

Human Rights Cinema: *The Act of Killing* and the Act of Watching

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Over the past twenty years, the phenomenon of Human Rights Cinema has emerged as an important way to think about the relationship between visual culture, human rights and activism. This article will interrogate some of the presuppositions behind this phenomenon and examine what it means for both cinema and the concept of human rights. The article will then look at *The Act of Killing*, a 2012 documentary that has raised many questions for the project of Human Rights Cinema. It will be argued that *The Act of Killing* does not fit easily within the canon of Human Rights Cinema, not simply because of controversies surrounding its making, but also because of the challenges it poses for ideas of spectatorship and authority. Furthermore, this article will propose that Slavoj Žižek's observations on *The Act of Killing* provide a useful means to critique the understanding of human rights predominant in the concept of Human Rights Cinema.

1. Human Rights Cinema and the question of truth

Since the early 1990s, a plethora of human rights film festivals has sprung up around the world, effectively inventing the concept of Human Rights Cinema. This now widely accepted category of film brings together the aesthetic concerns of the filmmaker with those of the human rights activist. Human rights film festivals, the earliest being that of Seattle in 1992, are attended annually by thousands of people, and have played a vital role in advancing the idea of Human Rights Cinema. In 1994, the Human Rights Film Network was established in Prague. The Network, whose secretariat is run by Amnesty International, now organises forty-one film festivals around the world, including events in cities such as Melbourne, Seoul, Paris, Pretoria and Buenos Aires (Human Rights Film Network 2017). Additionally, Human Rights Watch organises some twelve film festivals in major cities around the globe (Human

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Rights Watch 2017). A proliferation of scholarly publications and university courses add to the sense that Human Rights Cinema is an idea whose star can only continue to grow (Tascón 2015).

Although many of the film festivals in the Human Rights Film Network are held in developing countries, human rights films are still more likely to be made by, watched by and financed by those in wealthy countries. An examination of the listings of Human Rights Film Festivals reveals a preponderance of films dealing with civil and political freedoms, and rather fewer that deal with poverty and deprivation. In this sense, the phenomenon of Human Rights Cinema is a microcosm of the international human rights system, which unofficially operates a similar hierarchy of rights. In the true style of a human rights organisation, the Human Rights Film Network has a Charter, adopted in 2004, which seeks to articulate the concept of Human Rights Film. The Charter articulates a common strategy for film-makers towards a shared end. To this limited extent, it has echoes of art manifestos of the early twentieth century. However, this is where the similarity ends. The art manifestos of the early twentieth century, such as the Dada manifesto of 1915 or the Surrealist manifesto of 1924, often sought to shock their readers, or to become art-works in themselves. By contrast, the Charter of the Human Rights Film Network frames its vision in restrained, legalistic language. Indeed, it resembles a Human Rights Convention, with numbered articles to outline its organising principles. The Charter begins by committing its members in Article 1.2 to the promotion of human rights film (Human Rights Watch 2017). Article 2.3 attempts to define human rights films as ‘films that reflect, inform on and provide understanding of the actual state of past and present human rights violations, or the visions and aspirations concerning ways to redress those violations.’ Article 2.2 commits the Network to promote a ‘broad concept of human rights, on the basis of international standards as embedded in the Universal Declaration of Human Rights and other international law.’ Article 2.3 says that human rights films

have superseded common notions of ‘left or ‘right’. They have, implicitly or explicitly, been based on human rights tenets even before the Universal Declaration of Human Rights was established in 1948.

Article 2.3 also allows for a multiplicity of film genres within Human Rights Cinema, saying that human rights films can be ‘documentary, fiction, experimental or animation’ and adds that: ‘Human rights films may be harshly realistic, or highly utopian. They may offer gruesome pictures, or show the bliss of peaceful life. They may report, denounce or convey an emotional message.’

Crucially however, Article 2.3 also states:

We believe that human rights films, whatever their format, contents or character, should be ‘truthful’. That is, they should inform the viewers on human rights issues and aspirations, and should not intentionally misrepresent the facts or the views or words of those portrayed. They should not be so biased as to invoke hatred and discrimination against groups and individuals, or serve political or

commercial interests only. They should be explorative of the issue rather than propagandistic, and not reproduce stereotypes.

This indicates that Article 2.3, while acknowledging that Human Rights Cinema can embrace a variety of film genres, insists on a commitment to the truthful depiction of the reality of human rights violation. There is an interesting supposition here that the violation of legal categories can be made visible through their 'truthful' depiction. Human Rights are, after all, legal instruments, notwithstanding any normative content they may have. The nature of this supposition, and what it says about the conception of truth in Human Rights Cinema will be explored in this article.

An important supplement to the Charter is to be found in Daan Bronkhorst's influential essay, *Human Rights Film Network – Reflections on its History, Principles and Practices* (Bronkhorst 2003). This essay, widely disseminated by Human Rights Film Festivals, has played an important role in defining Human Rights Film. Bronkhorst charts the nexus between human rights and film with the purpose of articulating a 'theory of the human rights film'. In his essay, he traces the historical origins of human rights, noting that films that have 'implicitly or explicitly based on human rights tenets' can be dated back to well before the 1948 Universal Declaration of Human Rights, to early documentary films such as *The Battle of the Somme*, *Spanish Earth* (1937) and feature films such as *J'accuse* (1918), *The Big Parade* (1925) and *The Great Dictator* (1940). He discusses the continuity of human rights concerns to a long list of feature films that ranges from *Judgement at Nuremberg* to *The Green Mile* (1999) and *The Killing Fields* (1984).

Bronkhorst broadly divides his discussion of Human Film into two parts, one dealing with documentary films and the other dealing with feature films. Unsurprisingly, the documentary form tends to predominate in Human Rights Film Festivals. The One World Film Festival in Prague, for example, only screens documentaries. Bronkhorst outlines a typology of four main types of human rights documentary. The first is the Explanatory Documentary, which seeks to document a question involving human rights through the use of interviews, images and commentary. The second is the Denunciatory Documentary, which is concerned with identifying responsibility for human rights abuses. The third is the Search Documentary, which concerns the film-maker's personal search for the truth behind a particular human rights issue. Finally, there is the Testimonial Documentary, which bears witness to the experience of people affected by the abuse of human rights. Bronkhorst describes this final category of Testimonial Documentary as the 'culmination of the genre', noting that 'so much has already been said and explained by so many people, that by now a straightforward personal expression seems to suffice' (Bronkhorst 2003). However, notwithstanding this, he recognises the problematic nature of his claim, as the testimonial film-maker must tell a story as well as bear witness; Testimony must be conveyed in a way that is interesting and engaging for the viewer. However, he does not see this opposition between testimony and storytelling as an irresolvable one for the concept of Human Rights Cinema. Instead, he observes:

The visual language of film has increasingly become a language of suggestion, of images that evoke other images, and may be accompanied by a spoken comment which is suggestive and non-hermetic. In this way a language of ambiguity is realized (Bronkhorst 2003).

The fluidity of the relationship between narrative and testimony becomes, in his account, a challenge to be taken up by film-makers:

The human rights film, both as a documentary and as a feature film, can explore the border area of the struggle between reason and emotion. It is precisely in this area that lies the vitality of human rights activism' (Bronkhorst 2003).

Bronkhorst's typology of documentary film, and its culmination in Testimonial Documentary, has much to say about the relationship between Human Rights Cinema and truth. Each of these categories of human rights documentary evince the commitment to the idea that human rights film must always convey the reality of human rights violations truthfully. However, each category also does more than simply present evidence in forensic form. Instead, each must also engage the viewer in different ways. In all of them, narrative plays an important role; a story must be told—whether it is the story of the victim, the human rights defender or indeed that of the film-maker. Despite the predominance of the documentary form in Human Rights Cinema, the boundary between documentary and fictional feature films is not a clear one, but has involved a historical borrowing of styles and techniques. However, as documentary films are more typically used to depict a factual situation, they are often considered to be 'superior to fiction films because of their pretension to monopolize the market of the truth' (Loshitsky 1999, 361).

For Bronkhorst, the question of truth in Human Rights Cinema emerges as an area of contestation. He articulates this as a challenge to the film-maker to be simultaneously an activist and a story-teller. The deeper challenge at stake here, however, is that of properly articulating the relationship between Human Rights Cinema and truth. Bronkhorst argues that the distinguishing feature of a human rights film, is not its relation to truth, but to truthfulness. This means that Human Rights Cinema must not be simply concerned with the telling of stories that are true, but also display a normative commitment to truthfulness. His model of truthfulness is here derived from Habermas' concept of communicative rationality, which describes three criteria for truthfulness in communication. First, a communication should 'correspond to the facts'; Second, a communication should comply with a 'normative system within which both those making the statement and those receiving it are able to make judgements'; Third, a true statement must be 'sincere', 'honest', 'truthful'.

Habermas' conception of truthfulness is, in turn, a pre-condition for deliberative communication. The 'sincerity' to which Bronkhorst refers corresponds to Habermas' appropriation (in various parts of his model of communicative rationality) of the Kantian concept of *Wahrhaftigkeit*. The concept of *Wahrhaftigkeit* implies more than merely abstaining from deception in communication, but translates as a striving for truth, by being 'true to one's inner self', or finding 'one's innermost identity' (Steiner

2013, 92). The idea of truthfulness in Article 2.3 of the Charter resonates with this conception of truthfulness as an abstention from intentional deception. By situating Human Rights Cinema within a register of 'truthfulness' rather than one of mere 'truth', Bronkhorst allows the conception of Human Rights Cinema to cross the boundary between documentary (which typically claims to truthfully depict facts) and fictional feature film (which typically does not). Furthermore, by establishing truthfulness as a pre-condition for Human Rights Cinema, he effectively situates human rights film as part of a deliberative process within a normative system.

However, the conjunction of human rights and film belies a more complex relationship between truth and fiction than Bronkhorst would lead one to believe. Tascón observes:

Visual textuality has a particular relationship to truth. While semantically speaking, the visual image is but another type of symbol-and thus already a mediated experience, because of its highly motivated and iconic status as a symbol-it is often read as a transparent form of communication and is closer, therefore, to 'the truth' (Tascón 2012, 869).

Documentary film, in particular Testimonial Documentary, also appears to offer a revelation of truth by deploying rhetorical conventions which themselves denote truthfulness. Tascón adds:

conventions such as testimonies of survivors, interviews with professionals in the field of enquiry, and of course, the hand-held camera, all provide ways to strengthen this film-forms ability to tell the 'truth' (Tascón 2012, 870).

To a lawyer's eye, there are, of course, some obvious problems to the elevation of Testimonial Documentary as an indicator of truthfulness. The special role of testimony in the concept of Human Rights Cinema echoes the importance that testimony plays in legal cases. Many of the same problems of testimony that arise in litigation also apply to documentary film. Problems of memory, hearsay and reliability apply here as they do in, for example, criminal proceedings, or indeed hearings of truth and reconciliation commissions (Campbell 2002). In testimonial film, there is the additional issue that testimony in a documentary can be staged or re-enacted for dramatic purposes. Additionally, unlike a legal proceeding, documentary film does not allow for those who testify to be questioned or cross-examined by the viewer, nor does it guarantee for the accused the right of reply; Instead the viewer must trust in the good faith of the film-maker.

The problematic relationship between truth and human rights film is illustrated by the attempts of film-makers after the Second World War to address the horrors of the Nazi period (Govedarica 2005). For Alain Resnais, director of the documentary about the Nazi death camps, *Night and Fog* (1955), the problem was one of how to depict these events without simply bombarding the viewer with horrific images of suffering, a tactic which would simply reduce the observer to either withdrawal or denial. Resnais describes the task of the film-maker in this situation as one of

'how to maintain the image's power to shock without evoking either total disbelief or incapacitating grief?' (Flitterman-Lewis 1988, 205). Resnais' response is the concept of 'constructing forgetting... ..tempering forgetfulness with a call to action, instead of passivity and withdrawal, which leads only to despair' (Flitterman-Lewis 1988, 205). This means that the documentary should do more than merely document reality. It must also be a call to action. This resonates with the subsequent idea that Human Rights Cinema must simultaneously attempt to describe reality and raise awareness. *Night and Fog* is divided into sections which juxtapose slow tracking shots of the deserted and overgrown death-camps with archive footage of Hitler's rise to power. It depicts the dreadful spectacle of daily life in the camps, the horror of mass exterminations and the Allied liberation of the camps. The film is accompanied by a spoken text, which leads the viewer through the footage, not as a litany of horror piled up upon horror, but rather as an ordinary account of extraordinary events intended to compel the viewer to responsibility and social action: 'As *Night and Fog* proceeds, the viewer changes from an observer of documented events to a witness with the capacity for moral judgement' (Flitterman-Lewis 1988, 211). The transformation of the concept of the spectator from observer to witness has later resonances with the concept of the spectator of Human Rights Cinema, as this article will discuss.

As Tascón observes, much of the 'nomenclature' of Human Rights Cinema is derived from an earlier cinematic movement, that of *cinéma vérité* (truthful cinema, sometimes described as 'direct cinema'), which came to prominence on the 1960's. (Tascón 2012). *Cinéma vérité*, sought to make 'real films' dealing with 'real life'. The movement was inspired by early directors such as Dziga Vertov and Robert Flaherty, and associated in the later twentieth century with directors such as Jean Rouch, Michel Brault and Robert Drew, who were particularly concerned by the relationship between documentary film and truth. Generally, *cinéma vérité* seeks to reveal truth in cinema through the interaction between the film-maker and subject, typically without the guidance of a narrator. The intention of the film-maker is to film 'real' people, not professional actors, as directly as possible, acknowledging always both the role of the camera and of the film-maker him/herself in the process (Mamber 1974, 3). Mamber describes the purpose of *cinéma vérité* as '[stripping] away the accumulated conventions of traditional cinema in the hope of rediscovering a reality that eludes other forms of film-making' (Mamber 1974, 4). Rather than absenting himself from the scene the film-maker must seek to reveal a truth without deceptions, as objectively as the medium will allow.

However, Edgar Morin, who was an influential theorist of the movement, observed,

There are two ways to conceive of the cinema of the Real: the first is to pretend that you can present reality to be seen; the second is to pose the problem of reality. In the same way, there were two ways to conceive *cinéma vérité*. The first was to pretend that you brought truth. The second was to pose the problem of truth (quoted in Lee-Wright 2010, 93).

This search for truth sometimes required interviews with 'real people' to be stylized and provocative, staging scenes in order to reveal the 'reality' of what is being filmed. *Cinéma vérité* also relied on conventions such as the use of hand-held cameras, grainy footage and intentional sound and continuity mistakes (Dancyger 2007, 122). These created the impression of a 'real' experience, and acted as indicators of truth and authenticity. *Cinéma vérité*, for all of its hubristic claim to represent reality, could not avoid trading in the illusion of authenticity.

In his seminal film about the holocaust, *Shoah* (1985), Director Claude Lanzmann relied largely on interviews with survivors, bystanders and witnesses. The film falls into the category of Testimonial Documentary, and stands as an important visual record of those events. *Shoah* has many of the markers of 'gritty truth' that are familiar from *cinéma vérité*, with interviews shot in grainy film and with footage of the film-makers themselves included in the film. However, despite its painstaking detail (the film took eleven years to make), Lanzmann does not take a strictly forensic attitude to the question of truth. Indeed, he described staging many of the key scenes, and had his interviewees re-enact their conversations. His purpose was not to falsify their stories, but, in the tradition of *cinéma vérité*; to reveal their truth.

Feature films have also struggled with how to deal with the question of how to depict human rights issues truthfully. In the post-war period, fictional movies dealing with Nazi horrors had to find a way of doing so without undermining their truth. *Judgement at Nuremberg* (1961) concerned the trial in post-war Germany of four German jurists, accused of crimes against humanity for their collaboration with the Nazi regime. The film dramatizes the actual trial in 1947 of several German jurists for war crimes and crimes against humanity arising from their collaboration. The trial did not form part of the Nuremberg war crimes tribunals, but was a subsequent legal process operated by the American occupation forces. The film examines in some detail the jurisprudential arguments surrounding the involvement of the German judiciary in the administration of Nazi justice. In particular, it focuses on the struggle of the American Judge Haywood, played by Spencer Tracy, to make a ruling on the culpability of the judges on trial. Most of the action takes place in the courtroom, although the relations between the occupation forces and the local population are also depicted (including an liaison between Judge Haywood and a local woman, played by Marlene Dietrich). At a crucial moment in the trial, the prosecutor screens an extract of actual newsreel footage from the death camps. The footage is overlaid with a spare commentary, narrated by the prosecutor, describing the events of the holocaust, from its planning to its gruesome execution. The footage includes images of naked bodies piled up for incineration, images that were very shocking for a feature film of the period. However, the use of the newsreel footage plays two important roles in the film. The first is that it has the effect of resolving the jurisprudential deadlock that has thus far dominated the narrative. As the footage is played, the film cuts to the faces of the various protagonists, so that we can see its transformative effect on them. At the end of the newsreel footage, we see that Judge Haywood, who, until now, has been an inscrutable presence in the film, is visibly

moved by the experience. Judge Haywood wears a fixed expression, as if the only option left available to him in the face of such images is to convict the accused. In the face of this representation of horror, all legal arguments are silenced. The second problem resolved by this 'film within a film' is the problem of how to represent the holocaust in a fictional feature film. By making recourse to actual footage in the film's moment of moral and legal judgement, *Judgement at Nuremberg* is able to bear witness to the Nazi horrors by suspending momentarily the conventions of fiction and replacing them with those of reportage.

The use of documentary techniques as indicators of truth is also found in many other films in the Human Rights Cinema canon. Bronkhorst, for example, includes in his list of human rights films examples such as *Schindler's List* (1993), *Hotel Rwanda* (2004) and *The Killing Fields* (1984), which merge aspects of documentary film with feature film in their attempt to re-create events in painstaking detail. These movies, sticking faithfully to the realist aesthetic of docudrama, also seek to do more than just tell a story but attempt to speak in a register of truth, and by doing so to increase awareness of particular human rights abuses.

Despite the insistence of the Human Rights Film Network Charter on 'truthfulness' as a distinguishing feature of human rights film, these examples indicate that the criterion is a problematic one. Films which have a social purpose have struggled to negotiate not just the boundary between documentary and feature film, but also between truth and fiction. The prioritisation of the documentary form as a form of truth-telling does not resolve the question, as the documentary form itself often relies on conventions that stage actual events in order to construct the impression of reality. The Charter relies on the presumption that what is portrayed in human rights documentary is a visual representation of reality. This presumption persists, despite the rich vocabulary of rhetorical tools evident in documentary film to manifest facticity, and despite the reliance of documentary on the narrative techniques of feature film. By situating Human Rights Cinema within a deliberative structure, Bronkhorst also places it within a register of truth-telling and communicative rationality. This presupposes that Human Rights Cinema is concerned with the depiction of reality in a way that is accessible to a system of rational normative communication, rather than one in which meaning fails, or is disrupted by unconscious desire.

Despite its fictional character, docudrama makes a claim to truth based on its attention to detail in recreating reality and the truth of the facts upon which it is based. If there is a hierarchy of truth in Human Rights Cinema, the lowest position in that hierarchy is occupied by pure fiction; by films that do not claim to represent reality as historical record. What is at stake here is not just a question of genre, but one of the relationship of Human Rights Cinema to truth. Human rights discourse, and indeed legal discourse more generally, presupposes a forensic relation to truth in which truth is to be determined by the impartial investigation of factual evidence. By contrast, the Charter of the Human Rights Film Network, by insisting on 'truthfulness' as a condition of Human Rights Cinema presupposes a very different

kind of criterion; one that is based on the intention of the film-maker rather than the examination of factual evidence. Furthermore, as this article has examined, such a commitment may sometimes sit uncomfortably with the film-maker's craft as a story-teller, or indeed with the social purpose of film-making.

However, the inconsistencies in the way in which cinema is related to truth are elided by the Human Rights Charter's conception of Human Rights Cinema as a humanitarian enterprise. This is rooted in a faith in film's capacity to bear witness to man's inhumanity to man; it is cinema as a tool of humanitarianism rather than of politics, and is reflected by the already mentioned claim in Article 2.3 of the Charter that human rights film 'supersedes common notions of left and right'. However, the humanitarian tendency in Human Rights Cinema can also have the effect of 'flattening out' the political context of human rights issues, reducing questions of desire, identity, class and gender to questions of human dignity.

The humanitarianism of the Human Rights Film Network parallels a similar humanitarian tendency in human rights discourse more generally. In recent years, it has become common to portray human rights as a means of superseding political antagonism in favour of broad humanitarian interests. Wendy Brown, in a critique of Michael Ignatieff, for example, describes how humanitarianism:

...presents itself as something of an anti-politics, a pure defence of the innocent and the powerless against power, a pure defence of the individual against immense and potentially cruel or despotic machineries of culture, state, war, ethnic conflict, tribalism, patriarchy and other mobilizations or instantiations of power against individuals (Brown 2011, 134).

The humanitarian tendency to de-politicise human rights treats human rights as a nothing more than a normative and legal tool that can resolve humanitarian wrongs, irrespective of the diverse historical and cultural contexts in which they occur. It translates ideological antagonism into a simple struggle for human dignity. Humanitarianism can thus have the effect of emptying human rights discourse of its emancipatory and transformative potential, neglecting its capacity to enable people to think differently about the socio-economic ordering of society. It turns human rights into a 'safe' normative discourse, consistent with the ordinary functioning of liberal democracy.

2. Truth, fiction and *The Act of Killing*

The Act of Killing (2012), directed by Joshua Oppenheimer, is a documentary film that raises difficult questions about the relationship between truth and fiction. The film was widely acclaimed, winning an Oscar nomination, a BAFTA award and multiple other awards. It was screened at many human rights film festivals but, as I will argue, it not only problematizes the relationship between truth and fiction in Human Rights Cinema, but it problematizes the very notion of Human Rights Cinema itself.

The film deals with the mass killings that took place in Indonesia in 1965–66, during the upheavals leading to President Suharto's brutal accession to power. The killings were carried out by Indonesian army units and local vigilantes, who targeted suspected communists, leftists and ethnic Chinese. Although exact figures are not available, the estimated number of deaths varies between half a million and one million deaths (Gellately and Kiernan, 2003 290–291). Despite the terrible scale of these murders, they have been relatively unexamined in Indonesian society, largely due to the thirty years of repression that followed them. Indeed, as the film depicts, the killers are still celebrated openly as heroes and have significant influence in politics, business and media.

The Act of Killing follows the present-day lives of some of the perpetrators of the massacres, notably Anwar Congo, Adi Zulkadry and Herman Koto. The protagonists had been small time gangsters in the city of Medan, Northern Sumatra in the 1960s, who made money from the sale of black-market movie tickets. When the disturbances began, they went from these obscure beginnings to become the leaders of the most powerful death squad in Northern Sumatra. As well as murder and torture, they also extorted money from ethnic Chinese inhabitants as the price for keeping their lives. Today, Anwar is revered as a founding father of Pemuda Pancasila, a right-wing paramilitary organization that grew out of the death squads (Anderson 2000). In the film, the protagonists speak unashamedly about how they murdered their victims. They discuss, for example, how best to strangle a man to death with a piece of wire, even acting it out for the camera. These accounts are difficult to listen to, as they describe atrocious deeds in a dispassionate, matter of fact way. In one account, Anwar describes the clothes he used to wear when carrying out murders, and how he struggled to avoid staining his trousers with the blood of his victims. He claims in the film to have personally murdered some one thousand people. This chilling frankness is the first shocking aspect of this film. The moral universe depicted in this film is one in which ordinary mores are turned upside down, where gangsters are feted, and where their acts of murder, torture, and extortion, are rewarded with both political influence and celebrity.

Some early parts of the film might look like Testimonial Documentary, with little evident intervention from the film-makers in the testimony. However, this film does not pursue the aesthetic of 'gritty truth' found in *Shoah* or *cinema vérité*; instead it does something radically different. Anwar and his friends are invited by the film-makers to make a feature film about their crimes, to re-create scenes from the massacres in whatever style they chose. The process of making this 'film within a film' itself becomes the main subject of the documentary. Director Joshua Oppenheimer, said:

To explore the killers' astounding boastfulness, and to test the limits of their pride, we began with documentary portraiture and simple re-enactments of the massacres. But when we realised what kind of movie Anwar and his friends wanted to make about the genocide, the re-enactments became more elaborate. And so we offered Anwar and his friends the opportunity to

dramatize the killings using a choice of genres (western, gangster, musical). That is, we gave them the chance to script, direct and star in the scenes they had in mind when they were killing people (quoted in Žižek 2014, 307).

As the film progresses, it takes a stylistic turn towards increasingly elaborate and surreal scenarios of staged killing and torture. Oppenheimer has called the result 'a documentary of the imagination rather than a documentary of everyday life' (Bradshaw 2013). *The Act of Killing* is a thoroughly disorientating film, shifting between scenes of observed dialogue in a 'fly on the wall' style, interactions between the perpetrators and the director, scenes of staged interrogation, torture and murder, a realistic re-staging of the violent burning of a village, musical scenes and surreal scenes of dream-like fantasy. The result is unsettling, not just because conventional morality seems inverted, but also because the distinction between reality and fiction is unclear, as is the role of the film-maker in the production of meaning.

While the film has received great critical acclaim, it has also been strongly criticized for the way it addresses questions of human rights, with one critic describing it as a 'snuff movie' (Fraser 2014). Oppenheimer has responded:

the film is not violent, and all those appearing in the re-enactments are perpetrators, paramilitary leaders, and their immediate family members—that is, there are no survivors in the dramatizations. And there are certainly no scenes documenting actual physical violence (Oppenheimer 2014).

Nonetheless, an important criticism is that the film does not give a voice to the victims of the crimes, focusing instead entirely on the perpetrators:

To have the perpetrators legitimate and re-enact their crimes on camera courts a morally obscene *jouissance* of impunity, a re-perpetrating in representation if you will, and may be seen as endorsing a sympathetic portrait of 'traumatized heroes' (Hogan and Marín-Dòmine 2014, 7).

A second criticism is that the film says little about the role of the military in the killings, failing to address the common misconception that these killings were carried out by rogue psychopathic elements, rather than being coordinated at the highest levels (Cribb 2013). Additionally, the film says little about the role of the subsequent Indonesian New Order regime in maintaining a history of silence about the events (Hogan and Marín-Dòmine 2014, 7). Another criticism has been that the film's portrayal of Indonesia as a 'gangster paradise' is an unconsciously chauvinistic portrayal, a freak-show of the primitive for Western audiences (Godmilow 2014).

However, for the purposes of this article the criticism that raises the most difficult question is that of the relation of the film to truth. It is not always clear in the film where the boundary between truth and fiction lies. We have no means, for example, of knowing whether the protagonists are telling the truth, nor does the film explain the full role of the film-makers in staging the scenarios re-enacted by the protagonists. There have been allegations that participants were manipulated

into performing the roles that they played. Anwar Congo, for example, has said that he believed that he was participating in the making of a genuine feature film called *Arsan and Aminah*, not the documentary film that was produced. He has added that if he had known the real nature of the project, he would not have participated in *The Act of Killing* (Sweedler 2014, 16).

The film-makers have argued that their purpose was not to give a platform to the perpetrators but to confront them with their deeds and to raise awareness of the impunity with which these events have been treated in Indonesia. In a comment that addresses some of the criticisms of the film, Oppenheimer observed:

The question in mind was this: what does it mean to live in, and be governed by, a regime whose power rests on the performance of mass murder and its boastful public recounting, even as it intimidates survivors into silence (Oppenheimer 2012).

However, directorial intervention in this film does seem to go considerably beyond the usual role of the documentary-maker in the human-rights film tradition, even accounting for the active role of the film-maker as provocateur in *cinema vérité*.

At the very least, the boundary between fiction and truth that is proper to the documentary genre is tested by this film. The film has little in the way of a meta-narrative to explain the methodology of the film-makers. Indeed, there are moments in it is difficult to distinguish between what is 'real' and what is 'staged' in the film. The suspension of a realistic aesthetic is evident from the extraordinary opening scene, where we see dancers emerging from a giant fish into a lush landscape. In that scene, instructions to the dancers are shouted from the background, including the prescient reminder that 'this is not fake!'

There are also scenes in the film where the fiction of the film-within-a-film comes undone, interrupted by uncanny moments that point towards the unconscious. In the crucial scene of the staged attack on the town of Kampung Kolang, we know from the beginning that this is a reconstruction, as the preparations for the scene have been shown in some detail. However, the attack is simply too intense, too 'real' to watch comfortably. In the filming of the scene, the violent energy of the paramilitaries seems to erupt out of control. The staged violence of the scene is unsettling enough, but the fiction disintegrates when a woman collapses after the scene, and a girl begins to cry uncontrollably. Attempts by the Pemuda Pancasila paramilitaries to console them are to no avail. The woman's collapse and the crying child make a jagged intervention into the re-enactment, breaking the fragile boundary between truth and fiction. As Milo Sweedler observes:

In contrast to the relation between fiction and reality suggested by Anwar Congo at the beginning of the film, when he claims to have drawn inspiration from Hollywood films for the murders he committed, here the movement is the reverse. The simulation of violence produces its own violent effects on those who re-enact it (Sweedler, 2014, 24).

What is revealed in the staged fiction of the burning of Kampung Kolang is not the direct 'truth' typical to testimonial documentary. Instead, the conception of truth here is, to paraphrase Lacan, structured as a fiction; a film within a film, whose veracity, and indeed very existence is not at all clear. *The Act of Killing*, rather than relying on the stylistic markers of authenticity that are the hallmark of Human Rights Cinema, is an exercise in fiction, allowing a different register of truth to emerge as the limit of what fiction can sustain.

As this essay has already discussed, Human Rights Cinema insists on truthfulness as a defining value, and prioritizes a realist aesthetic as the primary means of expressing this. *The Act of Killing*, however, approaches the question of truth in a very different way. The film employs dream-like imagery at various points, perhaps none so strange as the scene where a protagonist speaks to the decapitated head of one of his victims. The head, played by Anwar Congo, sits perched on a rock, immobile and struggling not to retch while another of the killers pushes pieces of rotten meat into his mouth. The scene is reminiscent of Samuel Beckett's *Happy Days*, in which the life predicament of the protagonist, Winnie, is illustrated by her being buried up to the neck, trapped and unable to move. Anwar's head oozes with bright crimson fake blood, a scene that would be ridiculous if it were not for its horrific context. This nightmarish scene hints at a far more disturbing reality that underpins the 'normality' which Anwar Congo and his colleagues inhabit; an unspeakable horror that exceeds 'normal' representation. In this scene, it is as if the bizarre 'normality' of the killers that has been depicted thus far, from their casual conversations about torture and murder to their homely family lives, all now seem haunted by a hidden visceral horror, a piece of the Real, embodied here by a dismembered head on a rock, conscious but incapable of action; immobilized by the spectacle of its own atrocity.

3. The act of watching

There is, however, another way to approach *The Act of Killing*. This is to examine what it tells us about spectatorship. This is a film that is concerned not just with the act of killing, but also with the act of watching. The film presents its viewers with the spectacle of perpetrators watching the recreation of the terrible events that have defined them. In scene after scene, we not only watch the meticulous recreation of murder and torture, but we also watch the perpetrators as actors and directors in their own drama. In this interaction, the camera lingers occasionally on the face of Anwar Congo and his colleagues as they observe the surreal reconstructions of their crimes. In some scenes, the camera shifts away from the reconstruction, and focuses on Anwar, as if it were seeking an explanation in his gaze for the bizarre cavalcade of cruelty being reconstructed. However, his face provides few answers. Sometimes his expressions are blank. At other times, he appears bemused, and at others again, he seems disturbed by what he sees. At one stage, after the re-enactment of massacre at Kampung Kolang, he seems genuinely overwhelmed by the scene of destruction. Throughout the film, however, the gaze of the perpetrator remains inscrutable, not

delivering for the spectator the recognition of his responsibility that might make sense of such unrelenting cruelty. Anwar's empty gaze neither recognizes, nor does it seek recognition from others. Instead, the perpetrators appear to be not only incapable of moral action, but to be impassive spectators of the horrors they have created.

This brings us to the role of the spectator in Human Rights Cinema. Does the concept of Human Rights Cinema not also demand a different approach to spectatorship? Spectatorship in Human Rights Cinema is not posited as the vicarious enjoyment that one might experience while watching a horror, or a thriller, for example. Instead, it presupposes a commitment to the values of the Universal Declaration of Human Rights, and, at a deeper level, a moral responsibility with respect to the content of what is being viewed. Human Rights Cinema is, after all, meant to be truthful; a communication which, in Bronkhorst's terms, is situated within a normative system. However, does such a concept of spectatorship not also presuppose that human rights spectatorship itself demands recognition? The Human Rights Film Charter links Human Rights Cinema to activism, but also to truthfulness. The value of truthfulness in Human Rights Cinema transforms the spectator into a witness, thereby eliding the concept of the spectator with that of the activist. Accordingly, the role of the spectator in Human Rights Cinema is to recognize the suffering of the human rights victim through the act of spectatorship. In this way, activism and spectatorship are bound together by the concept of Human Rights Cinema in a circle of self-affirming virtue.

However, the concept of Human Rights Cinema also presupposes a third position in the intersubjective network—the position is that from which the spectator's responsible (or indeed virtuous) recognition is itself recognized. In this way, the concept of Human Rights Cinema is organized around a desire for the spectator's recognition of the suffering of the human rights victim to itself be recognized. To borrow a Lacanian term, the desire for the recognition of the spectator's recognition appeals to the Big Other for the recognition of spectatorship as a kind of activism, despite its self-evident passivity. As such, there is an underlying narcissism in Human Rights Cinema—that narcissism is the conceit that the Big Other can successfully mediate the duality between spectator and human rights victim, thereby affirming the value inherent in the act of watching. In contrast to the 'innocent' spectatorship involved in other film genres, the spectatorship of Human Rights Cinema presupposes a spectatorship that is responsible, active, and affirmed by the global normative system of human rights. This gives us another perspective on the Human Rights Film Charter, not as an attempt to merely imitate international human rights norms but to find a normative affirmation for the truth-telling capacity of Human Rights Cinema and for the idea of the Human Rights Cinema spectator as passive activist.

An interrogation of the spectatorship of Human Rights Cinema also gives us another way to examine the way in which the concept of Human Rights Cinema appears at times to occupy an unquestionable moral high ground. The spectator

of Human Rights Cinema at a human rights film festival may witness the most unimaginable horrors on the screen, often without the guard-rail of fiction. In Testimonial Documentary, for example, the spectator may bear witness to the most outrageous and violent depravities, believing it not to be a form of vicarious enjoyment but an obligation owed to the greater project of human rights. However, unlike a horror film, which situates the enjoyment of the spectator clearly in the field of fiction, and is understood from the beginning to be a fantasy, Human Rights Cinema does entirely the opposite—it assures the spectator that the horror being witnessed is not fictional but is, in fact, true. Rather than turning away, the spectator is compelled to endure, in the belief that his or her continued spectatorship is a form of activism, an obscene enjoyment capable of being recognized as virtuous behavior; a sign of spectator's commitment to the values of human rights.

What then, does *The Act of Killing* tell us about spectatorship and Human Rights Cinema? The centrality of spectatorship to the film is illustrated in one scene where Anwar Congo is shown operating a movie camera. He is shown in silence, slowly surveying the film set. As well as being a perpetrator, actor and film-maker, he is also depicted here as a spectator, both re-making and watching his own past. The interchangeability in the film of the watcher and the watched brings home the way in which the cinema-goer is himself or herself implicated in this network. Is the viewer of the film, like Anwar, and indeed Oppenheimer, not also implicated in the manufacture of Anwar's role as a celebrity murderer merely by the act of watching? The opaque role of the makers of the film in enabling Anwar and his colleagues to act out their crimes for the camera adds to this sensation. There are no 'innocent' spectators in *The Act of Killing*.

The Act of Killing is not a film that seeks to challenge its audience with factual evidence of the crimes committed in Indonesia, but in fact renders impossible the act of 'bearing witness'. It is a film that attempts to unsettle its spectators by continually blurring the boundary between fact and fiction, and indeed between fantasy and 'reality'. While some scenes that are seemingly un-staged are so bizarre that the viewer may doubt their plausibility, many of those that are deliberately staged appear nightmarish and unsettling. In one such scene, an actor representing one of Anwar's victims appears, removes a wire noose from his neck and awards Anwar with a medal. He thanks Anwar him for executing him and sending him to heaven. This fiction would be unsettling enough, until we recall that Anwar is in fact a real killer, and that this bizarre scene is a real mass murderer's stylized fantasy of redemption. *The Act of Killing*, as a 'documentary of the imagination', allows no space for a disinterested spectatorship, no clear line between truth and fiction. Instead, it is more like a waking dream, in which the public impunity of the perpetrators is perpetually haunted and disturbed by the ghosts of their victims.

All of this leads us to an important distinction between the nature of spectatorship in *The Act of Killing* and that presupposed by the principles of Human Rights Cinema. *The Act of Killing* does not 'inform' the spectator as a passive observer of events. Instead, it unsettles, disorientates and implies the spectator in the creation

of the perpetrators' grisly celebrity. The film offers the spectator no external meta-position from which to judge, or bear witness to the terrible events of the Indonesian massacres. By contrast, the concept of Human Rights Cinema presupposes just such a meta-position; the position of a rational observer within a normative system, not unlike that of a court or a human rights committee; an objective recipient of the truths that are conveyed by the act of watching.

4. *The Act of Killing and the collapse of the Other*

However, there is another way to think about the relation between *The Act of Killing* and Human Rights Cinema. This is to think about the very different ways in which they relate to questions of ideology and authority in public discourse. In particular, an analysis of both *The Act of Killing* and the Human Rights Network Film Charter offers very divergent perspectives on the concept of the Big Other and its capacity to structure social relations. Slavoj Žižek (who is, incidentally, thanked in the credits of the film), has described *The Act of Killing* as a documentary about the 'real effects of living a fiction' (Žižek 2013). He draws attention to a particularly shocking scene in the film, in which Anwar and his men appear on a 2007 Indonesian talk show. Anwar proudly explains the influence of gangster movies on his killings. When the interviewer asks whether he fears reprisals from the families of their victims, Anwar responds 'They can't. When they raise their heads, we wipe them out.' His colleague adds, 'We'll exterminate them all.' Rather than provoking shock or censure, these bloodthirsty declarations are greeted with smiles from the presenter and cheers from the audience. Žižek suggests that: 'The trap to be avoided here is the easy one of putting the blame on either Hollywood or on the "ethical primitiveness" of Indonesia' (Žižek 2013). Instead, he says that 'the starting point should be the dislocating effects of capitalist globalization which by undermining the "symbolic efficacy" of traditional ethical structures, creates such a moral vacuum' (Žižek 2013).

Žižek is here returning to a long-standing theme in his work which he has variously described as the 'collapse' or 'retreat' of the Big Other (See Žižek, 1997). The Lacanian concept of the Big Other here operates as the order of language and law in relation to whose address the subject symptomatically attempts to situate its identity. Žižek has described over numerous works how global capitalism has been supported at an ideological level by the collapse of the Big Other, by which he means the decline of paternal authority, custom and moral norms (See Žižek 1993, 231–237). He has described a corollary collapse in the efficacy of the symbolic systems that have for so long defined our social, ethical and moral worlds. His work describes a societal shift towards a social order that can be described as post-Oedipal, in which social norms disintegrate and in which the boundaries of what is usually understood as acceptable social behavior are no longer clear.

In more recent writings, Žižek describes this process of disintegration in relation to the proliferation of the culture of public confessions and the dissemination via social media of the most intimate aspects of private life (Žižek 2014). Rather

than seeing this as an erosion of an ever-shrinking private sphere, as one might expect, Žižek claims the opposite, that it is the public space that is being privatized through the extension of private fantasies into the private space of others. In his account, the concept of the public space that has characterised the modern era is not only eroded, but under threat from the irruption into it of private fantasies that would have hitherto been taboo. The concept of the public space here operates as the big Other; as a system of ordering in the ethical and social field, whose ideological collapse creates the appearance of a 'social and moral vacuum'. In this collapse, the boundary between the private and the public appears to dissolve and the expression of previously unspeakable fantasies loses its capacity to shock:

What kind of symbolic texture, or set of rules between what is publicly acceptable and what is not exists in a society where even the minimal level of public shame is suspended, and the monstrous orgy of torture and killing can be publicly celebrated even decades after it took place, not even as a necessary crime for the public good, but as an ordinary acceptable pleasurable activity? (Žižek 2014, 308).

In Žižek's account, it is this collapse of public space, and the corollary diminution of superego pressure, that 'normalises' Anwar Congo's cruelty, and makes his lack of shame appear publicly acceptable.

The Act of Killing depicts in vivid form not just the erosion of the Big Other, but its consequence; an ethical void. For Žižek, the crisis in the Big Other is ideological, a function of the onward march of global capitalism. He considers cynicism and an attitude of ironic detachment not merely as symptoms of what Ernest Mandel has described as 'late capitalism' (Mandel 1975), but part of its official ideology:

[This] cynicism is not a direct position of immorality, it is more like morality itself put in the service of immorality—the model of cynical wisdom is to conceive probity, integrity, as a supreme form of dishonesty, and morals as a supreme form of profligacy, the truth as the most effective form of a lie. This cynicism is therefore a kind of perverted 'negation of the negation' of the official ideology: confronted with illegal enrichment, with robbery, the cynical reaction consists in saying that legal enrichment is a lot more effective and, moreover, protected by the law. (Žižek 1989, 30.)

The detachment from moral consequence evidenced in *The Act of Killing* does not simply depict a country's failure to confront its past, but also the collapse of the social structures that make ethical judgement possible. In Žižek's terms, this ethical disintegration is a thoroughly ideological one. It should be added here that Indonesia has been a poster child for economic success in the global market, a member of the G20, with good figures for economic growth, committed to market reforms and privatisation (International Monetary Fund 2016). Indeed, the film alludes to this economic context with seemingly random shots of billboards, high end commercial activity and shopping centres. However, the film, as well as relentlessly depicting the

moral lacuna that defines Indonesia's relation to its past, also lays bare the ideological nature of that economic commitment.

It is in relation to the concept of the Big Other that we find an important philosophical divergence between *The Act of Killing* and the concept of Human Rights Cinema. This article has already discussed the way in which the Human Rights Film Network reflects the dominant tendency in human rights discourse to prioritise a global humanitarianism capable of transcending the political. However, such humanitarianism must also presuppose the existence a system of signification by which its normative coherency can be guaranteed, if not a public space in which ethical differences can be resolved. More generally, humanitarianism, like all successful political discourse, presupposes the existence of a Big Other by which the subject can attempt to find something of him/herself in humanitarian discourse. In this way, the subject can identify him/herself as representing humanitarian values. Whereas the *Act of Killing* depicts the collapse of the Big Other, the Human Rights Film Network does the opposite, by presupposing the existence of the Big Other. In Lacanian terms, Human Rights Cinema operates ideologically as a means of denying the Lack in the Big Other. Perhaps this difference is another reason why the *Act of Killing*, while undoubtedly a milestone in documentary cinema, might not sit entirely comfortably within the canon of Human Rights Cinema.

This brings us back once again to the question of spectatorship. It is the operation of the Big Other that allows the spectator of Human Rights Cinema to imagine that their humanitarian commitment is somehow capable of being recognised and is thereby in itself meaningful. The spectator is not here conceived of as a passive observer, but as a participant in a system of normative exchange with the film-maker and with other members of 'the human rights community'. The concept of the Big Other allows the spectator the conceit that his/her recognition of the suffering of others can itself be recognised through 'participation' in Human Rights Cinema. In this way, spectatorship is transformed into participation in the humanitarian project through the act of watching.

5. Conclusion

Towards the end of *The Act of Killing*, there is a scene in which the film-maker accompanies Anwar Congo to the rooftop where many of his murders took place, where earlier in the film he has described his crimes in horrifying detail. It might be expected that in these closing moments, the film might provide some note of hope, perhaps an expression of regret by the perpetrator, or a recognition of the cruelty he has inflicted. Instead, Anwar retches and gags repeatedly, attempting to vomit, but seemingly unable to do so. In these extended moments, it is as if he were attempting to expel something from within his body. However, still no words come out. The viewer does not know if Anwar has been overcome with guilt for his actions, or if he is simply unwell, or indeed if he is simply performing this purgative moment for the camera. The film here refuses to deliver the viewer with the answer s/he wants. There is no moment of remorse, no redemptive moment, no answer to the many questions

the film has opened. Instead, this is a film that can leave the viewer not just shocked, but also bewildered. While it is tempting to see this event as a bodily manifestation of remorse, or a bodily return of the horrors he has repressed, the true message of his retching is that there is no message. There are no words that can properly bring this film to a close.

The refusal of this film to provide a moment of normative closure also points to the broader critique that has been made in this article of Human Rights Cinema. It has been argued that Human Rights Cinema tends to make broad assumptions about the nature of truth and its relation to fiction; assumptions that are not borne out by an analysis of the documentary and feature film genres. The humanitarian impulse that drives the Human Rights Cinema movement, while capable of concealing the inconsistency of such assumptions, also tends to negate more radical or emancipatory interpretations of human rights. The idea that 'truthfulness' can provide a satisfactory normative basis for Human Rights Cinema is also problematic, as it presupposes a necessary correlation between intentionality and signification. This article has also insisted upon a more critical approach to the question of spectatorship in Human Rights Cinema, drawing attention to the illusion that Human Rights Cinema spectatorship is an ethical act in itself, a form of passive activism with no negative consequences for the spectator. The concept of Human Rights Cinema presupposes the un-lacking omniscience of Human Rights discourse *qua* Big Other. However, its ready embrace of a humanitarian logic risks stripping human rights discourse of its potential for social change, rendering it an empty hulk of good intentions and empty principles, rather than a means of transforming peoples' lives. The de-politicization of human rights discourse makes it less able to provide an ideological resistance to the ethical wilderness that underpins the onward march of global capitalism; a consequence laid bare by *The Act of Killing*.

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