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Book Reviews

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BOOK REVIEWS

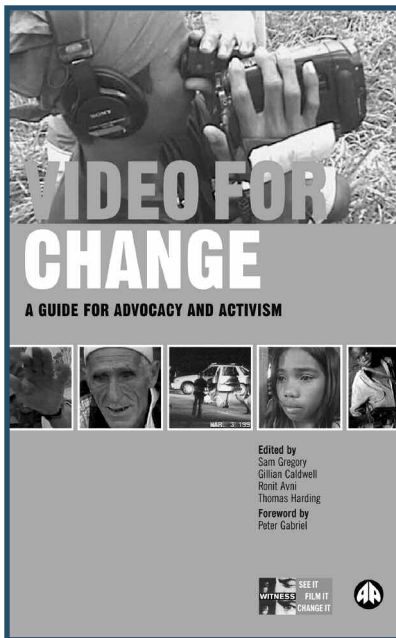
SAM GREGORY, GILLIAN CALDWELL, RONIT AVNI, AND THOMAS HARDING (EDS.), *VIDEO FOR CHANGE: A GUIDE FOR ADVOCACY AND ACTIVISM* (LONDON: PLUTO PRESS, 2005, 325 PP., PBK.).

Although the “human rights film” is a fairly recent phenomenon, its roots lie deep in cinematic history. Both documentary and feature films, including Alain Renais’ landmark *Nuit et Brouillard* (1955) and Pontecorvo’s *La Battaglia di Algeri* (1965), as well as more contemporary features such as Abbas Kiarostami’s *ABC Africa* (2000), have long served as potent vehicles for detailing and increasing awareness of human rights violations. Now, with the dramatic shift in filmmaking brought by digital video, nearly anyone can pick up a camera and document their experience. Human rights films have become so popular that both Amnesty International and Human Rights Watch sponsor annual human rights film festivals across the world. In response to the popularity and success of these films, WITNESS, a world-renowned human rights/video advocacy organization, has put together *Video for Change: A Guide for Advocacy and Activism*. *Video for Change* is an essential practical handbook for human rights advocates and activists who want to use filmmaking as a powerful tool in their campaigns for social change.

The handbook is divided into seven chapters followed by a glossary of filmmaking terminology and appendices to help readers strategize their filmmaking. The book begins with a general introduction to using video as an advocacy tool, and subsequent chapters address topics such as preparation and distribution. The first five chapters are dedicated largely to laying out various aspects of shooting a film and making the most of its narrative. Most of the book’s focus rests on the most essential aspect of a film, developing a coherent narrative structure. These chapters also provide a detailed technical discussion of the process of choosing one’s audience, developing a story through shot selection and technique, and refining stories through the editing process. Each chapter is spotted with useful case studies and experiences from the field and includes practice exercises for field implementation.

The sixth chapter, “Video as Evidence,” is the most consequential for those interested in incorporating the book’s lessons into legal advocacy. It provides an overview of the use of video as evidence in judicial and quasi-judicial settings, as well as committees and other advisory bodies. Most of the chapter details the admissibility of video in this framework and includes an important case study involving the Columbia University School of Law Human Rights Clinic and its coordinated effort with WITNESS to document discrimination against individuals of Haitian descent in the Dominican Republic.

The methods detailed in *Video for Change* are gleaned from WITNESS’ own experiences, and chapters on security and the strategic distribution of videos are relat-



Witness/ Pluto Press

ed by individuals with personal experience in the field, which makes them invaluable to those just getting started in their video advocacy campaigns. Despite all of the technical and practical know-how packed into this guide, the editors realize that the heart of film is narrative and this idea is reiterated throughout *Video for Change*. After all, the power of human rights filmmaking is its ability to give a face to human suffering. As Godard says in *Le Petit Soldat* (1960), “Cinema is truth at twenty-four frames a second.”

ALISON BRYSK, *HUMAN RIGHTS AND PRIVATE WRONGS: CONSTRUCTING GLOBAL CIVIL SOCIETY* (NEW YORK: ROUTLEDGE PRESS, 2005, 132 PP., PBK.).

Alison Brysk’s *Human Rights and Private Wrongs* could not be timelier. In the past few decades, people from around the world have begun bringing lawsuits against multinational corporations such as Royal Dutch Shell and Exxon Mobile for tortious acts committed in the name of private business. Reviving a two-century old statute, the Alien Tort Claims Act, victims of such acts have increasingly turned to United States federal courts to secure legal redress. Federal courts, however, like all legal systems, have their economical and ideological limitations. Consideration of these limitations begs the question that is central to Brysk’s book: What is the role of the international community in holding private actors accountable?

With the establishment of a state-centered human rights regime only a few decades old, increasing globalization has brought into question the need for a broader rights-based legal framework. As Brysk argues, protection against the abuse of authority by sovereign nations is only part of the equation; the need for rights-based advocacy has grown into a much more complicated web of actors. Indeed, rights are often violated by individuals and groups of individuals acting under delegated authority by legitimate institutions such as families, businesses, and religions. Brysk’s book examines these actors and the role global civil society should play in holding them accountable when they cause harm. In Brysk’s words, civil society now simultaneously “constitutes and contests the hegemony of globalization.” Using the Nuremburg trials as “ground zero,” Brysk identifies gaps in our understanding and enforcement of human rights in the face of private wrongs and asks advocates to expand the application of the current international human rights regime to our newly global world.

Brysk begins her book by introducing the stages and strategic backdrop of norm development. Although some readers might find the introduction overly abstract, it is an

important reference for the rest of the book. Placing private sector responsibility for human rights in the category of an emerging norm, Brysk uses three examples — migration, finance, and health care — to argue that the commission of private abuses is forcing advocates to articulate new subjects, strategies, and boundaries within the human rights agenda. The problem, however, is that safeguards to protect these rights are not yet in place and civil society therefore finds itself responding piecemeal to their violation.

In her fourth chapter, Brysk uses the financial sector to exemplify the growth of strategies used to leverage the accountability of private actors. This chapter is dense with detailed descriptions of new norms such as multilateral tracing and freezing of assets. Brysk also gives examples of successful intimidation and pressure mechanisms that civil society has used to hold corporate actors accountable. A “far cry from systematic transnational accountability,” Brysk states, this is a “giant step beyond business as usual.”

The book’s final chapter examines the struggle for individual rights in the face of global medicine. Brysk questions the responsibilities of physicians, firms, and academic institutions, among others, in the emergence of new human rights norms relating to patented pharmaceuticals, organ trafficking, and genetic research. In so doing, Brysk recognizes that global medicine has created new rights, but argues that the human rights community is still contemplating strategies to actually implement them.

Brysk readily admits that her book proposes no universal principles or, in her words, “grand theories.” Rather, she has set out to document, analyze, and voice public challenges to harmful private practices, and in so doing has outlined our current legal system of accountability for private actors. In an age where privatization is considered cost effective and companies can have a higher GNP than a small state, *Human Rights and Private Wrongs* is long overdue. Allowing the accountability of private actors to fall through the cracks would erode the human rights regime that activists have worked fifty years to establish. The world’s current human rights framework deserves a much harder look in the face of emerging powerful private actors, and there is no doubt that Brysk’s worthy book is only the tip of the iceberg.

**MARÍA FERNANDA PÉREZ SOLLA,
ENFORCED DISAPPEARANCES IN
INTERNATIONAL HUMAN RIGHTS
(NORTH CAROLINA: MCFARLAND &
COMPANY, INC., 2006, 240 PP., PBK.).**

Of the many horrors perpetrated by Latin America’s dictatorships, none carries a more enduring legacy than that of “the disappeared” (*los desaparecidos*). In the 1970s state abductions, secret trials, and summary executions were common tactics of former President Jorge Videla’s brutal regime in Argentina. Spouses were murdered, families were separated, and victims were left nameless, stricken from official memory and erased from public records. Yet Argentina’s “Dirty War” was not unique. Other regimes, both in Latin American and beyond, inflicted similar crimes upon their citizens. In the end it was the families of these “disappeared” who finally raised awareness of these hidden crimes and forced the world to recognize that their seemingly democratic governments had operated under a clandestine policy of state-sponsored kidnapping, torture, and murder.

That these acts were wrong from a moral standpoint is of no question, yet whether the perpetrators of such abhorrent actions can be prosecuted is contingent on the existence of a legal framework that identifies these crimes as justiciable and, more importantly, provides a meaningful remedy to the victims. With this query as her point of departure, María Fernanda Pérez Solla’s book seeks to analyze international human rights law as it relates to the important issue of enforced disappearances.

Solla’s task is far from easy. As with nearly all international law, there is neither a universal nor binding definition of enforced disappearance. Rather, each regional judicial body — including the Inter-American Court of Human Rights, the European Court of Human Rights, and the International Criminal Court — has adopted its own list of constitutive elements. For the purposes of introduction, however, Solla refers to the definition formulated by the UN Working Group on Enforced or Involuntary Disappearances: the deprivation of liberty against the will of the person concerned; the involvement of government officials, at least indirectly by acquiescence; and the refusal to acknowledge the detention and to disclose the fate and whereabouts of the person concerned. From these broadly articulated elements, Solla proceeds to reveal the

strengths and weaknesses of the various regional approaches, ultimately concluding that although none of them are sufficiently comprehensive, non-binding resolutions like the Declaration on the Protection of Persons from Enforced Disappearances provide an ideal foundation upon which countries can model their domestic criminal law. In Solla’s opinion domestic criminalization of enforced disappearances, structured in accordance with a clear international legal framework, is an essential way to prevent these abuses in the future.

In addition to expanding on her thesis that enforced disappearances implicate a wide range of “multiple rights,” including the right to life, liberty, and humane treatment, Solla also addresses the question of the remedies available to victims of these crimes. It is here that the discussion inadvertently broaches a more fundamental question that has framed an increasingly divisive conversation in recent years between the right to truth and the remedy of justice. Solla notes that enforced disappearances are inherently secretive and deprive families of any knowledge of the fate of their spouse, parent, or child. Because of this lack of information, “the right to the truth is one of the most dynamic issues in the field of enforced disappearances ... to know what happened to the victim and the fate and whereabouts” (101). This right has been the driving force behind the creation of numerous truth commissions in post-conflict areas. Solla also argues that amnesty legislation and pardons should not be applicable to enforced disappearances in the interest of justice and the prevention of impunity. To effectuate judicial remedies and to combat impunity, perpetrators of these crimes must be prosecuted.

There is no doubt that these are laudable goals and Solla argues convincingly that both can be achieved. She proposes the creation of legal mechanisms that would allow victims of these crimes to compel disclosure of government archives and databases, which would facilitate the realization of the victim’s right to truth and allow the courts to pursue prosecution unencumbered by prior amnesties. Although this outcome would be ideal, history has revealed that in many circumstances it is difficult to attain these two objectives simultaneously. Revealing the truth has often required that a society accept a form of amnesty to ensure the cessation of hostilities. Only after the conflict has ended and the truth revealed is it possible to begin the process of prosecut-

ing those responsible. As the case of Argentina demonstrates, justice must follow the truth for both to be achieved.

In the end there is no clear answer to this question, and it is no doubt the case that the debate between peace and justice will continue for some time. As part of this conversation, Solla's book provides an articulate and valuable synthesis of one of this century's most atrocious forms of state-sponsored abuse.

STEPHEN P. MARKS (ED.), *HEALTH AND HUMAN RIGHTS: BASIC INTERNATIONAL DOCUMENTS* (CAMBRIDGE AND LONDON: HARVARD UNIVERSITY PRESS, 2004, 318 PP., PBK.).

Since 1993 the François Xavier Bagnoud Center for Health and Human Rights (FXB Center) of the Harvard School of Public Health has been dedicated to exploring the crucial relationship between health and human rights. The recognition of the inextricable link between the promotion and protection of both health and human rights has led to the development of innovative public health programs and the expansion of the normative role of international human rights instruments in promoting access to health care.

In an attempt to increase the accessibility of health and human rights-related texts to practitioners, scholars, and advocates, Stephen P. Marks, Director of the FXB Center, has compiled *Health and Human Rights: Basic International Documents*, a collection of leading documents in the area of health, human rights, and professional ethics. The volume represents the first in a Harvard Series on Health and Human Rights and is similar to other compilations published by Columbia University's Center for the Study of Human Rights. The publication provides a manageable and transportable copy of relevant documents relating to health and human rights, nearly all of which are also available electronically.

The compilation is divided into eight parts. Part I concerns health as it relates to medical professionals, including bioethics, research and experimentation, treatment of prisoners, and the rights of patients. Part II highlights the right to health within United Nations (UN) and regional human rights instruments. Part III presents documents that relate to physical integrity and the right to life free from torture, while Part IV

addresses other key aspects of health, such as the right to adequate food, housing, education, and a general standard of living. The remaining four parts focus on human rights texts emanating from areas where standards have been established that directly impact health. These areas include vulnerable populations, such as women, children, the disabled, the elderly, and displaced persons; relevant health policy, such as infectious diseases, intellectual property, and occupational health and safety; biotechnology; and environmental protection. As Marks notes, these areas were selected "not [to] reflect a theoretical articulation of the relationship between health and human rights but rather [to] practical[ly] enumerate ... the areas where the most relevant standard setting has occurred."

Perhaps one of the collection's greatest strengths is the complete reference information that is listed alongside each document, including the web address for a link to the full text. In this manner the book serves as an excellent first-stop reference by including the most relevant language pertaining to health while guiding the reader to the full text and context of the instrument. This format also enables a relatively slim volume to contain a range of different international documents and agreements related to an array of health-related topics, which makes it a valuable reference companion for many health and human rights practitioners and professionals in a range of specialty areas.

Although there are a few excerpts from regional human rights bodies, the volume is overwhelmingly dedicated to the publications and declarations of the UN. This is due in part to international law's own limitations in advocating for health rights. *Health and Human Rights* nevertheless does not represent a tool for broadening the scope of protection afforded by human rights. Rather, the collection provides a solid and basic introduction to the past 60 years of UN human rights development in the area of health. Additionally, the volume does not indicate which countries are parties or signatories to the UN documents presented, so that additional research may be required depending upon the needs of the reader.

Despite these few limitations, *Health and Human Rights* succeeds in presenting health and human rights professionals with an accessible and basic first volume of key international human rights documents. As the field of health and human rights continues

to expand and develop, the Harvard Series will certainly find its place within the reference library of practitioners, academics, and advocates alike.

Of additional interest to future readers of this collection is the FXB Center's international journal, *Health and Human Rights*. The most recent volume of this journal focuses on emerging international issues in HIV/AIDS. For subscription information on the journal and for further information on the collection, contact the FXB Center at fxbcenter@igc.apc.org or at www.hsph.harvard.edu/fxbcenter/. **HRB**

Mihir Mankad, a J.D. candidate at the Washington College of Law, wrote the review of Video for Change: A Guide for Advocacy and Activism for the Human Rights Brief.

Brooke Kirkland, a J.D. candidate at the University of Buffalo, wrote the review of Human Rights and Private Wrongs: Constructing Global Civil Society for the Human Rights Brief. She was a visiting student at the Washington College of Law in the fall of 2005.

Mark Vorkink, a J.D. candidate at the Washington College of Law, wrote the review of Enforced Disappearances in International Human Rights for the Human Rights Brief.

Erin Scheick, a J.D. candidate at the Washington College, wrote the review of Health and Human Rights: Basic International Documents for the Human Rights Brief.

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individuals and groups that support democracy in Iran and that are opposed to the current regime. It also recommends that the President appoint a special assistant for Iranian matters, expand contact with democratic Iranian opposition groups, and designate at least one eligible democratic opposition organization to further the goals of the Act.

Both bills declare that U.S. policy should support Iranian self-determination over their form of government, as well as an internationally monitored referendum. The House bill goes a little further in affirming official U.S. declarations of support for democratic transition in Iran by denying access for Iranian officials to U.S. government buildings. **HRB**

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