

## **An inspiration to us all**

### **Preface**

**On the occasion of his retirement, a look back at the inspirational career of Sir Sydney Kentridge KCMG, QC and the example he has set in preserving and protecting the Rule of Law**

November 1922 saw a number of very significant events: the Ottoman Empire ended, Howard Carter discovered the tomb of Tutankhamen and Sydney Kentridge was born in Johannesburg.

After an extraordinary career at the Bar in South Africa and England, he has finally retired. One of the finest lawyers and the greatest advocates, he played a much greater role in the history of his country than any other practising lawyer.

By a strange quirk of fate his most famous client, Nelson Mandela, was also probably one of his first instructing solicitors. He got “two or three briefs from them to defend in small cases in the Magistrates’ Court”. The “them” being a firm of attorneys called Mandela and Tambo.

In an article in the *Financial Times* in January 2013 a friend of the Kentridge family, John Gapper, interviewed Sir Sydney and formed the view that Sir Sydney’s description of Nelson Mandela matched Mandela’s description of Kentridge. “You could see his quality of leadership from the beginning...He was very thoughtful. ...unlike some of the others he never went in for slogans.” It’s not always remembered that in the treason trial in which Sir Sydney represented him, Mandela was acquitted. His prolonged sentence was as a result of a later trial.

The thoughtful leadership, which both men possessed, was still evident in late 2012 when Sir Sydney gave the keynote speech at the Young Bar Conference in London. Addressing an audience, most of whom were young enough to be his grandchildren, he quietly commanded their respect and rapt attention as he set out his belief in the value and importance of the independent Bar. It’s a subject very close to his heart. Unsurprisingly so, as his career began in South Africa in 1949, just one year after the National Party took power, a position they held until 1994 when Nelson Mandela was elected. Against that background Sir Sydney developed a passionate belief in the dominance of the Rule of Law and the duty of the advocate to preserve and protect that doctrine. Both of these are topics close to the top of the political agenda in the UK in 2013.

His career is a history lesson of 20th century South African politics. He represented Mandela in the treason trial of the late 50s; in 1977 he represented the family of Steve Biko. For many of us in the UK that inquest was probably our first insight into the appalling world of apartheid jurisprudence and its judicial system. Biko, author of the phrase “black is beautiful”, was killed by police officers after his arrest and detention on suspicion of an act of terrorism, which was defined under the statute as anything that might endanger the maintenance of law and order. He was beaten into a coma and infamously left chained to a window frame for a

day before eventually being taken to hospital suffering from what the police said was the effect of a prolonged hunger strike. The international outrage and the extra publicity given to the case by the involvement of the journalist Donald Woods (*Cry Freedom*) meant that this was a cause taken up by many in the UK and one that fired the imagination of law students and would-be advocates in every university.

He came to practice here in 1977 and established himself as one of our leading constitutional lawyers. He was called upon by the Bar Council under Bob Alexander in the 1980s to represent our interests against challenge by Government. He spent his 90th birthday in the Supreme Court arguing a case on legal professional privilege. Earlier this year he, again, came to the aid of the Bar Council and produced a masterful paper on the cab-rank rule. Learned and understated, it was argued with great logic and formidable advocacy.

One of the delights of this year has been the opportunity I have had to meet Sydney. The greatest compliment I will receive all year is to have been described by him as “a fighting advocate for the profession”. If all of us fighting for the profession at the moment have half his skill and courage we will be well-armed. He is an inspiration. We wish him and his wife a long and happy retirement but he should be warned that we will not leave him alone, we will continue to call upon his services to help and inspire.