

## AWARDS, HONOURS AND ACHIEVEMENTS

- The International Human Rights Award of the American Bar Association (1994)
- Honorary International Member of the American Academy of Arts and Sciences, and a member of its International Committee
- Honorary Bencher of the Inner Temple, London

## DEFINING MOMENT

As head of the Standing Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation, it was most important to be able to confirm the third-force role in the violence leading up to democracy. The Goldstone Commission has been hailed for doing more than any other inquiry or investigation to uncover the illegal activities of the South African security forces in the period overlapping the transition to democratic governance in South Africa. His reports exposed high-ranking officers who were forced to resign by former President FW de Klerk, along with other security force members. Earlier, he found that police had unlawfully shot unarmed protesters near Sebokeng and recommended they be charged with murder. Judge Goldstone considers the findings pivotal in his life and in the life of all South Africans, critical as they were to averting permanent harm to the peace negotiations.

## WHAT PEOPLE MIGHT NOT KNOW

Very little, says Judge Goldstone. But he reveals that he inherited a love of classical music and opera from his mother. "There was always music in our home during my young years, morning, noon and night."

## CUT OUT FOR A LIFE OF LAW

His English grandfather, in whose flat Justice Richard Goldstone spent much of his time as a child, always told him he was cut out to be a barrister. So there was never any question, he says, from the age of just six or seven, that he would study law. What his grandfather could not have known as they spent that formative time together all those years ago was that Goldstone's deep moral integrity would see him play a critical role in undermining apartheid from the inside, often tempering the worst consequences of the country's racist laws.

Goldstone's renown was not, however, confined to his home country, he won global acclaim for his outstanding legal career and for his contribution to the development of international criminal justice.

Beyond the early decision to pursue law, very little about his life and career was pre-planned, says Goldstone. "Things happened and I seemed to be around at the right time. I certainly didn't plan any of it. I wanted to be an advocate and never foresaw for a moment that I would be a judge by the age of 40."

After 17 years of practising commercial law in Johannesburg, he was appointed to the Bench of the then Transvaal Supreme Court in 1980 in the face of much opposition from those who believed he should not be associating himself with an institution of the apartheid government. From 1989 he was a Judge of the Supreme Court of Appeal, until his appointment to the new Constitutional Court by former President Nelson Mandela in 1994, where he served until 2003.

Goldstone, who was fiercely opposed to apartheid, always believed he could use his profession to fight the scourge. He successfully challenged these laws on several occasions, taking such a firm ethical stance regardless of popular opinion that he won the respect of not only apartheid President FW de Klerk, but also of future President Nelson Mandela and the African National Congress.

## DUTY TO ACT MORALLY

He has been quoted as saying that "if a judge is to err, it should be on the side of defending morality". He believes judges have a duty to act morally and has always been adamant that if the laws they are dealing with have an unjust consequence, it is their duty to use their powers – however limited – to "interpret the laws and give judgments which make these laws less harsh and less unjust."

Among his important rulings Goldstone is credited with making the Group Areas Act almost unworkable by restricting evictions of people from 'whites only' areas, an intervention that saw a virtual end to prosecutions under the Act. In 1986, he was the first judge under apartheid to free a political prisoner



# RICHARD GOLDSTONE

detained under the draconian laws imposed by a recently declared state of emergency and, in another case, he ruled that a detainee should be released because the police had failed to inform him he was entitled to consult a lawyer.

Later, as the Chief Prosecutor for both the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), Goldstone contributed to precedent setting judgments on genocide, war crimes and crimes against humanity. The invitation in respect of the ICTY, from the United Nations Secretary-General Boutros Boutros-Ghali, saw Goldstone become the first South African to be offered a major international post after the country re-joined the international community following the first democratic elections.

When he conferred a Doctor of Laws (*honoris causa*) degree on Goldstone in 2012, Head of Law Procedure and Law of Evidence at the University of the Free State (UFS), Professor Neels Swanepoel said the Judge had contributed to laying the foundation for conflict resolution in societies 'that have transformed from repressive to democratic rule,' or what is now referred to as 'transitional justice'.

Goldstone says that while he could never have predicted the direction his life and career would take, he is grateful and humbled to have played such an important role during crucial world events. He adds that he has President Nelson Mandela to thank for his international experiences in Yugoslavia and Rwanda: It was South Africa's first democratic President who allowed him to take leave of absence from the Constitutional Court at that time.

He refuses to take any special credit for his role and says that while war crimes commissions are extremely tough for everyone, including him, the real heroes are the investigators who gather the crucial evidence. "They are really the people who carry the biggest burden. They're out there in the field gathering information about the losses and the atrocities. By the time that information came to me, all the hard work had already been done.

"That doesn't mean it was easy for me, and I certainly lost a lot of sleep. It's the individual stories that really get to you, when you hear about what one single person had to endure. The bigger picture is much easier to cope with than those stories," he says.

Prisoners and their welfare and rehabilitation were another important focus for Goldstone who in 1985 was elected national president of the National Institute for Crime Prevention and the Rehabilitation of Offenders (NICRO), a position he filled until 2000.

He has been quoted as saying that he tried to balance his commitment to the Bench, which "often required me to make morally compromising and politically difficult decisions", with assisting with ways to rehabilitate former prisoners.

It is no surprise that Goldstone says he "likes to be busy", considering that since his retirement from the Constitutional Court in 2003, he has been a visiting professor at seven different law schools in the United States in what has become an entirely new profession.



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# Legends of South African Science II

**Academy of Science of South Africa (ASSAf)**

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