

**VICTOR GUSTAV HIEMSTRA**  
**DOCTOR OF LAWS, LL.D**  
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Victor Gustav Hiemstra was born on June 09<sup>th</sup> 1914 at Zwakwater in South Africa. After matriculating at the early age of 15, he obtained his B.A (Law) degree at the University of Stellenbosch. Whilst studying for his LLB degree at the University of Cape Town, he joined the editorial staff of "Die Burger". He was soon to become political correspondent in the parliamentary press gallery and his exceptional talent soon led to his promotion to chief sub-editor.

In 1943 he was called to the Pretoria Bar and after the unusually short period of 12 years he took a silk. The following year saw his elevation to the Bench of the Transvaal Division of the Supreme Court of South Africa where he was to remain almost 22 years. During part of his service as judge of the Transvaal Provincial Division he was acting on judge president of the division. He was therefore well placed on a career-path destined to lead him to Bloemfontein and to the Appellate Division of South Africa, the highest judicial bench of this country

Instead of remaining on this distinguished career path, Judge Hiemstra accepted the position of Chief Justice of Bophuthatswana, the first to hold this position.

Even before he came to Bophuthatswana to establish the very first court-one which will always be known as "the Hiemstra Court" - he had secured a place for himself in the South African legal history as a distinguished scholar.

Judge Hiemstra is an expert in the field of Criminal Procedure; this is the branch of the law that plays an important practical role concerning the rights of the individual. His influence of his publications and reported decisions in this field has extended beyond the borders of Southern Africa.

This distinguished scholar has always played an active role in the legal reform. In 1963 he published an article in the South African Law Journal entitled "Abolition of the Right not to be Questioned", in which he advocated the reform of the accusatorial system of criminal procedure by proposing a pre-trial interrogation procedure. This resulted in important new plea procedures being introduced into the legal system. The advantages of these reforms are that the courts are saved many man-hours and thus expense, since the number of witnesses to be heard may be reduced. At the same time the rights of the accused are carefully preserved.

Judge Hiemstra also played a decisive part in the commission that led to the introduction of the Criminal procedure Act 51 of 1977 of South Africa- an Act that

inherited by Bophuthatswana and followed to some extent by Lesotho and Zimbabwe. As a true humanitarian, this great jurist has found time to concern himself with the welfare of his fellow men. As far as prisoners are concerned, he has shown particular interest in their rehabilitation on release from custody; at the same time he has not forgotten the victims since he has promoted a system of compensation for those financially disadvantaged through crimes committed against them.

His love for languages combined with the love for science led to a well-known publication produced in collaboration with Professor H.L. Gonin-a tri-lingual legal dictionary in English, Afrikaans and Latin. This work is already in its third edition.

His ties with tradition are strong and are reflected in his work as a Chairman of the South African Council of Heraldry and the "Suid Afrikaanse Akademie vir Wetenskap en Kuns".

Shortly before taking up his appointment in Bophuthatswana, the University of South Africa honoured him by electing him Chancellor.

It was the height of his career that Hiemstra came to the new Republic of Bophuthatswana, where he was to contribute so greatly by preserving its priceless Roman-Dutch legal heritage with its strong English law influence and so help lay the foundation stones of legal systems of the world.

Without his unstinting labours, our legal system would not readily have attained its present standing. Judge Hiemstra entered into the spirit of a new found freedom outside the restrictions imposed by the apartheid and devoted himself to playing the most valuable role in the creation of the new legal system of Bophuthatswana. As Chairman of the Law Reform Commission he steered the inherited security laws towards the healthy amendment. He continued the system of review intended to safeguard to those who receive anything more than a minimal sentence of imprisonment in a lower court. This cause him endless hours of concentrated work-work that entailed detailed study of decisions made by magistrates throughout Bophuthatswana. In this way he gained an overview of the way in which justice was being meted out in the lower courts. This overview enabled him to pass on his wisdom to each and every magistrate in need of advice. By way of commenting on their judgements he guided the judicial officers of the country, at the same time ensuring an ever-rising standard of justice. In this way he has directed the development of our law.

The precedent system received into Southern African law as a result of the influence of the English law is not viable without an efficient system of case reporting. Judge Hiemstra deserves credit for initiating the publication of the Law Reports of the

Republic of Bophuthatswana. It was through his efforts that the first volume was published and that the task of further publication will now be carried on by our university.

His sixth year in office saw the establishment of our own Appellate Division, thus dispensing with the need to use the Appellate Division in Bloemfontein. He has also devoted his time and extensive skill to our university. He has played prominent role as an active member of Council, thereby enriching the university with his vast experience. His interest, encouragement and active support and his very eminent presence were always felt, and continued to be felt especially in the School of Law.

His contribution to the life and ideals of the Republic of Bophuthatswana has already been recognised by his excellency, President Kgosi Lucas Manyane Mangope, who has bestowed upon him the highest honor our has to offer- the Order of the Leopard.