

Righting Wrongs

The LLM in Human Rights &
Democratisation in Africa
Alumni Association Newsletter
Issue No 8 - October 2013

DEFENDING
with **Excellence**,
ADVOCATING
with **Ubuntu**

CONTENTS

Editorial	2
The Centre's Word	3
Each One Bring One Campaign	3
Highlight	4
Reflection	7
Current Year	9
Sherehe	10
Okuyozayoza (Part 1)	11
Okuyozayoza (Part 2)	12
What motivated you?	14
Centre News	15
Vera Chirwa Award	15
Contact Details	15

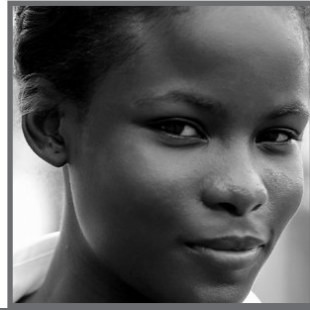
Alumnus Redson Kapindu (2004) was recently appointed as a Judge of the High Court of Malawi. Takunyadilani!!*

* Chichewa word for "congratulations"



UNIVERSITEIT VAN PRETORIA
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Faculty of Law





Editorial

Alumni in the African Moot Court Competition: a verbal trailer...!

Romola Adeola (Nigeria, 2012) (Alumni Coordinator)

MOOT COURT - CAPE TOWN 2013 - STARRING:



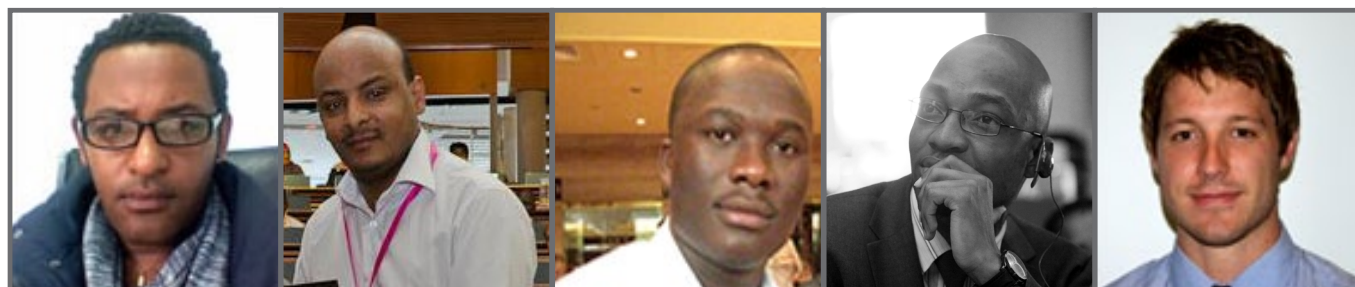
Jean-Desire Ingang-Wa-Ingange (2001) (Faculty Representative, Université Libre de Kinshasa) Lungowe Matakala Chishinga (2002) (Faculty Representative, University of Zambia) Johannes Buabeng-Baidoo (2011) (Faculty Representative, University of The Gambia) Roopanand Mahadew (2011) (Faculty Representative, University of Mauritius) Mezmur Benyam (2005) (Judge, Final Round of Cape Town 2013 Moot Court)

There is an emerging intrigue to the African Human Rights Moot Court Competition that we all need to begin to watch out for and hopefully in the near future we would premiere a documentary about the active participation of alumni in the annual moot court competitions.

Significantly, at this year's moot, four of our alumni led teams to Cape Town. Alumnus Jean-Desire Ingang-Wa-Ingange led the team from Université Libre de Kinshasa, Democratic Republic of Congo; Alumna Lungowe Matakala Chishinga led the team from University of Zambia; Alumnus Johannes Buabeng-Baidoo led the team from University of the Gambia; while Alumnus Roopanand Mahadew led the team from University of Mauritius. Université Libre de Kinshasa donned various glamorous hats at the moot! The team had the third best French oralist; the third best French memorial and was the second best French team in the Moot Competition, making it to the final round. The three English teams also did well. Not only were they among the top five English speaking teams of the competition, they also had students in the top fifteen best English oralists. The University of Mauritius was among the top ten English memorials. We cannot but commend our alumni in the training of these teams.

To alumni Jean-Desire, Lungowe, Johannes and Roopanand we say: keep up the good work! And for as many of us as are in the academics: pick up the gauntlet... lead your universities to the Moot ... hopefully, in a future not so far away, a documentary waits...!!!

MOOT COURT - CAPE TOWN 2013 - ALSO FEATURED:



Solomon Dersso (2003) Yonatan Feesha (2004) Armand Tanoh (2007) Aguinaldo Mandlate (2008) Josua Loots (2012)



The Centre's Word

Carole Viljoen
Office Manager, Centre for Human Rights

When Romola approached me to write the "Centre's Word" for the Alumni Newsletter, I was at first taken aback and then flattered to be asked for a contribution! As the Office Manager, I was not involved with the programme on a daily basis, so I view this request to write as an honour.

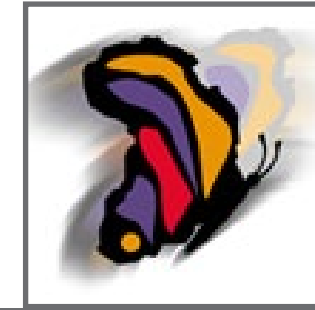
Although I was not personally involved with all of you through the years, there were individuals in each year that I did get to know better than others and these individuals always made an impression on me as some of the very best young academics this continent has to offer. Each year the group of students who would arrive on our doorstep early in January were sometimes scared, often shy and always nervous for what lay ahead. It was always such a pleasure to see you all, in your colourful traditional outfits at the beginning of each year at the opening ceremony of the course. However, by the end of each year at graduation in December that same group of students was full of confidence, poise, and ready to go out and make a difference on our continent.

The group of students that make up the Alumni of our LLM/ MPhil programme are indeed a special group of people. People who are committed to making a difference, in whatever way they can. Some of you have gone on to achieve great things, others have made a difference perhaps in much smaller ways, but a difference is being made across the length and breadth of our continent.

Since completing the LLM, some of you have returned to do your doctoral studies and it is at this time that I have come to know those alumni on a more personal level. We have been able to talk to each other about all kinds of issues, we have laughed together over politics on our continent, and we have even shared personal heartaches and triumphs together.

Many of you had to make great personal sacrifices in order to spend that one year with us, leaving behind wives, husbands and children and this is just an indication of your commitment to righting the wrongs on our continent. I am so proud to have been associated with each of you, in the very small way that I was. You all give us hope for the future of our beloved Africa!

God bless each and every one of you



Campaign

Each One, Bring One Campaign

Each year our Alma Mater (the Centre for Human Rights) gets different applications from people who wish to study for the masters in human rights and democratisation in Africa. As you may imagine, the process of selection can sometimes not be easy as actually knowing who wants to make a change and who just needs the degree cannot be easily determined through looking at the content of the application. But then imagine if each one of us 'brings one.' 'One' that has the passion and drive to see Africa arise; one that has the drive for advocacy and can articulate reason to the minds of others on the need to protect the rights of vulnerable groups such as persons with disabilities and children; one that has the audacity of hope for a greater Africa.

If each one of us brings this 'one,' then we will be sure that collectively we have 'ones' that not only want the certificate but also seek to create the Africa we need.

The step to bringing one is to lend support by giving that one a recommendation letter in application for the masters' programme.





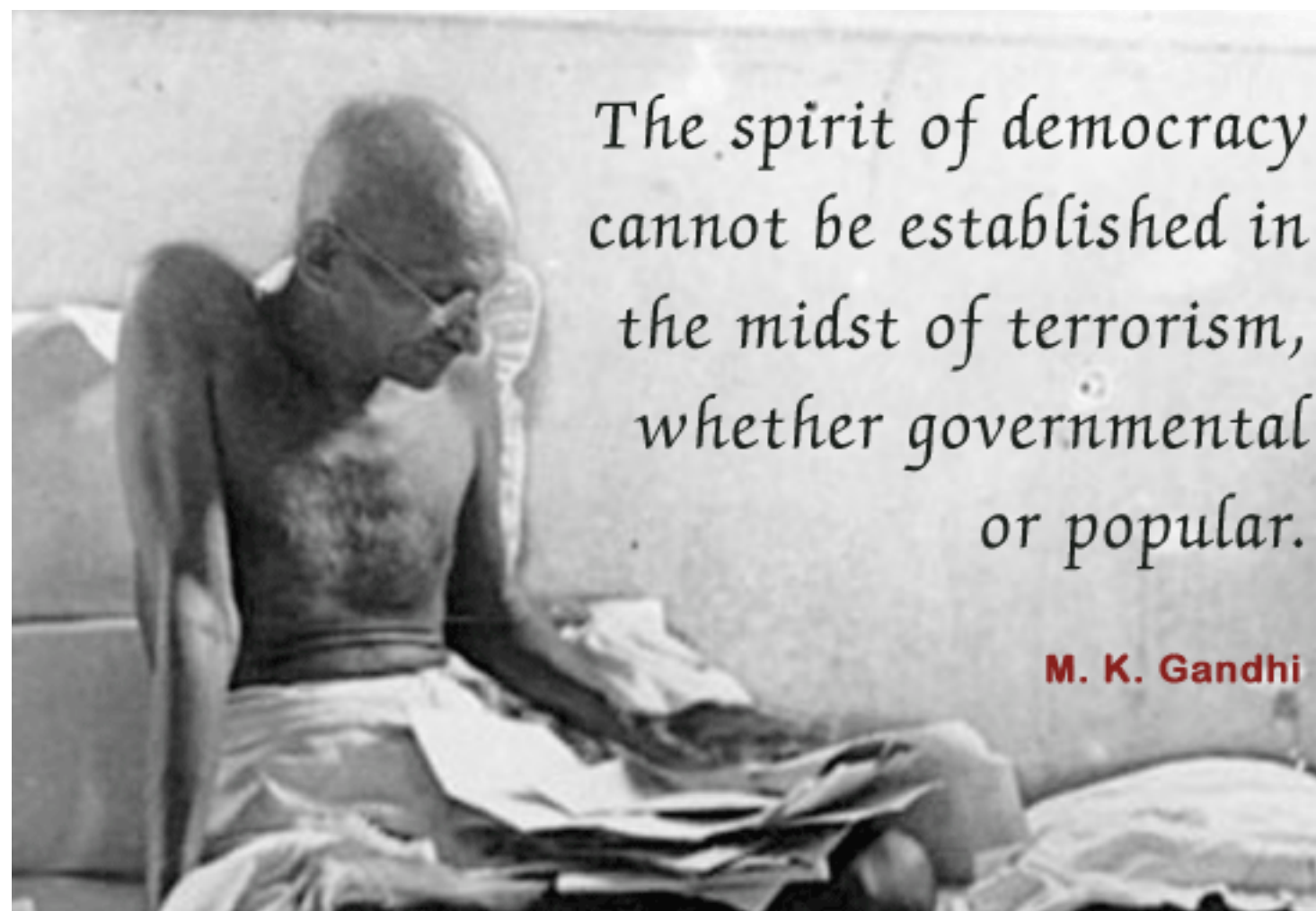
Highlight

The great betrayal of democracy in Swaziland*

Thulani Maseko (Swaziland, 2005)
Legal Practitioner, TR Maseko Attorneys,
Mbabane, Swaziland

After the Supreme Court of the United States handed down judgment in the famous and much condemned case of **Bush v Gore**, there was outcry in that country on the betrayal of the American people by the Court. It was alleged that the Court had subverted the United States (US) Constitution and usurped the peoples' right to elect a President by handing George Bush the Presidency. The Supreme Court, it was alleged had failed in its duty to protect the Constitution in the manner it decided the case. One such commentator is Vincent Bugliosi in his book, **The betrayal of America: how the Supreme Court undermined the Constitution** and chose our President, who went to the extent of suggesting that the judges' conduct was treasonous.

In a democracy such as the US and to some extent, South Africa next door, citizens, not subjects as we are, can say and write about issues affecting them and how they are governed without the fear of a knock from a police officer at midnight saying, "you are under arrest" for such crime as subversion and sedition or supporting terrorism. But I have chosen to write even at the risk of being visited yet again by our law enforcement agencies, which enforce the law selectively. I say so fully mindful of the case of Bheki Makhubu, the Nation critical editor who was charged for civil defamation for merely repeating words which were said by the Makhulu Baas of our judiciary, and unpacking its effect on the lives of the people of Swaziland, and the independence of the judiciary. Judgment in his case has not been handed down some several months down the line. The last time I checked, Mr. Justice Masuku was charged and subsequently dismissed in the most shameful manner in the history of the judiciary for among other accusations, failing to



deliver judgment in a case! What of Mr. Justice Bheki Maphalala, why do we not see a similar application of the law? The question arises as to what equality and equal protection of the law means in Swaziland? These things are worrying. These things are disturbing in a democratic Kingdom, wither Swaziland! These things are a shame.

We need to speak even if we get exposed to some hardship. We have been perplexed by how our courts have performed since the advent, if it is indeed an advent, of a new dispensation in Swaziland through the 2005 Constitution. Other than the rhetorical question of whose Constitution this is, the other question that arises is whose rights it protects, if at all? It is important to note that, the view many of us hold is that this is a "hollow Constitution" which does not protect the rights of the marginalized, weak and vulnerable, but the powerful and rich.

The statistics from the Court

In terms of section 14 (2) of the Constitution, the judiciary is the guardian of the Bill of Rights. It is endowed with the authority to enforce and protect the

rights in the Constitution under section 151 (2). But has the Court done so? In our view the Court has failed to execute its mandate and betrayed democracy and the Rule of Law in Swaziland. We welcome that in many of its judgment the Supreme Court has emphasized that Swaziland is a "democratic," "constitutional democracy" and or a "constitutional state." We find these expressions in cases such as **Mfanafuthi Mabuza v The Commissioner of Police; The Prime Minister v MPD Supplies (Pty) Ltd; Shell Oil Swaziland v Motor World; Doo Aphane v The Registrar of Deeds; Swaziland Coalition of Concerned Civic Organization v The Chairman of the Electoral and Boundaries Commission** and indeed, the Industrial Court in the recent case of **The Minister of Labour and Another v The Trade Union Congress of Swaziland**.

But what is constitutional democracy without the right to free political activity?

The greatest betrayal of democracy by the Courts was observed in the case **Jan Sithole (In his official capacity as the Trustee of the National Constitutional Assembly) and Others v The Prime Minister and Others**. Of the greatest concern in that case, is the way the Supreme

Court defined democracy in the context of Swaziland that "democracy is... like beauty is in the eye of the beholder." Not only that, the Supreme Court went on to say that countries of Eastern Europe pre- 1990s called themselves democracies. Students of history will recall that Hitler, the greatest dictator of the Western World, Nazi Germany, used the law to suppress dissenting voices representing communist ideas. One English jurist and scholar writes in this context that: "Hitler prevented the Communists representatives in Parliament from participating in the vote by having them arrested." A Russian jurist makes the same point when he says that: "Law cannot be simply what is dictated by the political authority or issues by the state. In the 20th century there were two examples of legal tragedies that developed in parallel. One was totalitarian Soviet communism, and the other German Nazism... Both systems made possible the killing of millions of people, because in both the law was given and contained only in the statutes." Such is the case in Swaziland, the rights are only just given in the statute, and in practice the experience is different.

Indeed, it has been observed that even constitutions of non-democratic societies such as Swaziland, have provisions that concern human rights, but such provisions are simply a dead letter. For the Court to suggest that Swaziland as a democracy may be equated to pre-1990 societies is outrageous to say the least.

It is the betrayal of democracy and the people of Swaziland that at a period in time where democracy is well defined and well-articulated in many United Nations (UN), African Union (AU) as well as Southern African (SADC) human rights instruments, the highest Court in the land took us many years backwards, to an era of the greatest repression. The Botswana Law Society put it very well that the judgment on democracy being in the "eyes of the beholder" represents a warped sense of democracy by the Supreme Court. Frameworks that deal with democracy and democratic elections in modern times include but are not limited to the SADC Guidelines Governing Democratic Elections in SADC; the African Charter on Democratic Elections in Africa as well as the Declaration on Democratic Elections in Africa, and not to mention the New Partnership for Africa's Development (NEPAD). The Court took a deliberate decision not to refer to these instruments as tools of interpretation with a view to consolidating democracy in our land, and instead the Court opted to consolidate absolutism and perpetuated the ban on free political activity in a democratic and constitutional era.

Tinkhundla elections are inherently undemocratic

Given the total ban on political parties and free political activity, there can be no question that the *tinkhundla* elections are inherently undemocratic. It is generally accepted that no society, no country can claim democratic credentials in the absence free political parties and the people's right to elect and form a government as they deem fit. The ban on contestation of political power by political parties is consistent with the provisions of the King's Proclamation of 1973 and both the Prince Mangaliso and Prince David Commissions recommended so in their reports to the King. The Prince Mangaliso Report clearly stated that laws that prohibit and ban political parties and free political activity must remain in force, and Prince David told the nation that the Commission recommends that Swaziland should continue to be governed under the *tinkhundla* alleged no-party system. These are the truths of governance in Swaziland; they are not the creation of our imagination.

Indeed, the government unashamedly declared in the Universal Periodic Review (UPR) that it is not ready to put in place a law that would allow for the registration of political parties so as to enable them to participate freely and effectively in the elections. It is on these grounds that we contend that the provisions on democracy in section 1 of the Constitution as read with other supporting provisions are nothing but a "hollow promise." There can be no such thing as Swazi democracy outside of the generally agreed tenets of a democratic society, and the existence and recognition of political parties are key components of democracy. In fact it is now accepted that no society can claim to be a democracy without political parties. Political parties and freedom of expression are at the very heart of democratic governance. Article 21 of the Universal Declaration of Human Rights (UNDHR) is very clear that "the will of the people shall be the basis of authority of the government." These are amplified in Article 25 of the International Covenant on Civil and Political Rights (ICCPR) as well as the African Charter on Human and Peoples' Rights, Article 13. But not in Swaziland, tradition, custom and culture, as well as blind loyalty are, no doubt, the basis of authority of the government. The issue of whether we are citizens or subjects becomes relevant and significant in this debate.

This should be expressed through genuine free, and fair democratic elections. In order for elections to be democratic, free and fair, certain factors must be present, which do not exist in Swaziland. Hence the elections under the *tinkhundla* system are inherently

Righting Wrongs

Issue No 8 - October 2013

undemocratic. The Supreme Court accepted in the NCA judgment that the right to freedom of association and assembly in section 25 of the Constitution necessarily includes the right of the people to form, join and belong to political parties. Ironically, the Supreme Court declined to give effect to the right as inherently enjoined by section 151 (2) of the Constitution. It opted that the people of Swaziland should enjoy democracy through the back door.

The decision of the Supreme Court in the **NCA** case has corroded the human rights discourse in Swaziland as evidenced in the recent **TUCOSWA** decision of the Industrial Court. Our courts are deliberately refusing to accord a meaning to the rights in the Bill of Rights which is in line with international and regional standards. Perhaps it is true, as Bugliosi argues, that: "in the majority of cases, there is an umbilical cord between the appointment and politics." Swaziland clearly falls within this league. On another day we will address the unfortunate outburst and threat of prosecution by Justice Hlophe on PM Magongo, which in our view, is a threat to freedom of speech and expression, which is a key component of democracy and accountability. Indeed, the judiciary must be held accountable in a democracy. A balance must always be struck between judicial independence and judicial accountability. While we engage on the debate of democratization, we need to consider an effective way of appointing judges to our courts, judges who will do just; judges who will do right. An independent judiciary is the bastion for the protection and enforcement of human rights. The removal of Judge Masuku as judge of the High Court is a situation, that for as long as we live, we will regret as a nation. It will catch up with us as a people, sooner than we can realize.

Confidence in the judicial system in relation to human rights

Faith and confidence in the judicial system is waning given the apparent failure by the courts to enforce and protect democratic rights and fundamental freedoms. The Magongo statement is but one of many other silent voices lamenting this situation.

** This article was published in the Swazi Nation Magazine*



Reflection

PORTUGUESE:

Dos erros humanos aos Direitos Humanos: é caminhando que se faz o caminho

Emerson Lopez (Mozambique, 2010)

Legal Consultants & Caldeira Advogados, Maputo, Mozambique

É com enorme prazer que respondo ao convite do Centro de Direitos Humanos da Faculdade de Direito da Universidade de Pretória (o Centro), para enviar uma singela contribuição para a Newsletter do Alumni. Com muito agrado, igualmente, me proponho a (des) escrever um pouco do meu percurso académico e profissional, antes e depois da passagem pelo Centro.

É me difícil estabelecer um marco inicial na caminhada, mas academicamente falando a minha participação no Concurso Africano de Julgamento Fictício em Direitos Humanos, em Pretória, meados de 2008, foi o primeiro contacto que tive com o Centro, o qual iria de todo, determinar as escolhas futuras em termos académico-profissionais, como também, o meu posicionamento como ser humano com em relação aos problemas correntes de África e de nós Africanos.

Após frequentar o Mestrado em Direitos Humanos e Democracia em África, classe de 2010, o meu percurso profissional tem sido um tanto quanto diversificado, passando pela Comissão Africana de Direitos Humanos e dos Povos (a Comissão Africana), em Banjul, no Gâmbia - experiência que surgiu na sequência de um Memorando de Entendimento entre o Centro e aquela Instituição - à colaborações com o Ministério de Justiça de Moçambique na actualização dos Relatórios Periódicos de Moçambique para a Comissão Africana, bem assim e recentemente a assistência no módulo de Direitos Humanos em África, no novo Programa de Mestrado instituído na Universidade Eduardo Mondlane, em Moçambique.

Mas para mim, falar do Centro e da sua importância na minha formação como pessoa, não se cinge a mera listagem de um conjunto de acções e ou actividades em prol do respeito pelos direitos humanos e dos povos em África, mas implica inevitavelmente a menção ao imenso mundo de networking que a passagem pelo Centro me providenciou. Indubitavelmente, com o Centro e a partir dele muitas das pessoas com quem interagi e tenho interagido, nesse percurso, trouxeram histórias e ensinamentos que continuaram a servir de referência para mim em diversos aspectos da vida.

Agora no terreno, mais importante do que os conceitos aprendidos, tem sido a constante luta diária para implementação da bagagem que carregamos e ainda a necessidade de levar a bom porto e espalhar a semente que cada um de nós tem a responsabilidade de disseminar. Para mim, de particular interesse e paixão tem sido, assegurar, uma cada vez maior participação dos actores dos Países Africanos de Língua Oficial Portuguesa no Sistema Africano de Direitos Humanos e espero confiante que a actualização dos sete relatórios periódicos que Moçambique tem em atraso, vis a vis a Carta Africana dos Direitos Humanos e dos Povos, seja o limiar de uma nova etapa no relacionamento entre este Estado e aquele Organismo Regional Africano, e que, mais importante ainda, possa de alguma forma despertar



a necessidade de participação dos próprios actores não estatais no uso dos mecanismos supranacionais.

De facto, dos erros humanos aos direitos humanos, é caminhando que se faz o caminho.

Obrigado,
Emerson Lopez

ENGLISH

From Human Wrongs to Human Rights: it is by walking that one completes the journey

Emerson Lopez (Mozambique, 2010)
Legal Consultants & Caldeira Advogados, Maputo, Mozambique

It is with great pleasure that I respond to the invitation from the Centre for Human Rights, Faculty of Law, University of Pretoria (the Centre), to present an humble contribution to the Alumni Newsletter. With great pleasure, as well, I propose to write a few lines about my academic and professional career before and after my contact with the Centre.

It is difficult for me to establish a starting point in my journey, but academically speaking my participation in the African Human Rights Moot Court Competition in Pretoria, in mid-2008, was the first contact I had with the Centre, which would determine, considerably, my future choices and also how I stand as a human being in relation to other human beings and in particular in relation to the current problems of Africa and Africans.

After attending the Masters in Human Rights and Democratisation in Africa, class of 2010, my career has been somewhat diverse, from the African Commission on Human and Peoples' Rights (African Commission) in Banjul, The Gambia - experience in the wake of a Memorandum of Under-

standing between the Centre and the African Commission - to the collaboration with the Mozambican Ministry of Justice in updating Mozambique's overdue periodic reports to the African Commission, as well as the recent assistance in the Module of Human Rights in Africa in recently instituted Masters Programme in Human Rights at the Eduardo Mondlane University in Mozambique

But for me, talking about the Centre and its importance in my development as a person is not confined to the mere listing of a set of actions or activities in the human rights field, but inevitably it leads me to talk about the world of networking that my passage through the Centre have eased and opened the doors. No doubt, with and through the center, I met many people with whom I interacted and continue interacting, and they brought stories and lessons that have continued to serve as a reference for me in many aspects of life.

Now on the ground, more important than the concepts learned, has been the constant daily challenge of implementing the baggage we carry and the need to bring to fruition and spread the seed that each of us has a responsibility to disseminate. For me, of particular interest and passion has been the challenge of ensuring an increase in participation of actors from Portuguese Speaking African Countries in the African Human Rights System. I am confident and have the hope that the update of the overdue seven periodic reports of Mozambique vis a vis the African Charter on Human and Peoples' Rights, will be the threshold of a new stage in the relationship between this State and that treaty body, and, most importantly, I carry the hope that this can somehow contribute to awaken the need for participation of non-state actors on the use of supranational mechanisms.

Indeed, from human wrongs to human rights: it is by walking that one completes the journey.

Thank you,
Emerson Lopez



Current year

Homeless and Abandoned

Obiageli Celestina Oraka
LLM (Human Rights and Democratisation in Africa) Student 2013, Nigeria

My choice of this photograph and its title emanated from my interest in socio-economic rights and its justiciability.

Homeless and abandon depicts the stark reality of the implication of non justiciability of socio economic rights of individuals by the state. The picture was taken in a remote area of Maseru the state capital. The homeless man found an abode under a tree. It was winter and yet he sleeps in the open. I saw the look of hopeless resignation to fate. Abandoned, dejected and with no hope of enforcing his right to housing against the state, his case can only be described with the caption "homeless and abandoned". I kept wondering what it meant to say a country is democratic yet withholds the basic right of seeking legal redress for state's violation of its duties. I saw in this homeless man someone who has been stripped of all dignity, exposed to health hazards and in dire need of hope.



Winner of the LLM/MPhil Democracy through Photography competition 2013

Earlier this year, during the course of the Masters' Program, I chose to do a field research on the human rights implication of HIV/AIDS in Lesotho to prove that unless socio economic rights becomes justiciable thereby enabling citizens to hold the government accountable for failure to fulfill these right, the issue of eradication of the pandemic may be a far cry. My research finding revealed that HIV/AIDS prevalence and HIV/AIDS related deaths are highest amongst the poor. Lesotho has a population of 1,930,493, unemployment level at 50% and approximately 43.3% of the citizens live below one dollar a day. In a country where over 56% of the population lives below poverty line it is not difficult to establish a link between socio economic rights and HIV/AIDS prevalence. Despite being a party to several international human rights instruments, socio-economic rights remain non-justiciable rights in its Constitution. In *Khatang v. Maseru City Council*, the Constitutional Court of Lesotho held that the right to livelihood was a socio-economic right and therefore not enforceable under the law.

The implication of this legal obstacle – common in the rest of Africa – is that governments are hardly accountable for non-fulfillment of these rights. Citizens have only managed to bring communication before the regional and sub-regional courts and other compliant mechanisms such as the African Court of Human Rights, the African Commission on Human and Peoples' Rights and the ECOWAS Court. With the coming into force of the optional protocol to International Covenant on Economic Social and Cultural Rights, Africans can also bring before the Committee on Economic Social and Cultural Rights. The greater challenge is on enforcement which still depends on the political will of states.

Human rights defenders are encouraged to keep pressing on till all rights become equal and justiciable. This will make our society safer and human persons dignified.

Sherehe!!*

Alumnus Kindiki elected Senate Majority Leader in Kenya

Alumnus Kithure Kindiki, an alumnus in the Pioneer set of the Masters Programme, has been elected Senate Majority Leader in the Kenyan Parliament.

Prior to his appointment, Alumnus Kithure, an academic with numerous publications to his credit, lectured at the University of Nairobi. He has written articles on Peace and security issues in Africa and on the Kenyan Constitution.

Alumnus Kithure has worked as a consultant for the United Nations High Commissioner for Refugees, the Kenya National Commission for Human Rights and the International Organization for Migration (IOM).

In addition, he has acted as an advisor for the United Nations Development Programme and the Ministry of Justice and Constitutional Affairs of Kenya.

Having now donned the hat of the Kenyan Senate Majority Leader, Alumnus Kithure is well placed to drive the course of human rights in the Kenyan parliament.

Congratulations Alumnus Kindiki. We hope you make a positive contribution to Kenya.

* Swahili word for "celebration."



Dear Brother Kindiki

Sheila Karani (Kenya, 2000)
Governance Advisor, United Nations Agency for International Development (USAID), Nairobi, Kenya

Dear Brother Kindiki,

On behalf of the Class of 2000: It is with great pleasure that I offer my congratulations on your election as a Senator to Kenya's Parliament. The Senate, while a new chamber, will play an important role of safeguarding the rights and values enshrined in Kenya's young constitution. We also congratulate you for being appointed the Senate Majority Leader.

While political offices have numerous challenges, we have tremendous hope and expectation that you will continue to be passionate and true to the values and principles that we all hold dear...and that during your term, you will contribute towards advancing meaningful reforms in Kenya.

Congratulations Dr Kithure!



Okuyozayoza!!**

Congratulatory messages to Lydia Mugambe appointed as Judge in Uganda

On 20 June 2013, Lydia Mugambe Ssali, member of the class of 2003 was appointed as a High Court Judge in Uganda. Prior to her appointment, she worked as an Appeals Counsel with the International Criminal Tribunal for Rwanda in Arusha, Tanzania. Her colleagues, Rachel Irura and Yvonne Masarakufa have in kind and gracious words sent her congratulatory messages on this achievement.

** Luganda word for 'congratulations'



My dear Lydia

Yvonne Masarakufa (Zimbabwe, 2002)
Human Rights Officer, United Nations, Somalia Office

"My dear Lydia, my sister, my friend. Congratulations on your appointment. I am so very proud of you. All the hard work has paid off. Not an easy position, but one that I know you will carry with ease and grace. God's wisdom be with you, I am your "loudest" supporter!

Always,
Yvonne Masarakufa



Congratulations Lydia!

Rachel Irura (Kenya, 2002)
Legal Officer (Courtroom coordinator), Special Tribunal for Lebanon, The Hague, The Netherlands

Congratulations Lydia on being sworn in as a Judge of the High Court of Uganda on 20th June 2013. I am immensely proud of you as you ascend the ladder into the highest echelons of the judiciary. Meeting you last year in The Hague after a decade was an extremely enjoyable experience as we recalled our Centre for Human Rights days in South Street, Hatfield, where we shared a house. I am indeed incredibly honored to have been a class mate to you and to have met you recently in a more social capacity when you attended a workshop in The Hague in 2012.

I am sure I speak for the whole class of 2002, when I say you have done us proud! International criminal justice - in the form of the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania benefitted greatly from your time spent there as a Legal Officer. This in itself was a laudable achievement. The judiciary in Uganda will be so much the better for having you in its ranks. You are an unstoppable force to reckon with, show the Ugandan judiciary what you are made of!

I believe that for you the sky is the limit and I cannot wait to see you soar as you step into this new career path.

My very best wishes,
Rachel Irura.



Congratulatory messages to Eva Luswata appointed as Judge in Uganda

Great things are happening in Uganda!

On 20 June 2013, Eva Luswata, member of the class of 2003, was also appointed as a High Court Judge in Uganda. Prior to her appointment, she was a partner at Kakooza and Kawuma Advocates.

Over the years, Eva has represented women and children sometimes, on a pro bono basis and has been involved in human rights advocacy. Her colleagues have in kind and gracious words sent her congratulatory messages on this achievement.



Righting Wrongs

Issue No 8 - October 2013

Benson Chinedu Olugbuo (2003)

Dear Judge Eva Mama...

You write to be read,
You speak to be heard,
But in all that you have done,
Your best is yet unborn...

Congratulations on your appointment and be rest assured we are praying that God will give you divine wisdom to uphold justice without fear or favour.

Leda Hasila Limann (2003)

Your Lordship, Mama Eva, we are proud of you and are confident that the experience and knowledge you acquired at the Centre will in no small measure contribute to a successful career at the Bench. May the Almighty give you the requisite wisdom to uphold, inter alia, the rule of law, justice and human rights in Uganda, the Pearl of Africa.

George Mukundi (2003)

Congratulations to Eva

Terence Machawira (2003)

Hon Justice Luswata, congratulations on your appointment to the office of Judge! Here is to wishing you the very best and we await to read your insightful judgments which will no doubt better the lives of the people affected.

Revai Mekanje Aalbaek (2003)

Congratulations Eva on this great appointment. I remember we spoke about this possible appointment more than a year ago when you were in Pretoria. I am happy you accepted the appointment and it means a lot for Uganda to have rights and equality advocate sit on the bench. I look forward to your judgements and especially those on women's rights. We are here to support you- all my best wishes in your new role.

Tumi Mmusinyane (2003)

Congratulation "My honourable Lady" on your recent ascension to the highest office in your career. We have no doubt in your capacity to deliver justice as it must not only be done but seen to be done. Good luck.





What motivated you?

Excerpts from the Motivation Letter (25 July 2006)

Horace Adjolohoun (Benin, 2007)

Senior Legal Expert, African Commission on Human and Peoples' Rights, the Gambia

My application meets two visions: my personal and professional goals and the vision of your Center to help build... an african base of competence so to enhance ... democratization... I sincerely think that your programme gives me a unique opportunity to realise this will and ... help expand the reach of democracy and rule of law in Africa.

My former participation in the red cross activities in Benin, during secondary school studies (1987-1994), my subscription to my country's section of International Amnesty and my action as Officer in the judicial human rights protection's programme (since 2002) have strengthen my personal and professional will to be part of the necessity of promoting and protecting human rights in Africa. Such a challenge let me act.... through 2001-2006 in development programs implemented or supported by the International Foundation for Electoral Systems, the International Center for the Human Rights protection (INTERIGHTS), the Open Society Initiatives for West Africa and the African Association of Superior Courts of Judicature.

As presented..., my ambitions certainly meet the worthwhile mission of your Center to help build... an african base of competence so to enhance ... democratization... I sincerely think that your programme gives me a unique opportunity to realise this will and ... help expand the reach of democracy and rule of law in Africa.

Response

Living true six years on!

I did a fellowship at the Office of the High Commissioner for Human Rights in Addis Ababa where I mainly supported state reporting to UN Treaty bodies.

I also worked at the National Human Rights Commission back home in Benin where I conducted a six months advocacy for the adoption of a new law that conforms with the Paris Principles. As a researcher at the Constitutional Court of Benin, I wrote a paper including recommendations on the amendment of the 1990 Constitution. I also did research, organized a conference and supported the publication of a book on the use of international law in domestic court. I did a two-year research for my PHD on state compliance with the decision of the ECOWAS Court of Justice and the impact on domestic systems.

I was also involved in litigation before the Court in RADDHO v Senegal. I am currently at the African Commission on Human and Peoples Rights as Senior Legal researcher dealing mainly with communications against states.



Centre News

Book in loving memory of Steve Odera



In loving memory of Dr Steve Odera Ouma, a new book has been published by the Pretoria University Law Press (PULP) on 'Constitutionalism and Democratic Governance in Africa: Contemporary Perspectives from Sub-Saharan Africa.'

Steve was a member of the 2005 Masters class in Human Rights and Democratisation in Africa. After completing his LLM

at the Centre, Steve was awarded a bursary to undertake doctoral studies at LUISS University of Rome, in Italy. By focusing on the challenges to constitution-making in Africa in his thesis titled "Constitutional Mechanisms for the Management and Settlement of Identity Conflict: The cases of Sudan, Kenya and Somalia", Steve was one of the alumni of the Masters who really took the 'democratisation' aspect of the Masters to heart.

It should certainly also be mentioned that Steve Odera conceived of and initiated the idea of this book, together with the two editors, and walked some distance on the road towards this publication. Sadly, it was a road not completed, due to Steve's sudden death. With contributions from alumni of the Master's program and seasoned academics, this book explores the issue of constitutionalism and democratic governance in Africa.

Read more: http://www.pulp.up.ac.za/cat_2013_06.html



Vera Chirwa Award

Vera Chirwa Award: Call for nominations

As you may recall in 2007, the Vera Chirwa Award was instituted for the alumnus or alumna of the programme who best embodied the principles of the programme in his or her subsequent career by "making a difference" to the protection of human rights or the strengthening of democratisation in Africa. To be considered for this award, subsequent to obtaining the degree (LLM in Human Rights and Democratisation in Africa), the candidate must have demonstrated:

- Dedicated human rights activism;
- Leadership in the field of human rights and democratisation affecting Africa and Africans;
- A contribution to a specific human rights cause or causes;
- Commitment to improving the lives of people everywhere in Africa

You are kindly requested to nominate an alumna/us for the Vera Chirwa Award. As an alumna/us, you are welcome to nominate yourself. A nomination should be accompanied by a motivation letter, with reference to the nomination criteria, and a recent curriculum vitae of the nominated person.

Kindly ensure that the nomination reaches the alumni coordinator by **5 November 2013** via email. Send your mail to romola.adeola@up.ac.za

Contact Details - Righting Wrongs

Email: hrda.alumni@up.ac.za | Website: www.chr.up.ac.za

Editor: Romola Adeola (Nigeria, 2012)

Advisory and Review Team: Prof Frans Viljoen, Norman Taku, Martin Nsibirwa, Magnus Killander, Yolanda Booyzen.

Alumni Dues:

To pay your dues, please obtain transfer details from: Harold Meintjes (harold.meintjes@up.ac.za) or Romola Adeola (romola.adeola@up.ac.za)

Centre for Human Rights

Righting Wrongs

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