

OBITUARIES

Activist criticised own kind too

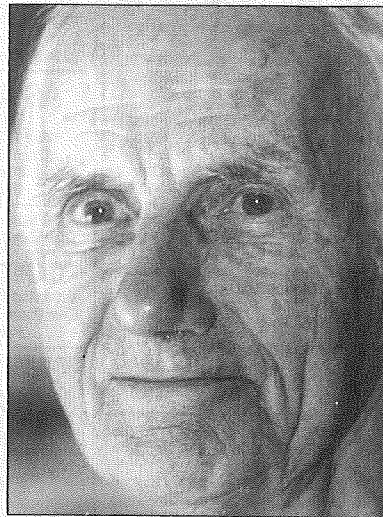
Harold James Evans, QSO. B Wellington, March 23, 1916; d Christchurch, April 14, 2006.

AN ESTABLISHMENT figure and an arch-critic of the establishment — that was the enigma of Harold Evans, 90.

Four years after retiring as a magistrate in Christchurch, Mr Evans was back in court, pleading guilty to a charge of obstruction, relating to a 1981 Springbok tour protest.

He carried into court an anti-apartheid banner, which was confiscated as he attempted to unfurl it, and a 50-page affidavit that he wished to read aloud and comment on. When the judge ordered a discharge without conviction, the unrepentant Evans objected. He wanted the opportunity to express his views.

Mr Evans' next court encounter was more high profile. As a peace activist, he instigated New Zealand's case to the World Court to have nuclear weapons declared illegal. He led this campaign through its 10-year course, to a successful conclusion in 1996. He took pride in writer John Pilger labelling his court campaign



Harold Evans: Intense.

"principled audacity", as much as in the Queen's Service Order he received for it.

Radicalism might seem out of character for a son of a solicitor-general, a boarder at Christ's College, a committed Anglican who played the organ in Wellington's cathedral, a

Master of Laws from Victoria University (where he shied away from activist groups), a Royal Air Force officer in World War II, the husband of an admiral's daughter, a member of New Zealand's legal team at the trials of Japanese war criminals, a secretary to the prime minister, a barrister and a magistrate.

Even his friends found Mr Evans difficult to characterise. All agreed he was intense, authoritative and energetic. He was academic, yet more a collector of ideas than an original thinker. He was dour and "hard to get a laugh out of", yet his activist antics smacked of a colourful personality.

He was an accomplished pianist who felt torn between careers in music and the law. He declined the offer of a Fulbright Scholarship to study piano in Washington.

A watershed in his life was the six months of World War II he spent in a British hospital recovering from a crash in a Bristol Beaufighter, of which he was navigator. A fellow patient lent him socialist and liberal books to read. These strongly influenced Mr Evans' thinking.

His outlook was further formed by

his involvement with the International Military Tribunal at Tokyo, after the war. He criticised the court's composition of judges from Allied countries, claiming they did not allow consideration of Japanese grievances and discussion of the legality of atomic bombs.

"It opened my eyes" to the ways in which people and nations abandoned principle and based their actions on expediency, he once said.

Detecting inequity and duplicity was just a start. Mr Evans took the extra step into activism, caring little that he upset many in legal and government circles. He joined protest groups. He led crusades. He wrote tirelessly for all sorts of publications. He openly criticised Church and State.

His failure to "embody the nuances, the etiquette, the unwritten characteristics" of the legal profession was distasteful to many lawyers, says Kate Dewes in her *History of the World Court Project*.

His actions included a public withdrawal of his magistrate's oath of allegiance to the Queen (whom he otherwise admired), when she failed to de-

nounce Britain's war against Argentina over the Falkland Islands.

He spoke out against the appointment (political, as he saw it) of former prime minister Sir Keith Holyoake as governor-general. He criticised the judiciary for lack of independence and raised concerns over some judgments.

Ready to "put his money where his mouth was", he paid \$600 for space in Christchurch newspaper *The Press* to run a copy of a speech by Lord Mountbatten condemning the arms race. He donated a United Nations flag to Christchurch's Anglican cathedral, demanding the flags of nuclear-aligned countries be removed. His activities ranged over many social issues but paramount were peace and an abhorrence of nuclear weapons.

Mr Evans was born and raised in Wellington and returned there after leaving Christ's College, to study law. He worked in government posts before serving in the Royal Air Force, in Britain, in World War II.

He was associate to Justice Northcroft, New Zealand's judge at the Tokyo war trials. His marriage to Jutta Wencker, in Tokyo in 1947,

was considered outrageous because her father was a German admiral who had commanded the pocket battleship *Deutschland* in the war and was Germany's naval attache in Japan. The marriage prompted the termination of Mr Evans' employment as personal assistant to Prime Minister Peter Fraser.

The couple settled in Gisborne, where Mr Evans went into partnership in a law firm. They had four children but separated in 1983. Jutta died in 1992.

As a stipendiary magistrate in Christchurch from 1965 till 1977, Mr Evans was noted for a mildly eccentric manner at the bench and for installing a piano in his chambers. Instead of chatting with other judges during breaks, he practised his playing, shaking the old court building in the fortissimo sections.

He also played in chamber groups and accompanied ballet performances. As a keen walker and long-distance runner, he became a familiar sight on the streets of Christchurch.

He is survived by his sons Paul, Nicholas and Petter, daughter Ursula and four grandchildren. — *The Press*