

WORK PRESSURE:

THE PRECARIOUS SITUATION OF HUMAN RIGHTS LAWYERS

The call came to the office around 10am; the human rights worker we had been accompanying for only a day, a Guatemalan father of two, had received a death threat by telephone. A week before, he had been assaulted and his car stolen after speaking at an event for female lawyers on sexual violence. Sadly, this is nothing out of the ordinary for human rights lawyers and workers in Guatemala. In 2006, there were 278 attacks against human rights workers, including 14 murders, according to official figures. The situation faced by human rights lawyers and workers in Guatemala is dire, but it is not extraordinary, neither in Latin America nor in many other parts of the world.

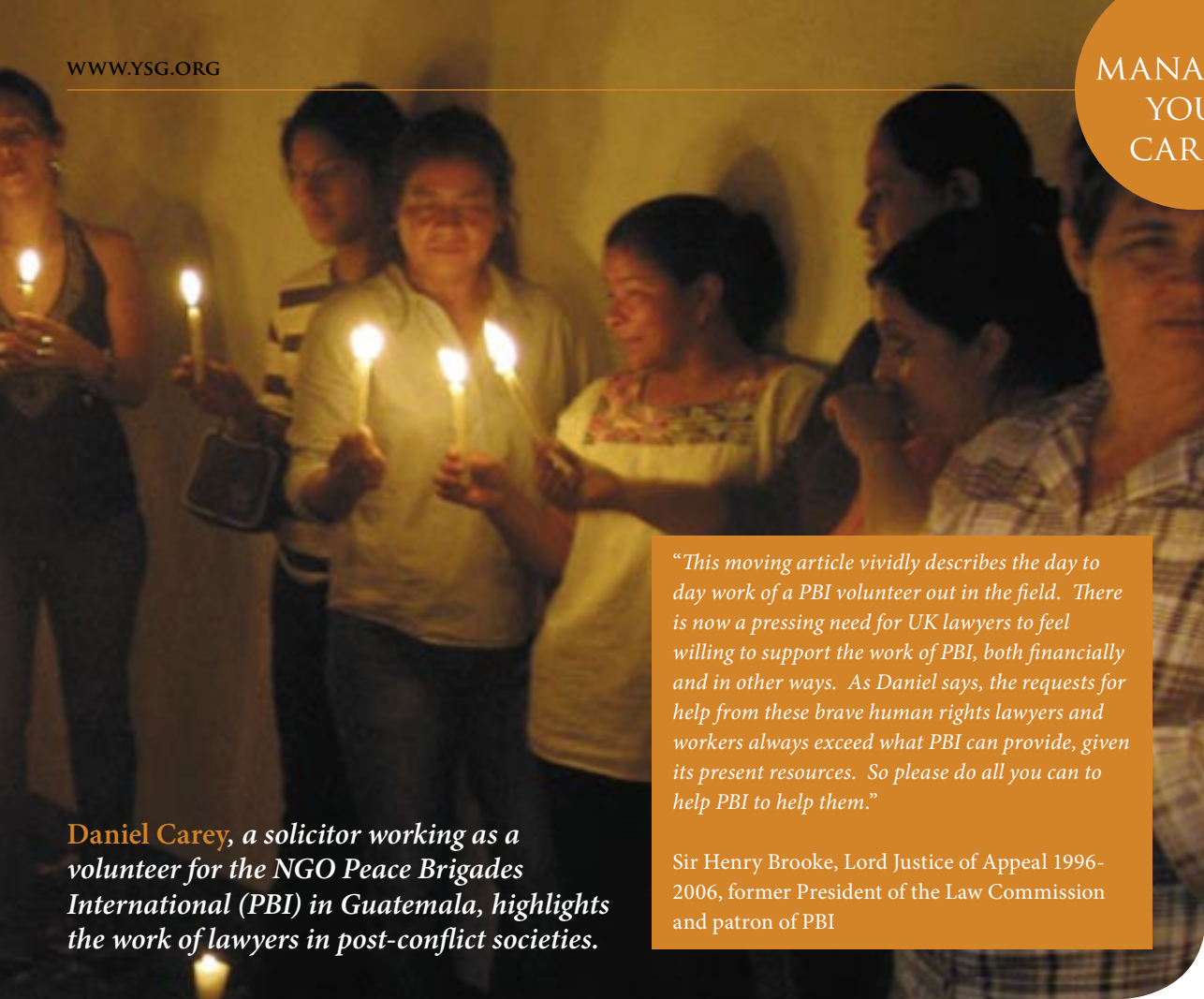
I am a solicitor, three years qualified, who has left the City to work for Peace Brigades International (PBI), an NGO whose teams of international volunteers provide accompaniment and observation to threatened human rights lawyers and workers in countries such as Colombia, Guatemala, Mexico, Indonesia and Nepal, backed by an international support network of politicians, diplomats and prominent lawyers.

In my short time in Guatemala, I have found myself returning to those basic concepts of law that we take for granted in the UK. The rule of law is a concept to which we have little recourse in practice, much like those same university textbooks and folders which line our shelves or attics. Of course all of us, whether we're drawing up a will, arguing in magistrates court or doing an "all-nighter" in EC2, rely on the fact that the contract can be enforced, that crimes will be prosecuted, that a fair court hearing will follow. Failure of the rule of law is sometimes called "impunity" and this is something of a buzzword in Guatemala at the moment. In 2006, 10 years after the Peace Accords that formally ended the 36-year civil war

there were 5,885 murders according to official statistics. This rate of more than 16 murders a day is now roughly the same as during the war. It is four times what the World Health Organization considers an "epidemic" and has been compared to the situation in Iraq. The disproportionate surge in violence against women in particular is the focus of a current Amnesty International campaign. A UN agreement with the Guatemalan government for the creation of an International Commission Against Impunity in Guatemala (CICIG) is currently stalled in the process of national ratification.

In addition to these risks, human rights workers (some of whom are campaigning for measures such as CICIG) face additional threats from alleged clandestine groups, as the culture of violence and oppression which emerged during the civil war continues to echo. International NGOs like PBI are the visible face of diplomatic pressure on the Guatemalan government. We meet with local and governmental authorities at all levels. We take pains to make such actors aware that we carry with us an extensive national and international support network, cultivated with the ambassadors in the country as well as home governments. We also disseminate information within the country and to international governments and NGOs.

There are always more requests for our assistance than we are able to fulfill. One group that we accompany is the Union of Campesino Organizations of the Verapaces (UVOC). It works with the government for legalization and purchase of land by the indigenous communities who have been living on the land for millennia but increasingly find themselves marginalized in illegal shantytowns. Inequality of land ownership in Guatemala is among the worst in the world. According to Amnesty International,



Daniel Carey, a solicitor working as a volunteer for the NGO Peace Brigades International (PBI) in Guatemala, highlights the work of lawyers in post-conflict societies.

“This moving article vividly describes the day to day work of a PBI volunteer out in the field. There is now a pressing need for UK lawyers to feel willing to support the work of PBI, both financially and in other ways. As Daniel says, the requests for help from these brave human rights lawyers and workers always exceed what PBI can provide, given its present resources. So please do all you can to help PBI to help them.”

Sir Henry Brooke, Lord Justice of Appeal 1996-2006, former President of the Law Commission and patron of PBI

in 2000 1.5% of the population owned 62.5% of the land. A CIA backed military coup in the 1940s (for which the USA has since formally apologized) ensured that post-colonial land holdings remained in place. Members of UVOC have received death threats and have been assaulted as a result of their work. At times, they have been forced to go into hiding.

We also accompany a member of the Center for Legal Action on Human Rights, (CALDH), which is involved with the attempted prosecution of Rios Montt, president from 1982 to 1983, the bloodiest years of the civil war. In a process similar to that brought against General Gustavo Pinochet of Chile, a genocide prosecution was mounted in 1999 in the Spanish courts, which recognize universal jurisdiction, by Nobel Peace Prize winner Rigoberta Menchu Tum. International Arrest Warrants have been issued, but are stalled at the level of enforcement in Guatemala, complicated by the fact that Rios Montt will stand as a candidate in this year's elections, potentially guaranteeing him immunity from prosecution for the next four years. After one member of CALDH was kidnapped in March of this year, PBI started accompanying him on his journeys between his home and office, and during his public engagements.

The Coordinator of Widows of Guatemala (CONAVIGUA), assists widows of those “disappeared” during the civil war. We accompany their workers on exhumations of clandestine burial sites. According to official figures, the civil war, characterized by the government's ‘scorched earth’ policy, claimed the lives of more than 200,000 people. An independent commission concluded that state and affiliated paramilitary groups were responsible for at least 93% of the violations.

The exhumations can create high tensions with the perpetrators of the killings, who usually remain at large in the community. The intimidation affects international workers too. In the last few months, the administrative offices of such well known charities as ActionAid and Care International amongst others (5 in total) have been broken into and in some instances confidential information stolen.

Before arriving in Guatemala with PBI I worked as an intern for the charity Reprieve in the Louisiana Capital Assistance Center, New Orleans. The pressures of inequality of resources, caseload, a pro-death penalty populace and an unfavourable jurisprudence, to say nothing of the amplified effects of race and poverty that have been shown in many studies are incredible. However, one pressure that US death penalty lawyers are not faced with are physical threats and intimidation just for doing the work that they do. As I said to my colleagues at the time, “imagine that you're doing the work that you're doing now, but in addition the DA follows you home from work, makes death threats over the phone and you've seen your colleagues kidnapped and assassinated”. Very few people are able to work under that kind of pressure. In many ways, as lawyers, and as citizens of an ever-smaller world, we all need to make efforts to see that concepts of justice are respected. When lawyers who have received PBI's protective accompaniment come to the UK they have keenly felt the demonstrations of solidarity from professional colleagues. Our role, as PBI volunteers, and that of other international workers, is to demonstrate this concern on a daily basis, and to serve as a visual reminder to the authorities that the international community is watching. These fellow lawyers deserve all the support they can get.

For information on how to join PBI's lawyer's support network and future UK speaking tours of lawyers accompanied by PBI please contact Peace Brigades International UK Section on 020 7281 5370, email: coordinator@peacebrigades.org.uk. Their web site is www.peacebrigades.org/uk.html.

