

From:

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Sherrie Russell-Brown
32. FURTHER INFORMATION



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November 5, 2003

Michael K. Friel
Associate Dean and Professor of Law
University of Florida
Fredric G. Levin College of Law
P.O. Box 117620
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Dear Dean Friel:

I am writing to support Professor Sherrie Russel-Brown's promotion to Associate Professor. She was a student in my seminar on international human rights at Columbia Law School, and has maintained her interest in that subject area since joining the University of Florida faculty.

Her recent article in the Berkeley Journal of Employment and Labor Law on labor rights as human rights makes an important contribution to an emerging field. Her examination of the situation of women workers in Jamaica's export processing zones is carefully researched, well written, and helps link these workers' rights issues to the international trade debate.

I was also impressed by her article on the South African Truth and Reconciliation Commission, which appeared in the Hastings International and Comparative Law Review. In it, she examines difficult issues raised by a truth and reconciliation process which grants immunity from prosecution to some human rights violators. In considering the South African experience, she explores what constitutes "effective rights" under international human rights law. This is a tricky subject in a relatively new and rapidly evolving field. Yet Professor Russel-Brown does a very good job in assessing where that debate now stands, and is raising important issues for future debate and examination.

I view Professor Russel-Brown as a very strong legal scholar, and someone who is working on several cutting-edge issues in the human rights field. I think she has a bright future, and believe that her scholarship to date clearly meets your standard for promotion in that it demonstrates her capacity for very creative and relevant research.

If you have questions or want additional information, please feel free to contact me at 212-845-5210 or posnerm@lchr.org.

Sincerely,

Michael H. Posner

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November 1, 2003

To: Associate Dean Michael Friel
University of Florida Law School
Gainesville, Florida

Following are my views about Sherrie Russell-Brown's article, "Crooked Timber," an assessment of South Africa's Truth and Reconciliation Commission. The article is a thoroughgoing case in opposition to the Truth and Reconciliation Commission and the policy it represents of awarding amnesty to human rights violators under certain conditions. I am aware that from the outset the mainstream human rights community, or at least what I take as the mainstream, disapproves of the idea of amnesty, under any circumstances. Ms. Sherrie Russell-Brown makes their case as well as it can be made. It is well written and exhaustively presents arguments opposed to the truth and reconciliation process.

If I were her adviser, I would suggest that she now take the next step and write a followup article that considers why South Africa has embraced truth and reconciliation. The other side of the story is that the society has democratically arrived at the truth and reconciliation approach to the horrors of the past. They have based their decision on sound reasoning (albeit disputable) that everyone in SA would be better off if apartheid era violations of the past were put behind them. To pursue them via criminal law or other modes of punishment or

reparation, prosecutions would have to face the following problems: evidence is not so easy to obtain and violators may be acquitted. At least one has been acquitted in a prosecution that was not prohibited by Truth and Reconciliation. An acquittal sends the wrong signal, that perhaps alleged violations were not as serious as had been claimed. In any event, there are not resources to prosecute more than a small fraction of violators, maybe a few dozen a year, if that many, while violations numbered thousands, which creates some serious equality concerns. Prosecutions would have continued for years, maybe generations, if the government were to pursue all violators, a period during which the society would be roiled by rehearsing all the worst that occurred in South Africa during apartheid.

Violations were committed by people on all sides of the issues and while the national party did vastly more than any other entity, the ANC admits that it committed some. Whether they would be prosecuted or not, the prospect of mischief would be compounded. Altogether, the SA courts and parliament have decided that except in narrowly defined circumstances T and R is the way to go.

Moreover, the Truth and Reconciliation route was part of a deal between the ANC and the National Party. If there had been no such agreement, the parties would not have entered into the settlement that brought down apartheid. The armed struggle would have continued much longer and, indeed, still might be going on, with apartheid or large pieces of it still in place. To argue otherwise, I think is to take the position of an outsider who sees a dispute among two antagonists and urges them to fight.

To renege on the agreement presents problems that challenge the stability of the society and whether South Africa is to be governed by the rule of law.

If Ms. Sherrie Russell-Brown takes on these arguments, agrees with or refutes them, and weighs them against what she has done so far, she will have accomplished a near-definitive consideration of the subject.

Sincerely,

Jack Greenberg
Professor of Law
Columbia University



Sherrie Russell-Brown
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School of Industrial and Labor Relations

October 28, 2003

Michael K. Friel, Associate Dean and Professor of Law
University of Florida, Fredric G. Levin College of Law
P.O. Box 117620
Gainesville, Florida 32611-7620.

Dear Dean Friel:

I am pleased to write in support of Prof. Sherrie Russell-Brown's promotion to associate professor. I am especially impressed with her work in my own field of international labor rights. Prof. Russell-Brown's article in the *Berkeley Journal of Employment and Labor Law* on labor rights, human rights and women workers in Jamaica's EPZ's is an important contribution to both legal analysis and policy guidance. I have distributed this article to U.S. trade and labor negotiators in the Department of Labor and the Office of the U.S. Trade Representative in connection with negotiations now underway for trade agreements involving Central America and the Caribbean and FTAA negotiations, where workers' rights are critically important issues.

Linking human rights, workers' rights and international trade in ways that promote social justice and economic development is one of the main challenges facing scholars in this field. Until just recently, workers' rights were seen by many human rights scholars as outside the scope of fundamental rights, more in the nature of economic privileges or benefits. Now, however, a new community of human rights-labor rights scholars is starting to bridge that divide.

Prof. Russell-Brown's work is integral to this effort. Moreover, it is enhanced by her broad perspective on human rights generally, as reflected in her work on rape as genocide, international criminal law, and remedies for human rights violations in South Africa. Those like myself with both feet in the labor rights field feel keenly the need for such a broader perspective, and rely on Prof. Russell-Brown, with substantial presence in both human rights and labor rights scholarship, to provide it.

I would be glad to talk with you further if you have any questions. Thank you for your consideration in this matter.

Yours,

Lance Compa
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