

CHAPTER 9

Registrars of the Court

Polys Modinos (1899–1988)

Greek/Cypriot

- Registrar (1959–62)

Heribert Golsong (1927–2000)

German

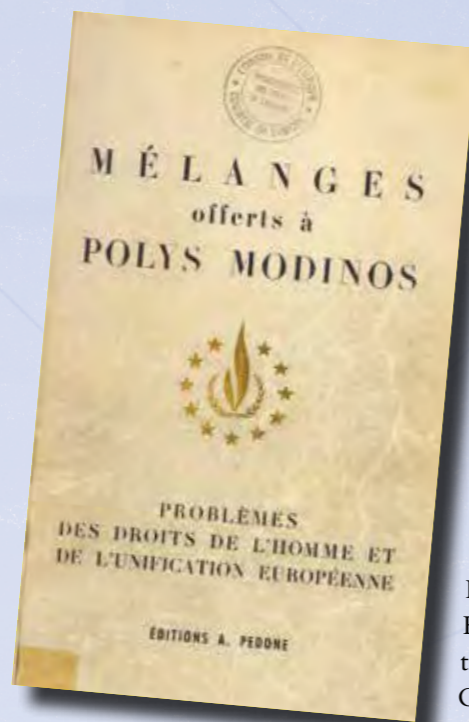
- Registrar (1963–8)

Marc-André Eissen (1929–96)

French

- Deputy Registrar (1966–8) and Registrar (1968–94)

'I had to leave, too soon for my liking, that Court of Human Rights, its judges whom I held in such high esteem and its admirable registrar, Marc-André Eissen, who was both our memory and a discreet adviser, but one who was listened to attentively during the Court's deliberations.' Those words are taken from the memoirs of Pierre-Henri Teitgen, the main drafter of the Convention for



the Protection of Human Rights and Fundamental Freedoms and René Cassin's successor at the Strasbourg Court as judge elected in respect of France ('*Faites entrer le témoin suivant*' – 1940–1958 – *De la Résistance à la V^e République*, Ouest France, 1988).

Marc-André Eissen was an admirable Registrar for three main reasons. First, there was the exceptional length of his service in the Court's Registry. After 11 years in the Secretariat of the European Commission of Human Rights he was elected Deputy Registrar in 1965 and Registrar in 1968. He remained Registrar until 1994, when the age limit imposed on officials of the Council of Europe prevented him from completing his seven-year term of office.

Above: Studies in honour of Polys Modinos.*

Opposite: Clockwise from bottom left: Herbert Petzold, Polys Modinos, Heribert Golsong, Marc-André Eissen, Paul Mahoney and Erik Fribergh. In the centre: Michele de Salvia.



THE FACES BEHIND THE INSTITUTIONS

The European Commission of Human Rights and the European Court of Human Rights, both old and new, have seen a remarkable stream of brilliant people pass through their corridors, all pushing back the frontiers of human rights protection for the greater good. However, apart from the obvious fruits of their collective efforts in judgments, opinions and settlements, which have led to major reforms in all legal systems of the Council of Europe member States, little is known about these exceptional characters.

Just to name a few from the Commission days: the late James Fawcett (President of the Commission), the late Tony McNulty (Secretary to the Commission), the late Carl Aage Nørgaard (President of the Commission) and Chris Krüger (Secretary to the Commission, later Deputy Secretary General of the Council of Europe). All these men showed commitment, backed by their first-class intelligence and imagination, which proved invaluable for the work of the Commission. They contributed to its greatly deserved reputation as an inspired, leading example for other international mechanisms of human rights protection.

Sally Dollé
Section Registrar, 1998–2010

Second, he made a significant contribution to the development of the Court's practices and procedures. Many innovations, a number of which have made their way into the Rules of Court, bear his stamp, including *amicus curiae* status, the legal aid scheme and the relinquishment by a Chamber in favour of the plenary Court or the Grand Chamber.

Lastly, and above all, he played a key role in influencing the direction the case-law took. For nearly three decades he participated untiringly in building a strong foundation for it, particularly as regards the guiding principles and the rules of interpretation – the autonomous meaning of Convention terms, the scope of Article 6, the States' margin of appreciation, positive obligations, the horizontal applicability of certain provisions and so on. And as guardian of the literary quality of the case-law, he was the sole author of quite a number of the striking phrases that bejewel the 'great' judgments.

Vincent Berger
Jurisconsult of the Court

Herbert Petzold (b.1935)

German

- Deputy Registrar (1975–95) and Registrar (1995–8)

Herbert Petzold studied law at the Universities of Göttingen, Berlin and Paris. He received a doctorate of laws in 1966, is Professor of Public International Law at the University of Saarbrücken and has taught since 2001 at the Universities of Tübingen and Miami. He entered the service of the Council of Europe in 1967 and was elected Deputy Registrar of the Court in 1975. Re-elected in 1982 and 1987, he was elected Registrar in 1995. From 1998 to 2000 he acted as President Wildhaber's special adviser on implementing the reform of the new Court.

I got to know Herbert Petzold and his wife Dorette, at that time the assistant of Heribert Golsong, Director of Human Rights at the Council of Europe, when I arrived at



Above: The document sleeve for the inauguration of the Human Rights Building in 1995 was prepared by Hermès and depicts Justitia, the Roman goddess of justice.



Gerard Wiarda (right) at the presentation of the Studies in his honour, on 29 April 1988.

the Court in early 1977. At first, and not just because we spoke the same language, a strong personal relationship developed between us, which quickly turned into a sincere and lasting friendship, reinforced by mutual trust. I have appreciated above all Herbert's open and liberal character; his perfect knowledge of the Convention system and the Court's case-law, based on a mastery of law in general; his courtesy, imbued with friendliness to all; and his readiness to place himself at the service of anyone, whether a judge or a member of the Registry, who needed advice. I should also mention his interest in the arts, literature and music.

It was during the preparation of the great reform of the Convention system (which led to Protocol No. 11 in 1994) that the high point of Herbert Petzold's career came. He was elected Registrar of the Court in 1994, and he played an important part in the work of reform by contributing his technical knowledge and making use of his diplomatic skills in contacts with representatives of the member States.

I have many fond memories of our work together at the Court and our cooperation on the preparation of several special publications, including *Studies in Honour*

of Gerard J. Wiarda, the major collection of studies on the Convention and *Studies in Memory of Rolv Ryssdal*.¹

Franz Matscher
Judge at the Court, 1977–98

Michele de Salvia (b.1940)

Italian

- Registrar (1998–2001)

Paul Mahoney (b.1946)

British

- Registrar (2001–5)

Erik Fribergh (b.1950)

Swedish

- Registrar (from 2005)

1. F. Matscher and H. Petzold (eds.), *Protecting Human Rights: The European Dimension. Studies in Honour of Gerard J. Wiarda*, Carl Heymanns, 1988; R. St. J. Macdonald, F. Matscher et H. Petzold (eds.), *The European System for the Protection of Human Rights*, Martinus Nijhoff, 1993; P. Mahoney et al. (eds.), *Protecting Human Rights: The European Perspective. Studies in Memory of Rolv Ryssdal*, Carl Heymanns, 2000.