

Nooit Meer Auschwitz Lezing 2005 - Albie Sachs

Laudatio Justice A.L. (Albie) Sachs,

gelezen door Rabbijn Sonny Herman ,

voorzitter van de Commissie van Advies van de 'Nooit Meer Auschwitz'-lezing,

op 27 januari 2005 in de Beurs van Berlage in Amsterdam.

60 years ago, during the morning of the 27th January 1945, a Red Army male nurse was searching the grounds of Auschwitz-Birkenau when he stumbled across a half frozen figure huddled in a corner given up for dead.

The Russian knelt down, touched the figure and realised that there was, as yet, a breath of life left in this body. He turned him over, recognised that he was a Jew, held him close in his arms and spoke to him in Yiddisj;

"Reb Yied, heint is oen Yetsias Mitsroiyim.

Lozen wir a Simcho machen.

A bisel esen, a bisel trinken,

Bolt, alles woord besser.

Boruch Hasheim."

"Mister, today is a kind of Exodus from Egypt, lets celebrate, a little food and a little drink and soon everything will better, Blessed be the name of God."

The half frozen body was a Yankelle Kanel- Tzukker born in Lithuania.

Yankelle managed to return to a life after the Shoah, enjoying the blessings of children and grandchildren, but never forgetting a life-long promise to those who did not survive. Up to his death 18 months ago he was busily engaged in teaching about the scourge of racism, religious intolerance and the disease that has now become the symbol of ultimate evil, "Extermination Camp Auschwitz."

60 years ago on the other side of the world on the 27th of January 1945 in South Africa, a ten year old boy was learning from his father, born in Lithuania about the injustices and prejudices that prevailed in the old country, the reason for thousands of Jewish families to leave and seek their futures in lands supposedly free from racism, anti-semitism and restrictions against Jews.

This boy learned early in his life that racism in South Africa was a bitter fruit of the same tree that gave birth to the discriminating, Nuremberg Laws invented by the Nazis. The young boy Sachs soon began, with his father Solly, to engage in the struggle that the victims of the inequalities of economic strife, based on racial, religious and color prejudice, had to endure.

This boy dedicated his life at an early age to fight a system that divided people into UBER en UNTER MENSCHEN. He began then his struggle for the shared equality of human rights and responsibilities of all the country's citizens. This was to be the beginning of a freedom movement of great consequence in South Africa.

This boy, Albert Luis Sachs, 'Albie', was born on 30 January 1935 in Johannesburg, South Africa. The son of Solly Sachs, the renowned general secretary of the Garment Workers Union. As a trade-union leader, Solly Sachs was especially unpopular with the governing National Party when in a unique fashion he made white female workers in the clothing industry aware of their social position which led to the larger discussion concerning the systematized racial discrimination which established and maintained the white minority as a privileged class.

Solly Sachs was born into a Jewish family in Lithuania. He fled the pogroms and the injustice and prejudice of Eastern Europe, and arrived in South Africa on the eve of the First World War, at the tail end of the massive wave of Jewish emigration. With experiences of oppression still fresh in his memory, he understood immediately the situation he encountered in South Africa. It is hardly surprising that many new immigrants like Sachs were later to play a key part in the struggle against racism in South Africa, especially after 1948 when Apartheid became the official state policy.

Ruth First, Jo Slovo and Eli Weinberg - to name but a few of those who led the fight against Apartheid - all had roots in Eastern Europe. "Being immigrants themselves and not being naturally part of the ruling class in this country (although they had the benefit of white skin) and having come from communities that had suffered persecution, they understood oppression, they could feel oppression in their bones. It was not even a question of identifying." As Albie Sachs recently commented on Dutch television about his father's and many others' involvement.

Albie Sachs studied law at Cape Town and was called to the bar in 1957. His work was mainly with civil rights cases, and he had to contend with the judicial minefield and the deprivation of rights that faced the anti-Apartheid activists. He also took on the regime when he wrote for the ANC magazine *New Age*.

In 1960, the year of the Sharpsville massacre, Albie Sachs was placed under a banning order prohibiting him from political activity. He was detained without trial, and put into solitary confinement for ninety days. He wrote about this experience in "The Jail Diary of Albie Sachs", a book whose impact reverberated around the world when it appeared in 1964. It was one of the first cries to awaken people outside South Africa to the depths to which its legal system had fallen. A second period in prison followed in 1966.

Denied permission to practice law, Sachs was forced to choose between subversive action and exile. He chose exile a decision that he considered a defeat, since he regretted being unable to participate in the underground. On the other hand, it enabled him to contribute decisively to the formulation of a legal campaign against racism. In exile he was able to open up a judicial front against Apartheid, and to fight South Africa's racist policies through law.

Sachs gained a doctorate in England, taught law at the universities of London, Cambridge and Southampton and at Columbia University in New York. The start of his exile was also the start of countless publications on the theme of law as the buffer against prejudiced, racial injustice.

In 1977 he returned to Africa to take up a professorship at the Eduardo Mondlane University in Maputo, in Mozambique. As the Director of Mozambique's Ministry of Justice he was able for the first time to put his legal theory into practice.

The judicial front against the Apartheid regime proved as lethal to the government in Pretoria as the armed struggle pursued by the ANC. The South African regime realized that Albie Sachs was aiming at the central foundations of Apartheid. On 7 April 1988, six years after the assassination of Ruth First, South African agents tried to kill Sachs with a car bomb outside his house in Maputo. He later commented on the attempt: "I have not had a day of depression, because I felt my recovery and the recovery of the nation went together. They tried to kill me and they failed, they tried to destroy the spirit of our people and they failed".

He turned the trauma of the car bomb into an inexhaustible source of energy as he worked on the creation of a new South African constitution. This new constitution, which bears the unmistakable stamp of Sachs's ideals, is perhaps the ultimate symbol of the legal victory over the fallacy of racial theory and the idea that one group of people can be superior to another on the basis of color, race, or religion.

Perhaps the greatest contribution Albie Sachs made to the struggle against racism is that he took it out of the political environment and brought it into the world of law. In his recently published book 'The Free Diary of Albie Sachs', he notes that. 'At an earlier stage of my life, I was hostile to a Bill of Rights because it took out of the political arena issues that were really political in character. I believed it was far better to allow such matters to be resolved through struggle and democratic processes than to convert them into juridical questions to be settled by elite and usually conservative lawyers. Today I see withdrawing certain questions from the political arena as being the principal virtue of a Bill of Rights.' For Albie Sachs, the new South Africa had to be a state in which the rule of law applied. It was a natural choice, therefore, when President Mandela appointed Sachs to the Constitutional Court.

The new building of the Constitutional Court in Johannesburg, which was opened a few months ago and where Albie Sachs works, stands literally on the ruins of the racist state. It is on this site, in the Old Fort, where victims and opponents of Apartheid used to be imprisoned. Out of the remains of the brick-built cells, a new modern building has arisen: optimistic, bathed in light and transparent. None of the bricks of the old prison were thrown away, because as Albie Sachs says, 'The history of our people is in these walls'. There are a few traces of the old jail that can still be seen in the present structure which represent a warning to every succeeding generation; as if to say; "Beware of what can happen when arbitrary forces triumph over law".

On this 27th January 2005, 60 years later, the European Holocaust, the Shoah, the mass murders, the enormous cost in human life, still stirs our hearts and the last of the tears has not yet been shed. Above all our resolve has not lessened to struggle against the foes of justice and mercy. The genocides in Cambodia and Rwanda still haunt us, the still unfolding dramas in Africa and the rest of the world are seemingly endless, and so it is good to know that here in the Netherlands, less

than sixty kilometers from this spot, The International Court of Justice has been established and it works.

This new Institute gives us reason for optimism and hope following the principles that Albie Sachs has campaigned for during his years of work as lawyer and champion for the basic human rights of people of all races, colors and religions.

Shortly we shall hear the "Nooit Meer Auschwitz Lecture" to be given by Albie Sachs. It is again today coupled with the Annetje Fels Kupferschmidt award to be presented to our distinguished speaker.

Let us recall; Annetje Fels Kupferschmidt survived the horrors of Auschwitz and dedicated her life to combating every form of discrimination whether by race, color or religion. 'Racial discrimination', she repeated time and time again, "will in the end always lead to a new Auschwitz. Only the law can save us from barbarism".

This appears to be the path that Justice Sachs chose very early in his life. Both he and Annetje have drawn inspiration from the hard and difficult lessons of the past and have put their trust in humankind with a deep felt hope for the future.

Justice Albie Sachs, we greet you as a brother in arms in our continued struggle for a just society ; a society based on shared equal rights and responsibilities for all citizens; a society where men, women and children of differing color, race, religion or culture can live together in harmony, joined in our common determination to "

"NEVER EVER PERMIT ANOTHER AUSCHWITZ,
SYMBOL OF THE ULTIMATE IN HATE AND DISCRIMINATION.
NEVER EVVER PERMIT ANOTHER AUSCHWITZ,
WHICH DIVIDES THE FAMILY OF HUMANKIND,
ONE FROM EACH OTHER."