

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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Víctor Hugo Godoy
President of COPREDEH,
The Presidential Commission Coordinating the
Executive Policy on Human Rights

President of the Republic of Guatemala
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Dear President Morales, Attorney General Aldana and COPREDEH President Victor Hugo Godoy,

Re: Murder of Jeremy Barrios, 22-year-old Assistant to the Director of the Guatemalan Centre for Legal, Environmental and Social Action (CALAS)

We write on behalf of Lawyers' Rights Watch Canada (LRWC), a committee of lawyers and others who promote human rights and the rule of law internationally and campaigns for lawyers and other human rights defenders in danger because of their advocacy.

LRWC is alarmed by the murder of the young environmental and human rights defender Jeremy Barrios on 12 November 2016. He was cruelly assassinated by unknown assailants with two bullets to the head while doing errands in Guatemala City. As assistant to the Executive Director of CALAS, he was in charge of managing sensitive information in relation to cases brought before courts by CALAS. CALAS is a human rights organization active in identifying and seeking remedies for human rights abuses perpetrated by mining companies in Guatemala. Some reports suggest that the murder of Jeremy Barrios is a threat directed to CALAS founder and director Yuri Melini, and other personnel.

The murder of Jeremy Barrios takes place during a time of continuing threats and brutality against human rights and environmental defenders throughout Guatemala. The killing comes as CALAS is involved in a civil suit in the BC Court of Appeal court against Canadian mining giant Tahoe Resources for alleged human rights violations at its notorious Escobal silver mine in Guatemala. A recent report by the Toronto-based Justice and Corporate Accountability

Project stated that Guatemala suffered the most deaths of any country in Latin America tied to abuses by Canadian mining companies, with 12 fatalities linked to four Canadian mining projects.¹ Overall, the report detailed 44 deaths, 403 injuries, and 709 cases of criminalization in over a dozen countries connected to 28 Canadian mining giants, including Tahoe Resources. According to Global Witness, Guatemala is one of the top 10 most dangerous countries in the world for land and environmental defenders with 10 activists killed in 2015 alone.²

Guatemala has ratified the *International Convention on Civil and Political Rights* (ICCPR)³ and the *American Convention on Human Rights* (ACHR)⁴ and is a member of the United Nations (UN) and the Organization of American States. The ACHR (article 4) and the ICCPR (article 6) guarantee the right to life and impose on Guatemala the legal obligation to prevent and remedy violations. Guatemala and other state parties to these treaties must respond to a murder by conducting “serious and effective investigations” to ensure accountability and prevent impunity. What constitutes a proper investigation is specified in the UN *Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*.⁵

Under to the UN *Principles*, the investigation of extra-judicial killings involves a duty for states to ensure independent investigation and effective punishment for the responsible parties. Accordingly, the investigation of the murder of Mr. Jeremy Barrios must:

1. Lead to the identification and punishment of those responsible;
2. Include investigators who take reasonable steps to secure evidence including eye witness testimony, forensic evidence and an autopsy that provides an accurate record of the injuries, and objective analyses of clinical findings;
3. Be prompt and reasonably expeditious;
4. Afford sufficient public scrutiny of the investigation and the results to secure accountability; and
5. Afford to the next-of-kin whatever involvement in the process is necessary to safeguard the interests of such persons.

The assassination of Mr. Jeremy Barrios and the murders of other environmental activists in Guatemala demonstrates a pattern of serious and systematic failure by Guatemala to prevent, investigate, and ensure effective remedies for violations of internationally protected rights, particularly the right to life. LRWC strongly urges the government of Guatemala to cooperate fully with the Inter-American Commission on Human Rights (IACHR), all UN human rights bodies and Human Rights Council (HRC) mandate holders and implement in law and practice the UN *Declaration on Human Rights Defenders* in accordance with suggestions in the recent report to the UN HRC of the UN Special Rapporteur on the situation of human rights defenders.⁶

1 Justice and Corporate Accountability Project, “The ‘Canada Brand’: Violence and Canadian Mining Companies in Latin America,” 24 October 2016, <https://justiceprojectdotorg1.files.wordpress.com/2016/11/the-canada-brand-report-2016-11-13.pdf>.

2 Global Witness, “On Dangerous Ground,” June 2016, https://www.globalwitness.org/documents/18482/On_Dangerous_Ground.pdf

3 UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol 999, p 171, <http://www.refworld.org/docid/3ae6b3aa0.html>.

4 Organization of American States, *American Convention on Human Rights*, “*Pact of San Jose*”, Costa Rica, 22 November 1969, <http://www.refworld.org/docid/3ae6b36510.html>.

5 United Nations, *Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*, 24 May 1989, <http://www.refworld.org/docid/3ae6b39128.html>.

6 Report of the Special Rapporteur on the situation of human rights defenders, Good practices in the protection of human

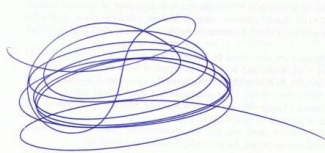
LRWC also urges the government of Guatemala to implement the recommendations of the IACHR in its 2015 report on the Situation of Human Rights in Guatemala⁷ including its recommendations on citizen security and the administration of justice.

LRWC calls on the Government of Guatemala to take all steps necessary to:

1. Ensure the immediate commencement of an impartial and competent investigation of the murder of Jeremy Barrios in full compliance with the requirements of the ACHR (as directed by the jurisprudence of the IACHR and the Inter-American Court of Human Rights), the ICCPR and the UN *Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary or Summary Executions*;
2. Ensure that all evidence in the investigation of the murder of Mr. Jeremy Barrios is professionally collected and preserved so as to prevent contamination, deterioration or loss of all and any evidence related to the murder;
3. Ensure that the relatives and representatives of Mr. Jeremy Barrios are consulted regarding the investigation and kept informed of the course of the investigation, and;
4. Implement the recommendations of the IACHR in its 2015 report on the Situation of Human Rights in Guatemala, including its recommendations on citizen security and the administration of justice⁷
5. Ensure effective protective measures for all CALAS personnel.

We look forward to your reply.

Sincerely,



Gail Davidson, Executive Director, LRWC

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rights defenders, A/HRC/31/55, 1 February 2016, para 51, http://www.ohchr.org/Documents/Issues/Defenders/A-HRC-31-55_en.pdf.

7 Inter-American Commission on Human Rights, *Country Report Guatemala: Situation of Human Rights in Guatemala: Diversity, Inequality and Exclusion*, OEA/Ser.L/V/II. Doc. 43/15, 31 December 2015 <http://www.oas.org/en/iachr/reports/pdfs/Guatemala2016-en.pdf>

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