

ADDRESS BY AHMED KATHRADA AT WITS UNIVERISTY ON 11 December, 2012

Esteemed Chancellor, Deputy Chief Justice Dikgang Moseneke, Vice Chancellor, Professor Loyiso Nongxa, the Academic Staff, and all staff members who keep the wheels of the University turning, distinguished guests, Ladies and Gentlemen.

I wish to express my deep gratitude to the University of Witwatersrand for the surprising honour to bestow an Honorary Doctorate on me.

At the same time, my congratulations to all students who graduate today. You have achieved a milestone in your lives, and may all your future endeavours be crowned with success. I have a humble plea to all of you who are graduating today, and leaving the University. You will be going out into world, full of numerous challenges. When employing your newly acquired skills and expertise, please remember that with success come responsibilities.

There is the very important responsibility to the country. You are no doubt aware that South Africa is in dire need of skills and expertise in every direction. Without these our country will not be able to make the progress that it needs in order to face the challenges before us.

Honourable Chancellor, I'm ashamed to confess that about 60 years ago I had a brief association with Wits. I spent all of 3 months of my life as a student. Thereafter, at the age of 22 I succumbed to the attraction of an overseas visit, and I abruptly abandoned my student life to descend into the army of drop-outs.

It had to take 19 years to redeem myself, but we won't go into that.

Honourable Chancellor, with sincere apologies, I intend to depart from what I guess would have been expected from me in a speech at such an occasion.

While completing my draft I received the shocking news of the death of former chief Justice Arthur Chaskalson. Also a distinguished student of Wits and one of South Africa's top legal minds. And most importantly, a human rights lawyer. President Mandela appointed him as first Judge President of the newly established Constitutional Court.

On a personal level, we will remember him as a member of the team of lawyers who defended us the Rivonia Trial. We join millions of people in South Africa and abroad in saluting the life of one of South Africa's most brilliant minds and great sons.

I wish to dedicate the remainder of my speech to two outstanding former students of Wits, and one, who though not a former student of Wits, he is inseparable from it.

All 3 of them are distinguished scholars, whose exemplary careers should inspire students not only to be achievers in their fields, but to contribute towards the needs of wider society.

Firstly, I single out Advocate Ismail Mohamed, who made history by being the first member of the legal fraternity who was not white, to serve in the position as Chief Justice of the Appeal Court in Bloemfontein.

But his tenure in this exalted position was not without added humiliation.

Chief Justice Mohamed was born and grew up in the Transvaal. As in other provinces, the Province of his birth unashamedly boasted warning signs at all public facilities - libraries, cinemas, railway stations, post offices, lifts, parks, hotels, restaurants, toilets etc. Signs that decreed that the facilities were for Europeans Only.

There were also signs that decreed "Non Europeans and Dogs Not Allowed". Thus maintaining that people who were not white were lesser human beings and as such were reduced to the level of dogs!

But his humiliation did not end there. He now had to carry out his duties as Chief Justice in Bloemfontein - in the Province of Orange Free State. Since 1913 the Government had made it a criminal offence for Indians to be in the Orange Free State altogether.

The most senior judge in South Africa and his colleagues were placed in a position where they found themselves helpless to prevent the indignities and humiliation that Chief Justice Ismail Mohamed had to face literally every hour that he spent in Bloemfontein. Because he was not white he was barred from every public amenity - hotels, restaurants, libraries, transport, lifts.

Allow me, Esteemed Chancellor, to cite my personal experience in this Province. In 1955 I was arrested in Heatherdale, a suburb of Bloemfontein. My crime was to be illegally in the Orange Free State, and in the Coloured Township.

The Senior Officer at the Bloemfontein Police Station was placed in a quandary, and he confessed he had never seen an Indian in his life and didn't know what to do with me. There were cells only for Blankes and Bantus, but no cell for Indians. He asked me – his prisoner- where he should lock me. I relieved him of his anxiety by telling him I was not white and he should lock me in a cell for Africans. In my Court case I was defended I was defended by my good friend, comrade and lawyer - Advocate Joe Slovo managed to get me off on the main charge, but I had to pay a ten shilling(or one Rand) fine for being illegally in the Coloured Township of Heatherdale!

My next Alumnus was my friend and comrade, with whom I grew up in politics from a very young age. She was an author, a highly acclaimed journalist, and a courageous and committed politician, and brilliant student.

Ruth Slovo was living in exile in Maputo, and teaching at the University.

One day she received a package from the United Nations. She of course could not have guessed that the package had been intercepted by the Security Police in Johannesburg; they had carefully inserted a tiny but powerful explosive in it and posted it to her. She innocently opened it and the powerful explosion killed her on the spot. We learnt of the tragedy with shock, while we were in Pollsmoor prison. South Africa was left the poorer by her death.

My next choice is a fellow Robben Island Prisoner who I first met when he was about 18. During his 10-year imprisonment, he completed his matric, a B.A. and B.Juris. His academic achievements as a young prisoner have won widespread admiration. He may not be a Wits alumnus. But he is Chancellor of the University of Witwatersrand, the Honourable Dikgang Moseneke.

In addition, he is Deputy Chief Justice of the Constitutional Court, the highest Court in the country. As the guardian of our democracy, the Court holds the final power to pronounce judgement on all matters relating to the Constitution. There is no organ of State that can over ride its decisions.

Since its establishment, the Court has jealously guarded the Constitution without fear or favour. Some of its judgements have been criticised by individuals in Government and the ruling party. A disturbing feature have been hints that can be interpreted as desire to curb the powers of courts , including the Constitutional Court.

Interestingly these reactions have contributed towards the birth of new terminology. We increasingly hear and read of "untransformed", "neo liberals", "coconuts", and the newest is "clever blacks".

On their own they can be dismissed, ridiculed or ignored. However, it is the constant repetition of such terms that is disturbing.

Arthur Chaskalson and other leading lawyers have made their views known about the perceived threats to the independence of the Judiciary, especially on the Constitutional Court.

I conclude with the hope that the legacy of the founding fathers of our democracy -President Mandela, Oliver Tambo, Walter Sisulu, Joe Slovo, Arthur Chaskalson and many others will be respected, and not allowed to be trampled upon in any way.