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In Memorium: Brian Douglas Tittlemore

by Robert Goldman*

I am very grateful to the Editors of the *Brief* for having asked me to write this tribute to Brian Douglas Tittlemore, a dear friend and colleague, who died at the age of 40 after a short but valiant battle with cancer on December 12, 2006 in Washington, D.C.

I first met Brian in 1994 when he enrolled in WCL's Master of Laws program in International Legal Studies. Before coming to WCL, Brian had worked as a litigation counsel in the Canadian Department of Justice in Ottawa after he graduated from the University of Saskatchewan with a degree in law and commerce.

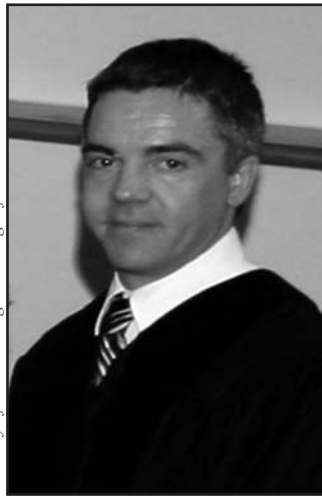
While at WCL, Brian took two of my courses in which he truly excelled. His insightful comments and easy mastery of the subject matter not only set him apart from the other students, but suggested to me at the time that he was exceptionally talented. This impression was more than confirmed when I read his thesis, entitled "Belligerents in Blue Helmets: Applying International Humanitarian Law to United Nations Peace Operations," which was superbly reasoned and written. Indeed, it is the finest piece of legal scholarship submitted to me by a student in my 36 years at the law school. Not surprisingly, it was subsequently published in the *Stanford Journal of International Law* and remains one of the most cited works on this subject.

In addition to his impressive classroom work, Brian was involved in a variety of extracurricular academic activities. He served as an LL.M. Editor of the *American University Journal of International Law & Policy*, an Articles Editor of the *Human Rights Brief* and a Dean's Fellow with our Center for Human Rights and Humanitarian Law. Based on his stellar academic performance, he was awarded in 1995 the Waldemar Solf Award as the outstanding LL.M. graduate.

Upon graduating, Brian joined WCL's War Crimes Research Office as its Senior Research Associate where he researched and helped write numerous memoranda for the Office of the Prosecutor of the International War Crimes Tribunals for the Former Yugoslavia and Rwanda. When his term with the WCRO ended in December 1997, Brian returned to the Canadian Department of Justice.

Brian's two years at WCL marked the beginning of our friendship and what would become a close collaborative relationship over the next 10 years.

During this same period, Dean Claudio Grossman and I were both serving as members of the Inter-American Commission on Human Rights, which was receiving a large influx of petitions chal-



Brian Tittlemore

Courtesy of the Washington College of Law

lenging the use of the mandatory death penalty, among other issues, in numerous countries of the Caribbean region, which prompted a need for an additional staff attorney with the Commission's Secretariat. In light of our high regard for Brian, we encouraged him to apply for the position. Fortunately for us, Brian did so, and in March 1999 he became the Commission's first Canadian staff attorney in its 40-year history.

Brian's initial assignment with the Commission was as desk officer for the Republic of Trinidad and Tobago. He had the urgent task of developing a strategy for processing more than 30 death penalty petitions pending against Trinidad and Tobago. This involved developing legal approaches to the various issues raised in the petitions, preparing consolidated admissibility

and merits reports for consideration and approval by the Commission, and, subsequently, managing the litigation of these cases when the Commission referred them to the Inter-American Court of Human Rights. Brian's hard work culminated in the June 2002 landmark judgment of the Inter-American Court of Human Rights in the *Hilaire, Constantine and Benjamin et al. v. Trinidad and Tobago Case*, in which the Court affirmed the Commission's determination that the mandatory death penalty under Trinidad and Tobago's Offenses against the Person Act violated the American Convention on Human Rights. These and other cases prepared by Brian, in turn, have figured prominently in bringing about major jurisprudential changes on death penalty related issues by the Judicial Committee of the Privy Council in London and the Eastern Caribbean Court of Appeals, and are now being used to challenge the mandatory death penalty in various former British colonies in Africa.

Brian's responsibilities at the Commission were soon expanded to include Jamaica and the United States. As desk officer for these countries, Brian processed on an expedited basis numerous complaints dealing with the mandatory death penalty and other issues under Jamaican law. He also prepared a number of very complex cases against the United States, including *Ferrer Mazorra et al.*, dealing with the indefinite detention of Mariel Cubans in the United States, the *Mary and Carrie Dann Case*, involving an indigenous land claim in the state of Nevada, numerous capital punishment complaints raising such issues as the juvenile death penalty and the right to consular information and notification under Article 36 of the Vienna Convention on Consular Relations, and the adoption of precautionary measures concerning detainees at Guantánamo Bay, Cuba.

Although the U.S. government sharply contested these decisions, such was the respect for Brian that the U.S. Ambassador to the OAS, in a statement at a session of the Permanent Council the day after his death, extolled Brian's professionalism and service to the OAS, the U.S. mission, and the hemisphere.

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Following the September 11, 2001 attacks, the Commission decided to prepare a report designed to assist OAS member states in adopting anti-terrorist measures that accord with their international human rights obligations. Because of his ability to produce excellent work under pressure, Brian was given principal responsibility for drafting this report, which was prepared in record time. Released in December 2002, the Commission's 275 page *Report on Terrorism and Human Rights* contains a detailed analysis, based on the jurisprudence of all human rights systems, of state's international human rights and humanitarian law obligations concerning the rights and freedoms most implicated by anti-terrorism initiatives, including the right to life, the right to personal liberty, and the right to a fair trial. This report is generally acknowledged to be among the best studies in the field and, as such, is a testimonial to Brian's research and writing skills. Despite the heavy demands of the Commission, Brian somehow managed regularly to write first-rate articles on a variety of international law subjects that were published in books and scholarly journals.

Brian and I have also worked closely together in various ways outside of the Commission. Since the summer of 1999, we jointly taught an intensive three-week course on International Humanitarian Law during the WCL's Academy on International Human Rights and Humanitarian Law. When in 2002 the American Society of International Law's Presidential Task Force on Terrorism asked me to write a piece on unprivileged combatants, I accepted on the condition that Brian co-author the piece with me. Again, when tasked by the UN Human Rights Commission with

preparing a report on terrorism and human rights in 2004, I immediately turned to Brian for guidance and assistance. Not only did Brian write some of the most difficult parts of that report, but he read, edited, and critiqued its numerous drafts. Without his generous help, I simply could not have completed either assignment. I count this work with Brian as among the happiest and most rewarding experiences of my professional life.

Since Brian's death, I have received numerous messages and calls from his friends and former classmates. A common theme running through these communications is a deep respect for Brian's intelligence and an appreciation of his integrity and decency. Brian was truly a gentle and gracious man. He was also generous to a fault. Vanity certainly was utterly foreign to his being. If he was aware of his brilliance, he never showed it. Indeed, his modesty was such that he would literally blush at the slightest hint of praise. Brian relentlessly pursued new challenges, and the more difficult the challenge, the more he relished it. He approached his final illness as he did any other daunting task — with optimism, grace, and fierce determination. His friends seemed to grasp something in the end that I had come to know very early on — that Brian was quite simply the very best and brightest of his generation.

My admiration and respect for Brian could not have been greater. Like so many others, I deeply grieve his passing. But, that grief is tempered by the certain knowledge that in his all too brief life he did magnificent and meaningful things that will surely endure and inspire others for many, many years to come. *HRB*



Jurists of the Inter-American Human Rights Moot Court Competition. Brian Tittmore, second from left.