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Christof Heyns (1959–2021): Human rights lawyer, legal educator and activist

Professor Christoffel Hendrik (Christof) Heyns, who passed away suddenly and too early in March 2021, was an internationally renowned human rights lawyer, legal educator and activist.

He was one of the founders of the Centre for Human Rights in the Faculty of Law, University of Pretoria. The Centre, which in 2021 celebrates its 35th anniversary, was founded during the dark days of states of emergency in apartheid South Africa. Christof Heyns was its Director from 1999 to 2006. During the years of his leadership, the Centre became an academic department in the Faculty of Law at the University of Pretoria as well as an NGO promoting human rights across the African continent. Among his many initiatives while Director was the establishment of the African Human Rights Moot Court Competition, which also celebrates its 35th anniversary in 2021; the Nelson Mandela World Human Rights Moot Court Competition; and the National Schools Moot Competition (which was later extended to countries beyond South Africa, under the aegis of the Global Campus of Human Rights).

Christof also took the initiative towards establishing two master's programmes in the Centre that both had a profound impact in the region. The first is the Master's in Human Rights and Democratisation in Africa programme. This innovative programme, which has now been offered for over 20 years, has trained over 600 African human rights lawyers. Many of Africa's leading human rights lawyers are graduates of this programme. It is now also part of the Global Campus of Human Rights – a network of seven leading master's programmes across the world. During his tenure as Director, Christof also helped establish the LLM in International Trade and Investment Law in Africa because he recognised that, in order for Africa to experience sustainable and equitable development, it needed lawyers who have the knowledge and skills to be effective international trade and investment lawyers but who also understand how these areas of the law relate to human rights.

Christof stepped down as Director of the Centre to become Dean of the Faculty of Law at the University of Pretoria. He held this position from 2007 to 2010. As Dean of the Faculty, he insisted on a greater focus on postgraduate studies, and in particular doctoral studies, at the Faculty. He secured funding for full-time doctoral students, and made the Faculty a magnet for talented prospective students from across the African continent. After stepping down as Dean, he became the Founding co-Director of the Institute for International and Comparative Law in Africa at the University of Pretoria, with a thematic focus on 'freedom from violence' drawing a significant group of doctoral candidates.

In addition to his academic positions, Christof was also active in international organisations. He served as United Nations (UN) Special Rapporteur on extrajudicial, summary or arbitrary executions from 2010 to 2016; and was a member of the UN Human Rights Committee from 2017 to 2020. As Special Rapporteur, he drew attention to cutting-edge issues such as the use of force by private security providers in the law enforcement contexts; the use of drones and autonomous weapons in armed conflict or counter-terrorism operations; and the role of forensic science in protecting the right to life. During 2016, he chaired the UN Independent Investigation on Burundi.

As member of the Human Rights Committee, he was pivotal in the drafting of General Comment 37, the right of peaceful assembly (article 21 of the International Covenant on Civil and Political Rights). He also was a member of the Working Group on Death Penalty, Extra-Judicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa of the African Commission on Human and Peoples' Rights. He had been leading discussions at the level of the Commission on how to curb the excessive use of police force in Africa.

Over many years and to generations of students, Christof was an inspiring teacher and mentor. He supervised a number of doctoral candidates who are in their own right contributing as South African legal academics: Bernard Bekink, Henk Botha, Willem Gravett, Magnus Killander, Wessel Le Roux, Frans Viljoen. Other supervisees of Christof include Thompson Chengeta, Waruguru Kaguongo and Zambian Judge Mumba Malila.

His academic interests were varied, and included expounding on the 'struggle theory' of human rights, and exploring the life and times of Jan Smuts. One of his abiding passions was to better track and understand the actual effect of international human rights on the real lives of people. This concern led him to devise a far-reaching study of the effect of the core UN human rights treaties in 20 UN member states, which culminated in the publication *The Impact of the United Nations Human Rights Treaties at the Domestic Level* (Heyns and Viljoen, Kluwer Law International; 2002). This work has been described as 'seminal'. Christof energised a follow-up study, involving 20 country-based researchers or teams, to track and analyse the changes in impact over the subsequent 20 years. At the time of his passing, Christof was in Stellenbosch on a sabbatical, preparing for publication of the results of this study.

Christof was also a great editor and collector of materials, with a view to make inaccessible documents available to a broader public. At a time when the African regional human rights system was largely unknown, he collected and published a number of volumes of texts and commentaries. In this way, he breathed life into an almost non-existent field of academic study. The collection *Compendium of Key Human Rights Documents of the African Union* edited by Heyns and Killander (Pretoria University Law Press; various editions) has served – and will still serve – as a source of reference to generations of students of African human rights law.

It was also his passion to see others publish, and he was involved in the founding of two such endeavours. First, he was a co-founding editor of the *African Human Rights Law Journal*, which has been published since 2001. Second, together with Faculty colleagues, he forged the Pretoria University Law Press (PULP) into being. Earlier in



2021, PULP published a landmark publication edited by Christof together with Philip Alston, Sarah Knuckey and Thomas Probert, entitled *Alston and Heyns on Unlawful Killings: A Compendium of the Jurisprudence of the United Nations Special Rapporteurs on Extrajudicial, Summary or Arbitrary Executions from 2004-2016*.

Christof was also an internationalist. He found great pleasure in regularly teaching at the University of Oxford and at the American University in Washington, D.C. He was a Humboldt Fellow at Heidelberg University, a Fulbright Scholar at Yale Law School and a Fulbright Fellow at Harvard Law School.

There were so many dimensions to Christof, each of which he inhabited so fully and so completely, whether it was rowing, being a father, a family man, a grandfather, playing the guitar, appreciating a good book or a piece of music, or working for human rights. He was a good and deeply moral man, integrity personified and warm-hearted. He had a quirky sense of humour, and was ready with a witticism for every occasion. Christof's instinctive warmth and genuine kindness stemmed from an abundant generosity and sense of humanity. His enthusiasm was boundless and infectious, leaving no one untouched whose life intersected with his.

Our heartfelt condolences and wishes of comfort and strength go to his wife Fearika, his children Willemien (and her husband Arné), Adam, and Renée, his mother, his first grandson Isak, other family, and all his friends and colleagues who had the privilege of walking some part of his path with him.

His personal ethic is captured in the phrase he often used at the Centre: 'Excellence with Ubuntu'. There is a Jewish legend that says that before each human being dies, an angel comes and asks the person what they have done to make the world they are about to leave a better place than the one they entered. We like to believe that Christof bought himself at least an extra hour of life as he described to the angel all the things he did to improve this world.



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