

IN MEMORIAM¹
ANTÔNIO CANÇADO TRINDADE
(1947-2022)

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As a teacher of the universality of human rights, his generous smile, enthusiasm and joviality always ensured a large audience, especially at the International Institute of Human Rights (René Cassin Foundation), to which he remained faithful ever since he received its prestigious diploma in 1974 from René Cassin. Summer studies in Strasbourg were not, however, the only thing Antônio had in common with one of the authors of this tribute. Studies undertaken simultaneously by him in Cambridge and one of the co-authors in London, at the L.S.E., his love of football, tennis sessions in Brazil and Strasbourg are all memories of a true and lasting close friendship. We also both remember the time we spent together in San José, Strasbourg and The Hague. In 2015, we were honoured to be able to preface three important volumes containing the separate opinions of Judge Cançado Trindade: ‘The Construction of a Humanized International Law,’ Brill/Nijhoff, 2015, 2017). How then to describe our immense sadness when we learned of Antônio’s death.

As Philippe Couvreur, the Honorary Registrar of the International Court of Justice, recalls, Antônio was “an illustrious intellectual and jurist, a man of convictions, a tireless defender of the noblest ideals, a being of profound goodness of soul and great simplicity, a joyful companion and a dear friend” (blog of 30 May 2022 *In Memoriam: Antônio Cançado Trindade (1947-2022)* - Diplomat magazine *In Memoriam: Antônio Cançado Trindade (1947-2022)* - Diplomat magazine ; our translation from the French original).

Antônio Cançado Trindade was born on 17 September 1947 in Belo Horizonte, Brazil. He completed his law studies at the Federal University of

1 This text is a slightly updated version of an *In memoriam* eulogy, published in French, in the October 2022 issue of the *Revue trimestrielle de des droits de l’homme* [Revue trimestrielle des droits de l’homme (rtdh.eu), Anthemis/Nemesis, Belgium].

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Minas Gerais (B. A. 1969; First Prize in Civil Law) and at the University of Cambridge at Sidney Sussex College (LL.M. 1973 and Ph.D. 1977). Under the supervision of Geoffrey Marston, he prepared his doctoral thesis on ‘The Application of the Rule of Exhaustion of Local Remedies in International Law,’ which was awarded the Yorke Prize. The original manuscript, in two large leather-bound volumes (1,700 pages), already hinted at the quality and precision of his doctrinal work, with extensive footnotes, so characteristic of the author’s later research. This thesis, published in 1983 by Cambridge University Press, is still an authority. His innumerable books and articles (78 books and about 790 monographs published in several languages: Biography of Judge Cançado Trindade (icj-cij.org) Biography of Judge Cançado Trindade (icj-cij.org)) are impregnated with a deep encyclopaedic knowledge of the law of nations, marked by a genuine humanism in the noblest tradition of the greatest internationalists, such as Hersch Lauterpacht or Georges Scelle and many others.

Honorary Fellow of Sidney Sussex College, Cambridge, his college, Doctor *honoris causa* of prestigious universities, member of the Institute of International Law, of the Curatorium of the Hague Academy of International Law and of numerous learned societies, Antônio Cançado Trindade has admirably combined theory with practice. Legal adviser to the Brazilian Ministry of Foreign Affairs, representative of Brazil at numerous international conferences, and important functions at the United Nations and the Organization of American States, it was only natural that he should become a judge of the Inter-American Court of Human Rights in 1990 and then President of the Court from 1999. In 2009, Judge Cançado Trindade became a judge at the International Court of Justice. Deeply humanist, his numerous and particularly detailed individual opinions give rise to a truly original doctrine, which is present in all his teaching at universities (Brazil, Rio Branco Institute, Columbia, Paris II, Utrecht, etc.), at the Academy of International Law and at the René Cassin Foundation: international law at the service of the individual, nourished by the universality of human rights and placing limits on state voluntarism.

Antônio was undoubtedly one of the most renowned Brazilian jurists in Latin America, a key figure who propelled the *Instituto Brasileiro de Direitos Humanos* to the status of a leading institution. The three volumes of his *Tratado de Direito Internacional dos Direitos Humanos* (Sergio Fabris, Porto Alegre, 1997-1999) are the main references on human rights in Brazil in academic circles and his work is often cited in judicial and administrative decisions in Brazil and beyond.

Specific mention must also be made of the 6-volume *Liber Amicorum* published in his honour: ‘Trends in the International Law of Human Rights’ (Sergio Fabris, Porto Alegre, 2005). This collection contains over 100

contributions, in English, French, Italian, Portuguese and Spanish, from representatives of the world's legal community.

Antônio could be compared to Ronald Dworkin's idealised Judge Hercules, who used his infinite knowledge of legal sources to decide on the resolution of a particular case in a way that best fits and justifies the seamless web of law as a whole. If Antônio's knowledge was not infinite, it was varied and substantial, and he shared with Judge Hercules a rejection of a purely positivist view of the law in favour of the broader principles of individual justice that underpin international law in general, and human rights law in particular.

In what is perhaps his most important book, 'International Law for Humankind: towards a new *Jus Gentium*' (The Hague Academy of International Law Monographs, 2020), Antônio brought together different branches of international law under a comprehensive and humanised approach, which has attracted a new generation of lawyers, as evidenced by two of his books published in France, already back in 2008 and 2012: '*Evolution du Droit international au droit des gens - L'accès des particuliers à la justice internationale: le regard d'un juge*', and '*Le Droit international pour la personne humaine*' (Paris, Pedone). He based his doctrine on the classics (Cicero's *De Officiis*, the works of Francisco de Vitoria, Francisco Suárez and H. Grotius): in 2013, on the occasion of the centenary celebrations of the Peace Palace in The Hague, he noted "the considerable advances of the old ideal of international justice in the contemporary world" reflecting a "new *jus gentium*" at the service of the transversal "principle of humanity" which should oversee - indeed preside over- international relations, especially in this tragic period of war that we are currently experiencing in Europe.

Antônio Cançado Trindade, passed away on 29 May 2022. We transmit our deepest condolences to his wife Carmelita, his three sons Adriano, Otavio and Venicius and their respective families, friends and colleagues.

CELEBRAÇÃO DO CENTENÁRIO DO PALÁCIO DA PAZ, 2013
CENTENARY CELEBRATION OF THE PEACE PALACE, 2013



Da esquerda para direita: Antônio Cançado Trindade, Ronny Abraham e Dean Spielmann.
From left to right: Antônio Cançado Trindade, Ronny Abraham and Dean Spielmann.

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