



Statement of Support of Eminent Jurist Richard Goldstone

The Commonwealth Lawyers Association (CLA) is a pan-Commonwealth professional association of lawyers that exists to maintain and promote an independent legal profession and the rule of law throughout the Commonwealth.

The CLA is concerned about the ongoing attacks against the professional and personal integrity of Richard Goldstone, an eminent South African jurist, who was appointed as Head of an independent United Nations Fact-Finding Mission to investigate violations of human rights and humanitarian law committed in the course of the Gaza War between 27th December 2008 and 18th January 2009.

Following publication of the report on 25th September 2009, Richard Goldstone has been subject to a sustained campaign to discredit him including questioning of his judicial record under Apartheid in South Africa.

Speaking at a special ceremony to mark his retirement from the Constitutional Court of South Africa in 2003, the former Chief Justice of South Africa Arthur Chaskalson said that “Judges with an understanding of and a willingness to acknowledge the suffering and frustrations caused by apartheid, had an important role to play in those dreadful days. In its report, the Truth and Reconciliation Commission was highly critical of the role of the judiciary under apartheid, but it acknowledged the few who “exercised their judicial discretion in favour of justice and liberty wherever possible”. Justice Goldstone was one of those referred to.”

More recently, on 13th May 2010, former Chief Justice Chaskalson described Judge Goldstone as “one of a small group of judges who did their best to mitigate the harshness of apartheid” and expressed his view that it was “absolute nonsense to say that Judge Goldstone took the side of the racist policies of the apartheid regime”.

Mohamed Husain, President of the CLA, said that “Like Chief Justice Chaskalson I have been alarmed and disturbed at the increasingly offensive and ill-informed attacks on Justice Goldstone’s record as a judge in South Africa. It is particularly unfortunate and inappropriate for personal attacks to be used as a vehicle of response to a substantial and serious human rights investigation. The CLA supports the principles of judicial independence and notes that judges should not be subject to improper influence from governments, private or partisan interests. He added that the CLA was astonished that Professor Dershowitz recently likened Judge Goldstone to the Nazi Josef Mengele. “This is a vile comparison and a baseless vilification of Judge Goldstone, which all right-thinking persons would reject in the strongest of terms”.

The CLA calls for these attacks to cease and echoes the sentiments expressed by the International Bar Association in their statement of 25th May 2010.

Commonwealth Lawyers Association (CLA)

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