

PRESENTATION OF THE BOOK OF OPINIONS BY JUDGE ANTÔNIO A. CANÇADO TRINDADE (ICJ) – THE CONSTRUCTION OF A HUMANIZED INTERNATIONAL LAW

•••••
Dean Spielmann

Opening speech, Strasbourg, 9 February 2015

LADIES AND GENTLEMEN, FRIENDS AND COLLEAGUES,

I have the pleasure of welcoming you this evening to the Palais des droits de l'homme for the presentation by Judge Antônio Cançado Trindade of his new book: *The Construction of a Humanized International Law* – a collection of individual opinions.

Judge Cançado Trindade will need no introduction for many of you. As the author of 48 (now 49?) books and over 650 articles on international law, his thinking is both influential and widely known. He has been a judge of the International Court of Justice since 2008, and was previously a Judge, and from 1999 to 2003, President of the Inter-American Court of Human Rights.

I am delighted to welcome Judge Cançado Trindade to Strasbourg this evening. He is of course well known to us here in Strasbourg, having been a regular lecturer at the annual study sessions of the International Institute of Human Rights since 1988, and currently a board member and Chair of the “Fondation Roi Baudouin” at the Institute.

My own connections with him go back to my Cambridge days when I read one of his articles on the theme of the exhaustion of local remedies under the European Convention of Human Rights. I went on to consult his PhD thesis on this same subject (all 1,728 pages) which was awarded the Yorke Prize by the Law Faculty of Cambridge University for the best PhD thesis of the year and later published in the Cambridge Studies in Comparative and International law series (in a slightly abridged version).

Judge Cançado Trindade's views on the rule of the exhaustion of local remedies in international law have been of great value to

me personally as a Judge in the European Court of Human Rights. But this is just one of many aspects of international law where his thinking has been influential.

In my own opinion, making the individual and the individual's suffering a primary concern of international law, shifting the focus away from purely Inter-State relations, has been his most important and most significant contribution to the doctrine of international law. His strong advocacy of the view that human rights belong to the individual and not to the State led to a change in the rules of the Inter-American Court of Human Rights, providing victims with an enhanced role in proceedings.

In this collection of opinions, Judge Cançado Trindade demonstrates that focusing on the individual has many implications, both procedural and substantive, for a given case. Revisiting the traditional conceptions of compulsory jurisdiction, provisional measures, *locus standi* and the international legal personality of the human person, limitations of access to justice in the light of *jus cogens*, amnesty laws and principles of reparation are just a few examples of the themes he examines in his opinions expressed at the Inter-American Court of Human Rights.

Judge Cançado Trindade has continued to draw attention to the individual dimension of human rights, recognising the human dimension of suffering and human rights violations since his appointment to the International Court of Justice. He is undoubtedly playing an important role in The Hague to further the development of this approach in the case-law under the traditional umbrella of Inter-State disputes.

To quote Lauterpacht in *The Development of International Law by the International Court*, “Experience has shown that ... the individual

