

## HONORARY GRADUATE

### Ismail Mahomed

Ismail Mahomed, Chief Justice of the Supreme Court of Appeal of South Africa, commenced his long and distinguished legal career at Wits. Born in Pretoria in 1931, he read for a Bachelor of Arts degree and then an honours degree in Political Science at this university and completed a Bachelor of Laws degree in 1957.

As a student he was actively involved in the political life of the University, as a member of the Students' Representative Council and an editor of the newspaper, *Wits Student*.

He was admitted to the Johannesburg Bar in 1957 and practised there for some thirty-five years. He took silk in 1974, becoming the first black member of the Bar to achieve the status of Senior Counsel. At the same time he practised as an advocate in neighbouring countries. In 1979 he was appointed a judge of the Court of Appeal of Swaziland and in 1982 a judge of the Court of Appeal of Lesotho, becoming President of that court in 1991. He was also admitted to the English Bar in 1984.

Known for his incisive intellect and quick tongue, Ismail Mahomed built up a considerable reputation as an advocate in litigation generally, but particularly in civil liberties matters and in the complexities of administrative law. Himself a victim of the laws spawned by apartheid, he was unable to take up chambers because of the provisions of the Group Areas Act, and was without the support of many of his white colleagues. When appearing in the Appellate Division in Bloemfontein, for example, he was prohibited, as an Indian, from spending the night in the city.

Despite these adversities, Mahomed appeared in numerous trials on behalf of some of the leaders of the anti-apartheid movement, challenging administrative and executive decrees with unusual success. As an expert on the Group Areas Acts (he was the co-author of a book on the Acts, together with Lewis Dison), he appeared in several cases in which the provisions of the Acts were challenged and the lives of people affected by their provisions ameliorated.

In the past decade Mr Justice Mahomed has been honoured in numerous ways. In 1990 he was appointed an acting judge of the High Court of Namibia, and in 1991 he was made a permanent judge of that court. He was appointed Chief Justice of Namibia in 1993, and held that office until the end of 1996. In 1991 he accepted an appointment as a judge of the Supreme Court of South Africa and in 1993 was made an acting judge of the Appellate Division. He also served on the Electoral Court in 1994. He was one of the four Supreme Court judges appointed to the first Constitutional Court of the country in 1994, and became its Deputy President.

As a member of the Constitutional Court, Mr Justice Mahomed delivered several notable judgments, making a significant contribution to the development of our constitutional jurisprudence in language that is elegant yet provocative. His erudition and interest in jurisprudence, politics and philosophy have been manifest in his judgments and in many other publications. Mr Justice Mahomed has published widely in journals and lectured on human rights in Australia, India, Pakistan, the United States, the Philippines and, of course, South Africa. He has also chaired or served on numerous commissions of inquiry, and was co-chair of CODESA. In 1996 he was appointed head of the South African Law Commission, a statutory body which reviews and initiates legislation, and thus makes a significant contribution to the development of the legal system.

The culmination of Mr Justice Mahomed's legal career was his appointment, from the beginning of 1997, as Chief Justice. He brings to the position a wealth of experience, his considerable intellect and his dedication and commitment to the young democratic state.

Ismail Mahomed's talents have been recognised both here and abroad: he has been awarded honorary doctorates by the Universities of Pennsylvania (1991), Delhi (1992) and Natal (1995). He received the Indicator Human Rights Award (1990), the KARPf Peace Prize: Columbia University (1993) and the Brink Lawyers Association Award for Human Rights (1994).

Mr Justice Mahomed has made an enormous contribution to this university. He has been a member of the Board of the Faculty of Law for many years, and was appointed Honorary Professor in the School of Law in 1990. He has taught in the School, served on committees and selflessly advised on numerous matters. A number of senior members of the Faculty regard him as a mentor, and he has had an important influence on their careers. He is a member of the Editorial Boards of the *Annual Survey of South African Law* and the *South African Journal on Human Rights*, both journals being produced and edited in the Faculty. He has also served on the Council of the University.

In conferring the degree of Doctor of Laws *honoris causa* on Ismail Mahomed, the University honours not only a most distinguished man but also itself.