

## **Richard Goldstone Speech**

*Remarks made by Justice Richard J. Goldstone*

*Monday, 17 October 2005, at the University of Connecticut, Storrs, CT*

"President Austin, Senator Dodd, the Honorable Barbara Kennelly, High Commissioner Arbour, Ladies and Gentlemen:

It is a special honor to receive an award that bears the name of Thomas J. Dodd. Senator Dodd devoted his life to public service and human rights. As the Executive Trial Counsel at the Nuremberg Trial of the Nazi leaders, Thomas J. Dodd played a leading role in shaping some of the strategies adopted at the trial. As a member of the Senate, Senator Dodd supported the civil rights programs of Presidents Kennedy and Johnson.

I am also delighted to be coupled with Louise Arbour in this award. She was responsible for many of the successes of the UN war crimes tribunals after she succeeded me as Chief Prosecutor. I was also thrilled when she courageously agreed to succeed the late Sergio Vieira de Mello as the UN High Commissioner for Human Rights.

Senator Dodd would have applauded many of the advances in human rights that have been achieved since his death in 1971 and he would have been horrified at the manner in which some of those gains have been cut back in the opening years of the 21<sup>st</sup> Century.

Until the end of World War II there were no individual human rights recognized by international law. It was the horror of the Holocaust that spurred the international community to find a place in the law of nations for the rights of individual human beings. The inspiration came from the United States and more particularly from Eleanor Roosevelt, the first chairman of the Human Rights Commission of the United Nations. She played a leading role in drafting the Universal Declaration of Human Rights which was adopted by the General Assembly on December 10, 1948.

The Universal Declaration was the inspiration for all of the subsequent United Nations conventions recognizing and protecting fundamental civil, political, economic and cultural rights.

At the end of the Cold War in 1989 it was again the United States that led the way in establishing the first ever truly international criminal tribunals for the former Yugoslavia and Rwanda. As the first chief prosecutor for both tribunals I can attest

to the fact that without support from the United States neither tribunal would ever have functioned.

It was the United States, too, that led in encouraging the Secretary-General of the United Nations to call the diplomatic conference in Rome in the middle of 1998 that gave birth to the permanent International Criminal Court.

While leading the way to these exciting developments, the United States has traditionally harbored fears for and suspicions of international organizations and especially those that might exercise any oversight over the actions of the United States or any of its citizens. This explains why the United States has been tardy in ratifying many human rights conventions and is today the only member of the United Nations not to have ratified the Convention on the Rights of the Child. Its opposition to the International Criminal Court is notorious.

My greater concern, however, is the way in which the leading democracies have in some ways over-reacted to the scourge of terrorism and given the terrorists a victory by the manner in which fundamental rights of their citizens have been diminished. And yet there have been corrections.

In my own country, South Africa, a cabinet decision to re-introduce detention without trial, so hated during the Apartheid years, was thrown out by the Justice Committee of Parliament. In the United Kingdom, draconian laws allowing for the indefinite detention of foreigners was held to be unlawful by the Judicial Committee of the House of Lords. In this country the attempt by the Executive to place prisoners at Guantanamo Bay beyond the reach of your courts was thwarted by the Supreme Court. Even in times of war, the President has been held subject to the law.

The disturbing and persisting reports of torture and degrading treatment of prisoners held in US prisons is yet to be independently investigated. The blame continues to be directed to the lower ranks in the military without any appropriate inquiry into the failure of leadership that has allowed these previously unthinkable things to happen. In this area too, recent correction has come from the impressive Senate vote to outlaw all torture and degrading treatment of any person subject to United States control wherever they may be. It is disappointing that the White House opposes this demand for lawfulness on wholly unmeritorious grounds.

An important virtue of democracy is that the voices of ordinary people are not silenced and their concerns eventually have to be taken into account by their leaders. Human rights organizations played a crucial role in the establishment of the international war crimes tribunals and, it was also human rights organizations that were primarily responsible for the reference of the Darfur situation to the ICC.

This University should be proud of the program of its still young Human Rights Institute. I feel very proud of my association as a member of its advisory board. It is its work and that of other similar institutes around this country that hope lies for the future not only of the protection of human rights but indeed of democracy itself.

It is in that context that this Award is so meaningful to me and for which I express my gratitude to the Thomas J. Dodd Research Center."