



CIVIL COURAGE PRIZE

Introduction by Justice Richard J. Goldstone

Vladimiro Roca Antunez

2002

I would like to warmly congratulate the Northcote Parkinson Fund for having established this Civil Courage Prize. It achieves a number of goals:

- it recognizes the personal courage of the recipients and brings honor to them for the outstanding bravery they have exhibited in the interests, not of themselves, but of their people;
- it also calls attention to the principles for which they have risked their freedom and oftentimes their lives;
- then, too, it encourages others to follow in their footsteps;
- perhaps most important of all, it calls international attention to the plight of the people for whom they are prepared to sacrifice so much. By so doing the Award may act as a form of protection for the recipient.

As personally tragic as some of the sacrifices may be, this ceremony is an occasion for celebration - a celebration of the human spirit and its ability to overcome even the worst of tyrannies and the hardships that accompany them. It is a celebration too because the bravery of such people has changed the course of history and led to the emancipation of the oppressed.

I have been the beneficiary of such courage in my own South Africa. The personal courage of Nelson Mandela is known throughout the world. Without it South Africa would undoubtedly have experienced a terrible blood bath with catastrophic consequences for all of its people.

On an occasion such as this one, one should also remember the bravery of the unnoticed and unsung heroes and heroines without whom the leadership of those we honor would most likely have been worthless. It is not only the Mandelas and the Ghandis of this world who should be honored - it is the many thousands of people who followed them at great personal sacrifice.

It is a matter for regret, but not surprise, that five of the Civil Courage Prizes have been awarded posthumously - to Pastor Deitrich Bonhoeffer, Judge Giovanni Falcone, Rosemary Nelson, Neelan Tiruchelvam and Raoul Wallenberg. Happily, today's recipient has survived the trials and threats which his courage brought in its wake.

I say it is not surprising that some of the recipients have paid the ultimate price having regard to the main criterion in making the Award - resisting evil. It is evil leaders and evil regimes that fight their opponents without scruple and in disregard of their fundamental human rights.

There has always been a problem about the means used to fight evil. Is it ever appropriate and moral to resort to violence, and is one entitled to target innocent civilians, i.e. resort to terrorism? Was the African National Congress entitled to resort to violence in fighting the oppression and evilness of the Apartheid system? This question would have made for a wonderful debate between Nelson Mandela and Martin Luther King, Jr. I rather doubt whether they would have found much common ground on the justification of resorting to violence.

Talking of Nelson Mandela, I will never forget his address at the inauguration of South Africa's brand new Constitutional Court on February 15, 1995. After the eleven new justices had taken their oaths of office, President Mandela gave a moving inaugural address. His opening words were to the effect that the last occasion on which he had appeared in a court was some 30 years before when he waited to hear whether he was to be sentenced for death. (The first case on the docket of the new court was whether the death penalty was constitutional!) It was in that trial that he made his courageous speech from the dock. He concluded with the following words: "During my lifetime I have dedicated myself to the struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die."

And what of the means that democracies are justified in adopting to fight terrorism? I know that I need not convince this audience that proportionality is crucial, and that democratic leaders have no moral or political right to resort to the methods of the terrorists themselves.

The extreme case is military force. And, modern international law is clear- military force may only be used in self-defense, absent a Security Council resolution authorizing it. That is the effect of the UN Charter to which each of its members has committed itself.

I share the hope of so many people around the world and in this country, that the US will do all it can to avoid unilateral action against Iraq and will only do so with the sanction of the Security Council. The example of the powerful, and in this case the most powerful nation on our planet, cannot be over-emphasized.

I have been extremely concerned at the instances of apparent disregard for the law and for the protection of civil liberties in the United States in the aftermath of the terrorist attacks of 9/11/01, and the wide acceptance of that approach by so many people in this country. One could cite the disregard of clear provisions of the Geneva Conventions in respect of those many hundreds of people being detained in Guantanamo Bay. One could refer to the hundreds of people who have been rounded up and kept in solitary and secret confinement because of their country of origin. I need hardly spell it out for this audience.

I can assure you, as a South African lawyer, that my country owes a huge debt to the US legal community for the non-violent transition from Apartheid to democracy. It was American judges and lawyers who inspired many who opposed Apartheid and used spaces in the law to draw attention to the evilness of the system. It was American lawyers who taught advocacy skills to black South African lawyers. Particularly in that context it is with tremendous regret that I too frequently nowadays hear the disdain for human rights from leading American political leaders. That has become grist to the mill of many an oppressive regime around the world.

The difference, of course, is that in this democracy it is not risky for opponents of those policies to speak out. It is not likely that a situation might ever arise when an American could seriously be nominated for a Civil Courage Prize. It is particularly appropriate that in these undoubtedly dangerous times, that it is an American Foundation that honors the civil courage of people who have resisted evil at great personal sacrifice.