

CHAPTER 8

Presidents of the Commission

Paul Faber (1888–1969)

Luxemburger

- *Public prosecutor and judge*
- *President of the Supreme Court of Justice of the Grand Duchy (1945–53)*
- *President (1954–5)*

Paul Faber read law at the Universities of Berlin and Paris and became a Doctor of Law in 1913 and a solicitor (*avoué*) in 1917. He was subsequently attached to the Luxembourg Public Prosecutor's Department. He was a deputy prosecutor at Diekirch and later Luxembourg and then served as a district court judge in Luxembourg and as an investigating magistrate. In 1927 he was appointed President of the district court at Diekirch and then President of the district court in Luxembourg in 1937. He served as President of the Supreme Court of Justice of the Grand Duchy of Luxembourg from 1945 to 1953, and during the same period he was also President of the Military High Court. He was, at different times, a member of the national group at the Permanent Arbitration Court in The Hague and President of the Consultative Committee for the Treatment of Detained Persons. In 1954, at the unanimous request of his colleagues



Above: Paul Faber.

Opposite: In 1996 His Holiness the 14th Dalai Lama of Tibet paid a visit to the Commission and was met by its President Stefan Trechsel.



in the European Commission of Human Rights, he acted as President during the first sessions of the Commission when the rules of procedure were drawn up and adopted. He was thus the first President of the Commission and served until elections took place on 15 December 1955 leading to the election of Sir Humphrey Waldock.

Michael O’Boyle
Deputy Registrar of the Court

Sir Humphrey Waldock (1904–81)

- British*
- *Barrister, law professor and international judge*
 - *Member (1954–5) and President (1955–62)*
- (See page 110, under ‘Presidents of the Court’.)

Sture Petrén (1908–76)

- Swedish*
- *Judge, diplomat and legal adviser*
 - *Member (1954–62) and President (1962–7)*
 - *Judge of the International Court of Justice (1966–76)*
 - *Judge of the European Court of Human Rights (1971–6)*

Judge Sture Petré

n was born in Stockholm into a well-established family of high dignitaries in the service of the Swedish Kingdom. He took his law degree at Lund University in 1930, and a degree in humanities in 1932. He studied legal history for a while in Freiburg im Breisgau but then returned home. Having served in various law courts between 1933 and 1943, he became associate judge in the Svea Court of Appeals in 1943. Having embarked on doctoral studies on the history of procedure, he was persuaded by Östen Undén, then Minister of Foreign Affairs (1945–62), to drop them and join the Foreign Office instead, where he became Director of the Legal Department (1949–63).

Between 1945 and 1947 he served as Secretary to the Swedish Penal Law Committee, which dealt, among other matters, with international criminal law. He was assigned to be the legal adviser to the Swedish delegation to the United Nations General Assembly (1948–61) and served the Swedish Labour Court in the capacity of Alternate Vice-President (1951–63). From 1952 to 1966 he was member of the UN Administrative Tribunal. In May 1954 he became a member of the European Commission of Human Rights, later becoming President of the Commission (1962–7). He was made a

member of the Permanent Court of Arbitration in 1955 and was appointed President of the Arbitral Tribunal instituted to settle the dispute between France and Spain regarding Lake Lanoux in 1958. He became President of the Svea Court of Appeals (1963–7) and a member of the International Court of Justice (1966–76). In 1971 he became a judge at the European Court of Human Rights and remained so until his death. He was also head of Swedish delegations to various diplomatic and other international conferences.

Sture Petré

n’s training in international matters took place during the difficult 1930s and 1940s, when the dominating philosophy for Swedish lawyers was that of the Uppsala School, also known as Scandinavian Realism. At the same time Sweden’s position between the two neighbouring superpowers, the Soviet Union and the German Reich, called for advanced diplomacy and skilful manoeuvring in a Scandinavian Realist vein. Faced with the international moralizing that dominated the post-war years, the attitude in Undén’s Foreign Office remained vaguely sceptical. Looking for the right balance, Petrén tried to focus on the office of the judge, and in his

Sture Petré

n.

writings about the international courts that he knew so well he was keen to distinguish between those court members with a past judicial career, who had therefore a somewhat legalistic approach, and those who were law professors and who would have liked to examine all questions that appeared at the margins of a case and pronounce on each of them and who tended to strive for a development of international law and take what some would call an activist approach. Moving from the European Commission to the International Court of Justice to the European Court of Human Rights gave him important opportunities to develop his thinking and write in witty French.

Jacob W.F. Sundberg
Professor of Jurisprudence Emeritus, University of Stockholm

Max Sørensen (1913–81)

- Danish*
- *Diplomat, law professor and international judge*
 - *Member (1955–67), President (1967–72) and thereafter Member of the Commission (1972–3)*
 - *Judge of the Court of Justice of the European Communities (1973–9)*
 - *Judge of the European Court of Human Rights (1980–1)*

A tall man who walked with a regular stride, Max Sørensen kept his back straight but leaning forwards slightly, for all the world like Giacometti’s *L’Homme qui marche*. He had a high forehead above regular, finely chiselled features, and his usually inexpressive face was sometimes enlivened by a brief smile and, rarely, by laughter, which he quickly suppressed, as if in apology. But he never frowned or showed any other visible sign of being put out.

Everything was in his voice, and woe betide anyone who was not used to catching the slightest inflection. Whether he was speaking English or French, his delivery was steady, his tone level. He chose his words with such precision that in an instant he could give clear reasons for an opinion or the approval or rejection of a proposal. The timbre of his voice was what provided the clues to his state of mind, his mood, his consent, his irritation, the exasperation of the lawyer, the President or the man of responsibilities. When neutral, but with a slightly cutting edge, it was a warning to cut things short, to fall silent or to end a discussion. When dull and veiled, it was an alarm bell that meant the situation was serious and kept everyone on the alert. In short, he commanded respect.



Max Sørensen.

On the edge of the village of Risskov, a few kilometres outside Aarhus, in the doorway of a pretty farmhouse, painted in contrasting colours in the Danish fashion, Ellen would stand waiting for Max’s return. Upright and reserved, she and her mild-featured face personified welcome. Between the two of them a few quietly spoken words were sufficient to establish an immediate understanding. Any guest who turned up there might be overawed at first but a moment later would be won over by this couple, each smiling the same smile, inviting their guest to enter the sitting room or the office, depending on the purpose of the visit, or to stroll around the lawn surrounded by the superb trees that are such a feature of Jutland.

If by chance you pass that way towards the end of a beautiful summer afternoon, close your eyes and perhaps you will be able to see two shadows at the far end of the garden, walking arm in arm under the tall trees.

Jean Raymond
Deputy Secretary to the Commission, 1977–91

Sir James Fawcett (1913–91)

British

- *Barrister, legal adviser and law professor*
- *Member (1962–9), Vice-President (1969–72) and President (1972–81)*

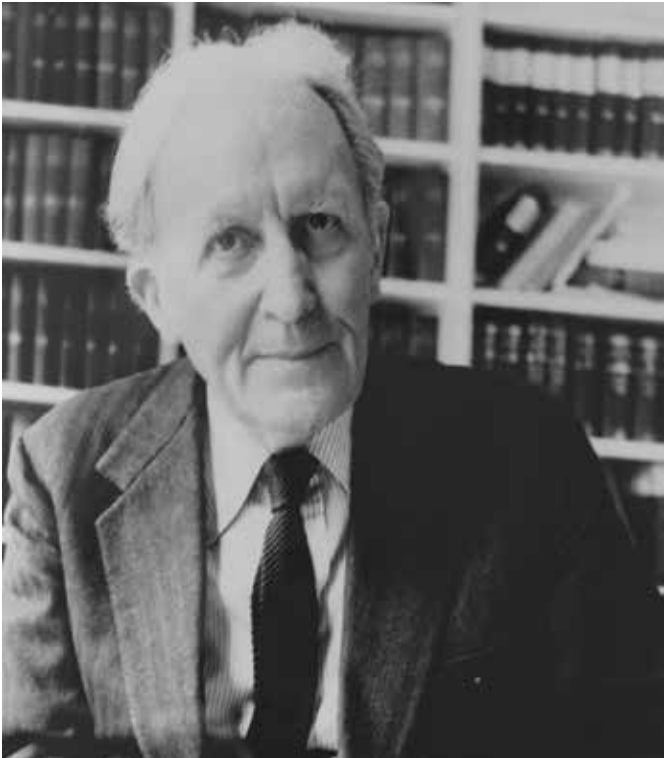
James Fawcett and his wife Beatrice (Beachy to their friends) were a particularly delightful, friendly couple. Beachy had a captivating smile and affectionate manner, and James charmed everyone with his delicate modesty, tempered by a sense of humour that he always brought to the fore at exactly the right moment.

James was a cultured man and accomplished musician. While the Commission was in session, and whenever his duties permitted, he would devote his lunch breaks to playing scales and practising a Mozart sonata or Brahms intermezzo in the premises of a Strasbourg piano dealer – the owner used to hand him the key to the shop at closing time – and he took part in several private musical evenings at the home of a fellow countryman. Well do I remember them sitting at the piano together playing duets, including an unforgettable performance of Schubert’s Grand Duo sonata.

His unassuming character was revealed in ways that some more austere spirits sometimes considered out of place. For instance, he once settled himself at the entrance of the (old) Human Rights Building to repair a punctured tyre, or he would be seen replacing the chain of the rusty old bicycle he used for a time to get around the town.

Some people will wonder whether the portrait I have sketched above really is that of a President of the European Commission of Human Rights. To satisfy them, let me add a few more brushstrokes. Among James Fawcett’s qualities were his gifts as a conciliator and as a guide to action. First, there was his remarkable broad-mindedness, which inspired confidence in anyone joining in a discussion. No sensible person could fear prejudice or ridicule in his presence. He also possessed a large measure of self-control, which, without the need for any gestures or raised voice, was impressive in itself. He was able to deal with difficult situations capably but firmly and restore calm at times of tension.

During the Second World War he had served in the navy, first as a signals officer and then as the commander of a warship. Just one anecdote, which he used to tell himself, will do here to illustrate his humour and imperturbability. Beating its way through a heavy swell



Sir James Fawcett.

in the North Sea, Commander Fawcett’s destroyer was escorting the battle cruiser HMS *Hood*. The squadron was sailing in an ‘anti-submarine’ pattern that required continual changes of course. Suddenly, at the appointed moment, the *Hood* turned to port and the destroyer steered to starboard, making directly for the flagship. The *Hood* signalled: ‘What are you doing?’ Commander Fawcett immediately ordered ‘Hard-a-port’ and sent off the signal: ‘I am doing 12 knots!’

Jean Raymond

Deputy Secretary to the Commission, 1977–91

Carl Aage Nørgaard (1924–2009)

Danish

- *Law professor and international legal adviser*
- *Member (1973–5), Vice-President (1975–81) and President (1981–95)*
- *Independent expert to the United Nations in relation to the release of political prisoners during the Namibian settlement (1989–90)*
- *Adviser to the South African Truth and Reconciliation Commission (1994–7)*



Carl Aage Nørgaard was a natural President: an excellent lawyer, fast-thinking, pragmatic, firm but fair. With Hans Christian Krüger – the ‘dynamic duo’ – he ran the Commission’s business at a fast pace while advancing the fundamental values of the institution. During his presidency, the Commission forged ahead with controversial cases, even if they were rebuffed ‘on appeal’ by the old Court. However, with time and the development of an awareness of human rights, the Commission’s audacious opinions often became the accepted standard. Nørgaard steered the Commission’s exceptional talents along a consensual, coherent path, showing a natural authority that I have rarely found in anyone else. He was an excellent arbitrator who, like others of his modest ilk, was rarely seen in the headlines of major international achievements. However, not only is he to be remembered for the success of the Commission under his masterful presidency, but he is to be lauded for his other major triumphs, such as the successful negotiations concerning the release of political prisoners at the end of the apartheid regime in South Africa.

Sally Dollé

Section Registrar, 1998–2010

Above: Carl Aage Nørgaard.

Right: Stefan Trechsel.

Stefan Trechsel (b.1937)

Swiss

- *Law professor and international judge*
- *Member (1975–87), Vice-President (1987–95) and President (1995–9)*
- *Judge ad litem of the International Criminal Tribunal for the former Yugoslavia (from 2006)*

Stefan Trechsel began his career as a lawyer in Berne in 1963 and was appointed lecturer in the criminological department of Berne University in 1964. He was awarded his doctorate in law in 1966 in the same university. He became a public prosecutor for Bern-Mittelland in 1971 and in 1972 was appointed as Associate Professor (*Privatdozent*) in Criminal Law and Criminal Procedure. He was elected to the European Commission of Human Rights in 1975, later becoming its Vice-President (1987–95). He was elected President in 1995, holding the post until 1999. He was thus President of the Commission during the transitional phase provided for by Protocol No. 11 when the Commission continued to function in the year following the establishment of the permanent European Court of Human Rights (1998). He subsequently served as independent expert of the Secretary General of the Council of Europe on the issue of political prisoners in Azerbaijan. Since April 2006 he has been an *ad litem* judge at the International Criminal Tribunal for the former Yugoslavia (ICTY). He is Emeritus Professor of Criminal Law and Procedure at the University of Zurich.

Michael O’Boyle

Deputy Registrar of the Court

