



The PEACE BRIGADE

Lawyers play a vital role in the prevention of impunity for human rights violations, says **Daniel Carey**



In 2006 there were 278 attacks against human rights workers in Guatemala, including 14 murders, according to official figures. The UN Human Rights Council's 2006 Report highlighted the "accusations of persistent harassment and targeting of the NGO community in Guatemala". These attacks are both a symptom and a cause of a failing rule of law. Court advocates cannot work effectively without a functioning rule of law, and the rule of law cannot function properly without the work of court advocates. We all rely on the application of the law to the powerful as well as the weak, and the fact that

violent crime will be investigated and, if necessary, prosecuted.

As the UN Human Rights Commission states in its *Manual on Human Rights for Judges, Prosecutors and Lawyers*: "Judges, prosecutors and lawyers are three professional groups that play a crucial role in the administration of justice and in the prevention of impunity for human rights violations. They are consequently also essential for the preservation of a democratic society and the maintenance of a just rule of law."

Failure of the rule of law

The failure of the rule of law can be called impunity, and in Guatemala

impunity is becoming the norm: In 2006 there were more than 6,000 murders according to official statistics. This averages at 16 a day: four times what the World Health Organisation deems an "epidemic". A disproportionate surge in violence against women, in particular, is the focus of a current Amnesty International campaign. However, less than 3% of all murders result in a conviction.

There is concern about the ease with which attacks against human rights workers can be carried out in this atmosphere of impunity. The UN High Commission on Human Rights 2006 Report states that "The official complaints relating to

threats and attacks against human rights defenders have been scarcely investigated. This increases the perception that there is not sufficient political will to protect such workers." And it is not only human rights workers who are singled out.

Many commentators have observed the growing phenomenon of "social cleansing": the killing of "undesirables" such as suspected gang members, prostitutes and street children. In the first half of 2006, 200 children were murdered in Guatemala, and around 50 extra-judicial executions took place within prisons, according to figures submitted to the UN's Special Rapporteur on Extra-Judicial Executions.

Colombia

In Colombia, the position is no better. Since the assassination in 1998 of Eduardo Umaña Mendoza, founding member of the human rights lawyers' collective, CAJAR, two of the nine lawyers on the governing body of that organisation have gone into permanent exile and a procession of CAJAR lawyers have been forced to flee the country temporarily. Alirio Uribe, the President of CAJAR needs daily accompaniment by Peace Brigades International (PBI).

Grass roots approach

As a volunteer with PBI, I am one of the visible faces of diplomatic pressure on the Guatemalan Government and authorities. Our accompanying of threatened individuals, enhances their ability to lead a "normal" life, and serves as a clear visible reminder of international concern. This "grass roots" approach complements the diplomatic efforts brought to bear on state authorities by foreign governments, such as the agreement signed by the Guatemalan Government with the UN for the creation of an International Commission Against Impunity in Guatemala (CICIG). This body aims to enhance the investigation and prosecution apparatus in the country through international involvement, but is

currently stalled in the process of national ratification.

The UN Human Rights Commission states in its Manual on Human Rights for Judges, Prosecutors and Lawyers: "It is the entire structure of a free and democratic constitutional order that is upheld by an independent and impartial Judiciary, independent and impartial prosecutors and independent lawyers."

In Guatemala, Colombia, and many other countries the legal profession and other human rights defenders need international support to fight for justice without fear of persecution. As advocates and as lawyers, we have a duty to demonstrate solidarity with fellow professionals struggling in states where the rule of law is not observed.

In maintaining links with these workers, through the Bar Council or through support of organisations such as PBI, members of the profession can show solidarity with and "accompany" these brave human rights advocates as they go about their dangerous work. ❖

Daniel Carey is a freelance writer and a solicitor working as a volunteer for Peace Brigades International (PBI) in Guatemala

Eduardo Carreño of the Colombian human rights lawyers' collective, CAJAR, will be visiting the UK to speak on 18 October 2007 at an event jointly organised by PBI and the Law Society. For information please contact 020 7281 5370/71. E-mail: coordinator@peacebrigades.org.uk. Their website is www.peacebrigades.org/uk.html

A life under threat: Reinaldo Villalba Vargas, a human rights lawyer in Colombia

- In 2006 Reinaldo visited the UK with the support of PBI, Garden Court Chambers, the Human Rights Committee of the Bar Council and the City of Holborn and Westminster Law Society to share his experiences of working under constant threat in Colombia. He received a standing ovation at the International Congress of the European Bar Federation.
- Reinaldo is acting in several high-profile cases, such as the prosecution of military officers for the murder of five poor rural workers, including a six-month-old child, shot at close range. He also successfully defended the actions of a district attorney in releasing 128 arbitrarily detained prisoners, and obtained the reallocation from the military to the civil courts of the prosecution of paramilitaries for the murder of 40 rural workers in the village of Mapiripan.
- Reinaldo has brought cases such as these before domestic courts and the Inter-American Court of Human Rights. As a result Reinaldo has received threats, including from the current Colombian President who has made repeated public denunciations of the lawyers' collective, both domestically and internationally. The Inter-American Commission of Human Rights has called for protective measures for Reinaldo and CAJAR.
- PBI volunteers accompany Reinaldo in his daily movements, providing a constant international presence by his side. Reinaldo deems this much more effective than the armed bodyguards which are a common sight in Bogota.
- Frances Webber of Garden Court Chambers has met Reinaldo and other Colombian human rights lawyers. She comments: "Colombian human rights lawyers really do put their lives on the line in their struggle to uphold the rule of law and the basic human rights of their clients – the right to life and freedom from arbitrary detention. An international presence brings a spotlight to their struggle, and is their greatest protector, ensuring that they are not targeted with impunity. International attention and concern is absolutely vital, it's a matter of life and death to them."