

Remembering a very special friend*

*Thomas Buergenthal** *

On October 21, 2001, after learning of Rodolfo Piza's forthcoming retirement from the Constitutional Chamber of the Supreme Court of Costa Rica, I wrote to let him know how pleased I was that the announcement of his decision to leave the Court had prompted Costa Rica's media and legal profession to praise his many important contributions. My letter read in part as follows:

Let me join all those who have had the privilege of working and "fighting" with you in expressing my profound admiration to you as well as my very special affection for you as a wonderful friend and great jurist. You have certainly enriched my life, both personally and professionally, and for that I am most grateful. Your work on behalf of freedom and human rights as an international and national judge knows no equal.

Rodolfo Piza and I, together with five others, were the first judges to be elected to the newly established Inter-

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American Court of Human Rights. I met Rodolfo shortly after the election, which took place on 22 May 1979, and rapidly developed a great admiration for his unswerving commitment to human rights and uncompromising integrity as a human rights advocate and judge. It was typical of Rodolfo Piza that the fact that he was a national of Costa Rica never prevented him from voting against his country whenever he thought that the law was not on his government's side — a practice he followed with equal vigor when he joined the newly established Constitutional Chamber of Costa Rica's Supreme Court. Here his judgments and individual opinions marked him as the most determined advocate and innovative interpreter of the civil liberties enshrined in the nation's constitution. Rodolfo Piza also understood the importance of transforming international human rights guarantees into enforceable national constitutional law standards and worked hard to do so whenever the opportunity presented itself.

Rodolfo Piza combined a brilliant legal mind with a great gift for disputation and was an intimidating adversary. But unlike many who possess these gifts, he was not an arrogant man. And while it was never easy to win an argument with him on a point of law, he was an attentive listener with an ever-open mind. A story he loved to tell —it is a true story— demonstrates the point. On one occasion, he and I were on opposite sides of a legal issue being considered by the Inter-American Court and argued it to exhaustion. A few weeks later when the Court resumed its session, Rodolfo announced that he had given serious thought to our earlier discussion and now believed that I was right. The problem was that I had also spent a great deal of time in the interim reflecting on

Ensayos en homenaje a Rodolfo E. Piza Escalante

the subject and had come to the conclusion that his position was the correct one. No matter, Rodolfo now defended my previous position with equal vigor. I no longer remember how the issue was ultimately resolved, but I know that he loved every minute of it.

During his tenure as President of the Court, the Court adopted its Statute and Rules of Procedure as well as various administrative and organizational measures necessary to enable it to discharge its functions. At the time, the vast majority of regimes in power in Central and South America were military regimes of the left or the right. Its leaders were willing to pay lip service to international human rights instruments but were understandably hostile to international and regional human rights institutions, particularly to courts with powers to find governments in violation of their obligations. While some of us on the Court were therefore rather pessimistic about the likely success of our mission, Rodolfo Piza's perennial optimism and unbounded enthusiasm proved irresistible. His faith in the ultimate demise of these regimes and in the Court's role in protecting human rights was the driving force behind our relatively successful efforts in those early years to lay the institutional foundation upon which the Court could build an effective and productive judicial institution. As President and judge of the Inter-American Court of Human Rights, Rodolfo Piza, more than any other judge, helped shape the architecture of that institution as it has developed over the years.

I am convinced that the Inter-American Institute for Human Rights would never have been established in the form in which it exists today had it not been for the fact

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that Rodolfo Piza was the first President of the Court. At the initial informal planning meeting of the newly-elected judges of the Court, which took place in Washington in June 1979 and was chaired by Rodolfo Piza, I suggested that the Court might want to consider the creation of an academic human rights institution to perform various educational and research functions in cooperation with the Court. The idea appealed to Rodolfo who, overriding certain doubts expressed by some judges, asked Judge Carlos Roberto Reina and me to explore the matter and report back. In the years that followed, Rodolfo Piza never wavered in his enthusiastic support for the Institute. It was he who, following the recommendations submitted to him by Reina and me, convinced the Court to convene the two expert meetings that discussed the role to be played by the Institute and drafted its Statute. Thereafter, Rodolfo Piza worked hard to persuade the Government of Costa Rica to conclude the agreement with the Court that brought the Institute into being.

There is so much more that could be said about Rodolfo Piza the man, the lawyer, the judge, the human rights advocate. With the death of Rodolfo Piza, Costa Rica has lost a man who symbolized that country's great love of freedom, its historic commitment to human rights and adherence to the rule of law. The world of human rights has lost a man whose indefatigable energy, intellectual brilliance and belief in the law's overriding obligation to improve the human condition will be sadly missed. I have lost a friend whom I admired, who inspired me, whose friendship I treasured, and whose utter honesty, ability to tell a good joke and self-deprecating humor made it impossible to get mad at him for long.