

Lawyers' Rights Watch Canada

Organization: Lawyers Rights Watch Canada
Item: General Dialogue
Speaker: Gail Davidson
Re: Special Rapporteur on Torture, Working Group on Enforced and Involuntary Disappearances and Working Group on Arbitrary Detention – Prosecution of Judge Garzón

Madame Vice-President;

Lawyers Rights Watch Canada thanks the Special Rapporteur on Torture and the Working Groups on Enforced Disappearances and Arbitrary Detention for their contributions to eradicating impunity for disappearances, torture and illegal detention. We call on Council to support their work by conducting an investigation to determine whether the prosecution and suspension of Spanish Judge Garzón for opening an investigation into over 114, 000 unresolved cases of torture and disappearance was commenced for an improper purpose in violation of Spain's international law obligations.

Diplomatic cables released by Wikileaks indicate that senior United States and Spanish officials hatched a plan to surreptitiously interfere with Spain's judicial process in order to block prosecutions in Spain of US officials for crimes carried out in pursuit of the illegal Iraq war and chillingly misnamed counter-terror policies. A key strategy was to remove Garzón from two cases involving allegations that the US had authorized and directed widespread torture and arbitrary detention and devised extra-legal means to prevent remedies for victims and accountability for perpetrators.

Experts criticized the Garzón prosecution as a scandalous violation of duties to: a/ uphold the rule of law; b/ safeguard judicial independence; and, c/ eradicate impunity.

The paramount importance of eradicating impunity for state sponsored atrocities that, "...threaten the peace, security and well-being of the world" imposes an obligation on Council to exhaustively investigate the appearance that this prosecution—a prosecution that effectively blocked enforcement of the law against powerful state actors—was improperly motivated for that very purpose.

Unexamined, the prosecution threatens global peace and justice by allowing and encouraging states to violate judicial independence and set aside imperative duties to prevent and punish atrocities in favour maintaining impunity for state perpetrators. Thank you.