

**WHITE, RICHARD ALAN, *BREAKING SILENCE:*
THE CASE THAT CHANGED THE FACE OF
HUMAN RIGHTS, GEORGETOWN UNIVERSITY PRESS,
WASHINGTON, D.C., 2004 (320 PAGES)**

*By Brian Baker**

In 1976, 17-year-old Joelito Filartiga was kidnapped from his home in Asunción, Paraguay and tortured to death by the Paraguayan police, in an attempt to gain information about his father's anti-government activities. The Filartiga family's quest for justice led to the landmark U.S. federal court decision of *Filartiga v. Pena-Irala*¹, which gave federal courts jurisdiction to hear torts claims for certain human rights violations committed outside the United States, regardless of the nationality of the parties, under the previously *Alien Tort Claims Act* of 1789². Richard Alan White, an American historian, has written his own account of the *Filartiga* case in *Breaking Silence: The Case that Changed the Face of Human Rights*.

As a fluent Spanish speaker with a Ph.D in Latin American history and the author of a book about Paraguayan political history, White brings his expertise into his account of life under the oppressive dictatorship of former president Alfredo Stroessner. He depicts the official cover-up of the circumstances surrounding Joelito's death, the tactics used against the Filartigas in an attempt to cow them into silence, and the wider persecution, through imprisonment, torture, and murder, of any resistance to the Stroessner regime. As a former anti-Vietnam War protester and organizer, White discusses his efforts to build an international coalition of Filartiga supporters, among them Amnesty International, the U.S. State Department, and thousands of private citizens whose influence slowly accreted into a powerful human rights case that neither the Paraguayan nor the American governments could ignore.

However, *Breaking Silence* is not primarily concerned with providing a legal or political analysis of this crucial case in international human rights, nor with describing the Byzantine process of mustering popular support and bureaucratic sanction for a human rights cause. Rather, White focuses on the relationship between victims and their oppressors, both on a large scale, as when he deconstructs the subtle but powerful expressions of popular support for the Filartigas in the face of Stroessner's censorship and repression, and on a personal level, as he portrays the effect of Joelito's murder on the Filartiga family. "The personal, moral, political and legal significance of *Breaking Silence* should be gauged from the point of view of the Filartiga family's tragedy," he writes. "The overall historical integrity of this saga should be judged from the perspective ... of that family's defiance of oppression." His close friendship with the Filartigas and his deep personal involvement in the case allow him to write, with intimate detail, not only about the events leading up to the

* J.D. Candidate, 2006, New York University Law School, bjb0546@nyu.edu.

¹ *Filartiga v. Pena-Irala*, 630 F.2d 876 (2d Cir. 1980).

² *Alien Tort Claims Act*, 28 U.S.C. §1350.

Filartiga victory, but also about the family's private struggle to keep Joelito's memory alive in the public consciousness, even as fear, sorrow and guilt over his death threatened to tear them apart.

To this end, White tells a large part of the story using dialogue. Since most of these conversations were not recorded, White has used "substantively reliable reconstructions" when no record exists. Acknowledging that such devices differ from the "methodological standard of the professional historian," he characterises *Breaking Silence* as a "work of dramatic nonfiction." However, he also has employed 12,000 pages of documentation, using exact quotations whenever possible. Finally, he includes several drawings made by Joelito's father, Joel Filartiga, which portray his emotions over his son's murder. In this way, White continually brings the reader back to the human toll of oppression and violence, even while meticulously detailing the enormously complicated process of bringing the *Filartiga* case to international attention and a groundbreaking trial.

Today, as the Bush administration seeks to dramatically narrow the application of the *Filartiga* precedent³, *Breaking Silence* provides a powerful illustration of the difficulty of the struggle to protect international human rights, and the grave danger that unchecked political power still poses to human freedom and dignity.

³ Hugh Delios "U.S. law helps Salvadorans heal" *Chicago Tribune* (24 February 2005) C1.