

Human Rights & Human Welfare

Volume 6 | Issue 1

Article 5

6-2006

Richard Burchill on The Practice and Procedure of the Inter-American Court of Human Rights by Jo M. Pasqualucci. Cambridge: Cambridge University Press, 2003. 488pp.

Richard Burchill
University of Hull

Follow this and additional works at: <https://digitalcommons.du.edu/hrhw>



Part of the [Human Rights Law Commons](#), [International Humanitarian Law Commons](#), and the [International Law Commons](#)

Recommended Citation

Burchill, Richard (2006) "Richard Burchill on The Practice and Procedure of the Inter-American Court of Human Rights by Jo M. Pasqualucci. Cambridge: Cambridge University Press, 2003. 488pp.," *Human Rights & Human Welfare*: Vol. 6 : Iss. 1 , Article 5.

Available at: <https://digitalcommons.du.edu/hrhw/vol6/iss1/5>

This Book Notes is brought to you for free and open access by the Josef Korbel School of International Studies at Digital Commons @ DU. It has been accepted for inclusion in Human Rights & Human Welfare by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, digitalcommons@du.edu.

The Practice and Procedure of the Inter-American Court of Human Rights by Jo M. Pasqualucci. Cambridge: Cambridge University Press, 2003. 488pp.

In comparison to the European human rights system, there is a significant dearth of scholarly writing in English about the Inter-American human rights system. This is unfortunate given the novel and innovative ways in which human rights protection has been developed in the Western Hemisphere through various Inter-American institutions. In this respect Jo Pasqualucci's book, The Practice and Procedure of the Inter-American Court of Human Rights, marks a significant contribution to the study of the Inter-American human rights system and international human rights law more generally. The main focus of the book is on the procedures and practices of the Court. But, more than a procedural manual, it addresses substantive issues of human rights protection. In doing so it provides important insights for the promotion and protection of human rights around the world.

The book begins with a brief introduction of the Inter-American human rights system along with an outline of an actual case, *Velásquez Rodríguez v. Honduras* (Merits) (Inter-American Court of Human Rights, 29 July 1988, Ser. C, No. 4) to illustrate the processes and procedures used by the Inter-American Court from start to finish. The author states that this illustrative case will assist the reader in understanding the remaining subject matter of the book, essentially bringing to life the work of the Inter-American Court. The author presents, in brief: the facts of the case; the various procedural moves before the Inter-American Commission on Human Rights and the Court; the preliminary objections; the merit proceedings; the provisional measures ordered by the Court; and finally, the decision on the merits and on reparations. As the author demonstrates, this particular case covers the entire range of procedures applicable to the Court and therefore provides an appropriate springboard for the discussions entered into in the remainder of the work. It also helps to demonstrate how the practices of the Court have evolved over time as it has become more assertive in its jurisprudence and in dealing with states before it.

The book then moves into Part I containing a single chapter on the advisory jurisdiction of the Court. Part II covers the contentious jurisdiction of the Court with separate chapters covering three main aspects: preliminary objections; proceedings on the merits; and reparations. Part III deals with the issue of provisional measures followed by a conclusion that addresses the overall effectiveness of the Court and discusses obstacles that inhibit the efforts of the Court to further human rights protection in the region. The volume also contains valuable appendices that include the American Convention on Human Rights, the respective Rules of Procedure of the Court and the Inter-American Commission on Human Rights, the Statute of the Court, and a copy of the form for presenting petitions.

Throughout the book the discussion of each particular point is extremely detailed, providing full reference to relevant case law, rules and treaty provisions. Even though the focus is on procedure, the extensive discussion of case law provides a good deal of analysis on substantive issues, demonstrating the intimate connection between procedure and substance in ensuring the protection of human rights. The various chapters are broken down into multiple sections with a detailed table of contents that facilitate navigation. Each chapter provides a brief conclusion that summarizes the overall picture but also deals with critique and possible suggestions for reform. An important theme in the work is the ability of international human rights institutions to overcome the confines of state sovereignty, which, more often than not, impedes the

effectiveness of human rights protection by limiting the ability of individuals to access institutions for protection.

Throughout the work the writing is clear and concise making the volume easily accessible to a wide audience. This book is not only a valuable contribution to furthering an understanding of the Inter-American human rights system, it also provides significant analysis of the evolution of international human rights protection more generally.

*Dr. Richard Burchill, McCoubrey Centre for International Law
Law School , University of Hull
June 2006*