



# **CURRICULUM VITAE OF MOSES RETSELITSOE PHOOKO**

ASSOCIATE PROFESSOR  
PRESIDENT, SOCIETY FOR LAW TEACHERS OF SOUTHERN AFRICA  
BOARD MEMBER, BERTHA GXOWA HOSPITAL  
NRF RATED RESEARCHER

## PROFILE

Highly accomplished Pan-African scholar with through knowledge in reading and analyzing treaties, legislation, decided cases including an extensive background in African Union Law, SADC Community Law, Human Rights Law, International Law and Legal Research. 10+ experience in the higher education sector.

## GENDER

Male

## ID NUMBER

8207065265087

## HOME LANGUAGE

Southern Sotho

## OTHER LANGUAGES

Sign Language, IsiXhosa, IsiZulu, English, Setswana

## CONTACT

PHONE:  
0733061405

## ORCID ID

<https://orcid.org/0000-0002-2939-8671>

## EMAIL

[phookor@gmail.com](mailto:phookor@gmail.com)

## HOBBIES

Hobby #1 Reading  
Hobby #2 Swimming  
Hobby #3 Runner  
Hobby #4 Pool Table

## EDUCATION

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### LLD

2012 – 2016  
University of South Africa

### LLM IN INTERNATIONAL HUMAN RIGHTS LAW

2010 – 2011  
University of Notre Dame, USA

### LLB (Degree completed in 3 years – 6 months)

2003 – 2006  
University of North-West, Mafikeng

### Diploma in Human Rights

2001- 2002  
North-West University, Mafikeng

### Matric

2001  
Thaba-Jabula SSS, Gauteng

## NATIONAL RESEARCH FOUNDATION OF SOUTH AFRICA

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Y2 rated researcher

### NRF RESEARCH INCENTIVE GRANT

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Awarded research grant 2019-2024

## SELECTED CERTIFICATE COURSES

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2018: Completed short course during Summer Academy on the Continental Shelf, Arusha Tanzania.

2016: Completed short course on International Law Seminar for African Universities, African Institute of International Law, Kofi Annan International Peacekeeping Center, Accra, Ghana.

2014: Completed a one year course on Out-Based Assessment in Higher Education and Open Distance Learning, University of South Africa.

2014: Completed the United Nations Regional Course on International Law for Africa, United Nations Economic Commission for Africa, Addis Ababa-Ethiopia.

2008: Completed short course on Promotion of Equality and Prevention of Unfair Discrimination Act, University of Pretoria.

2007: Completed short course on Practical Legal Training, University of Kwa-Zulu Natal, Howard College.

## ACADEMIC LEADERSHIP

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2020- 2021: President Society for Law Teachers of Southern Africa

2017- 2018: Head of Department, Jurisprudence, University of Limpopo

## SKILLS

- Lecturer, Lawyer, and Scholar
- Published author (journal and newspaper articles, chapters in books)
- Keynote Speaker, Talk Show Panelist, Public Speaker
- Legal Expert in SADC Community Law
- Development of training and assessment programs
- Management of staff with varying levels of skills and competencies
- Member of several educational bodies (CILSA, SALTIC)
- Former Assessor in staff disciplinary hearings

## MODULES TAUGHT

- Private International Law
- Research Methodology for Law
- HIV/AIDS and the Law
- Research Skills for Law
- Public International Law
- Human Rights Law
- International Human Rights Law
- Legal Ethics
- Legal Practice
- Legal Communication
- Law of Estoppel and Enrichment

## MODULES DEVELOPED

- HIV/AIDS and the Law (UNISA)
- Research Skills for Law (fully online UNISA)

## MODULE LEADER/COORDINATOR

- Public International Law (UJ)
- Research Skills for Law (UNISA)
- Private International Law (NWU)
- Legal Ethics (UL)
- Legal Practice (UL)
- Legal Communication (UL)

2017-2018: Acting Director, School of Law, University of Limpopo (ad hoc)

## MEMBERSHIP OF PROFESSIONAL BODIES

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2012-2021 Member of the Southern African Law Teachers Association

## MASTERS AND DOCTORAL SUPERVISION

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LLD in progress since May 2021.

LLM successfully supervised four students.

## RESEARCH COLLABORATIONS

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Jun 2021 to date: Organizer and team leader of Africa virtual bus Tour between the University of Johannesburg and Makerere University. Students to present Papers and receive mentoring to publish papers presented.

Nov 2016 to date: Member of research team on Canadian and South African Human Rights Engagements, University of Johannesburg and York University, Canada.

Jun 2021 to date: Initiator and leader of research team on SADC Community Law, University of Johannesburg and National University of Lesotho.

## KEYNOTE ADDRESS/CHANCELLOR'S ADDRESS

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29 May 2021: Launch on Revive the SADC Tribunal, University of Pretoria.

23 Jan 2016: Department of Education Matric Awards, Eastern Cape, 25 January 2016.

Jun 2016: Graduations Chancellor's address, Durban

## SELECTED PAPERS PRESENTED AT CONFERENCES

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07/09/2021: Panelist [Virtual Book Launch: Human Rights and the transformation of Property], University of the Western Cape

23/01/2020: The Slow Death of the International Criminal Court, Southern African Law Teachers Conference, Kruger National Park.

15/08/2019: How to Write a Publishable article at A Research Indaba Workshop, UNISA.

1/08/2019: Decolonising curriculum in the Teaching of law at a South African University: Progress or Regression? At 1<sup>st</sup> Annual Learning and Teaching Conference Durban University of Technology, Durban.

08/08/2019: Writing for Publication in Accredited Journals at Research Indaba Retreat, Zebula Lodge.

- 16/08/2017: The suspended SADC Tribunal and its impact on state sovereignty at the Southern African Law Teachers Conference, Namibia.
- 31/03/2016: Summit of Briefing Patterns in the Legal Profession Emperors Palace, Johannesburg.
- 16/08/2016: Direct applicability of SADC Community Law in South Africa and Zimbabwe: A call for supranationality and uniform application of SADC Community Law, Lesotho.
- 09/10/2016: Evaluating *Canadian and South African* collaborative human rights initiatives: A preliminary analysis and research agenda, at Human Rights Initiatives Conference, Canada.
- 08/12/2016: Twenty-Three Years of *Gender Transformation in the Constitutional Court of South Africa*: Progress or Regression at the Constitutional Court Review Conference VIII, Parktown.
- 26/05/2014: Has the public failed itself on e-tolling: Opposition to Urban Tolling Alliance and Others v The South African National Road Agency at the International Journal of Arts and Sciences' (IJAS) conference, Harvard University campus in Boston, Massachusetts (USA).
- 08/07/2013: Legal status of international law in municipal law of South Africa: Republic of Zimbabwe v Fick at the 3<sup>rd</sup> International Conference on Regional Integration and SADC Law (UNISA).

## **MASTERS AND DOCTORAL SUPERVISION**

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### **LLM**

1. R Khather The right of access to adequate housing and the impact of non-realisation of this right on human dignity 2020
2. AD Tuffuor The UN charter and treaty-based monitoring of human rights: Implementation of committee decisions by national governments 2019
3. K Nakana A critical analysis of the history of land ownership: Advancing women's rights to land in South Africa 2018
4. SK Tlomatsana The Enforceability of the right of access to water in South Africa 2018
5. MZ Ndlovu Prosecution of foreign nationals in South Africa where there is no extradition agreement 2017

## LLD

1. R Chauhan Effective environmental compliance with specific reference to extractive mining industries in South Africa, completed 2021.
2. N Sobikwa The protection of human rights during an emergency in South Africa: The COVID-19 pandemic (*ongoing*)

## PUBLICATION RECORD AND FORTHCOMING ARTICLES

1. N Nyathi & MR Phooko "The South African Constitutional Court's judgment concerning the SADC Tribunal: Critiquing the Critics of the South African Constitutional Court" *The Comparative and International Law Journal of Southern Africa* (forthcoming 2021).
2. N Sobikwa & MR Phooko "An assessment of the constitutionality of the COVID-19 regulations against the requirement to facilitate public participation in the law-making and/or administrative processes in South Africa" *Law, Democracy and Development* (forthcoming 2021).
3. MR Phooko "The development of class actions in South Africa: An analysis of where we are through case law" 2021 *South African Journal on Human Rights* (forthcoming 2021).
4. A Munyai & MR Phooko "Is English becoming a threat to the existence of Indigenous languages in institutions of higher learning in South Africa?" 2021 (54) *De Jure* 298-327.
5. MR Phooko "Revisiting the monism and dualism dichotomy: What does the South African Constitution of 1996 and the practice by the courts tell us about the reception of SADC Community Law (Treaty Law) in South Africa? 2021 (29) *African Journal of International and Comparative Law* 168-182.
6. MR Phooko "A call for public participation in treaty-making process in South Africa: What can South Africa learn from the kingdom of Thailand?" 2020 (53) *The Comparative and International Law Journal of Southern Africa* 1-22.
7. MR Phooko "Has the SADC Tribunal been salvaged by the South African Constitutional Court and the Tanzanian High Court? 2020 (2) *Speculum Juris* 175-187.
8. MR Phooko "A sin committed by the (suspended) SADC Tribunal: The erosion of state sovereignty in the SADC region and beyond" 2018 (21) *South African Yearbook of International Law* 1-34.

9. MR Phooko "Direct applicability of SADC Community Law in South Africa and Zimbabwe: A call for supranationality and uniform application of SADC Community Law" 2018 (43) *Potchefstroom Electronic Law Journal* 1-34.
10. MR Phooko "Conflict between participatory and representative democracy: A call for model legislation on public participation in the law-making process in South Africa" 2017 (38) *Obiter* 517-527.
11. MR Phooko "Direct applicability of the Southern African Development Community law in Zimbabwe and South Africa: Are courts any clearer? 2016 (1) *South African Mercantile Law Journal* 1-20.
12. MR Phooko "No longer in suspense: Clarifying the human rights jurisdiction of the SADC Tribunal" 2015 (18) *Potchefstroom Electronic Law Journal* 531-567.
13. MR Phooko "Legal status of international law in municipal law of South Africa: *Republic of Zimbabwe v Fick and Others* (657/11) [2012] ZASCA 122" 2014 (3) *African Journal of International and Comparative Law* 399-419.
14. MR Phooko "What should be the form of public participation in the law-making process? An analysis of the South African cases" 2014 (1) *Obiter* 39-59.
15. MR Phooko "A critical analysis of the decision of the Constitutional Court in *Maphango and Others v Aengus Lifestyle Properties (Pty) Ltd* 2012 (3) SA 531 (CC)" 2012 (33) *Obiter* 702-718.
16. MR Phooko "Lessons for private colleges that offer non-accredited courses: *EMIS v Health Professions Council of SA* [2013] ZASCA 87" 2014 (7) *International Journal of Private Law* 367-375.
17. MR Phooko 'Flaws' in Public Procurement not Synonymous with 'irregularities': A Guide to Determining Irregularities that are Sufficient to Invalidate a Contract 2014 (4) *International Journal of Public Law and Policy* 352-362.
18. MR Phooko & M Nyathi "The revival of the SADC Tribunal through the South African courts" 2019 *De Jure Law Journal* 415-432.
19. M Mokgokong & MR Phooko "*Afriforum v University of the Free State*: What has the Constitutional Court given us? 2019 (3) *Obiter* 228 -240.
20. MR Phooko & F Mnyongani "When ancestors call an employee: Reflections on the judgment of the Supreme Court of Appeal in the *Kievits Kroon Country Estate v*

- Mmoledi case" 2015 (27) *South African Mercantile Law Journal* 163-173.
21. MR Phooko & F Mnyongani "When ancestors call an employee: *Kievits Kroon Country Estate (Pty) Ltd v Johanna Mmoledi and Others* (JA 78/10)" 2013 (25) *South African Mercantile Law Journal* 606-618.
  22. MR Phooko & SB Radebe "Twenty-three years of gender transformation in the Constitutional Court of South Africa: Progress or regression? 2016 *Constitutional Court Review* 26-25.
  23. SB Radebe & MR Phooko "Ubuntu and the law in South Africa: Exploring and understanding the substantive content of Ubuntu" 2017 (36) *South African Journal of Philosophy* 309-332.
  24. MR Phooko "Evaluating Canadian and South African collaborative human rights initiatives: A preliminary analysis and research agenda" 2017 (4) *The Transnational Human Rights Review* 221-228.
  25. MR Phooko "Has the International Criminal Court been effective: Evaluating the work and progress of the International Criminal Court" 2011 (1) *Notre Dame Journal of International, Comparative and Human Rights Law* 182-207.
  26. MR Phooko "Homosexuality and privacy: *R v Soko and Another* under the magnifying glasses" 2011 (5) *Malawi Law Journal* 55-74.
  27. MR Phooko "Has the public failed itself on e-tolling: *Opposition to Urban Tolling Alliance and Others v The South African National Roads Agency Ltd and Others* [2013] 4 ALL SA 639 (SCA)" 2015 (7) *International Journal of Arts and Sciences* 293-305.

#### **CHAPTER CONTRIBUTION IN BOOK**

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1. MR Phooko and C Simbo The myth of public participation in the law-making process: A South African perspective in: *The People Shall Govern: Public Participation Beyond Slogans, Deliberations of the International Conference on Public Participation, Hosted by the Gauteng Provincial Legislature in Johannesburg* (2012).

#### **BOOK**

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1. N Nyathi, MR Phooko & P Ndlovu *SADC as Legal Community: Challenges and Prospects* (work in final stages).

#### **SELECTED ONLINE NEWSPAPER INTERVIEWS**

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27 Nov 2020: Malema's comments 'reckless; fall outside constitutionally protected freedom of expression  
<https://www.news24.com/news24/southafrica/news/malemas-comments-reckless-fall-outside-constitutionally-protected-freedom-of-expression-experts-20201127>

12 Dec 2020: Chief Justice Mogoeng a 'reverent, religious man', legal expert says amid vaccine prayer controversy  
<https://www.news24.com/news24/southafrica/news/chief-justice-mogoeng-a-reverent-religious-man-legal-expert-says-amid-vaccine-prayer-controversy-20201212>

#### **SELECTED SABC NEWS INTERVIEW/PANEL AVAILABLE ON YOUTUBE**

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Feb 2021: State Capture Inquiry/Zuma-Zondo, Zuma-Thales legal matters under scrutiny.

Mar 2021: Norma Mngoma charges withdrawn/The only conclusion is that state did not have a good case.

Jun 2021: UAE Treaty and the Guptas.

July 2021: High Court stay of JG Zuma arrest of ConCourt Decision.

Nov 2020: The Bushiri Case/What the SADC extradition treaty entails: Part 1.

Nov 2020: State Capture Inquiry/Zondo Commission to lay criminal complaint against Zuma.

#### **SELECTED RADIO INTERVIEWS/PANEL DISCUSSION**

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29 June 2021: Radio 2000 Constitutional Court warrant of arrest judgment for former President Zuma

30 June 2021: Channel Africa Radio, Legal and Political ramifications of ConCourt decision against former President Zuma

20 Feb 2020: SAfm Issues around the Western Cape High Court [Judges vs Judge President]

09 Mar 2020: SAfm A corruption Amnesty would help South Africa escape the bonds of state capture?

#### **ACADEMIC CITIZENSHIP**

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Mar 2021-May 2021: Appointed as an assessor by the South African Law Reform Commission to assess essays legal writing essays in honor of the late former Chief Justice Pius Langa

Jun 2020-Nov 2020: Edited and peer-reviewed the manual on HIV/TB and the Law: A Legal Resource 2021

2018 to date: Panel member of the National Research Foundation Committee on Grant Awards

2012 to date: Reviewer for journals including Comparative and International Law Journal of Southern Africa, South African Mercantile Law Journal, Potchefstroom Electronic Law Journal, Washington International Law Journal, Speculum Juris Journal, South



African Journal of Philosophy, Southern African Public Law Journal, Obiter and Constitutional Court Review Journal.

2017 to date: Assistant editor for South African Yearbook of International Law

2020 to date: Chairperson of the Editorial Board for the Comparative and International Law Journal of Southern Africa

2017 to date: External examiner for LLM and LLD theses for the University of Zululand, University of Pretoria, University of the Free State, University of South Africa, Wits University, and North-West University

#### **REPORT**

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1. MR Phooko Distribution of Legal Work in the Legal Profession in South Africa (Report commissioned by the Law Society of South Africa 2015/2016) (Draft report).

#### **THESIS**

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1. MR Phooko the SADC Tribunal: Its jurisdiction, enforcement of its judgments and the sovereignty of member states (LLD thesis, UNISA 2016).
2. MR Phooko South Africa's protection of information bill 6 of 2010: A test against international guidelines on freedom of expression (LLM thesis, University of Notre Dame (USA) 2011).

#### **ACADEMIC AND OTHER WORK EXPERIENCE**

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##### **University of Johannesburg , Associate Professor Nov 2018 to date**

Duties include teaching of Public International Law (undergraduate) and LLM in International Human Rights Law, supervision of undergraduate and post graduate students, researching, and publishing academic articles.

##### **Bertha Gxowa Hospital, Board Member May 2018 to date**

Head, Risk & Legal Subcommittee; Duties are mainly that of an oversight to ensure that the hospital provide a vital community service and the highest quality of health care to its patients. Further to ensure that the hospital is protected from being sued.

##### **University of Limpopo, Acting Director: School of Law (Ad hoc) 2017- 2018**

Duties included leading a Task Team that drafted an acceptable LLB Improvement Plan and obtained the LLB accreditation. Further responsibilities involved the strategic and operational management of the School to ensure that the institutional goals

related to teaching and learning, research, community engagement were achieved.

**University of Limpopo, Head of Department, Jurisprudence, Legal Pluralism, Criminal Law and Procedure**

**2017-2018**

Duties included managing the department to ensure that it achieved its teaching and learning, community engagement and research agenda as per the School of Law targets and the Institutional goals; provided academic leadership, oversaw academic administration, monitored and implemented measures for the improvement of standards and quality of teaching, learning and assessment in the department.

**University of Limpopo, Associate Professor**

**2017-2018**

Duties included supervision of undergraduate and post graduate students, researching, publishing academic articles.

**National University of Lesotho, Post-doctoral fellow**

**2016**

Duties included teaching and conducting research.

**University of South Africa, Lecturer**

**2012 – 2014**

Duties included teaching, supervision of LLB and LLM students, development of Introduction to Paralegal Module, researching, publishing academic papers, moderation, and assessing students.

**University of South Africa, Senior Lecturer**

**2015-2018**

Duties included teaching, supervision of LLD students since September 2016, supervision of LLB and LLM students, development of Introduction to Research Methodology Module, researching, publishing academic papers, moderation, and assessing students; Module Leader (2017-2018).

**Law Society of South Africa, Project Facilitator**

**Independent Consultant**

**2015-2016**

Duties included assisting the LSSA with projects that are related to the legal profession. One of the projects included establishing a Task Team on Skewed Briefing Patterns in the Legal Profession in South Africa. Investigated the distribution of legal work by government and wrote a report during 2016.

**Public Protector of South Africa, Quality Assurance/Legal Editor**

**2013-2015**

Duties included drafting reports, overseeing that the reports of the Public Protector complied with internal guidelines before they were released to the parties concerned and the public.

**University of North West, Lecturer**

**2011**

Duties included teaching, supervision of LLB students, publishing academic papers, moderation, and assessing students.

**University of North West, Student Assistant  
2004-2006**

Duties included research for academic staff, conducting tutorials, marking of exam scripts and assignment, capturing marks, invigilating, lecturing, receptionist in the Office of the Dean and running errands in the Faculty of Law.

**Socio-Economic Rights Institute of SA, Legal Intern  
2011**

Duties included research, preparation of legal opinions and consulting with clients.

**Constitutional Court of South Africa, Law Researcher  
2009-2010**

Duties included writing analytical summaries of written argument or evidence and assessing arguments in the light of academic legal literature and case law; carrying out detailed research on particular topics; preparing pre-hearing memoranda, media summaries and opinions as well as identifying key issues in matters to be heard; assisting the judge in Court; taking detailed notes of oral argument during hearings; assisting the judge in Court-related work such as committees, organizational work and international human-rights work; cite-checking draft judgments before delivery; taking part in various clerks' committees and administration of Court papers and case management.

**Legal Resources Centre (Durban), Candidate Attorney  
2007-2009**

Duties included consulting and taking instructions from clients, representing clients in court, researching and writing memos for the attorneys, drafting pleadings, running errands and conducted workshops on various legislations.

**Harold Gie Attorneys, Legal Intern  
2005**

Duties included general research, running errands, writing opinions on pending cases, and attended seminars on Magistrates Court Practice and Law of costs.

**Lancier Security, Security Officer  
2002**

Duties included CCTV operation, effecting arrests and supervision of security personnel.

**RESPONSIBILITIES IN VARIOUS COMMITTEES**

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Nov 2018 to date: Member of the Teaching and Learning Committee, University of Johannesburg.

Aug 2019 to date: Member of the Transformation Committee, University of Johannesburg.

Jul 2017- Oct 2018: Chairperson of Quality Assurance Committee, University of Limpopo.

- Jul 2017- Oct 2018: Member of Task Team LLB Review University of Limpopo.
- Jul 2016 - Jun 2017: Member of Task Team LLB Review UNISA.
- May 2016 - Dec 2017: Member of Task Team on Briefing Patterns in the Legal Profession, Law Society of South Africa.
- Nov 2015 - Jun 2017: Head of Research Committee, Department of Jurisprudence, University of South Africa.
- Jan 2013 - June 2017: Member of the Department of Jurisprudence Research Committee.
- June 2014 - June 2017: Member of the UNISA Institutional Staff Disciplinary Hearing Committee.
- Mar 2016 - June 2017: Member of flagship on an evaluation of the pluralization of street policing in South Africa.
- Jun 2012 - June 2017: Member of CAES Ethics Clearance Committee.
- July 2009 -July 2010: Clerk's Committee, Constitutional Court of South Africa.
- Jan - Dec 2006: President of the Law Student Council, North West University, Mafikeng (Jan – Dec 2006).

### **COUNTRY EXPERIENCE**

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Ghana, Botswana, Lesotho, Kenya, Ethiopia, Tanzania, USA, Thailand, Greece and Canada.

### **ACADEMIC ACHIEVEMENTS**

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- 2018: Awarded a fellowship by African Institute of International Law to attend Summer Academy on the Continental Shelf, Arusha, Tanzania.
- 2016: Awarded a fellowship by African Institute of International Law to attend International Law Seminar for African Universities, Accra, Ghana.
- 2014: Awarded the United Nations Fellowship to attend a Regional course on International Law for Africa at the United Nations Economic Commission for Africa, Addis Ababa-Ethiopia.
- 2010: Awarded the Ismail Mohamed Fellowship from the Constitutional Court of South Africa to pursue LLM degree in International Human Rights Law in the United States of America.
- 2010: Awarded a full tuition fee waiver in recognition of

academic achievements by the University of Notre Dame (USA).

2004-2006: Awarded The James Smith Educational Trust to pursue a LLB degree.

2006: Awarded the Attorneys Fidelity Fund to pursue LLB degree.

2006: Represented the North West University at the 15<sup>th</sup> African Human Rights Moot Court Competition and participated in the International Conference on Human Rights in Africa held at Addis Ababa University, Ethiopia.

2005: Selected to participate in the 1<sup>st</sup> and 2<sup>nd</sup> phase of the Integrated Bar Project organized by the Centre for Human Rights - University of Pretoria in association with Legal Education and Development and the Law Society of South Africa (2005).

## **REFERENCES**

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North West University, Mafikeng  
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Justice Z Yacoob (retired)  
Constitutional Court of South Africa  
Cell: +27 73 3020 717  
E-mail: [yacoob@concourt.org.za](mailto:yacoob@concourt.org.za)

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