## Edwin Cameron

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## Practice Summary

Edwin Cameron was a judge in South Africa for 25 years, and a Justice of its highest court, the Constitutional Court, for nearly eleven years.

He was educated at Pretoria Boys' High School, Stellenbosch and as a Rhodes Scholar at Oxford.

During apartheid he was a human rights lawyer. President Mandela appointed him a judge in 1994. Before the Constitutional Court, he was a Judge of the Supreme Court of Appeal for eight years, and a Judge of the High Court for six.

He was a fierce critic of President Mbeki's AIDS-denialist policies. He has written two prize-winning memoirs, *Witness to AIDS* (2005) and *Justice: A Personal Account* (2014).

He has received many honours for his legal and human rights work.

In October 1994, President Nelson Mandela appointed Cameron as an acting judge of the High Court to chair a commission of inquiry into illegal arms sales by Armscor, operating as the sales arm of the SANDF, to Yemen. Cameron's report was described as a "hard-hitting" critique of Armscor's conduct, but was quickly eclipsed by myriad other allegations about the South African government's illegal arms trades.

Cameron was appointed permanently to the Witwatersrand Local Division in 1995. His best-known judgment in this capacity is *Holomisa v Argus Newspapers Ltd*, where Bantu Holomisa had brought a defamation suit against *The Star* for alleging that he had been "directly involved" in the infiltration into South Africa of an Azanian People's Liberation Army "hit squad" aimed at "killing whites". Cameron's judgment was described as a "most rigorous exposition" of the Constitution's application to private disputes and a "landmark" defence of free speech. Others, while acknowledging the judgment had departed importantly from apartheid-era law, said it should have gone further in protecting journalists.

In 1999, Cameron was given an acting stint on the Constitutional Court, during which he partook in its seminal judgments in *Pharmaceutical Manufacturers* and *Grootboom* and wrote the *Liquor Bill* judgment on provincial legislative powers— the first, and still the only, case to be referred to the Court by the President of South Africa under section 79 of the Constitution.

The Judicial Service Commission had recommended that Cameron be permanently appointed, but Sandile Ngcobo was ultimately preferred due to the late intercession of Thabo Mbeki, then Deputy President, who felt the appointee should be black. Cameron has said there is "no doubt" this was the correct decision.

Cameron was instead appointed to the Supreme Court of Appeal in Bloemfontein, where he served for eight years. There he wrote leading judgments on legal causation, hearsay evidence, public contracts and contempt of court. In *Minister of Finance v Gore*, Cameron co-authored a judgment with Fritz Brand that held the state could be delictually liable for causing pure economic loss by fraud.

## Awards

Cameron's awards include the Nelson Mandela Award for Health and Human Rights (2000); Stellenbosch University's Alumnus Award; Transnet's HIV/AIDS Champions Award; and the San Francisco AIDS Foundation Excellence in Leadership Award. In 2008 he served as a member of the Jury of the Red Ribbon Award, a partnership of the UNAIDS Family. He is the 2009–2010 winner of the Brudner Prize from Yale University, awarded annually to an accomplished scholar or activist whose work has made significant contributions to the understanding of LGBT issues or furthered the tolerance of LGBT people. In 2019, Cameron was awarded the Asijiki Award for Service and Humanity from the Asijiki Coalition, which advocates for the decriminalization of sex work in South Africa.

In 2002 the Bar of England and Wales honoured him with a Special Award for his contribution to international jurisprudence and human rights. He is an honorary fellow of the Institute of Advanced Legal Studies, London, and Keble College, Oxford; and was a visiting fellow of All Souls College, Oxford in 2003–04, researching "Aspects of the AIDS Epidemic, examining in particular the denialist stance supported by SA President Mbeki". In 2009 Cameron was appointed as an Honorary Master of the Bench of the Honourable Society of the Middle Temple. Cameron is also an Honorary Member of the American Academy of Arts and Sciences (2016). He has seven honorary doctorates (King's College London (2008), Wits University (2009), University of Oxford (2011), University of St Andrews (2012), Stellenbosch University (2015), University of Sussex (2016) and Stetson University, Florida (2021).

Cameron was, until 2015, the general secretary of the Rhodes Scholarships in Southern Africa and is a patron of the Oxford University Commonwealth Law Journal. Between 1998 and 2008, Cameron chaired the Council of the University of the Witwatersrand. He has been an active and involved patron of the Guild Cottage Children's Home since 1997, and is also patron of the Soweto HIV/AIDS Counselors' Association and Community AIDS Response. In January 2020 he became the Chancellor of Stellenbosch University.

In 2021 he was awarded the Order of the Baobab (Gold), South Africa's highest civilian honour, for his contribution to the judicial system, as well as his "tireless campaigning against the stigma of

HIV and AIDS, and the rights of lesbian, gay, bisexual, transgender, queer, intersex and asexual (LGBTQIA+) communities".

### Publications

Defiant Desire: Gay and Lesbian Lives in South Africa (ed), Routledge, London: 1993 (with Mark Gevisser).

Witness to AIDS, Tafelberg, Cape Town: 2005 (with two chapters co-written by Nathan Geffen).

Justice: A Personal Account Archived 5 April 2018 at the Wayback Machine, Tafelberg, Cape Town: 2014.

Honore's South African Law of Trusts: 2018 (sixth edition).

Behind Prisons Walls: Unlocking a Safer South Africa, Tafelberg, Cape Town: 2025 (with Rebecca Gore and Sohela Surajpal).

## Areas of Expertise

- Administrative Public Law
- Human Rights Equalities
- International Arbitration