

Introduction of
Justice Richard J. Goldstone

The 2004 Coffin Lecture
The Future of International Criminal Justice

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Our Lecturer this year is living proof of the fact that our theme of law and public service can extend to the international scene. I cannot think of a better exemplar of that groundbreaking range of service than Justice Goldstone. You already know from what you have read and have heard from Dean Khoury the variety of key judicial, prosecutorial, and leadership positions he has held. What I want to add is some insight into the kind of person we have with us tonight, and his legacy.

It started at the University of Witwatersrand in South Africa. As he writes in his splendid book, "For Humanity," as a student he quickly sensed the gulf between the white suburbs and the "squalor of black townships" where students wishing to study at night had to settle for paraffin lamps or candles. He became an activist and before long found himself elected to the executive committee of the National Union of South African Students.

Studies and fighting apartheid did not completely preempt his time. A foreshadowing of his flair for being in the right place at the right time was revealed by a pack of unruly rats which, in a nearby psychology lab at the University, refused to cooperate with another student performing an experiment. They insisted on running the wrong way. Frustrated beyond words, this researcher rushed outdoors and there, on the steps of the university, met, for the first time, our speaker. And thus it was that the wayward rodents of Witwatersrand launched an enduring romance between Noleen Behrman and her future husband.

Justice Goldstone did not begin at the top in his extra-judicial public service. As a young Justice on the Transvaal Supreme Court, he availed himself of a seldom invoked privilege, that of visiting the prisons where all too many of his country's people were detained without trial. For over two years, at the request of the President Judge of his court, he visited some 3,000 prisoners, facilitated visits by families, and devised ways of supplying them with magazines and clothing.

In addition to this basic instinct of humaneness, other trademarks of the Goldstone style were revealed after he had been chosen by both President de Klerck and the seminal African National Congress to head the Standing Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation, now known to history as the Goldstone Commission. In his own quiet, persistent, unorthodox style, he accomplished wonders in changing the way things were done. He persuaded President de Klerck to release promptly to the public all reports of the Commission, instead of sitting on them until a "convenient" time. He saw to it that the Commission fielded its own investigative teams, with South African police monitored by foreign senior police and independent attorneys. He procured the participation of an eminent Indian jurist, Justice Bhagwati of Bombay to investigate the Boipatong Massacre of innocent people. His themes were refusal to bow to government pressure, inclusiveness, openness or transparency of operations, and even-handed fairness. The result was that trust in the Commission steadily widened and deepened on the part of all warring factions.

Another quality was an ability to induce extraordinary action through personal contact and friendship. This was why Justice Bhagwati dropped everything, after a phone call from Goldstone, and flew to South Africa. This was why Justice Goldstone was able to arrange financial assistance to protect witnesses before the Goldstone Commission. He had asked England's Foreign Minister, Douglas Hurd to talk with the European Union and see if it could provide the modest sum of \$20,000. After considerable bureaucratic double talk, one diplomat present, the Danish Foreign Minister, Elleman-Jensen, "with a naughty gleam in his eye," as the Justice has written, stated that he wouldn't want to trouble the bureaucrats and that Denmark would make the contribution. This personal quality was why American law schools provided valuable research pro bono. And this was why, when the Justice ran into difficulty getting money to travel to Kigali in Rwanda to iron out an obstacle to the newly established international tribunal, Foreign Minister Cotti of Switzerland quickly contributed 100,000 Swiss francs.

Finally, to all these qualities, Justice Goldstone has demonstrated what we may expect in an international prosecutor -absolute independence. He writes, "By their nature, war crimes investigations are politically controversial, so that the independence of a war crimes prosecutor is even more important than that of prosecutors operating within national jurisdictions." He adds that they should "be held fully accountable for their actions." He favors review and confirmation of indictments by highly credentialed judges who would not take part in later proceedings in any case so reviewed. He ends his book, "For Humanity" on a note of optimism, that soon this young century will see a more effective honoring of victims' rights and a more responsible world community.

There is no one better qualified to enlighten us, citizens of a country which very badly needs enlightenment on a commitment to international order, a commitment whose time has come. I have the signal honor of presenting the Honorable Richard Goldstone.