

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

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Chair

Mr. Michael Levitt

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(1320)

[English]

The Chair (Mr. Michael Levitt (York Centre, Lib.)): Good afternoon, Mr. Craig. This is Michael Levitt, the committee chair. We're going to begin in one second. I'll do a little introduction first.

With us on the line, after some technical glitches, from out west, we have Rick Craig, the executive director of the Justice Education Society of British Columbia. Mr. Craig appeared as a witness before the subcommittee in 2013 and again in 2014.

JES is a non-profit organization that was established in 1989. Internationally, JES works on projects that seek to strengthen countries' legal systems in Central America, Vietnam, and Ethiopia, among others. Since 2009, JES has received funding from Global Affairs Canada under the rubric of the anti-crime capacity-building program to deliver programming in Honduras, Guatemala, and El Salvador. JES has secured funding from 2015 to 2017 through Global Affairs Canada for a project entitled Combatting Gangs and Criminality in Central America, focusing on Honduras, Guatemala, and El Salvador.

With that being said, Mr. Craig, you have 10 minutes and if you could do an introduction, that would be fantastic.

Mr. Rick Craig (Executive Director, Justice Education Society): Okay.

The sound has been breaking up, and I'm hoping that when I talk I'm not breaking up. Do I sound okay?

The Chair: You sound absolutely fine. It was just an introduction of your background, so there are no concerns.

Mr. Rick Craig: I think I lost about 30% of that, but the important thing is that you can hear me.

What I thought I would do is a short presentation. I'll give you a bit of an overview of what we are doing and some of the issues we see. Then I'll turn it over to you for questions. Is that okay as an approach?

The Chair: That would be perfect. Take anywhere up to 10 minutes, and after you finish, we'll do some questions from the committee members.

Mr. Rick Craig: Okay, that sounds good.

The Chair: Thank you.

Mr. Rick Craig: There are three aspects to my presentation, just a little bit of an update on what we are doing in focusing on Honduras.

We're really working in the northern triangle, but I'm going to just comment on Honduras, talk about some of the issues we see, and then give a bit more detail on a couple of those issues. That's what I thought I would do by way of a presentation.

We've been working in Central America in the northern triangle since 2000, so it's been quite a long journey. It's been over 15 years. We started in Guatemala. Obviously, we're starting with the whole work that's been going on in the region, which is the transition from the old inquisitorial system to the adversarial system, and trying to work with them on capacity building to get functioning justice systems. That's been our mandate.

We thought when we started that things were going to get a little easier because the wars were over, and this was all part of the peace process. But little did we know that, of course, then, you had the explosion of the gangs and all the issues around the narco trafficking. Combine that with the issues around corruption, and it's been quite a journey.

We started to include Honduras in our work in a small way in about 2004 only because we said that, if we're going to do this work with Guatemala, we should at least open the door to El Salvador and Honduras. We did that, but we really didn't start in any more serious level of programming until about 2009. At that point we did have funding from CIDA to do some of the work we were doing in Honduras. Strangely enough or coincidentally enough, we ended up trying to do that work, initiating it, during the time when the coup happened. We actually had staff in the building of the Ministerio Publico on the day the coup happened, so we sort of understand that period of the journey a little bit.

Currently we're working on a \$2.1-million project, which is for the three countries. It's for two years. It's funded by the anti-crime capacity-building program of GAC, and it has several components. The first component is programming, distinct programming that's going on each of the three countries. We've been trying to build their capacity to do effective investigations and actually address some of these cases of impunity. We've been working in very targeted ways doing that differently in each country, because each country is in a different state of development and there are different issues affecting them. In doing so, we've had a program for Honduras, and I'll tell you about that in a second.

We also have a second component where we started to move towards some regional programming. Some of the things we are doing are trying to actually go beyond the work within each country and deal with some regional sharing of evidence. That's been particularly important in the area of fingerprint evidence, especially because one of the issues in the region is a lot of killings, and of course there are a lot of unidentified bodies. There's a lot of migration of people. There are a lot of issues around that, and so we are trying to get these northern triangle countries to begin to share evidence so that we can start getting some resolution to some of these unidentified bodies and help advance some of these cases.

We're doing the same thing around ballistics. There are probably about 18,000 murders a year in the three countries—it's very violent—and 80% of them are committed with firearms. One of our agendas is getting their capacity to be able to do proper ballistic analysis of evidence and getting them to share that between the countries, because a lot of it, especially the gang work, is transnational. In doing so, we've been working with Interpol, and we've also been working with the Americans, with the ATF and with the INL, which are two American programs.

In terms of Honduras, our focus has been primarily on supporting ATIC, Agencia Técnica de Investigación Criminal. ATIC is the new criminal investigation agency that was created by the prosecutor service, the Ministerio Publico. In many ways we see so many parallels in Honduras to what we saw in Guatemala 10 years ago. There is talk about Honduras potentially evolving to become a narco state if they're not careful. That was certainly the issue in discussions in Guatemala 10 years ago. Now Guatemala has pulled back from the brink. In Honduras we're at a different stage, and hopefully they'll be able to do so, too.

ATIC is a new agency. It started just a little over a year ago. It has about 400 people. There are about 80 investigators. Now that's a small amount, given the volume of work. Probably in the police alone there are about 2,000 investigators in the country.

• (1325)

The reason we focused on them is that they needed the most sophisticated organizations that can start to do the kind of proper investigation required to deal with organized crime and the gangs. They have created this unit within ATIC. It is a totally new unit. It is vetted, and it is all new people. They are young people. We have been working with them to help establish their functionality. That means we have been helping them with some of the crime scene examination training, major case management, and the whole creation of a criminal intelligence analysis unit. The work with the Ministerio Publico continues around forensic video analysis, ballistics, and surveillance. These are some of the areas.

Because it is a new area, the question has been as to how the work is going to be divided. ATIC has been given the mandate to take on the high-profile cases, the cases of important significance. All cases are important, but there are high-profile cases, delicate cases. ATIC has been stepping into that piece of the puzzle.

For example, around the Berta Cáceres case, it is ATIC that has been doing the investigation. ATIC has also been doing a number of other major investigations, one of them around the major police corruption cases that are on, which are very serious.

One of the cases we were dealing with, which we are very happy about.... This is the first evidence of their ability to actually start to tackle some of the gang and organized crime work in a more holistic way. They have done that in one particular case, called Operation Avalanche, where they actually brought down a whole clique, MS-13 or Mara Salvatrucha 13, a subgroup that was involved in all kinds of drug dealing and money laundering. They brought the whole group down. This is really the first time they have done that. We have been monitoring that. It led to 19 arrests, including a mayor, an evangelical priest, a police officer, and gang members. In the past, a lot of these cases have been done just one on one. They have not even had the capacity to actually do the structural analysis required.

What we are seeing, at least with the development of the work with ATIC, is encouraging. We are seeing that work as well in the Berta Cáceres case, which of course is the killing of the environmentalist that has caused an international uproar.

In that sense, our focus has been primarily on them. We have been communicating a lot with them about how things are going and the issues they are dealing with, and trying to assess how they are evolving. In addition, we have done some work with the national police around the investigative unit because, in the division of labour in Honduras, ATIC is quite limited in its capacity. The whole issue of the ongoing processing of the murders, which are substantial—we can be dealing with 5,000 to 6,000 a year—is in the hands of the police. We have been trying to help them a little in that capacity with some of the training we have been doing.

Honduras is a country that has a public security crisis. The whole northern triangle is in trouble. It has been in trouble for a long time, and it is getting worse. It has been getting worse in Honduras, and certainly in El Salvador. I think, in some ways, it has been getting better in Guatemala, but they still have a major battle.

From our point of view, we have tried to be very strategic with the Canadian assistance. We have identified, even within the situation of Honduras.... It is complicated, because when you get these kinds of crises, you sometimes get multi-faceted, uncoordinated responses that happen, where maybe political actions are being taken, and the actions are leading to an attempt just to try to show some progress.

We have been monitoring five areas of development in Honduras. One of them, of course, is the work of ATIC, where we are working very closely in trying to support them. There is the work of what we call the police investigation unit, the DPI. They are doing the murder investigations. Then, of course, there is the new work that is starting with the OAS group MACCIH, which is the new organization that has been set up to deal with corruption and impunity. We have been talking to them. I know a lot of their senior people quite well, because we got to know them when they were working.... A lot of them were working with CICIG, which was the group created in Guatemala.

● (1330)

We have done work with CICIG over the years, so we know quite a number of them, and we are talking to them about how we can support their work going forward.

There are two other groups that we're also trying to monitor. One is a special task force that has been created to deal with extortion, FNA. The bread and butter of the gangs is extortion, so of course it's a major area. We have some concerns that there's going to be a lack of coordination between these groups. Certainly at the heart of it all is the work of the Ministerio Publico, which is the prosecution service.

The last group we've been monitoring in terms of the work is a group called FUSINA, which is a national task force that has been created. This is the one that involves the military and the use of the military police, which has been a concern to a lot of people around the increasing use of the military police within the security framework environment in Honduras.

In our talking to people, the population is quite divided. There are those who think they need security, and if the military police can help provide it, then they welcome it. There are others who say, okay, but what are the terms and for how long, and is this going to become the future? There are concerns on that point.

We have some sense of how that is playing out, and obviously, we don't work with them directly. Our training does not involve them, but there is an overlap that's happening as they're getting more into the general security agenda in terms of trying to respond to the criminality.

The Chair: Thank you, Mr. Craig.

Perhaps you could take another 30 seconds or so to wrap up, just so we leave enough time, given that we have a delayed start for the questions.

Mr. Rick Craig: Okay.

For us there are a lot of issues. There's the issue of the corruption. There's the issue of what's going on around the extractive industries. There's the issue around how you strengthen the system, the increasing gang issue. Of course, even at home there's the issue of the need to engage with GAC around how you strengthen the capacity of Canada to support this kind of work.

Those are some of the things I wanted to throw out. I hope I haven't taken too long.

• (1335)

The Chair: No, not at all. Thank you.

For context, I'm not sure if you're aware but in testimony on Tuesday before this committee, we had Gustavo Castro Soto, who was with Berta Cáceres when she was murdered, and actually sustained a gunshot wound. We also had Bertha Zuniga Cáceres, Berta's daughter. Both testified before this committee on Tuesday.

With that, I'm going to open the questioning. MP Sweet, would you like to lead us off.

Mr. David Sweet (Flamborough—Glanbrook, CPC): Thank you very much, Chair.

Mr. Craig, thank you very much for your good work. I appreciate the fact that you're in a very difficult situation trying to do a job that borders on impossible. I'll keep my questions quite pointed, so we can get the testimony that we need for our update here from our previous study.

The last time the most serious concern was the targeting of justice sector workers: police, crown attorneys, and prosecutors, etc. Is that still a major concern?

Mr. Rick Craig: Certainly, in terms of the cases we were talking about, they're continuing to investigate them. We've been monitoring a little of that.

It's a concern and an issue. Certainly, it's been pointed out around human rights defenders, and it continues to be an issue in the country, that's true. It's just one of a number of major issues in the country.

Mr. David Sweet: Thank you.

I was going to ask you about ATIC. You told us about your approach last time. I remember your testimony very well, and you mentioned that the job was to pick some of the higher profile crimes and use those so that they are very much emblematic throughout the population.

In your success, because you mentioned the one big gang prosecution, do you see a growing trust in those law enforcement personnel as well as the prosecutors from this group?

Mr. Rick Craig: Well, we've been monitoring it. Part of what we've been doing, of course, is a lot of the technical training and the capacity building. What we've seen in the case of Operation Avalanche is they're using the techniques, and they're starting to get the results. Even in the case of the investigation of Bertha Cáceres, if you look at the physical evidence that's coming forward, a lot of that is really related to the support that they've been getting from Canada in terms of the video evidence, and in terms of even the analysis of the ballistics evidence.

There are quite a number of pieces there. Even the examiners at the crime scene.... What we are seeing is they're starting to demonstrate, at least I'm hoping from what I can see, that they can do this work. If they can do this on these big cases, then it's going to bode well

Mr. David Sweet: Our witnesses at the last meeting were human rights defenders working with land claims disputes. The last time you testified, there were two new prosecutors assigned to deal with those land disputes. It seems that some of the focus on human rights defenders has changed. They were in great danger a year ago, but the situation seems to be even more grave now. Is that the case?

Mr. Rick Craig: Some of these conflicts have become more protracted, and we've been getting more disturbing results. In terms of the landscape of Honduras, it's connected to the fact that there are massive inequalities connected to land reform, and the way that corruption plays out around the extractive industries and other things. There are a number of pieces that are coming together. We're seeing some advances in some areas, and in some areas, just ongoing concern. As you probably know, corruption in the place is a mega issue.

● (1340)

Mr. David Sweet: That was an issue last time. There seemed to be no willingness on the part of the government to move forward with major reforms. Has that changed at all in regard to the police force?

Mr. Rick Craig: The president has announced that they're going to do a major purging. There are about 11,000 police, and they're talking about purging between 2,000 and 2,500. That comes to almost a quarter of the police force. Now, whether they can do that, or how well they can do that, remains to be seen. I'm monitoring a corruption case having to do with senior officials of the police who have been involved in targeted murders and involved with work with the cartels. Those cases are extremely important. There are allegations of very serious corruption and targeted killings on the part of the highest levels of the police. ATIC is involved in this as well. If they can get those indictments, that will be a good step forward.

Mr. David Sweet: Mr. Cavallaro testified at our last meeting. He said that there's been a reluctance, almost a 100% reluctance, on the government's part to have independent agencies come in and oversee some of these cases. Are you getting better co-operation with the help that you're providing? Do you see any hope that the government may allow more resources, like this organization, to come in and help you with capacity building?

Mr. Rick Craig: We have had no difficulty in our working with, for example, the Ministerio Publico and working directly with ATIC. In fact, they've welcomed it. In terms of other areas, when you get into things like the call for an independent commission to come in on the Berta Cáceres case, in the conversations I have had, people are prepared to meet with people and share things, but the question of having an international group come in and take over becomes very delicate. I am not sure that is the best approach.

Certainly, there's accountability that needs to be considered and international pressure is very important, but I don't know how an international group could easily come in and get engaged in this in a way that's going to work that well, given how delicate some of these processes are.

The Chair: Thank you very much, Mr. Craig.

Now MP Tabbara.

Mr. Marwan Tabbara (Kitchener South—Hespeler, Lib.): Thank you, Mr. Chair, and thank you, Mr. Craig, for your hard work in a very unstable region.

You mentioned earlier that there were 18,000 murders, with 80% by firearms. In many states, stable security and economic prosperity go hand in hand. There are two key areas we need to focus on to ensure stability for the greater good of the country. Many have said that private security groups are one of the main factors behind the high rate of violence. There are around 70,000 armed private security guards in Honduras, compared with 11,000 to 14,000 armed forces personnel.

What are the greatest obstacles to creating an effective police force?

Mr. Rick Craig: This has been the question for Guatemala and all these countries. The information that's come out on Honduras is there are major elements of corruption and organized criminal

groups within the police force. Some of them have been involved in work with the cartel, with killings.

Part of the issue you have to deal with is obviously, they continually talk about professionalizing these bodies. You have to pay them more. There's always this issue of pay. Historically, a lot of these people were not well educated. They were poorly paid. You have to deal with that. You have to professionalize them, pay them well. That's critical and it's not easy to do in these countries, but they have to do it.

The other thing is, they have to invest more in these institutions. The Ministerio Publico does not have the resources it needs. The prosecutors are critical to the process in this country, because they manage the investigation and they don't have the resources they need. One of the major advances that has led to a big improvement in Guatemala has been a change in the amount of investment in these institutions. They have to do that, they just have to; otherwise I don't think they're going to get where they need to get.

The security guard thing is a response to the fact that if there isn't reliable public security, people are going to do it privately and it's all over the place. There are issues around the entry of illegal arms, the access to those arms, the controlling of the security companies by legislation. There are a number of issues there that are really important as well, and all of that has to be dealt with.

(1345)

Mr. Marwan Tabbara: Earlier you mentioned the national police investigative unit and that you were doing training. Could you elaborate more on that?

Mr. Rick Craig: The particular training we've been doing has been very targeted around the investigators who are dealing with murderers. We've been trying to make sure that at least certain teams of those investigators who do the actual examinations have the skills to do them properly. It's very targeted. It's not on everything, and it's done in conjunction with our supportive work of ATIC and the Ministerio Publico. That's what we've been doing.

Part of it has been that ATIC is growing poorly. It has to expand. That's part of the future. They have to make sure they have the resources, but of course, in the last year they simply have been starting to prove whether it can function. What I'm seeing is giving me some hope that in the Avalanche case and the Berta Cáceres case, which they call Jaguar, and in the corruption case, they are making substantial advances. That's where I am, at this point.

The Chair: MP Saini.

Mr. Raj Saini (Kitchener Centre, Lib.): Thank you, Mr. Craig, for being here today.

I have a quick question. I'm hoping I can get a quick answer.

I want to talk a little about the maras in the country, especially MS-13, which you know is prevalent throughout Central America, especially the golden triangle that you mentioned. You also know that Honduras is a focus of development for Canada.

Canada's assistance program to Honduras has focused on food security, education, and maternal, newborn, and child health; yet you've given us a picture of a failed state, to some extent a narco state, especially with the gangs there. I'm just wondering whether Canada should focus the majority of its efforts on helping to stabilize the security situation in Honduras. That's question A.

Question B has to do with if we stabilize Honduras and we don't stabilize the golden triangle with El Salvador and Guatemala, then I don't think we're going to get any further ahead. I say this because—I'm sure you know this—80% of all flights that emanate from South America touch down in Honduras, and you have transnational drug trafficking. Should our emphasis be more on security and stabilizing the country before we do other things, and how does that project to the other two countries in that area?

Mr. Rick Craig: I would argue that there has to be an increased emphasis for sure, because the reality is that when you talk to most people, their number one concern is about their security. I don't know anybody, when I talk to families down there.... The polls in El Salvador talk about how almost 80% of the families would leave the country if they could. That's 80%. Everybody is worried about their children.

The situation is that of the two gangs, the M-18 and the MS-13, the MS-13 are the more sophisticated. They're evolving substantially, and they're serious. People are fearful. They're fearful for their lives, because there's a massive amount of extortion. Everybody's being extorted, including taxi drivers and other people. This is their bread and butter.

What happens is that if you're not careful when you are doing development, you can be supporting a co-op that is then being extorted by the gangs. What does that mean? It means the profits are going to criminality. To me, if we're going to do development, those economies are losing a massive amount of money because of these security problems. I think in some cases they've talked about as much as 15% of GDP. It's serious. It's very serious.

My issue, and this is an issue that I've talked about with people involved who care about it, is that I think there has to be more emphasis on looking at the government and security agenda. It has to be taken hand in hand with the development agenda. They have to be managed together, because right now I would argue that 95% of the Canadian money goes for development and 5% might go to the other areas. I think there's a problem with that mix. I think it needs to be looked at.

• (1350)

The Chair: Thank you.

MP Hardcastle.

Ms. Cheryl Hardcastle (Windsor—Tecumseh, NDP): Thank you, Mr. Chair.

Thanks for being with us, Mr. Craig. I would like to keep going on a theme that one of my colleagues has already questioned you about, with regard to where we should be putting our emphasis.

You said a little bit earlier that you did not believe an independent investigation was the best approach with regard to the Berta Cáceres murder. I'm wondering what you think should happen in terms of international accountability and if that somehow ties in with what you think should be the approach for us in balancing a security agenda with a development agenda.

Mr. Rick Craig: The problem with an independent approach is that you're bringing in people from outside. You're bringing them into a context they don't necessarily know. They don't have the kind of connection. There are a lot of challenges in doing that.

When CICIG set up in Guatemala, it took it a number of years to get the capacity to do the kinds of investigations that it was doing in parallel with the Ministerio Publico. It wasn't that they weren't competent. They were great people. It's just that you have to know the context. You have to be able to navigate the realities you're dealing with. It's not easy to do that. Then of course you have to have the confidence that somehow creates the competence to do that.

To me I think what's been helpful about this process right now is the international outrage. It puts pressure on the Hondurans. At the end of the day, what happens when you bring in an international group is that it leaves. My biggest concern is that it doesn't help the society to have foreigners come in and somehow deal with its issues and then leave, and it hasn't built the capacity itself to manage and deal with it in the future.

To me, the whole capacity-building agenda is critical. What we need to do is to hold them accountable, be in a position to do oversight and provide assistance as they need it, but try to help them to get the functionality to prove to themselves and to their people that they can start to take control of their own agenda. That's what I believe is the best approach.

I do think the pressure is really important. I think it provides opportunities because right now in the Berta Cáceres case, they have to demonstrate that they're doing a competent investigation and that they're checking all of the avenues and they're getting the evidence. They're going to be under very clear scrutiny, and I think that's good. At the same time, I want them to build that capacity, because part of the problem in these countries is a lack of confidence in themselves.

In Guatemala, when we started, they were dealing with a resolution of 2% of murders. If you only can resolve 2% of your murders, how do you ever feel confident about your ability as a society to manage? You have to take control. That's part of the issue that we have to support.

In terms of the development agenda, I've been arguing this. I feel that, with the mergers as GAC is evolving, one of the big issues is how you combine the government's agenda and the security agendas with the development agendas. In the past, they were viewed very separately, but we know that doesn't work. We know that you can't have development without dealing with the security issues and impunity. You just can't have it. People want to leave the country. They're throwing their money out of the country. It just doesn't work.

What we have to do is to refocus and then do them hand in hand. I know there's a current consultation going on with GAC. That's the message we want to pass to them because our problem we find is that, even in the kind of work we do, ACCBP, the anti-crime capacity-building program, does fabulous work, but it doesn't have a lot of money. It's a small program. On the development side, a lot of the development people are excellent people, but they don't understand the government side. These are issues that I think we have to get our heads around.

The Chair: MP Hardcastle, do you want to ...?

Ms. Cheryl Hardcastle: That was well said. I was just digesting everything you said, Mr. Craig.

On that, what about the Inter-American Commission on Human Rights then? What would the consequences of closure be, in your mind? We've heard the announcement that it could happen by the end of July. I'm not sure if there has been positive enough impact with the core mandate that it should be continued. I want to hear your thoughts on what the consequences might be.

• (1355)

Mr. Rick Craig: I'm trying to think how to answer that. This is complicated. What we are doing is following the case very closely in terms of the issue of Berta Cáceres and the investigation. They're continuing it. It's not over. At least we heard from.... I don't know what her daughter said about this to you, but certainly in the media, her daughter was saying that she felt that it looked as if some of the work that was happening was.... At least the media reports I have are positive, in the sense that they have identified people whom her mother had commented were threatening her and all of these sorts of things.

It's not clear enough to me as to how these engagements are going to play out to be able to give you a precise answer. That is what I guess I need to say. What I do know is that there's a process in place now where they're going to have to be rigorous about presenting this evidence. Of course, they're saying that they have 25 to 30 pieces of very solid forensic linking evidence right now. This is going to come

out. It will be interesting to see how it's viewed. There will certainly be international comments on it. I have no doubt about that.

I don't think I'm answering your question very well.

Ms. Cheryl Hardcastle: That's okay.

Please give a short answer, if you can, about accountability, with or without any other organizations. What do you know of, or what do you feel has satisfied the public with regard to the president's condemnation of social issues, with Berta Cáceres' murder, other human rights defenders, and journalists? Do you think that has been adequate? Has it helped, if he has?

Mr. Rick Craig: I think it's always helpful that the political voices come forward and say this stuff. The question is how this is going to play out. Each of these areas has a dynamic to it. At the end of the day, I want to see the action. For example, we've seen action in the creation of ATIC. I think that's a positive thing. Now ATIC has to grow. That's going to require resources, and it's going to require commitment.

At the same time, there are some other issues they have to decide on. Are they going to be able to deal with this purging of the police? Are they going to be able to get a strategy in place where they actually have a plan to rebuild the police? If they don't rebuild the police, then the only other option around security will be to maintain the military police. We have to see if these things are going to play out

They say they're going to play out, and that's good, but at the end of the day.... Part of the issue is there's a massive amount of criminality. There are a lot of areas of need, and they don't have a lot of resources. They're going to have to demonstrate they're able to come up with some of these resources. Otherwise, I don't see them moving ahead.

The Chair: Thank you very much, Mr. Craig.

Unfortunately, because we had a bit of a late start, we got through only one round of questions, but it was a very insightful round of answers from you and we appreciate your testifying before this subcommittee this afternoon, or this morning where you are.

Thank you very much.

Mr. Rick Craig: Thank you for inviting me.

The Chair: Thank you.

The meeting is adjourned.

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