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Chair

Mr. Scott Reid

Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

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● (1300)

[*Translation*]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): This meeting will now come to order.

Welcome to the 46th meeting of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. Today is Thursday, November 27, 2014.

We are continuing our study on the human rights situation in Honduras.

[*English*]

We have with us today by video conference from British Columbia, Rick Craig who is the executive director of the Justice Education Society of British Columbia.

Mr. Craig has been with us before, and we are glad to have him back again.

Welcome, Mr. Craig. Please feel free to begin your comments. When you're done, as you know, we'll go to questions from the members of the subcommittee.

Thank you.

Mr. Rick Craig (Executive Director, Justice Education Society of BC): I have some questions for you.

I was sent a number of questions from the committee. I don't know whether you want me to start by talking about what I know about these various questions, or whether you want to present these questions to me.

The Chair: I'm not familiar with these questions. We're looking for you to provide us with whatever information you can. Were these questions sent from individual members of the committee, individual MPs?

Mr. Rick Craig: I don't know. They came from the committee, but I'm not sure how they were formed. They were questions that dealt with trying to provide you with an update on what's going on around government responses to what's going on in Honduras.

I'm quite comfortable to talk that way if you'd like because I've organized my thoughts around that, or I could respond to questions directly—either way.

The Chair: We had a discussion while you were enlightening us. What apparently has happened is you've received a briefing note from the analysts.

The way it works is that the two analysts for the committee prepare a briefing note before each of our meetings. This is intended to provide questions they think members might want to ask you. Members sometimes do and sometimes don't ask such questions. But they tend to be the kinds of questions that provide enough material to allow us to potentially write a report.

What I think would make the most sense is those questions provide you with a bit of an idea of the things that are on our minds, but I would like you to focus on what you think is most important. You have much more information than we do. You can use the questions to guide you, but you can use anything else that you think is appropriate to guide you. Let your desire to illuminate us about what's going on be your guide.

Mr. Rick Craig: Okay, that's what I will do then. You must be interested primarily in what's going on with regard to responding to the problems in the country.

Just as I reported last time, we have been involved in the country for a number of years. We've been involved primarily around trying to deal with the issues of creating a functional justice system. We do that work with Canadian dollars, money from DFATD, and we've been doing that work primarily in the northern triangle of Central America since 2000. What that means is the window we have on what's going on is not just informed by Honduras, but it's also informed by our work in Guatemala and El Salvador.

They call the region the northern triangle. As you know, the kinds of issues that Honduras is confronting are very much being confronted by the other countries of the northern triangle. Obviously we're dealing with the major issues that you've been aware of around the explosive growth of the gangs and the issues around dealing with the gangs, the transnational crime, the results of what's happened in the changes in Mexico that have pushed Los Zetas into Guatemala and affected very much the way the drugs go through. All of that has had a major impact on these countries, which have been historically very weak countries.

The other issue, from a context background, is this has been happening at a time when these countries are making major changes in their justice systems. Most of these countries started reforming their justice systems in the late 1990s into the early 2000s. You can imagine the challenges when you are throwing out a justice system that's 500 years old and you are implementing a hybrid system.

The system they are implementing is very much a hybrid system. They are moving from what they call the inquisitorial model to the adversarial model, or as they call it, the accusatorial model. Within that particular framework, there is a real issue not just around technical competence but also around culture and history. We're trying to deal with all of those issues.

This all came as a result of the violence in the region, and also what's going on in all of Latin America where all of the countries that were involved in the inquisitorial system are actually moving forward. Mexico is doing it, and it's being done all through South America. It's being done all through Central America. Each country has to deal with it within the context of different factors. The factors in Honduras really are factors that have been quite unprecedented in terms of the growth of violence. You have a weak state dealing with an incredible increase in violence trying to move from a system that was discredited for the fact that it was closed and paper-based to one that is a more open process, that is open trial based but which requires the collection of evidence in a way that has never been done before. That's the context we're working in.

Then there's the issue of how to do that. My view of Honduras is very much the view I had of the situation in Guatemala. In some ways it's actually worse, but I think they're at a stage of development that we saw 10 years ago in Guatemala. They are really weak, early in the issue of transformation. From our point of view, everybody talks about the different factors that affect the delivery of justice in a country like Guatemala, the whole issue of corruption, the whole issue of intimidation. If you're dealing with a major case or even violence around narcos, the whole issue of corruption is very real, because there can be attempts to bribe, or there are attempts to intimidate, which means if you don't accept bribery. then they're going to actually threaten you.

The third element, which is of course the element we're closest to, has to do with the actual weakness of the institutions in those countries. You're dealing with the whole question of mindset when you talk about human rights. Historically the police were under the military and then they were separated off. All of that is part of the cultural background. That is tied to an inquisitorial system that was, at the end of the day, quite discredited for the fact that it was not seen as being fair. What we have been doing is the work around how to build those pieces.

The last time I presented to you I was trying to give you an overview of how we're doing that. This time what I'll do is talk about what we see as some of the major new developments that are happening that give us some hope. Not to overstate it, because these are very major challenges, but there are things that are happening that, from my point of view, represent some positive movement forward.

● (1305)

We've worked primarily in Tegucigalpa. We've worked in San Pedro Sula. We've worked in La Ceiba. We've been slowly rolling out our work around the country. Our work has been with the police, the prosecutors, and the judiciary. We've been trying to deal with the various stages of how you actually deal with evidence, primarily focusing on murders, and then how you deal with the collection of that evidence, the protection of the evidence, the organization of the evidence, and the presentation of the evidence, all the way through that process. That involves a series of different types of courses, which generally we do together. We have police and prosecutors together, and we have prosecutors and judges together.

Then we do what we call special methods, in addition, which is where we're helping them create the specialized forms of evidence such as video evidence collection and analysis, criminal intelligence analysis, ballistics evidence collection and analysis, those kinds of pieces. They're only good if the basis is working well, because you're trying to add the evidence onto a system that is dysfunctional, so we're trying to deal with the core functionality.

In a country like Honduras, where people are quite intimidated and afraid to testify, physical evidence has become very important. This is the same situation as Guatemala. The results in Guatemala are encouraging. When we started the work, the resolution rate for murder was 2%; it is now up to 30%.

You're dealing with countries that have a lot of murders, among the three northern triangle countries, about 50 murders a day. Relatively speaking, Honduras is the worst proportionately in terms of population. As you know, it's the worst in the world in a non-combat zone.

There have been a number of developments. We look at our work. We're using Canadian dollars. We don't want to throw our time away or throw Canadian dollars away. We have to ask if we are making progress. We have ways to analyze that. Within that, part of it is the question of whether we're seeing in them certain commitments and changes that are needed if they're going to create functionality.

I don't know if you know, but just recently two prosecutors were killed in San Pedro Sula. They were people we had worked with. The issue for them is the reaction of the government, at least in terms of trying.... When prosecutors get killed, in this case it's already a situation where a lot of people within the justice system who do this work are fearful, and so the question is what the system does to protect its own, in order to say it has to move forward in a way that will allow its people to be safe.

One recent thing you probably know is that a new law passed on October 23 in Honduras. Basically, it's really a reaction law that will deal with the fact that if you now kill a justice system person—a prosecutor, police officer, or judge—it is mandatory life imprisonment. That doesn't address the issue of protecting people, but that does address the consequences. That is an example of how the state has started to.... From our point of view, that doesn't address the problem, but certainly it does send a signal in the system that the state is serious. For us, in talking to some of the prosecutors, we see they've taken that as a positive sign.

The more recent issue is what the state has been doing. You deal with a state that does not have a lot of resources. You deal with a state that's in a very violent situation. How does it protect its workers? One thing it has been doing, which we might find not enough but it is at least a positive movement, is doing training courses on human rights and self-defence. Part of the whole issue is that it's saying to the prosecutors and others that if they're finding themselves in dangerous situations, how do they respond. It's doing courses and training throughout the system to try to learn what mechanisms it can use in order to move to make sure people are going to be safe.

Part of that, connected to that, is they've actually been reorganizing, at least within the Ministerio Público. That's the place I know the best, the prosecutors. There are security support teams. They've actually created a rapid response team so that if there is a threat against a prosecutor, the prosecutor can call a certain number and there will be resources of security deployed.

● (1310)

The problem in a country like Honduras is you don't have a lot of money, you don't have a lot of resources, but you have a lot of issues. So that by itself I think is a major step forward but it certainly isn't going to make everybody feel safe and secure.

The important thing is these are new things. These are things that have been happening this yea. They represent a signal, at least for the workers within the system, that more steps are being done to try to deal with helping them to do their jobs, because if the workers are afraid, then of course that becomes a real problem. People are already overwhelmed with the caseloads. There are serious problems with how the system functions, and on top of that, if there's this fear, we've got a serious problem.

At least we've seen that, and we've seen that as well...because it happened in Guatemala where a prosecutor was very violently killed and the result of the system was to take steps, which I think really reassured the members. From my point of view it is heartening to see that some steps like this are happening in Honduras.

From my point of view, in terms of the situation of functionality, there are some signs of positive moving forward. You probably know about the *tasa de seguridad*, which was the fund created to try to deal with security as justice sector reform in order to improve it. My understanding is that this year there was something like $96 million in that fund and that fund is being accessed by the ministry of security, the ministry of defence, the supreme court, the prosecutors, and there's a prevention program as well. That started in about 2012, and this year of course the expectation is that it will be up to close to $100 million.

The partners we work with, the Ministerio Público, have accessed that money. We've been working with them. One of the fundamental problems, when you look at all the reports, is people ask about whether it's a question of lack of will or a question of interference in political control and manipulation, or whether it's a functionality issue. Obviously, depending on what you're dealing with, it's probably a combination of any of them, but for most matters, I would argue it's an issue of functionality because the system is so weak in its ability to investigate. The problem is you can get all these cases and then they want to proceed, but if they don't get the evidence, then how do they proceed?

We found there's a problem in the number of people, because there are too many cases. How do you deal with that? You have to prioritize. If every prosecutor is sitting on 50 murders at one time, how do they deal with that, especially in a system where the prosecutor is required by law to direct the investigation? There are real issues around that. We've been dealing with some of those issues because prosecutors in those legal systems are trained in the law but they're not trained in how to investigate. Yet that system has been created because of a lack of respect or ability to have confidence in the police.

So they created a hybrid, but in the course of a hybrid, the fundamental workers at the centre of the piece, the prosecutors, have not had the tools to do the work properly. Part of that is what we're trying to address. But one of the things that has happened, which is giving me some hope, is that on January 5, 2015, they will be launching what they call the ATIC. The ATIC is the Agencia Técnica de Investigación Criminal. That's the criminal investigation unit of the Ministerio Público.

What has been happening in these countries has been a real problem of investigation in terms of dysfunction at the police level. In Honduras the police are quite dysfunctional, as is their ability to work hand-in-glove with the prosecutors on investigations. If the prosecutors don't have proper investigators, they can go nowhere. That issue is front and centre in many countries. That is happening all over Latin America.

Now they're responding in different ways. In some countries they're creating strong investigative units within the police. In other countries they're pulling them out of the police and putting them in the prosecutors' offices. In other countries they're creating a judicial police that is separate from both institutions. In Guatemala, they're moving to the third way.

What is happening in Honduras, which represents something that we dealt with about 10 years ago in Guatemala, is they're creating an integrated investigative police force within the prosecution service. It's going to be launched on the 5th of January. They're going to have a hundred investigators. We've been working with them on training. We hope to continue to work with them, subject obviously to funding. They'll have 180 staff. They'll primarily be working in Tegucigalpa and San Pedro Sula. They've accessed money from the security fund. This year they'll get basically about $8 million, but it will be enough to create that unit.

● (1315)

From our point of view, we have to see that unit start to function. That unit will not be able to deal with all cases, but it will be able to take the more high-impact cases. It will be able to take, I'm hoping, some of what we call the serious crime cases. If it can do that, and if it can do that well, then it will become the model for the whole country.

Now, that has been part of an issue; the two people at the head of that unit we work with very closely, and we recently took them to Guatemala to look at what had been done in Guatemala around creation of what we call a much more integrated investigative unit, which involves the prosecutors and the police unified. For me, that is the critical challenge systemically within the country of Honduras.

That is some positive stuff in terms of moving forward. There have been questions raised around certain cases and obviously how they're trying to respond to certain things. At least within the Ministerio Público, which is charged with investigation around some of the human rights violations, they have taken certain steps this year that I think are positive. For example, they assigned four prosecutors to work directly with the Colegio de Abogados, the college of lawyers, to deal with investigations around attacks on lawyers. That was a positive development.

I know there were the killings of the people in the north, where we were dealing with the land issues. A lot of those cases have basically sat since 2011. I understand that in the spring of this year two new prosecutors were assigned to actually deal with that.

Those are some positive indications of movement forward. There are some other concerns. Hopefully the use of the military police in the streets is temporary. As you know, originally the military was called out in 2011 to help around security because of the weakness of the police. In 2013 they then created a special military police of public order. Our concern is that, in those discussions, they really not become the replacement for the police. Part of the discussions with the partners has been that those police primarily are rapid response forces. They're going in en masse. They're going into communities where there's conflict. There have been cases of allegations of violence by them, of human rights breaches by them.

The concern, of course, is that the military police not take on the investigative function, because part of the law in 2013 did have them working with the prosecutors and the judiciary. The concern going forward is that if the police cannot be strengthened, they may stay a force on the street. You'll then have a police force and you'll have a military police force trying to cooperate together around dealing with crime on the streets. That for us is a concern.

We talked to people. We asked them: are they going to undertake the investigative functions or are they primarily going to be there for the rapid response functions? I got different answers. Most recently, I have answers that say they're hoping that the investigative function, especially with the creation of ATIC, will not go their way in the future. One of the concerns, of course, is around the weakness of the police. The police have been quite unstable. I understand that right now they're about to go through another purging exercise in Honduras. Those things are very difficult. They tend to use the polygraph when they do that. There's some question about how effective that is, and at the same time, the results of it further destabilize an already weak police force. Of course, it affects in a dramatic way the morale of the police.

We've certainly experienced that within our work. We've trained somewhere in the neighbourhood of 80 *técnicos* to deal with crime scenes, and we've probably lost about a third of them in these processes. At the same time, we understand that they need to do this cleansing, that they have to strengthen it. Obviously it is a major challenge for them.

● (1320)

Maybe I'll just leave it at that as a way of an introduction and then throw it open to you for questions. Is that okay?

The Chair: That's very much okay.

We're going to start our questions with Mr. Schellenberger.

I'm going to give questioners five minutes each, and the odd time the answers may run over.

Mr. Schellenberger, go ahead, please.

Mr. Gary Schellenberger (Perth—Wellington, CPC): Thank you very much for your testimony today. I've relayed to many people some of the things you said the last time you addressed this group. I'm quite concerned that you are making progress in your investigation. If I'm not wrong, I think you stated last time that one of your things was to teach the people at the law enforcement agency how to investigate.

Am I correct on that?

● (1325)

Mr. Rick Craig: That is one of our critical core functions.

Mr. Gary Schellenberger: Okay. I know you've alluded to this in some of your comments already, but to that particular end, teaching the police and those investigators, do you feel you're at a point in your progress where you figured you'd be by this time?

Mr. Rick Craig: I would rather be further along by far than we are. Honduras, from my perspective, represents the kind of instability we saw, as I said, 10 years ago in Guatemala. They've made major progress in Guatemala. We are not where I would like us to be. I think we have made progress on certain pieces. For example, there are now in place quite a number of investigative teams that go out, for example, to the murder scenes and they are collecting evidence properly now. They are getting the physical evidence. They are processing it properly. That piece is working well. I think it's a major achievement.

Where we've had trouble has been in the follow-up investigation piece because of the weakness of the police in terms of their capacity. That is why we believe the creation of ATIC will actually allow us to move that agenda forward. They tend to rotate the investigators, and sometimes they're just pulled away. Doing that has not created the stability they need around investigation in that country. So the response of the Ministerio Público has been to say, “Look, if we can't do it that way, we're going to do it this other way”.

This is the same issue that Guatemala faced, as I said, 10 years ago when they said they had to strengthen investigation. I'm encouraged by the fact that they have the money and they've hired all the people. They've all been vetted. They're people we work with. They're people we've been working with around how to create this.

I'm hoping that starting in January we're going to see investigations being done in a far more effective way. They of course have turned to Canada for help in training these people. Some of the people have already been trained by us, and of course we've been talking to them about what needs to be done next.

So I would say no to your question about investigation: we haven't gotten to where we need to be, but I am thinking now that the conditions are changing and I do believe we can get more done on that road.

Mr. Gary Schellenberger: Thank you.

After it arbitrarily dismissed four supreme court judges in 2012, congress passed legislation empowering itself to remove justices and the attorney general. To your knowledge, does the current Government of Honduras continue to stand by its decision, and what effect do you believe it will have on the justice and legal system in Honduras?

Mr. Rick Craig: We dealt both with the judiciary and the Ministerio Público around that. We were working with the previous attorney general, who was removed. Then we were involved at the time that they created their transition team, which they imposed, and then they created the new attorney general's position, which of course is subsequent.

On the issue of whether the state is going to intervene, again I don't know. Certainly there were a lot of people who felt that what they did was not proper, that it was not constitutional. Their argument was that they had to do it, because the systems weren't functioning. Certainly in the judges' case it was different, but in the case of the Ministerio Público that was their argument. I don't know whether or not.... I think it's a troubling thing they did. What I can tell you is that the new attorney general we are working closely with and we are finding that there is the openness to try to implement some of the necessary changes required.

You have to realize that in some of these things there is always this big battle over money. They don't have enough money. When we deal with things like when we created with them the forensic video team, part of the issue after we created the team was they had to hire the people and they had to keep them on staff, but we had to say to them that they have to pay them properly. Of course these become the issues where you're not just dealing with technical things, but you're dealing with operational issues in an environment of very short resources. In those cases, we have found the commitment that they are willing to do that and they're willing to come up to that level; otherwise we train people and then they're going to leave because they're not getting enough pay.

I guess the problem you have here is you're talking about a political question and I don't know how to answer that, other than to say that what happened is troubling and we hope that it doesn't happen again.

● (1330)

The Chair: Mr. Marston, please.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Craig, welcome back.

When I was listening to your comment about the 50 murders a day, my math isn't tremendous, but we're talking 1,700 murders a year. What's the population of Honduras?

Mr. Rick Craig: The 50 is not Honduras alone. Excuse me, I was trying to show the region. You're dealing with about 16 murders a day in Honduras. In terms of the murder rate in Honduras, everybody fluctuates; whereas in Canada it is put at 1.8 per 100,000, it is pegged generally around 90 for Honduras. You're dealing with a murder rate about 45 to 50 times what we would experience in Canada.

Mr. Wayne Marston: In regard to that, what would you see as the rate of arrests relative to those murders, and then the rate of conviction?

Mr. Rick Craig: Our belief is that where they get most of their arrests are on less serious crimes, and where they get most of their convictions are on less serious crimes found committing, *flagrancia*. We don't have the numbers, but my expectation is that we would certainly be dealing with less than 5%, and it might be as low as 2%.

Mr. Wayne Marston: So it's way out of whack relative to the kinds of justice systems we have in North America.

ATIC, do you see that as a form of FBI or something similar? The FBI initially in the United States came into being primarily because of organized crime and state-to-state crime. I'm just wondering if there's that kind of sense here.

Mr. Rick Craig: Not really, because it is not really a police force, although the difference between Honduras and what Guatemala was doing is that the investigators of ATIC will actually be armed and they'll be able to make arrests. In that sense there will be police functions. But it is a different model, because it is a model that primarily is run by the prosecution service, which we would find very strange. You actually have the investigators under their control.

The truth is the law says the prosecutors have to direct all investigations. The real issue in those countries is how do you create functional investigation. If you have a good enough police force, then you could create a harmony and do it. It means you have to train the prosecutors on how to direct investigations and you have to train the investigators on how to work with the prosecutors around investigating. If you don't have a functional police force, then you have to look to another model, and what they've done here—

Mr. Wayne Marston: In the case where you have the prosecutors directing them, wouldn't you find a risk that a prosecutor was overenthusiastic trying to drive it to a particular end?

Mr. Rick Craig: Yes.

Mr. Wayne Marston: That's a worrisome answer.

Mr. Rick Craig: Well, see, we've been trying to deal with a number of issues. There are technical issues, right? We've been talking to them about what the model of management of investigation is. We've adapted the major case management model of the RCMP, and we asked how a model like that, which is designed to avoid tunnel vision, actually applies in Latin America, where the investigators are really under the direction of the prosecutor. Really, you have the prosecutor leading the case, the case prosecutor, who is actually the top of the pyramid. If you have an investigator, the case manager, and the file organizer, two out of the three of them will be actually connected to the prosecutors, and the third will be an investigator. If they're using that model, you have to ask how they would adapt it within the country. That's what we've been trying to do.

Under the old system, of course, the investigations were done, and they reported to an investigating judge. Now, of course, you have the prosecutors who are responsible for that. But we have to actually ask them, "How do you do this work?" That's what we've been putting all this energy on. There's a couple of pieces to it. There's a technical piece. How do you create the team? What are the steps? How often do you meet? How do you make this work? What kind of evidence do you get in? The second piece is a cultural piece. Historically, there has been a lack of respect for prosecutors. They're higher up in the food chain than police and so when they would do this they would just tell the investigator to do this, do this, do this. Of course, we're saying no, they have to work as a team. So there are cultural issues that have to be dealt with.

The other issue we've been dealing with within the course of our work is that there's a mindset problem. The mindset problem deals with the fact that, under the inquisitorial system, people were presumed guilty until proven innocent. They now have to be presumed innocent until proven guilty. Well, the whole question of how you approach things and how you approach the evidence and how you deal with getting the evidence together and presenting it and how you then do cross-examination are all very foreign to most people in those systems. So we're trying to say, "Look, we have to address that issue. We have to address the issue of the mindset that you need around conducting proper investigations".

We find that if we try to just teach the technical skills within the context of a cultural box that is not used to thinking the way we think, which we just assume, we end up with dysfunction. They end up doing what we call procedural justice, where all they're trying to do is to tick off the boxes, and then they have enough in there supposedly to convict. That's part of the challenge of what we're trying to address and what we're hoping to address with this work with ATIC.

● (1335)

The Chair: Thank you, Mr. Marston.

Before we go to our next questioner, I want to get clarification on one of the questions that Mr. Marston posed to you, Mr. Craig.

He asked about the two stages of the process of prosecuting for murders. You said that there was a 2% rate, but I wasn't clear. Is it a 2% conviction rate as a percentage of murders committed?

Mr. Rick Craig: I don't have the exact numbers, because I haven't been able to get them. When we started this work about six or seven years ago, most of the reports said that where they were getting murder convictions was in cases of *flagrancia*, where people were found committing. You might find if there's a domestic violence murder, say, that is an easier matter. But if you're talking about cases where they have to investigate and then charge and then convict, when we started this work about six or seven years ago in Honduras, the information I had was that it was virtually zero.

I don't know where it is now. We haven't been able to get that information, but it is information we need to get.

The Chair: Thank you.

Ms. Grewal, go ahead please.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Mr. Craig, for your time today.

I certainly appreciate your expertise in justice and human rights. Since your organization is currently joining the northern triangle project to strengthen justice and anti-crime systems in Honduras, could you elaborate on how effective the project has been? How do you choose who to train, and how widely have those people been impacting Honduras?

Mr. Rick Craig: The current project is going to end in June, but the project has been ongoing and we're in phase two of it, so we've been working in some of these countries for about six or seven years. We work in the three countries: Guatemala, El Salvador, and Honduras. We had been doing work previously in Guatemala.

We collect a lot of evidence of results, and we do it in different ways. The best results are in Guatemala because that's where we're most advanced. We have the proof around the conviction rate going from basically 2% to 5% and now up to 30%. We have all that information. We collect the results in different ways. We collect it by statistics, but we also collect it by trying to look at, as we're doing training, whether that training is resulting in evidence that is being used in specific cases that are going to trial, and whether those cases are resulting in convictions.

In the case of the ballistics information, we're finding out how many cases they've actually been able to get hits on and to then produce the information and pass the information over to the prosecutors. Also, then, is that evidence being used in trial? That's how we do our evaluation. Every now and then we have another case that comes up where they've used the evidence, and we can justify that and show that the evidence was functional.

Results-wise, Guatemala would say that Canada is the preferred partner and that we've probably done, I think, the most to help in this process. I think we're making good progress. Of the three countries, Guatemala, El Salvador, and Honduras, Honduras is the most challenging. We've had to deal with the instability.

That said, we have a lot of examples of evidence where we can say that we are making a difference. I think we're not where we need to be. I think Honduras is not where this needs to be. I think it's going to take at least another five years to consolidate this investigative agenda, and then, of course, you're looking at the need to roll it out in the whole country. The problem is that we're dealing with a lot of numbers. If you deal with a country like Honduras, you're probably dealing with about 600 prosecutors, and they all have to be trained. Then you have the technicians. You have all the other players and, of course, there's the work with the judiciary.

I think our work is being acknowledged internationally as being very effective, but that said, there's a lot to do.

● (1340)

Mrs. Nina Grewal: If we were to look a decade into the future, what should Honduras be aiming for in terms of their justice system? What is the next practical step in achieving this? What role do you see your organization playing in that?

Mr. Rick Craig: At the end of the day, in addition to the technical support, there has to be political will, so there have to be some Honduran champions, ideally at the political level and at the leadership level.

At the same time we find in a country like Honduras, as in other countries, that when you're dealing with 600 prosecutors, a lot of them are deeply committed and put their lives on the line. We work with them. Those are the people we draw our hope from, because those are the people who want their society to be safe, and that's where my hope comes from.

We build these relationships. We get to know the people. Of course they're the movers and shakers and they're the ones who have to build their institutions. Part of what we're trying to do is work with them hand in glove to ask how you do that in the best way.

For me what has to happen is that ATIC has to succeed. Then ATIC has to be replicated, because even with 100 investigators, ATIC is only going to cover the two major cities and not even do all the work of the two major cities. It's only going to do the major cases. It covers 21 crimes but it will not have the capacity to handle the volume, so it will have to be expanded.

The investigative model has to be consolidated. The crime scene model is being consolidated. Then I think we have to work on the mind piece around trials. If that can happen....

My vision for Honduras is that in 10 years you'll have a system that understands what we talk about when we talk about presumption of innocence, that understands in a much more dynamic way how to engage in an adversarial examination of justice. That does not yet exist, but my hope is that it will.

The other thing we have to realize is that.... I talk a lot about the murders, but for most common people, the most serious problem is all the extortions that are going on, and sometimes that takes the form of express kidnappings. It's really the poor and the middle class and all those who are being extorted all the time by these gangs. For most people, aside from their concern about their own lives, the biggest issue is they're being told to pay money or else they're going to be killed.

Along with building the justice system, they will have to deal with disarticulating the gangs. That has to happen.

Part of that is there are some skills they need to do that. We've been working on that primarily in Guatemala where you have to.... When you're dealing with a barrio, if a gang is controlled by, say, the Mara Dieciocho or the Mara Salvatrucha, they're very violent gangs. They take over the territory. The biggest problem of the youth fleeing from Honduras and Guatemala and El Salvador right now is youth trying to escape being pulled into the gangs. That's the problem the U.S. has where they have these 60,000 youth.

I was just down there and I was talking to a taxi driver and he said he was sending his kid out of the country. I asked how he was doing that and he said it would be underground. I asked why, and he said because the gangs are on him. That is a serious problem. They have to deal with disarticulating these gangs. We have to build functionality, but then they also have to have a strategic capacity.

This is happening in Guatemala now where, for example, they brought down one clika in one barrio where there were 20 members. They killed 32 people in two months. The issue was that they were extorting people and if they didn't pay, they killed them. They united all the cases and they brought down the whole clika.

Honduras is not nearly there, but part of the process has to be in addition to this functionality, the creation of an ability to do this analysis, because otherwise they'll never dismantle. We see that as part of the agenda as well.

My hope would be that in 10 years they'll have this functionality, and at the same time they will have disarticulated some of the structures and there will be more safety.

● (1345)

The other piece on this that is really important is, when you live in a country where the justice system doesn't work, people don't have hope that it can work. Part of this is that we have to create belief within the people that it can work. In our country people believe it can work. When you believe it can work, you do everything and you make it work. But if you're sitting on a caseload of, say, 50 murders, and you know that only one of them will go anywhere, well, what does that do to your confidence and your attitude? This third piece I'm really interested in. It's really important to us that we deal with that piece.

The Chair: Thank you.

Professor Cotler, please.

Hon. Irwin Cotler (Mount Royal, Lib.): Thank you, Mr. Chairman.

I apologize, but I will have to leave after my question. I have to be back at the House just before question period today for other matters.

Thank you, Mr. Craig, for being with us.

I'd like to begin my question by referring to the testimony of Henri-Paul Normandin, director general of the Latin America and Caribbean bureau at the Department of Foreign Affairs. He testified before us on November 6. He also reviewed some of the same concerns that you have shared with us today regarding the culture of corruption and impunity and the reports of human rights defenders, journalists, and justice sector workers being targeted for intimidation and violence, including murder. He mentioned two prospective reforms, and that's what I want to speak to you about, and if time permits, a third.

First, he spoke of the willingness on the part of the government to work with multilateral human rights institutions, including by extending an invitation to the office of the UN High Commissioner for Human Rights to open an office in Honduras.

Do you see this as a willingness by them to engage even beyond the UN high commissioner with human rights institutions in Latin America, as well as other multilateral ones internationally?

Mr. Rick Craig: I don't know how far they're willing to go. I do see that it represents the fact that they are concerned about their image and that they are concerned, at least when I talk to people, interminably, about the fact that they have to do something in order to deal with these human rights problems.

You know, it's difficult for me to answer that. All I can tell you is what I hear when I talk to people, and to those who work in the system. What I am hearing is at least encouraging.

● (1350)

Hon. Irwin Cotler: My second question has to do with the fact that he referred to the Honduran government adopting legislation for the protection of human rights defenders, journalists, social communicators, and justice operators, but expressed the concern that such legislation would be ineffective unless it were accompanied by sufficient resources and political will, matters that you yourself referenced in your testimony before us on April 30, 2013. You spoke even then of the severe lack of police and prosecutorial capacity in Honduras to investigate crime.

Has this recent legislation included sufficient resources to do what the legislation purports to do?

Mr. Rick Craig: I don't know. I have not followed that. I know there is a problem when they pass laws and they don't allow money, right? We've sometimes seen law as a political gesture with no functional implementation.

What I do think has been happening is that with the primary focus around building these extra pieces, these new programs have been coming out of the *tasa de seguridad*, this fund they created. To me, that has been the biggest positive development around. Some of the issues you're talking about fall under that, in the sense that the work we're dealing with has come out of that.

I think there are some funds available, more funds than there were. Remember, this particular fund of money only started in 2012. My understanding is that since October 31, 2012, the amount of money allocated has been $170 million. That is a major commitment. This year we're looking at $96 million, but you have to realize, of course, that this is being eaten up by a lot of different players.

The truth of it is that this, to me, is probably where the major commitment is.

Hon. Irwin Cotler: Finally, witness testimony here, including that from a representative of Amnesty International, spoke about, as you have today, the culture of impunity in Honduras. Amnesty International witness Esther Major told us that it was important for the President of Honduras to himself publicly condemn killings of human rights defenders, journalists, and people in the public justice sector. She argued that such condemnation by the president at the highest level, that he would not tolerate such behaviour, would be important in combatting that culture of impunity.

Are you aware of statements by President Hernández that condemn the killings of Honduran human rights defenders, journalists, and public sector justice workers?

Mr. Rick Craig: I'm trying to think. I really don't know. I'm not aware. I know there have been what we would call certain major cases, the emblematic cases. There have been efforts on the part of the government to say that this is going to be investigated rigorously and they have actually put extra resources in. But whether or not he has come out and said that, I don't know.

I think it would be a good thing. I think they need to say that many times.

Hon. Irwin Cotler: Thank you, Mr. Craig.

The Chair: Thank you, Professor.

We go now to Mr. Sweet.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Craig, you are doing angels' work in the midst of a very troubling situation there in Honduras, so thank you very much for the good work you are doing.

To follow on Professor Cotler's question with regard to statements that are made in support of your work, you did mention the need for political champions. Are you seeing an emergence of some of those in Honduras?

Mr. Rick Craig: There are two levels of champions. There are the political level of champions or the leadership champions. When I look at what that means, the question is, if we meet with the current attorney general and we ask if they are prepared to do this and they say, “Yes, this make sense”, and they are willing to put the resources in, to me that represents that they are doing what they need to do.

Whether they're doing it with the kind of vigour.... The champion I actually have the most respect for is from Guatemala, Claudia Paz y Paz, who is quite famous. She really said to the world that they were going to move forward at an incredible pace. It's interesting, because when I looked within her institution, just the voice she had gave such a positive impact to the will.

I haven't seen that yet in Honduras. It would be nice if we could see that in Honduras. I think that would be fantastic.

We do have champions at the operational level. There are people who, I think, have gone very far beyond what you could expect of them and who are just committed. That's where we derive our hope from.

That being said, the operational level needs the political champions. I think they need to be encouraged to be stronger. I really do.

I don't know if that is answering you well enough.

● (1355)

Mr. David Sweet: Yes, it is. I don't want to pre-empt anything the chair might say, but perhaps you could pass along our commendations from our committee to those people who are risking their lives every day to try to bring justice and hope to the population. I can't imagine what it would be like to be a prosecuting attorney in Honduras under this situation. We greatly appreciate them.

I listened very closely to your testimony and I may have missed it, so forgive me if this question is repetitious. You talked a lot about training with regard to investigations and training with regard to prosecutorial expertise. Are there other police forces, other nations that have police personnel on the ground that are helping with the training?

Mr. Rick Craig: Yes. It changes, but the Americans have been involved. So the Americans are involved. There are programs of support through USAID, and they have other programs of support. They have programs of support around dealing with drugs through the DEA. So the Americans have a presence and are involved.

In terms of this particular piece, we've tended to be more the central player, but the Americans have been supporting that. There was in the past, and I don't know where it's at right now, some support and cooperation by Spain. The Spanish have always been interested, but of course there have been economic problems in Spain and their budgets were cut very heavily, so in the last few years we haven't been bumping into them and talking to them.

There is a committee that meets and talks about international aid, and we attend those meetings. By and large, there aren't a lot of players.

Mr. David Sweet: You talked about a cultural box. I take it you meant a little bit like paradigm paralysis from folks.

Other than that, is there generally a positive attitude toward change? You were talking about the archaic system that you're dealing with and trying to bring them into the 21st century. Is there generally a positive attitude toward that change, so that they have the intestinal fortitude to fight that cultural box?

Mr. Rick Craig: I've always drawn a lot of comfort from the fact that you have within these systems people who worked under the old system and a lot of new people, a lot of young people. You find as you get into these positions that most of these investigators will be young people. They'll probably be people in their 20s.

We find with them that they're people who care about their society. Everybody cares about their society. They care deeply. They don't like what they're seeing, and they're very committed. We've just found an enormous amount of openness.

We don't ever impose anything. That's not right. It's not our society. What we try to do is talk about what makes sense in the context of their culture and their system. We're trying to point out the issues and ask how we are going to deal with them. We try to bring expertise or best practices to the table and suggest adapting them.

What we do find is just enormous enthusiasm. The problem, of course, that we're running into is that there are only so many resources, and that's where we tend to get limited, right?

Unfortunately, I always say there are three dynamics going on. There are not a lot of resources. We're within a society that has violence levels that are astronomical by our understanding. The third element is that we're working with a still evolving new justice system that has not consolidated. If you put all three of those pieces together, you have quite a challenge.

Some of it's not of their making. The issues around transnational crime really are a result of what has been happening in Mexico pushing down into Guatemala, and changing Honduras. They are part of moments of history. At the same time, they're coping.

You can imagine our case if we were dealing with 45 times the violence, and that's just murder. We focus on murder because that's the gravest human rights violation, but the extortions are astronomical and they affect everybody. They have to be dealt with. The reason we do this work is that we actually are inspired by the people.

● (1400)

The Chair: Let's go to Mr. Benskin, who will be our last questioner.

Mr. Tyrone Benskin (Jeanne-Le Ber, NDP): There were moments in your testimony when I felt rather discouraged for you, but from many of your responses I think we all picked up on the hope that you mentioned and the will that you seem to have in climbing this mountain. I congratulate you for that.

We started off talking about the technical aspects of what's going on to help bring about change in Guatemala, the training of investigators and so forth. It seems the discussion has consolidated into a dialogue that uses “hope”, “context”, “mindset”, and words of this nature that are rather intangible in and of themselves.

I guess I'm following up on Professor Cotler's question. What is being done or what can be done, and where do you think it needs to come from to begin to encourage people like President Hernández and other political leaders in Honduras to really shout from the rooftops that we need to make this change, to begin to change that cultural mindset, to begin to create a sense of hope in the people of Honduras to actually put these technical skills that are coming their way into practice with a mind of using evidence to bring about convictions of the right person?

Mr. Rick Craig: It's interesting. I've been doing this work for quite a while, and what you find when you do this kind of work is that we're not aware of our own cultural context a lot of the time, and we just assume things, or we understand things, or we see things in a certain way. In a lot of countries in the world where we talk about human rights, they view it from a different perspective because they've lived a different life. When you're dealing with the justice system, part of what we need to do is to see things flourish. They need to demonstrate that they work. They have to be functional, and they have to start to address the problems, because that's where the commitment comes from.

Around the question of investigation, we have to make sure that a model is created that will work, that will deliver the results. Then they can have hope in the model, and the hope will inspire the passion and the resources, and they'll replicate it. We believe that is the only way to do this work.

Part of what we find is that when you talk to people and you talk the terms, they don't understand the terms the way I understand the terms. What the term means is different. It's only in the process of doing that we can start to really grapple with those differences, and that's what we try to do. We have to be culturally clear and culturally relevant if it's going to work. To me, that's a major piece of this. I think most of those governments in those regions understand that security is probably the number one preoccupation of their populations. They know that. They hear that. They live it. They live behind these barriers; they're closed in. Everybody has guards. It's not a healthy society. They're fearful for their kids. The experience for them is real.

What we have to do is help them to say, “Okay, this is overwhelming.” It's going to have to play on a number of levels. They have to deal with the narco problem. They have to deal with the gang problem. They also have to deal with the functionality problem. I find generally that the desire is there, but a lot of the time it's as if when we go to them, we're going to them with an idea that has not been part of their previous thinking. Then we have to try to work with them to say why this fits, why it's relevant, even to the extent of things like cross-examination. In a lot of these countries, what we would understand as cross-examination doesn't exist. It comes out of the human rights history, because the old idea of putting a victim on the stand, and the *inquisidora* model, and then really testing them, or testing other witnesses, is almost a foreign concept. It comes out of our culture, our history, our legal system that's evolved over 500 years. As they move in this direction, we have to work with them on that. I think we can, and I think it's happening, but at the end of the day it has to deliver the results. If it does, I think it will move forward.

I think political will is critical. They have to say, “Listen, this is number one. We're going to do everything in our power”, and they have to make more resources available.

I don't mean to be too complicated in my responses. I hope that's okay.

● (1405)

Mr. Tyrone Benskin: No, that was fine.

I had a question in my head, but it's gone now, so I'm going to cede the rest of the probably 30 seconds that I have.

The Chair: It's only one second, as a matter of fact. That's very good.

Thank you, Mr. Benskin.

Thank you, Mr. Craig. Your testimony was informative once again. I was particularly grateful that the last time around you sent us that video, which I had the opportunity to watch. It helped give a lot of context that was very useful, both to help me better understand your comments from your last appearance, and to create a context in which I could understand what you were saying today. So I'm grateful, again, for all the great work you do in Honduras and elsewhere.

Colleagues, I'm going to ask that you stay after we dismiss the witness to deal with committee business.

Thank you, Mr. Craig.

Mr. Rick Craig: Thank you for hearing me.

The Chair: Colleagues, Mr. Marston had—

An hon. member: Should we go in camera for this?

The Chair: No.

Mr. Marston.

Mr. Wayne Marston: We have a motion from Mr. Cotler following our two witnesses, Ms. Tintori and Jared Genser, regarding Leopoldo López and his detainment, and other prisoners of conscience. I'd like to move that on behalf of Mr. Cotler. It's been circulated, so everybody's aware of it.

The Chair: Are we all agreed?

Mr. Gary Schellenberger: I'd just like to say one thing. I agree with the content, but.... I know that Venezuela is mentioned many times, but there's not one in this.... I know that it will probably come under the heading of “Government of Canada”, maybe, when we send this out. Would it not be the Canadian foreign affairs subcommittee on international human rights? “Canadian” isn't mentioned. I don't see “Canada” or “Canadian” mentioned any place in this.

Mr. Wayne Marston: If I may, Mr. Chair, this will be going to the foreign affairs committee. We're not responding to this. Once we pass this, it will be going to them. That was my understanding of the way the motion was to proceed. Then it would go to the House for a concurrence motion, which is what the concept was originally.

Mr. Gary Schellenberger: That isn't necessarily what I have.

A voice: We were just going to publish it.

Mr. Gary Schellenberger: I thought we were just going to publish it.

Mr. Wayne Marston: That's fine with me.

The Chair: Procedurally speaking, this is a motion that we publish. It's not a report. A report goes to the House. This would simply be published. It would say on our letterhead of course that it's the subcommittee of the foreign affairs committee of the House of Commons of Canada. It's on the page, just not in the content of the actual resolution.

● (1410)

Mr. Gary Schellenberger: Yes, I understand that. At the same time, I'd still like to see “Canada” some place other than just in the heading.

Mr. David Sweet: Can we say it's agreed with the proviso that any technical errors can be corrected by the researchers? Also, I think we have to put it in both official languages.

The Chair: Yes, we will have to put it in both official languages. There are a couple of minor technical errors. There's a spelling error in one spot, for example.

An hon. member: Yes, just clean it up.

An hon. member: So are we agreed on that?

Mr. Wayne Marston: Someone should be courteous enough to mention it to Mr. Cotler.

The Chair: We'll do that too.

Mr. Gary Schellenberger: I have no problem with this.

The Chair: All right. All agreed?

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: That's excellent. Thank you, colleagues.

Colleagues, we're running late, so we are adjourned.