

Fourth National Schools Moot Court Competition

for all Secondary Schools in South Africa
(grade 11 in 2014)

April–October 2014



"The National High Schools Moot Court Competition has indeed been the most life-changing event in my life, thus far. It made me realise what direction I want to go into in life and the skills I learnt during the course of the competition have proven to be invaluable. As I have now seen, those skills learned have had application beyond the competition".

– Mikhail Hendricks, The Cape Academy for Mathematics, Science and Technology, Western Cape.

"I learnt that we need to overcome individual differences to succeed as a team. I also learnt how to research meaningfully for information, how to speak in public and how to think on my feet. I learnt how to overcome our inferiority complexes when confronted with learners from more advantaged schools and possibly backgrounds. I made myself concentrate on the fact that they were wearing uniform just like me and that made us equal".

– Knowledge Dzumba, Learner, Thengwe High School, Limpopo.

"The Competition assisted me to think more open-minded and out of the box about issues and situations I do get into. It also improved my writing and oral skills. I am also now sure of the career path that I wish to follow".

– Lesego More, Learner, Roshnee Secondary School.

"We now value the law more than ever and feel extremely privileged to live in a country with such a progressive Constitution, whereas before we were unaware of the values and rights enshrined in the Constitution".

– Dannah-Grace Suter, Learner, Maris Stella Secondary School.

"It has given me an in depth insight into how complex and amazing our legal system is. It has shown me that hard work and respect pays off. I have learned about different rights and have gained more knowledge about the country that we live in and its structures for example the Constitutional Court and the Constitution".

– Thandoluhle Khumalo, Learner, Clarendon Girls High School, Eastern Cape.

"We had a life-changing weekend! We have gained skills of argument, of insight, creative lateral thinking and how to think out of the box. The Competition emphasised the grim realities of life, especially for children, it was certainly empowering for pupils both advantaged and disadvantaged".

– Carol Felton, Educator, Clarendon Girls High School, Eastern Cape.

"I have realised that I do have a responsibility to consider the needs of others. I have to have respect for others and the importance of the value of the Constitution".

– Catherine Mmotseng Hadebe, Learner, Evungwini Secondary School, Free State.

"I know that I have rights and that other people have their own rights as well. Therefore no one must be deprived of his or her rights despite their race, gender or age".

– Linda Kirimi, Learner, Khanyisa Education Centre, Mpumalanga.

"I was really inspired by moot court and I spoke to my principal about implementing law in my school... [We] will be the official law ambassadors at our school and will aim at achieving equality and fair treatment between teachers and learners at our school."

– Rejoice Mokone, Learner, Itabazwe Township, Harrismith, Free State.

Participants are provided with the facts of an imaginary case which involves human rights issues. The participants are requested to write two short essays, defending the opposing sides of the case, using the South African Constitution. The teams with the highest scores for their essays from each province will be selected to argue the case in the oral rounds in any of the 11 official languages before judges in a real court scenario.

The purpose of the Competition is to promote the Constitution and its values.

- The winners of the national oral rounds will receive financial support toward their first year to study law at the South African university of their choice, to which they have been admitted.
- The registration form should reach your provincial officer or the organisers by 5 May 2014, and the essays should be submitted by 27 June 2014.
- Financial assistance may also be made available by the organisers, depending on the merits of applications received by teams selected to attend the national oral rounds.

For more detailed information visit:

www.up.ac.za/law or contact info.NSMCC@gmail.com or danielmjeevy@gmail.com

Also see Facebook:

<http://www.facebook.com/pages/National-Schools-Moot-Court-Competition/100382426721835>



NATIONAL SCHOOLS Moot Court Competition

our rights | our duties | our constitution

FOURTH NATIONAL SCHOOLS MOOT COURT COMPETITION 2014

For all Secondary Schools in South Africa

our rights | our duties | our constitution

The Department of Justice is participating in the Moot Court Competition since its inception in 2011. This is done in collaboration with the Universities of Pretoria; Venda; Stellenbosch; Western Cape; the Department of Basic Education (DBE); the Foundation for Human Rights (FHR) and the Law Society of South Africa (LSSA). This project (Moot Court Competition) is close to the hearts of our Deputy Minister's: Mr J Jeffery for Department of Justice and Mr E Surty for Department of Basic Education.

The objective of this project is mainly to encourage school children to understand the Constitution and its values and to establish a continuous Human Rights learning programme through education and information and enhancing respect for the primacy of the Human Rights. The other objective of this competition is to build unity and harmony between the different and diverse sections of the South African Society through the promotion, protection and appreciation of constitutional values.

It is our pleasure to once again invite volunteers to assist, support and mentor the schools that will be participating in the 2014 Moot Court Competition.

Interested officials are required to liaise with the Provincial Coordinators in all nine Provinces (follow the link).

Magistrates who are able to volunteer, will liaise with Ms Dimakatso Matsebe and Mr Mdumiseni Wakaba (follow the link)

Updated 22 August 2013

4th National Schools Moot Court Competition Provincial Coordinators

<i>NAME</i>	<i>PROV</i>	<i>TEL</i>	<i>FAX</i>	<i>CELL</i>	<i>E-MAIL</i>
JWAAI NF	EC	040-608 4227	040-608 4701	082 396 7308	nomsa.heshu@edu.ecprov.gov.za Funeka.jwaai@edu.ecprov.gov.za
MLE Y	EC	040- 608 4308	040- 608 4523	076 914 5444 082 086 3760	Yolisa.mle@edu.ecprov.gov.za
FANTA B	EC	040-608 4550	040-608 4690	082 707 1502	Bukiwe.fanta@edu.ecprov.gov.za
MATSANENG J	FS	051-404 8612	086 535 2803	082 303 1273	matsanengj@gmail.com
MOHALE T	GP	011-355 0938	011-355 0445	072 356 0903	mohalet@gpg.gov.za
SKOSANA MS	GP	011-355 0956	086 567 1133	082 875 7357	Mathilda.skosana@gauteng.gov.za
SEABI TW	GP	011-355 0231	086 588 3286	072 252 4344	Tsibana.seabi@gauteng.gov.za
DWARIKA M	KZN	031-274 5716	031-274 5728	082 611 7861	dwarikamarilyn@gmail.com
GCABASHE B	KZN	033-341 8654	033-341 8646	082 544 8822	gbusisiwepatricia@yahoo.com Busisiwe.gcabashe@kzndoe.gov.za
KUBHEKA T	KZN	033-846 5589	086 543 3104	083 320 9369	themba.kubheka@kzndoe.gov.za
PETERSON P	KZN	033-392 1064	033 394 0893	076 752 0624	Patsy.peterson@kzndoe.gov.za
MAKGATO PJ	LP	015-290 7869 015-291 2658	015-223 5131	082 052 2434 082 939 8076	MakgatoPJ@edu.limpopo.gov.za
MANENZHE J	LP	015 291 2711	015 291 1810	082 772 1162	ManenzheJ@edu.limpopo.gov.za
LEDWABA AL	LP	015-290 7729	086 544 8091		LedwabaAL@edu.limpopo.gov.za
MOKGAETJI M	LP	015 290 7600	086 601 6317	082 880 9758	MontjaMM@edu.limpopo.gov.za
MOTANA M	LP	015-290 7986	015 297 0134	082 804 6204	MotanaBM@edu.limpopo.gov.za
MOELETSI H	MP	013-766 0083	086 560 2961	084 504 4132	h.moeletsi@education.mpu.gov.za
NDASHE TS	MP	013-766 5904	086 547 3997	079 891 8840 082 468 6985	t.ndashe@education.mpu.gov.za shabby@yahoo.com
STEENKAMP I	MP	013 766 5366	086 655 8877	082 206 6134	i.steenkamp@education.mpu.gov.za
MATJEE D	MP	013 766 5106	013 766 5582/1	079 987 3671	d.matjee@education.mpu.gov.za
MBULI S	MP	013 766 5300	013 766 5582/1	079 395 6263	s.mbuli@education.mpu.gov.za
MPANGANA I	MP	013 766 0930	086 775 7919	083 633 4694	r.mpangana@education.mpu.gov.za

Updated 22 August 2013

MARAIS W	NC	053-839 6596	086 293 6948	083 700 3187	wmarais@ncpg.gov.za
MATHUNDA M	NC	053-839 6619	086 773 3963	078 043 5790	moengmathunda@gmail.com
MORWANYANE I	NC	053 839 6619	053 839 6785	083 372 8348	imorwanyane@ncpg.gov.za
MOGOROSI I	NC	053 839 6627	086 773 39-	082 469 7498	imogorosi@ncpg.gov.za
SMITH J	NC	053-839 6599	053-839 6580 086 645 4851	078 458 1784 082 446 5289	jobdavidsmith@gmail.com
MOFOLO R	NW	018-389 8162	086 529 1202	082 040 5579	RMofolo@nwpg.gov.za
BRANDER D	NW	018-388 4244	018 387 3430	082 8855 763	dbrander@nwpg.gov.za
PILLAY D	WC	021-467 2582	021-467 2198	083 382 2606	dpillay@pgwc.gov.za
BROWN A	WC	021-467 2207	086 543 7224	083 401 8327	Alethea.jeftha@pgwc.gov.za
KHAN N	WC	021-467 2970	021 467 2573	082 377 8073	Nariman.khan@pgwc.gov.za nkhan@pgwc.gov.za
DODGEN N (NKAL)	WC	021 467 9333	021 467 9369	073 547 9917	Noleen.Dodgen@westerncape.gov.za
ANGIER K (Heritage)	WC	021 467 2251	086 533 2347	072 565 8804	Kate.Angier@westerncape.gov.za
CHRISTIAANS D (YCAP)	WC	021 467 2589	021 467 2258		Daleen.Christiaans@westerncape.gov.za
ESAU R (Metro South district official) Moot Court	WC	021 370 2016		072 292 3633	Rowan.Esau@westerncape.gov.za rowanesau@yahoo.com

The Arts and Culture teacher at Bright Future High School sets an art project which requires Grade 11 pupils to design a poster on the theme 'Celebrating 20 years of Democracy'. Lafuno Nkomo is in Grade 11. The school is a public (government) school and Lafuno's school fees are paid by a bursary from an 'Old Girls' trust. She lives in a village called Sukuma, 15 kilometres away from the school.

Lafuno's mother and other women in Sukuma village must spend much time each day fetching water from communal taps as there is no water available in their homes. Lafuno has seen service delivery protests on television, and she decides to design her poster around this theme. At the top of her poster are the words '20 years of democracy?', and her poster shows a woman with a water bucket balanced on her head setting fire to a building that has the word 'Government' on the door. This is in contrast with her classmates' posters, which carry messages such as 'Born in the R of SA' and 'Building our democracy', and show positive images of South Africa's democratic achievements such as happy, healthy children and the many houses that have been built.

Lafuno's poster is not displayed with the other posters, and she is told that she must draw another poster showing 'a positive picture' of 20 years of democracy or she will receive zero for the project. At a disciplinary hearing, the Chairperson of the School Governing Body points out that Section 14 of the School Code reads as follows: 'Learners must not write, draw or say anything about politics. Any learner who breaks this rule will be suspended for five days'. Lafuno refuses to create a new poster, and she is suspended for five days. She is also warned that if she breaks any school rules again, her bursary will be taken away, as it depends on good behaviour.

During her five days of suspension, she visits an organisation which is called 'Free 2 Say'. The organisation's lawyer contacts the Head of Department of the Provincial Department of Education, who expresses support for her and writes a letter to the School Governing Body. When the School Governing Body refuses to display Lafuno's art or give her a mark for her work, the Free 2 Say lawyer takes her case to the High Court, supported by the Head of Department, and challenges the school rule about political speech as being an infringement of her right to Freedom of Expression in terms of Section 16 of the Constitution. The High Court finds that Lafuno's freedom of expression was infringed by Section 14 of the School Code and the School Governing Body's actions against her.

The Bright Future High School Governing Body takes this decision on appeal to the Constitutional Court. It points out that the constitutional right to freedom of expression does not cover situations where there is 'incitement of imminent violence', and that because Lafuno's poster showed someone setting fire to a building it was not protected by the Constitution. The School Governing Body is particularly concerned because a public library close to the school was recently destroyed when someone set fire to it during a protest. Lafuno's lawyer argues that Section 14 of the School Code goes further than is permitted by Section 16 of the Constitution, and that Lafuno was not inciting violence, but merely depicting the situation that she saw around her and on television, which her right to 'freedom of artistic creativity' allowed her to do.