



PRESS RELEASE
(Immediate Release)

JUSTICE JOHANN VAN DER WESTHUIZEN, FOUNDING DIRECTOR OF THE CENTRE FOR HUMAN RIGHTS RECEIVES AN HONORARY DOCTORATE FROM THE UNIVERSITY OF PRETORIA

Justice Johann van der Westhuizen, judge of the Constitutional Court and founding director of the Centre for Human Rights, University of Pretoria, on 10 December 2013, International Human Rights Day, received an honorary doctorate from the University of Pretoria.

Justice van der Westhuizen received the degrees BA Law cum laude in 1973, LLB cum laude in 1975 and LLD in 1980 from the University of Pretoria. His LLD thesis is entitled 'Noodtoestand as regverdigingsgrond in die strafreg' ('Necessity as a ground of justification (or as a defence excluding unlawfulness) in the criminal law'). Justice van der Westhuizen has had an illustrious career as an academic, human rights practitioner and judge.

Justice Van der Westhuizen was professor (from 1980 to 1998) and head (from 1980 to 1994) of the Department of Legal History, Comparative Law and Legal Philosophy in the University of Pretoria's Faculty of Law. He was the founding director of the University's Centre for Human Rights from 1986 to 1998. He has taught jurisprudence, human rights, constitutional law, legal history, comparative law and Roman law at the University of Pretoria, other South African universities and at the Yale Law School. He presented numerous papers and lectures at conferences, universities and discussion groups in Germany, the USA, Canada, west and southern Africa and South Africa, and published widely. Justice van der Westhuizen is an honorary professor in the Centre, and he remains involved in the activities of the Centre, including by lecturing in its programmes and sitting as a judge in moot court competitions.

Admitted as an advocate of the High Court of South Africa (in 1976) and as an associate member of the Pretoria Bar (1989-1998), Justice Van der Westhuizen acted as counsel in human-rights litigation and argued many appeals against the censorship of socially and politically significant films and books. He acted as a consultant and in-house advocate for the Legal Resources Centre and Lawyers for Human Rights and served on the national council and board of trustees of Lawyers for Human Rights. He further organised several conferences on human rights and related matters, participated in discussions with the then banned liberation movements in Dakar, Harare, Lusaka and New York. He was intimately involved in the drafting of South Africa's Constitution in 1995 and 1996 as a member of the Independent Panel of Recognised Constitutional Experts, which advised the Constitutional Assembly, and of the Technical Refinement Team, responsible for the final drafting and editing process. At the multiparty negotiating process in 1993, resulting in the adoption of the interim Constitution, and at the Transitional Executive Council in 1994, he served as the convener of task groups dealing with the abolition of discriminatory and oppressive legislation from the apartheid era.



In 1999 he was appointed by President Nelson Mandela as a judge in the Transvaal Provincial Division of the High Court of South Africa (now the North Gauteng High Court) in Pretoria. He was appointed to the Constitutional Court of South Africa on 1 February 2004.

As a judge, he should be singled out for his lucid and well-reasoned contributions to the jurisprudence of the Constitutional Court. Constitutional Court judgments written by Justice Van der Westhuizen deal with matters including constitutional amendments, provincial boundaries and powers, fair trial issues, equality, the development of African customary law, asset forfeiture and search and seizure procedures and the right to privacy. In the landmark case of *Shilubana and others v Mwamita*, in which Justice van der Westhuizen wrote the lead judgment, the Court declared unconstitutional the customary law rule that restricted succession to chieftainship to male heirs. The judgment is not only a landmark for gender equality, but is also an example of Justice van der Westhuizen's analytical reasoning and clarity of expression.

Justice van der Westhuizen made seminal contributions in the field of human rights and constitutionalism. It was his vision and leadership that inspired the founding of the Centre for Human Rights at the University of Pretoria in 1986. As founding Director of the Centre, he was able to establish an entity of great national legitimacy at an institution at the time closely associated with the government in power. With him at the helm, the Centre played a prominent role in legal resistance to apartheid, in initial negotiations with the ANC, and in the debate about a new constitutional dispensation, all of which contributed to the Centre now being recognized internationally as a leading human rights institution in Africa.

Justice van der Westhuizen is married to Sarojini Persaud and has three children, Alexander, Dassie and Vincent.

The degree LLD (*honoris causa*) is awarded to Justice van der Westhuizen for his significant contribution to the South African human rights practice and discourse, as academic, constitutional expert and as Judge of the Constitutional Court.

For a copy of Justice van der Westhuizen's speech, delivered at the occasion, see, www.chr.up.ac.za.

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