security?'

Our best wishes accompany the Class of 2010. As a parting thought, we would like to leave you with the words of Tom Brokaw: 'You are educated. Your certification is in your degree. You may think of it as the ticket to the good life. Let us ask you to think of an alternative. Think of it as your ticket to change the world.'



# Public Law

The Department had a busy year as far as representation on international forums is concerned.



The Head of the Department, Professor Charles Fombad, represented the Department at a number of international forums this year. In mid-February, he chaired the African Network of Constitutional Lawyers' (ANCL) Working Group on Teaching Constitutional Law in Africa's planning meeting in Cape Town. He also attended the International Bar Association's African Regional Forum Conference in Cape Town towards the end of March. As a member of the ANCL Executive Committee, he presented a report on 'Unconstitutional constitutional amendments' to the International Association of Constitutional Law Roundtable in Jerusalem. He also presented a paper on 'The role of constitutional changes and human rights in transforming African regimes' at the International Higher Education Support Programme's Regional Seminar for Excellence in Teaching in Budapest in July. Further, as a guest lecturer, he gave a presentation on the 'African Bill of Rights in a comparative perspective' under the auspices of the African Scholar Lecture Series at Unisa at the beginning of August. Towards the end of August, Professor Fombad co-chaired the ANCL Working Group Workshop on 'Teaching of Constitutional Law in Africa', which was held in Cape Town. He will shortly be on his way to co-chair the workshop on 'The principle of separation of powers reviewed' at the 8th World Congress of International Association of Constitutional Law in Mexico City during December.

During June, Professor Jolandi le Roux-Bouwer attended the 23rd Conference of the International Society for the Reform of Criminal Law in Lisbon, Portugal. The Society is an international, non-governmental association of judges, legislators, lawyers, academics and government officials who are working actively on the administration of criminal justice, both in their own jurisdictions and internationally. The Conference dealt with 'Economic crime, crimes against economies, and economic influences on crime'.



Mr Gus Waschefort, who joined the Faculty earlier in the year, presented a guest lecture to LLM students at the School of Oriental and African Studies (SOAS), University of London, during March. On behalf of the Centre for Human Rights, Gus also presented a lecture to members of the Police Advisory Committee (PAC) of Somalia, based in Mogadishu, as part of a training course designed by the African Policing Civilian Oversight Forum (APCOF) in September.

At the end of August, the Department bid farewell to one of its lecturers, Judge Albert Hoffmann, who will be conducting a number of hearings in his capacity as Judge of the International Tribunal for the Law of the Sea in Hamburg, Germany.

The Department would like to wish everyone a prosperous and happy 2011. The beginning of a new year is always an exciting time, as it allows us to reflect on the past and decide if the same path should be continued or altered.

# Law Clinic



## New historical home

The Law Clinic recently moved into four houses bordered by South and Hilda Streets. The three houses facing onto South Street are true architectural gems, and excellent examples of the high quality of craftsmanship available at the time of their construction, i.e. between the First and Second World War, as is evidenced by their planning and detailing.



Fltr: Adv Gys Rautenbach, who started the Law Clinic 30 years ago, with Mr Frans Haupt, Director of the Law Clinic and Professor Cheryl de la Rey.

## Law Clinic celebrates 30th anniversary

The Law Clinic celebrated its 30th anniversary with a formal dinner towards the end of October. During this occasion the first copy of a commemorative journal was handed to Professor Cheryl de la Rey, Principal and Vice-chancellor of UP. A short documentary on the highlights of the past 30 years was also screened.



Thanking the Clinic and all its stakeholders, Professor de la Rey stated: 'The existence of the University of Pretoria's Law Clinic over the past 30 years has seen its growth from being an ordinary unit to being the best and largest in the country. Its growth has not been limited to size only, but mainly in accordance with social relevance, research, academic depth and international recognition'.



Some members of the Law Clinic team and staff from the Faculty of Law joined in the celebrations.

The Dean of the Faculty of Law, Professor Christof Heyns, paid tribute to the management and staff of the clinic: 'The Clinic not only serves as a flagship for the Faculty's community service, but also contributes greatly to the education of law students and candidate attorneys. Further, the research conducted by the Law Clinic informs legislation and regulations'.



Fltr: The Registrar of UP, Professor Niek Grové, Director of Community Engagement at UP, Professor Denver Hendricks, Mrs Helen Smith and Mr Edwin Smith, Director of the UP Mamelodi Campus, Vice-Chancellor and Principal of UP, Professor Cheryl de la Rey, Director of the Law Clinic, Frans Haupt, Dean of the Faculty of Law, Professor Christof and Mrs Fearika Heyns and the Senior Vice-Principal of UP, Professor Chris de Beer.

## Law Clinic hosts international conference



During mid-August, the Clinic became one of a handful of university law clinics in the world to host an international academic conference. The conference on 'Credit Regulation and Over-indebtedness' was chaired by Prof Harry Rajak from the University of Sussex in the UK.

International experts presenting papers included Professors Nick Huls (University of Leiden and Erasmus University), Patricia McCoy (University of Connecticut), Peggy Maisel (Florida International University) and Mr Malcolm Hurlston (Chairperson, Consumer Credit Counselling Services, UK). Amongst a host of speakers from South African universities were Professors André Boraine and Corlia van Heerden, as well as Mr Stefan Renke. Two UP Law Clinic attorneys, Ms Mareesa Kreuser and Ms Anneke Smit, also presented papers. Other speakers included Judge Eberhard Bertelsman and Mr Grabiél Davel, CEO of the National Credit Regulator.

Fitr: Mr Franciscus Haupt (Director UP Law Clinic), Prof Patricia McCoy, Prof Peggy Maisels, Ms Aniki van Wyk (Office Manager, UP Law Clinic), Prof Nick Huls, Emiritus Professor Harry Rajak, Mr Malcolm Hurlston (Chairperson CCCS, UK) and Mr Lourens Grové (Conference Organiser, UP Law Clinic).

## Law Clinic outshines competitors on the volleyball fields

Participating in the annual Spring Day celebrations for UP staff members has become a tradition for the Clinic's staff members. This year the Clinic managed to clinch the volleyball competition for the first time and celebrated their victory late into the night.



# Mooting and debating



## National Schools Moot Court Competition 2010/11

Following on the two Schools Moot Court Competitions that were hosted by the Faculty during 2008 and 2009, the

inaugural National Schools Moot Court Competition for senior learners in South Africa will culminate in the final rounds taking place from 18 to 21 March 2011.

This Competition is co-presented by the Universities of Pretoria, Venda and the Western Cape, in partnership with the Departments of Justice and Constitutional Development and Basic Education, as well as the Foundation for Human Rights. Support will be provided by other law faculties, the legal profession and the courts.

The Competition is aimed at creating greater awareness of the Constitution and the values that it enshrines through active participation in South African schools and communities. It further provides a unique opportunity for learners to consider a career in law.

By the closing date for participation in the first round, 165 sets of arguments had been received from the participating schools.

## Internal Moot Court Competition

During October teams who participated in the Internal Moot Court Competition argued the Constitutional validity of Closed Shop Agreements and the liability of employers, after the termination of employment contracts, for damages suffered by their former employees.

Tshepiso Scott (LLB II) won the Best Oralist award. Adriaan Engelbrecht (BCom Law III) and Barend Coetzer (BCom Law III) won the prize for Best Heads of Argument and also came in at first place. With just 0.8% separating the winners and runners-up, Sibosiso Nlangeni (LLB II) and Tshepiso Scott (LLB II) ended in second place.



**Fltr:** Adriaan Engelbrecht and Barend Coetzer (centre) seen here with adjudicators Professor Stefan van Eck; Chairperson of the Moot & Debating Society, Tumi Matlou (LLB IV) and Daniel Kevvy (LLM Student).

## World Human Rights Moot Court Competition

The second World Human Rights Moot Court Competition was presented by the Faculty, with the support of the Regional Office for Southern Africa of the United Nations High Commissioner for Human Rights (ROSA), on 8 and 9 December. Law faculties from across the globe have been invited to submit memorials, based on a hypothetical case, whereafter a panel of experts assessed same. As a result, three teams from each of the five UN regions were invited to participate in Pretoria:

### African Region

- Midlands State University, Zimbabwe
- University of Mauritius
- University of KwaZulu-Natal, South Africa

### Asian Region

- Ateneo de Manila University, Philippines (Best memorials)
- Hidayatullah National Law University, India
- University of the Philippines

### Western Europe and others Region

- University of Lucerne, Switzerland
- University of Sydney, Australia
- University of New South Wales, Australia (Second place)

### Eastern European Region

- Babes-Bolyai University of Cluj Napoca, Romania
- Vilnius University, Lithuania
- Debrecen University, Hungary

### Latin America and the Caribbean Region

- Hugh Wooding Law School, Trinidad and Tobago
- University of the West Indies Norman Manley Law School, Jamaica (Winning team and Best Oralist (Merrick Ricardo Watson))
- University of Puerto Rico

The presiding judges in the final round in Pretoria were eminent jurists and judges from international tribunals and bodies.

This Competition is one of the most powerful vehicles available to promote the cause of human rights among young people worldwide. There was huge interest in the Competition in the first two years, and we have little doubt that it will become the World Cup for human rights education.

For more details on the competition please see [www.up.ac.za/law](http://www.up.ac.za/law) or contact the organiser, Cheryl Botterill, at [cheryl.botterill@gmail.com](mailto:cheryl.botterill@gmail.com).



**Fltr:** Mr Uli Parulian Sihombing, Executive Director of the Indonesian Legal Resource Center (ILRC); Judge Florence Ndepele Mumba, former Judge of the International Criminal Tribunal for the former Yugoslavia; Judge Mark Villiger, European Court of Human Rights; Ms Yanine Poc, Regional Representative of the United Nations High Commissioner for Human Rights in Southern Africa, Office of the United Nations High Commissioner for Human Rights; and Judge Anita Ušacka, Judge of the Appeals Chamber of the International Criminal Court in The Hague.

# 19th African Human Rights Moot Court Competition



During the first week of October, three TuksLaw students participated in the 19th African Human Rights Moot Court Competition held in the Republic of Benin, hosted by the University of Abomey-Calavi in conjunction with the Centre for Human Rights.

Jan Norval (LLB III) and Octavia Pletschke (LLB III), accompanied by Coach Daniel Keevy (LLM student), participated in four rounds as Applicant and Respondent against teams from every region of the African continent. The hypothetical case argued in the African Court on Human and Peoples' Rights dealt with aspects of indigenous culture, HIV/Aids and polygamous marriages.

This Competition brings together law students, academics and judges from every corner of Africa with the aim of promoting the protection of African human rights through the education of future practitioners of law. Participants also attended a seminar on human rights, as well as an excursion to the Slavery Route and Ouidah Beach.

Overall, the University of Pretoria obtained tenth place in the English-speaking division, and both participants ranked in the Top Ten oralists – Jan Norval obtained second place and Octavia Pletschke eighth place. TuksLaw was the only team to obtain Top Ten oralists ranking in the English rounds.



# Kovsies First Year Moot Court Competition

In early October, the annual Kovsies First Year Moot Court Competition saw 17 national teams and one international team competing for top honours in Bloemfontein.

TuksLaw entered four teams in the Competition: two English teams and two Afrikaans teams. The Afrikaans TuksLaw team of Hermann Pretorius and Petronell Kruger beat the TuksLaw team of Gert Nel and Bianca Kehrhahn in the final round. Hermann Pretorius was awarded Best Oralist in the Afrikaans Division.

Two TuksLaw teams competed against each other in the final round of the Afrikaans division of the University of the Free State First Year Moot Court Competition.

The English team of Emile Zitzke and Serena Kalbskopf also made it through to the final round, obtaining second place against the team of the Charlotte School of Law, North Carolina, USA. The team of Tshepo Seloane and Daniela Galego made it through to the semi-finals. In the final, the winners of the Afrikaans rounds (Hermann Pretorius and Petronell Kruger) had to apply their advocacy skills against the Charlotte School of Law, who were the winners of the English Division and who walked away with the laurels.



Front: Otentse Motlhasedi (coach of the English teams), Daniela Galego, Serena Kalbskopf and Bianca Kehrhahn. Middle: Gert Nel, Tshepo Seloane, Linette du Toit (co-coach of the Afrikaans teams), Petronell Kruger and Hermann Pretorius. Back: Jason Gouveia (co-coach of the English teams), Emile Zitzke and Charné van Biljon (coach of the Afrikaans teams).



The winners of the Kovsies Afrikaans rounds.



# Inaugural Child Law Moot Court Competition

During September, TuksLaw mooters participated in the first ever Child Law Moot Court Competition, hosted by the Centre for Child Law. Natasha Watt (LLB II) and Khomotso Moshikaro (LLB II), coached by Katherine Harding (LLB III), represented UP at this competition. The case study for this competition dealt with issues of parental rights and responsibilities, child trafficking, extradition and deportation.

The UP team walked away with every award from the competition. Khomotso won the award for Best Oralist, with Natasha in second place. The UP team also won the final round, as well as the award for Best Memorials.



# 2010 LexisNexis Mock Trial Competition

The annual LexisNexis Mock Trial Competition, featuring 12 teams representing a number of law faculties from South African universities, was held at the Potchefstroom Campus of the North-West University at the end of September. Godwin Kakande (LLB IV) and Alberts Krige (LLB IV) represented TuksLaw and were accompanied by their coach, Noëlle Oosthuizen (candidate attorney at the Law Clinic).

The competition consisted of four rounds during which the teams were handed facts based on actual criminal cases. Teams were given an hour and a half to prepare, whereafter the top four teams would proceed to a knockout semi-final, leaving only two teams standing to face each other in the final round in front of a panel of five adjudicators, headed by Judge Adolf Landman.



TuksLaw endured a tough series of rounds to make it to the final, which was held in the NWU Moot Court in front of a large crowd. TuksLaw's 'prosecuting' team achieved a well deserved second place with a final score of 88% for the NWU (Potchefstroom campus) team against TuksLaw's 87.5%.

According to Alberts and Godwin, their participation in this competition has greatly developed their skills in trial advocacy, examination-in-chief and presenting unassailable closing arguments.

# 51st Philip C. Jessup International Law Moot Court Competition

As winners of the 2010 South African Round held in February, the TuksLaw team qualified to participate in the 51st Philip C. Jessup International Law Moot Court Competition, hosted in Washington D.C. during March. The competition featured 105 teams from over 80 countries.

After four preliminary rounds the TuksLaw team was eliminated. However, in the overall ranking the team was placed in the top 50 (44th place) and was the highest ranked African team. Both Katherine Harding (38th) and Ian Learmonth (49th) were placed in the Top 50 orlists out of approximately 400 orlists participating.

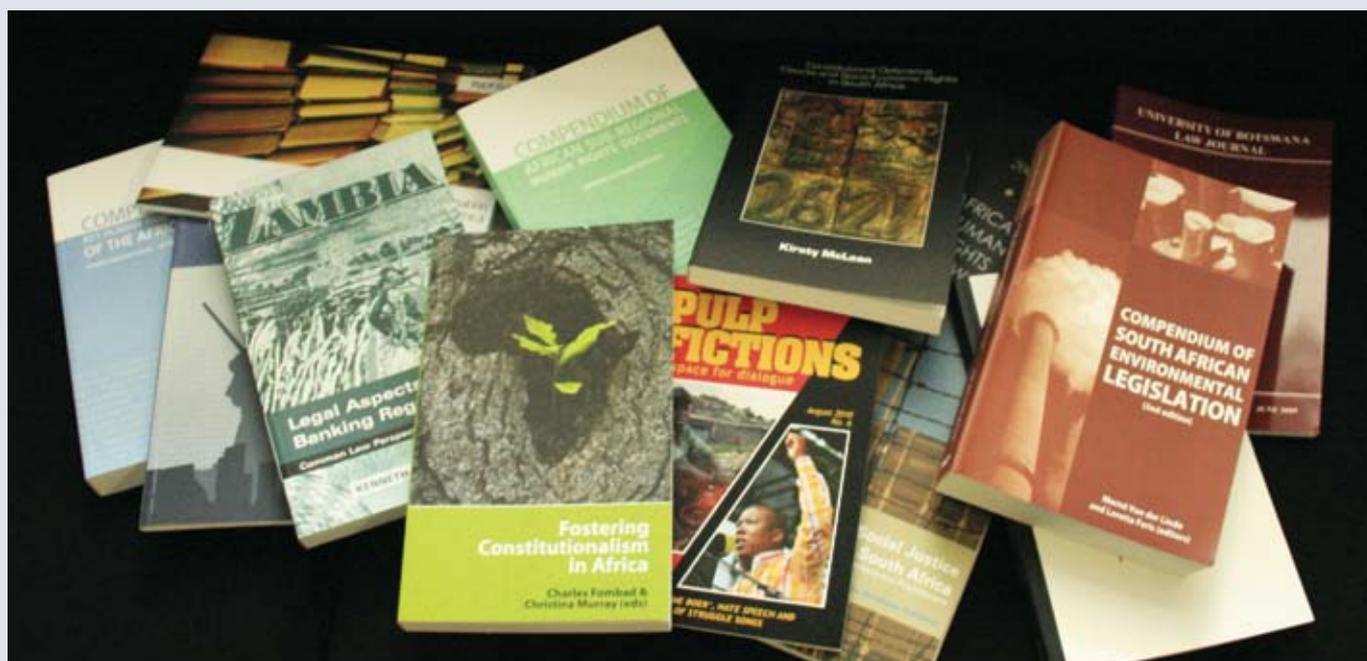
For more details on TuksLaw's participation in Moot Court Competitions, kindly visit [www.up.ac.za/law](http://www.up.ac.za/law).



## TuksLaw students show off their debating skills

In early March, students converged to participate in the Annual Debating Competition. Individual students competed against each other in the Moot Court, advancing arguments as to whether or not polygamy constituted a human rights violation. After the semi-final round, Gustav Preller (LLB III) and Augustine Marrah (LLM student) competed for the trophy on the topic 'The assassination of a dictator is justified'. Augustine walked away with the laurels, with Gustav a close second. The panel of adjudicators, chaired by Adv Marius Oosthuizen SC, commended all participants on their talent and tenacity.





## The Pretoria University Law Press

The Pretoria University Law Press (PULP), an independent press based at the Faculty, seeks to strengthen the rule of law and promote legal scholarship on the African continent by publishing primary materials and scholarly texts on law and its related disciplines in Africa. PULP also publishes two law journals – the Constitutional Court Review and Pretoria Student Law Review; discussion papers on topical issues (PULP Fictions); and guides on legal writing and academic publishing in law.

Keeping with PULP's access to information policy, all the books are available online in electronic format at no charge.

### New publications

- Constitutional Deference, Courts and Socio-Economic Rights in South Africa - Kirsty McLean
- African Human Rights Law Reports 2008
- Perspectives on the rights of minorities and indigenous peoples in Africa – Solomon Dersso (ed)
- Compendium of South African Environmental Legislation, 2nd Edition - Morné van der Linde & Loretta Feris (eds)
- Pretoria Student Law Review (2009)3 – Editors: Heinrich Louw, Lynette Osiemo, Ian Learmonth, Francisca Pretorius, Avani Singh & Jared Luke Schultz. Assistant Editors: Bronwynne Botha & Tisetso Makoko
- PULP Guide: Finding legal information in South Africa 2010 - Shirley Ann Gilmore
- Compendium of African sub-regional human rights documents - Solomon Ebobrah & Armand Tanoh
- Legal aspects of banking regulation: Common law perspectives from Zambia - Kenneth K Mwenda
- Recueil Africain des Décisions des Droits Humains 2003
- Fostering Constitutionalism in Africa - Charles Fombad & Christina Murray
- Mobilising social justice in South Africa: Perspectives from Researchers and practitioners - Jeff Handmaker & Remko Berkhout
- Compendium of key human rights documents of the African Union, 4th Edition - Christof Heyns & Magnus Killander
- On 'Shoot the Boer', hate speech and the banning of struggle songs - Pierre de Vos & Willie Spies
- The University of Botswana Law Review Volume 9, December 2009
- PULP GUIDE: Where to publish articles on the law
- Information on academic journals relevant to law and accredited by the Department of Education of South Africa (3rd edition).

### Upcoming publications

- Politokrasie: 'n Peiling van die dwanglogika van die territoriale staat en gedagtes – Koos Malan
- International law and domestic human rights litigation in Africa – Magnus Killander
- Indigenous knowledge systems and intellectual property laws of South Africa – George Mukuka
- Land Planning Regulation in Africa – Rob Holme.

For more information, visit the PULP website at [www.pulp.up.ac.za](http://www.pulp.up.ac.za)



# TuksLaw Students

## A hearty welcome to international law students

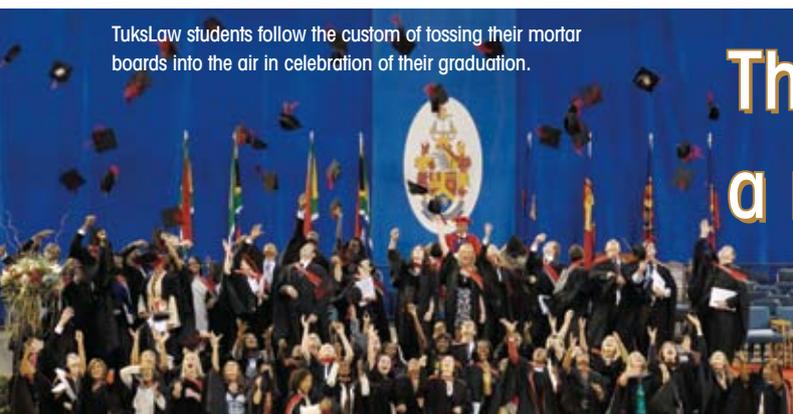
An annual feature on the Faculty's calendar is the welcoming of its international law students early in the academic year. During February, the Dean, Professor Christof Heyns, together with Professor Anton van der Linde, the coordinator of the Faculty's internationalisation, formally welcomed the students to the TuksLaw community. The audience consisted of postgraduate and undergraduate students from as far as the USA, Benin and Kenya, to name a few.

## Regsloopbaandag

Gedurende middel Maart het die Fakulteit weer die jaarlikse Regsloopbaandag vir studente aangebied. By hierdie geleentheid word uitstalruimtes gratis aan firmas en instansies voorsien waar hulle regstudente te woord kan staan. Hierdie geleentheid bied die ideale platform vir maontlike werkgewers om informeel met studente te skakel, en dien ook as basis vir studente om loopbaanmoontlikhede te ondersoek. Die 2011 Regsloopbaandag vind op 12 Maart plaas en belangstellende firmas en instansies is welkom om Sanet.Bosman@up.ac.za te kontak vir meer inligting in die verband.



TuksLaw students follow the custom of tossing their mortar boards into the air in celebration of their graduation.



## Throwing of the caps – a new tradition is born

The throwing of graduation caps is a long-standing tradition at academic institutions. Graduates were captured in the act during the Autumn and Spring Graduation Ceremonies.



# Law Faculty Festival – 'A picture is worth a thousand words'

In late February, lecturers and students gathered to celebrate the diverse cultures in the Faculty of Law. The drizzle on the day did not succeed in dampening the spirit of those present and great fun was had by all – lively performances ranged from individual and departmental talent such as the Law Clinic's Tea Garden, 'Radio Private Law', Legal History's jamming, Mercantile's karaoke, a fashion show, the UP Chorale to the Dean's band, 'The Outlaws'.







Scenes from the Faculty 'World Cup' events.

## 2010 Faculty World Cup

The Faculty could not remain impervious as the 2010 FIFA World Cup fever hit the nation shortly before the June/July recess. The lawn next to the Faculty had to double-up as 'The Calabash' and made way on four consecutive Friday afternoons for 'Bafana Banyana teams', consisting of lecturers and students, kicking for goal. Students and staff alike enjoyed seeing Professor André Boraine bending it like Beckham, Professor Christof Heyns assuming the role of Aaron Mokoena and Professor Karin van Marle giving Banyana Banyana a run for their money.

A student team, 'The Roman Rangers', emerged victorious, beating the Law Clinic (Mamelodi), HoDs, Office of the Dean, 'Sammy's Quartet', Law House Rugby and 'The Warriors' to clinch the title!

## TuksLaw Rugby

by FJ Labuschagne (LLD student)

The TuksLaw Rugby team has had yet another great sporting season in the Tuks Steinhoff Varsity Cup Residence League. Continued participation by team members was made possible by the following sponsors: Spoor & Fisher, Nedbank, Global Nissan, the Sports Law Centre at HPC and Gerhard Pienaar Physiotherapists. We would also like to thank Professor Rian Cloete and Ms Elzet Hurter from the Faculty of Law for their support.

Anyone who would like to participate as a player or spectator, should send an e-mail to [f.labuschagne@tuks.co.za](mailto:f.labuschagne@tuks.co.za).



# Constitutional Tribunal

## 2010 Konstitusionele Tribunaal reik uit

deur Hanneke Verwey (LLB IV)

Die Konstitusionele Tribunaal verseker dat UP-studente se regte beskerm en gehandhaaf word. Benewens hul amptelike funksies ag die Tribunaal ook aktiewe deelname aan gemeenskapsdiens as 'n onontbeerlike komponent.

Gedurende Augustus het die Tribunaalrede, met finansiële hulp van KV3 Ingenieurs, 50 teddiebere en lekkergoedpakkies uitgedeel aan siek kinders by die Steve Biko Akademiese Hospitaal. Die meerderheid van die pasiënte ly aan hartkwale en is besig om aan te sterk na hartchirurgie. Besoeke aan die Steve Biko Akademiese Hospitaal vind op 'n weeklikse basis plaas en word georganiseer deur 'n geregistreerde welsynsorganisasie, die Hanna Charity and Empowerment Foundation.



## 2011 Constitutional Tribunal

The new members for 2011 are Chief Justice Petri Mostert, Deputy Chief Justice Katherine Harding and Registrar Christina Mosalagae. Debbie Labuschagne and Johnathan Leibbrand were appointed as senior judges, whilst Charzanne Grobler, Joné Laubscher, Felicity Modiope, Khomotso Moshikaro, Kyle Smit, Wesley Timm, Francois van der Merwe and Tevaughnay van Wyk were appointed as judges.

## Constitutional Court excursions

Early in August this year, 60 students participated in an excursion arranged by Law House. Students had the opportunity to experience Constitutional Hill (featured here) and appreciate the history and significance of the Court. In mid-August, members of the Moot & Debating Society had the opportunity to visit the Constitutional Court to observe the proceedings surrounding the case of *Le Roux and Others v Dey and Others* (CCT 45/2010).

## Supervised internships pick up momentum

During this past year, 29 LLB students qualified to serve supervised internships for a minimum of 120 hours at host institutions in Gauteng. Officials in the host institutions acted as supervisors and submitted assessment reports on students' performances. Upon completion of the respective internships, participants had to submit written reports, whereafter they were assessed by Faculty supervisors before final marks were awarded for this elective subject field that is available to senior law students.

The Faculty would like to express its appreciation to the following host institutions:

Centre for Child Law	4 students
Centre for Human Rights	1 student
Competition Tribunal	2 students
Credit Ombud	3 students
FAIS Ombud	1 student
Family Advocate	2 students
Government Attorneys, Namibia	1 student
International Labour Organisation (ILO)	1 student
Johannesburg Stock Exchange (JSE)	2 students
Lawyers for Human Rights (LHR)	1 student
National Prosecuting Authority (NPA)	10 students
Save the Children	1 student



# Towards an alliance of civilizations: bridging cultures to achieve peace and development

by Wesley Timm (LLB III)

In mid-August, the United Nations Department of Public Information held the second annual Global Model United Nations (GMUN) Conference in Kuala Lumpur, Malaysia. The conference was a simulation of a United Nations summit concerning the future of the Alliance of Civilizations, an actual UN endeavour to bridge the gaps between cultures that exacerbate conflict.

The goal of the Conference was to reach total consensus among delegates – the occurrence of a vote essentially symbolising defeat. This year's Global MUN was successful in reaching this consensus between all 192 member states of the MUN, thanks to the hard work of over 600 delegates.

Taking part in this monumental simulation of international law making were four South Africans, all from the University of Pretoria. Yolandi Meyer (LLB III) and Wesley Timm (LLB III) from TuksLaw represented Ireland and Russia, respectively. They were joined by Brendan Stott (BEng I) and Marlie Holtzhausen (BAdmin II), respectively representing Iraq and Italy. The trip was made possible by financial support from Nestlé Malaysia, as well as the United Nations Department of Public Information.

Though a small delegation, The UP delegates held their own, representing South Africa and the University of Pretoria, by winning the Best Position Statement prize in the third committee (one of only four prizes awarded). For more information on the conference, see: [www.un.org/gmun](http://www.un.org/gmun).

Wesley Timm (seated far right), representing the Russian Federation, was one of the four winners for his paper on behalf of the Committee on Cultural Challenges to Global Human Security.



Marlie Holtzhausen, Brendan Stott and Yolandi Meyer.



# TuksLaw students attend Students for Law and Social Justice Seminar

by Joel Modiri (LLB I)

During the last weekend of September, eight students from the University of Pretoria participated in the deliberations at the regional KZN seminar on Students for Law and Social Justice (SLSJ). Throughout the course of the seminar, students, academics, practitioners and judges debated and considered issues, such as the future of socio-economic rights litigation in South Africa, law reform and access to justice for children and the poor, legal aid, compulsory community service for LLB graduates and law's role in social transformation and addressing socio-economic inequalities.

For the TuksLaw students, this trip also set an objective of assessing the viability of establishing an SLSJ branch, building networks with other law schools, and possibly hosting similar seminars and debates in the future. The Faculty aims to send more students next year in order to develop the awareness of law students on challenges facing the legal profession and indigent communities.



Fltr: Motshedisi Makoea (LLB II), Tshelo Mojapelo (LLB II), Joel Modiri (LLB I) and Alfred Moraka (LLB I) with Justice Zak Yacoob.

# Educating Prisoners About Human Rights

by Jonathan van der Walt (LLB IV)



"For even a lawfully incarcerated prisoner retains all the rights and freedoms that everyone possesses, except to the extent that they are attenuated by legislation or incompatible with the fact of his imprisonment. It therefore constitutes an actionable *injuria* to hold an incarcerated person in solitary confinement, to restrict his right to take exercise or to refuse him access to reading material or radio broadcasts without lawful authority. Detainees do not leave their rights behind them at the prison gates or even at the door of the solitary-confinement cell." - Judge Mervyn King

The above statement was the driving force behind the operations of EPAHR in 2010. Law students, ranging from their second to final years of study,

contributed their time and efforts towards this relatively young organisation, which seeks to inform unsentenced offenders about their fundamental human rights and responsibilities. The experience provides students with the opportunity of grappling with the moral dilemma that faces society regarding prisoners and, at the same time, of observing the effects of the legal system we seek to uphold.

In 2010 EPAHR invited the Pretoria Central Jazz Band to perform at the annual Law Festival, which was a resounding success. EPAHR, as well as the Constitutional Tribunal, toured C-Max and the female prison at the Pretoria Central Correctional Facility, which was an eye-opening experience for all.

## Legal Shebeen

by Alfred Moraka (LLB I)

From the legalisation of marijuana to xenophobia, this year no controversial topics went untouched as TuksLaw shebeeners convened on Friday afternoons to debate and reflect on topics that affect us and the face of law as we know it. The Legal Shebeen provides a platform for young legal minds to tackle current and contentious issues from a legal and political perspective. It has broken away from the formal styles of debating and has instead provided a more casual and interactive platform to address vital issues that affect law in South Africa. At times controversial topics caused a stir – strong personal opinions were raised and even brought some to tears in true shebeen style.

If you are looking for intellectual stimulation, the Legal Shebeen is the place to be. So see you next year, same time and same place.

## Integrated Legal Problem Solving Exercise

Last year the Faculty introduced a voluntary opportunity for students to participate in an Integrated Legal Problem Solving Exercise. This exercise requires students to draft a legal opinion on a hypothetical case study, drawing on the legal knowledge that they have acquired in all their courses during their legal studies so far. Based on its success, second and third year students again had the opportunity to participate this year. Twelve second year law students enrolled under the guidance of Professors Anton van der Linde, Steve Cornelius and Doctor Anne Louw from the Department of Private Law, and nine third year students submitted exercises under the guidance of Doctor Danie Brand from the Department of Public Law. Adv Marius Oosthuizen SC from the Pretoria Bar assessed students from both year groups.

# Pretoria Student Law Review

by Jared Luke Schultz (LLB III)

The annual Pretoria Student Law Review (PSLR) provides a dynamic forum for students to express their views on important legal issues and have them published in an accredited scholarly journal. It is distributed to members of the Judiciary, the Bar, Attorneys' Profession and the Academy. This makes it a premier publication for student research on key areas of law and legal theory.

It is further important to create a platform for students to engage critically with law through academic writing. The previous three editions of the PSLR encompass a wide range of topics from Jurisprudence, Comparative Law, Commercial Law, Public Law through to Human Rights Law.

The members of the Editorial Board were Ian Learmonth, Godwin Kakande, Natasha Mandizha, Jared Luke Schultz, Ulrich Fobian and Ashlin Perumal. The Assistant Editor was Khomotso Moshikaro. The 2010 PSLR is expected early in the new year.

For more information or to order a hard copy of the Reviews, please visit the PSLR website on [www.pslr.co.za](http://www.pslr.co.za).

## Annual Open Days Prospective Undergraduate TuksLaw Students



Once again this event created an ideal opportunity for prospective students to experience what UP, and in particular the Faculty, has to offer. During mid-May, prospective students and their families were enlightened to the study routes and opportunities, admission requirements and facilities.

## Prospective Postgraduate TuksLaw Students

During mid-September, the Faculty hosted its annual Open Day for prospective postgraduate students. Prospective students had the opportunity to gain insight into Master's and Doctoral programmes offered by the Faculty and to interact with possible postgraduate supervisors from the Faculty.



# Annual Law Dinner a French affair

by Leon van der Merwe (LLB III)

**'Nighttime sharpens, heightens each sensation,  
Darkness wakes and stirs imagination.  
Silently the senses, abandon their defences,  
Helpless to resist the words I write...'**

In mid-October, 400 law students and lecturers experienced a night to remember, filled with French flair.

**'Slowly, gently, night unfolds its splendor,  
Grasp it, sense it, tremulous and tender...'**

The venue at Batterboys, Montana, was decorated in shades of red, black and pink. The extravagant draping, the mixture of sparkling fairy lights, chandeliers and 1 500 roses were breathtaking.

The Mesdames looked beautiful in their evening gowns, whilst dashing Messieurs nonchalantly stood by their sides. The food was spectacular and the chefs kept on serving at the buffet table. I suddenly realised that law students love their food!

We were pleasantly surprised to notice that not only students find joy in dancing – in fact, the lecturers can still teach us a step or two on the dance floor. A diverse range of music was played, from Kurt Darren's 'Kaptein', all the way to Snoop Dog's 'Drop it like it's hot'. Oh yes, and Professor Anton Kok, you are the Faculty's very own Michael Flatley!

To each and every person who assisted and contributed to this splendid function, a warm thank you! And lastly, to our final year students...

**'Cherish your visions and your dreams,  
as they are the children of your soul;  
the blueprints of your ultimate achievements.'**  
- Napoleon Hill



Stephen Keet Photography





# Law House: 'Acta est fibula...'

by Lechani Wotho (LLB IV): 2009/10 Chairperson of Law House



'We have fought the good fight, we have finished the race, we have kept the faith.'

The 2009/10 Law House Committee Members would like to thank everyone who supported Law House and its activities during the year. In particular, we would like to extend our gratitude towards Profs Christof Heyns and Anton Kok, and our Guardian, Dr Birgit Kuschke, for their support.

Fellow students, we leave you with the following words from Lou Holtz: 'Ability is what you are capable of doing. Motivation determines what you do. Attitude determines how well you do it.'

It has certainly been a great pleasure! Mu sale zubanana, salang sentlthe, nisaleni gahle, mooloop, tsela tshweu betshu!

# '... ad initium'

by Leon van der Merwe (LLB III): 2010/11 Chairperson of Law House

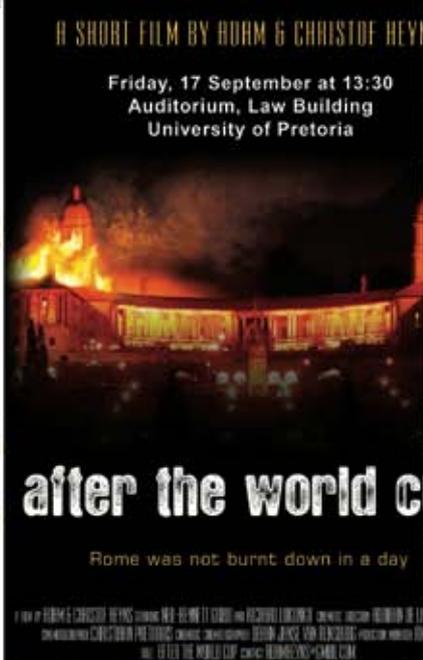
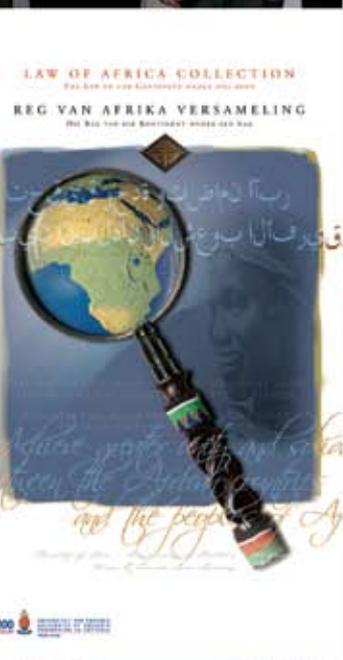
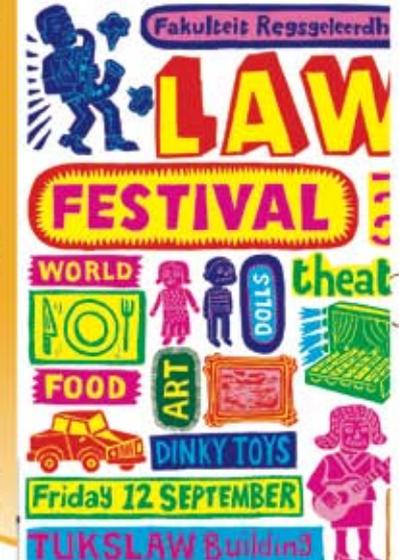
A ship with only a captain can sail nowhere. Its success depends on the ability of the crew to work harmoniously together as a team to sail towards promising horizons. The new Law House Committee (Anita du Toit, Boitumela Khoza, Mpilo Mahlangu, Eric Mashida, Sello Ntseiseng, Phuti Phaka, Sankari Reddy and Eben van Zyl) is eager and capable and will ensure that Law House, designed for law students and managed by law students, remains on course.

Law House is first and foremost academically orientated, with the aim of serving law students to obtain their degrees. However, there is no reason why this development process of future lawyers cannot be filled with heaps of fun to make these few years, before we become professionals, enjoyable. Therefore it is the Committee's aim to enable law students to embrace their education at this Faculty in such a way that it becomes an even more memorable experience.

We are here to represent and serve TuksLaw students and we would like every student to play an active role in Law House, and to use this 'vessel' to make their law training smooth sailing. As matelots, the Law House Committee is looking forward to navigating this flagship with the winds of success in its sails for the benefit of law students.

'Sail away from the safe harbor.  
Catch the trade winds in your sails.  
Explore. Dream. Discover.'  
- Mark Twain





# ceatup

Academic staff members from the Faculty are involved in the presentation of the following courses through Continuing Education at the University of Pretoria. These development opportunities are available to emerging and established professionals through quality career-focused courses in association with the Faculty.

## **Advanced Certificate in Insolvency Litigation and Administration Practice**

Course Leader: Prof André Boraine, Procedural Law

## **AIPSA Diploma in Insolvency Law**

### **and Practice (Correspondence or (Part-time))**

Course Leader: Prof André Boraine, Procedural Law

## **Certificate Course in Advanced Trust Law**

Course Leader: Prof Anton van der Linde, Private Law

## **Certificate Course in Gender Equality in Africa**

Course Leader: Mr Kweku Anti, Centre for Human Rights

## **Certificate Course in Socio-Economic Rights**

Course Leader: Mr Kweku Anti, Centre for Human Rights

## **Certificate Course on the Children's Act**

Course Leader: Prof Ann Skelton, Centre for Child Law

## **Certificate in Advanced Deeds Practice and Procedure**

Course Leader: Mr Allan West, Procedural Law

## **Certificate in Advanced Labour Law**

Course Leader: Prof Stefan van Eck, Mercantile Law

## **Certificate in Disciplinary Enquiries at the Workplace**

Course Leader: Prof Stefan van Eck, Mercantile Law

## **Certificate in Family Mediation**

Course Leaders: Prof Trynie Boezaart and

Dr Amanda Boniface, Private Law

## **Certificate in Insolvency Litigation and Administration**

Course Leader: Prof André Boraine, Procedural Law

## **Certificate in Legislative Drafting**

Course Leader: Prof Christo Botha, Public Law

## **Certificate in Local Government Law and Municipal Administration**

Course Leader: Prof Bernard Bekink, Public Law

## **Certificate in Medical Law for Health Care Practitioners**

Course Leader: Prof Pieter Carstens, Public Law

## **Certificate in Medical Law for Legal Practitioners**

Course Leader: Prof Pieter Carstens, Public Law

## **Certificate in Public International Law**

Course Leader: Prof Erika De Wet, Institute for International and

Comparative Law in Africa

## **Good Governance Course**

Course Leader: Mr Kweku Anti, Centre for Human Rights

## **Law School**

Course Leader: Prof Rian Cloete, Procedural Law

## **Seminar on the National Credit Act - Practical Implications**

Course Leaders: Mr Stéfan Renke, Mercantile Law and

Mr Frans Haupt, Law Clinic

## **Short Course in Forced Migration and Human Trafficking**

Course Leader: Mr Kweku Antwi, Centre for Human Rights

## **Short Course in Sexual Minority Rights**

Course Leader: Mr Kweku Antwi, Centre for Human Rights

## **Short Course on Child Justice**

Course Leader: Prof Ann Skelton, Centre for Child Law

## **Short Course on the Consumer Protection Act 68 of 2008**

Course Leader: Prof Corlia van Heerden, Mercantile Law

For more information, please visit: [www.ceatup.com](http://www.ceatup.com)