

THE CONSTRUCTION OF A HUMANIZED INTERNATIONAL LAW

Antônio A. Cançado Trindade

Emeritus Professor of International Law of the University of Brasília (UnB); Judge of the International Court of Justice (The Hague); Former President of the Inter-American Court of Human Rights; Honorary President of the Brazilian Institute of Human Rights; President of the Latin-American Society of International Law; Member of the Institut de Droit International and of the Curatorium of the Hague Academy of International Law.

1. May I, first of all, express my satisfaction for the presence, in this ceremony, of all distinguished friends from the European Court of Human Rights (ECtHR) and from the International Institute of Human Rights (IIHR). And may I, likewise, thank President Dean Spielmann and Dr. Andrew Drzemczewski for having kindly written the Preface and the General Introduction, respectively, of my two-set Books of Opinions, and for their kind words in this ceremony of presentation of the two-volume work tonight. This is a very special occasion to me, as I have been carefully and closely following the evolving case-law of the ECtHR since the early seventies.
2. I am particularly grateful for the words just pronounced by my friends President Dean Spielmann and Dr. Andrew Drzemczewski. President D. Spielmann very kindly recalled my contribution to the treatment of the rule of exhaustion of local remedies, which consumed several years of my youth, and became a theme which has accompanied me ever since. And Dr. A. Drzemczewski very kindly expressed his solidarity with the views I recently sustained at The Hague on the Convention against Genocide being *people-centred* and being accordingly approached not from a strictly inter-State outlook, but with attention rather turned to the victims.
3. This occasion is very special to me also for the position I have always upheld in full support of the multiplicity of international tribunals. In the late nineties I had the occasion to give start to the annual meetings between delegations of the Inter-American Court of Human Rights (IACtHR, which I was then presiding), and of the ECtHR, in a fruitful dialogue. That multiplicity is a phenomenon of our times, and a reassuring one, as it opens new paths of access to international justice on the part of the *justiciables*. Attention is thus focused on the common mission of international tribunals of imparting justice in their respective jurisdictions, rather than on false issues of delimitation of competences.
4. Each case brought before an international tribunal is a universe in its own, raising issues as to the facts as well as to the law, - both substantive and procedural law. The two-Books of Opinions being presented tonight disclose my handling of such issues in two distinct international jurisdictions (the IACtHR - volume I, and the International Court of Justice [ICJ] - volume II). Individual Opinions contribute to an understanding of the reasoning conducive to judicial decisions, and further disclose the judge's own conception of the exercise of the international judicial function.
5. President D. Spielmann has just recalled the words of one of my predecessors at the ICJ, Judge H. Lauterpacht, as to the relevance of Individual Opinions to the development of international law itself. And Dr. A. Drzemczewski, for his part, has just observed that, in addition to my various Individual Opinions already contained in this two-volume anthology, there is a very recent one, that could perhaps become the third volume: the Dissenting Opinion I have just presented in the ICJ, six days ago, in its Judgment in the case concerning the *Application of the Convention against Genocide (Croatia versus Serbia)*.
6. I thank Andrew for his solidarity with my most recent dissent and for his observation that here in Strasbourg, and elsewhere, not a few jurists are bound to feel the same way as I do and to share my views. I have always appreciated the ECtHR's open-mindedness and its careful attention to the progressive

