

LIBERTAS

The Kidnapping of Colombian Activist Kimy Pernía Domicó

When native leader Kimy Pernía Domicó spoke with the Rights & Democracy/Assembly of First Nations Mission to Colombia of the crisis situation facing the Embera-Katio people, he had surely not imagined that the horror of his own kidnapping and disappearance two days later would spark an international outcry. Warren Allmand, president of Rights & Democracy, Ghislain Picard, regional chief of the Assembly of First Nations, Lydia Hwitsum, Chief of the Cowichan Tribes, and Beth Phinney, Chair of the Parliamentary sub-Committee on Human Rights, had met with Pernía in the Colombian city of Medellín, at a meeting organized by the Indigenous Organization of Antioquia.

At dusk on June 2, Pernía Domicó was grabbed from the streets of Tierralta, Cordoba, at gunpoint by heavily armed men believed to be far-right paramilitaries. He had previously received numerous threats. This tragic case provides some illustration of the situation facing Colombia's 84 indigenous nations, who have been reduced to 800,000 natives — a mere 2% of the population. The survival of Kimy Pernía Domicó's Embera-Katio people had been threatened by the part Canadian-financed Urrá hydroelectric dam mega-project, a project that dried up their staple diet of fish, and brought environmental destruction and malaria to the community of 2,000.

When the Embera organized and demanded their constitutionally protected rights, the paramilitary groups accused them of collaborating with the guerrillas of the Armed Revolutionary Forces of Colombia (FARC). In turn, the FARC forcibly conscripted some natives, and accused the civilian community of aiding the paramilitaries. The toll on the Embera has been heavy: 11 leaders dead since 1994, and now the disappearance of Kimy Pernía Domicó.

Floro Tunubalá, Colombia's only indigenous elected governor, reported a similar situation from the western department of Cauca, where he came to power last October after a landslide win. "I received an anonymous call telling me I had been brought to power by the armed left, and I was thus a military target," Tunubalá told the mission when they visited his offices in the regional capital of Popayán. "The next day, another anonymous caller said I had been supported by the paramilitaries, and I was thus considered a military target of the guerrillas." Tunubalá spoke of the harmful effects of US aerial fumigation of illicit crops and of his own economic development plan for the department. Yet as long as the war continues, it is impossible to implement this plan as the various armed actors vie for territorial control, each extorting money from civilians caught in the midst of the violence.



Photo: Kathy Price, ICCHRLA.

For Colombia's indigenous peoples, any effort to promote peace must address root issues of the conflict. And one of those root issues is clearly the State's failure to adequately protect aboriginal lands, essential to the survival of these peoples. "Our concerns as indigenous peoples must be addressed in the peace process — otherwise, there will be no real and lasting solution to the conflict," the joint mission heard. "We ask you, Canadians, to be messengers to the Colombian government and to the outside world, of our concerns."



Rights & Democracy

International Centre for Human Rights
and Democratic Development

Rights & Democracy is a Canadian organization with an international mandate. It works with civil society and governments in Canada and abroad to promote human rights and democratic development through dialogue, advocacy, capacity building and public education. It focuses on four themes: democratic development, women's rights, globalization and human rights, and the rights of indigenous peoples.

Board members

We sadly said good-bye to long-time board member Iona Campagnolo. A former Cabinet Minister in Canada and Chairperson of the Fraser Basin Council in Vancouver, she has just been named British Columbia's new lieutenant-governor. We appreciate her valuable contribution and commitment to Rights & Democracy.

We are pleased to welcome two new board members, Vitit



Muntarbhorn from Thailand and Michèle Rouleau from Québec. Mr. Muntarbhorn is a professor at the Faculty of Law of Chulalongkorn University in Thailand. He also works as a consultant with UNICEF and other UN agencies on children's rights issues. Ms. Rouleau is former president of Native Women of Quebec and a commissioner at the Québec human rights commission.

New publications

Investigating Women's Rights Violations in Armed Conflicts, a joint Rights & Democracy and Amnesty International Canada (English Section) publication, was launched in May, the second in a series on gender-sensitive documentation methodology.

Written by Agnès Callamard of Amnesty's International Secretariat in London, in collaboration with Ariane Brunet, Rights & Democracy's Women's Rights Programme Coordinator, the booklet is part of a series which includes a manual, *Methodology for Gender-Sensitive Research*, and a previously published booklet: *Documenting*



Human Rights Violations by State Agents: Sexual Violence. A further three booklets are planned to address human rights violations in the community by private actors as well as the economic and social causes of human rights violations.

Investigating Women's Rights Violations in Armed Conflicts is available in French and English. The price is CDN \$15.00, plus CDN \$5.00 for postage outside Canada. To order: publications@ichrdd.ca.

A Human Rights Framework for Trade in the Americas

As globalization and its effects are increasingly felt at the furthest reaches of the planet, who arbitrates when the rules drawn up behind the closed doors of international financial summits contradict the international human rights treaties already ratified by those same governments? This is essentially the question asked by Rights & Democracy's paper *A Human Rights Framework for Trade in the Americas*, written by Globalization and Human Rights Programme Coordinator Diana Bronson and Lucie Lamarche of the Université du Québec à Montréal. The paper examines international human rights law and how its application can be ensured in the current context of liberalization of global investment and finance. It is available in English, French and Spanish from Rights & Democracy, and at www.ichrdd.ca.

Is Free Trade a Fair Game?, a popularized leaflet version of the paper, is also available from Rights & Democracy in English, French and Spanish. The leaflet opens out into a poster of a striking black-and-white photojournalistic interpretation of the impact of free trade, by photographer Benoit Aquin.



Afghan woman wins

John Humphrey Freedom Award

Dr. Sima Samar has been selected as this year's John Humphrey Freedom Award recipient for her efforts to strengthen the human rights of women and girls in Afghanistan and in refugee camps on the Northern border of Pakistan. The Award, which is given each year by Rights & Democracy, includes a \$25,000 grant and a speaking tour of Canada, and is named in honour of John Peters Humphrey, the Canadian who prepared the first draft of the Universal Declaration of Human Rights. It will be presented in Montréal on Monday, December 10, 2001, International Human Rights Day. Following the Award ceremonies in Montréal, Dr. Samar will also travel to other cities in Canada to meet with students, representatives of human rights groups, churches, government and the media.

In the face of repeated death threats, Dr. Samar defies the ruling Taliban's edicts that deny women and girls their basic rights to education, employment, mobility and medical care. Since 1989, Dr. Samar has been operating schools for girls and health clinics in many of the provinces of Afghanistan as well as in the refugee camps in Quetta, Pakistan. She refuses to accept that women must be kept in purdah (secluded from the public) and speaks out against the wearing of the burqa (head-to-foot wrap).

The international jury for the John Humphrey Freedom Award met in June to consider over 80 nominations from around the world. For more details about the Award process and Dr. Samar's cross-Canada tour, please contact Augie van Biljouw at avbiljou@ichrdd.ca.

Ottawa Must Support UN Draft Declaration on the Rights of Indigenous Peoples

On the eve of National Aboriginal Day, Rights & Democracy's President Warren Allmand made a symbolic presentation to Canadian indigenous leaders of a letter of support for the UN Draft Declaration on the Rights of Indigenous Peoples. The letter, signed by a broad range of Canadian non-native organizations, calls on the Canadian government to support the Draft Declaration at the UN and urge other governments to also press the UN to adopt this text.

The 45-article document was drafted by experts of the UN Working Group on Indigenous Peoples. It reaffirms indigenous peoples' basic rights, in particular that of being recognized as peoples with the right to self-determination. This issue has been identified by experts as the cornerstone of the whole debate on indigenous peoples, particularly as international law applies the status of peoples to the non-indigenous. Yet, despite this fact, and the general opinion that the draft instrument reflects basic minimum standards, only two of its articles have been adopted at the UN after six years of discussion.

The current impasse can be explained by calls made by some

states, including Canada, for changes in the drafting of most of the articles. However, the indigenous representatives at the UN defend the draft almost unanimously. They say the current text is the result of debate and the fruit of compromise on everyone's part, and do not

want to

see it weakened by changes.

The Draft Declaration was the subject of a round-table discussion organized by Rights & Democracy in Montréal on May 24, during which non-native NGOs, church, trade union, women's and student groups formulated an open letter to the government of Canada (see www.ichrdd.ca/111/english/

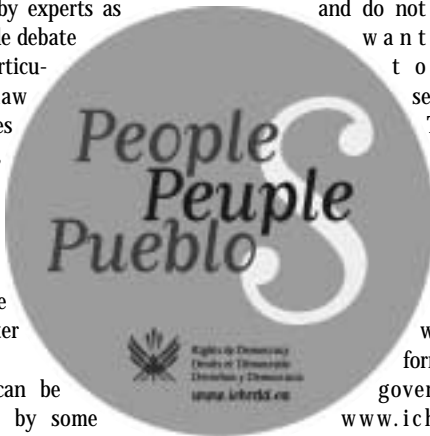


Photo: Gérald McKenzie.

Warren Allmand presents the letter of support signed by over 100 organizations and individuals to Romeo Diom Saganash of the Grand Council of Crees, Michèle Audette of the Native Women of Quebec, and Kenneth Deer of the Eastern Door, Kahnawake at the Native Friendship Centre in Montréal.

[contentsEnglish.html](#) for text). The letter calls on Canada to voice strong support for the Draft Declaration at the UN Conference against Racism in Durban, South Africa, in early September this year.

"Failure to recognize indigenous peoples' right to self-determination, when this right is readily accorded to other, non-indigenous peoples, is clearly racism," Warren Allmand said. Rights & Democracy will continue to raise this issue with the Canadian government and will also make known its position in South Africa at the UN Conference.



Freedom for Haroun M'Barek

Haroun M'Barek—the Tunisian student who was denied political asylum in Canada and deported to Tunisia in January—was finally freed from prison on May 26, 2001.

Upon his arrival in Tunisia in January, he discovered that in his absence he had been found guilty of being part of a criminal gang and had been sentenced to three years in prison and five years of mandatory supervision.

Despite his release, Mr. M'Barek must return to court in September to appeal his guilty verdict. According to several sources, the Canadian government is now ready to accept Mr. M'Barek if he is able to recover his Tunisian passport.

Coming soon

Rights & Democracy is launching an electronic version of its newsletter *Libert@s* in mid-September in order to increase its contacts with partners, friends and supporters around the world. If you wish to receive this monthly electronic bulletin, please email publications@ichrdd.ca to ensure that we have your electronic address.



Rights & Democracy and the Vancouver-based International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) hosted a workshop on the ratification and implementation of the Rome Statute for an International Criminal Court, in **Kingston, Jamaica** during the first week of May. The workshop, chaired by Rights & Democracy President Warren Allmand, was designed to help Caribbean countries with technical information necessary to ratify and implement the ICC Statute. Several other organizations participated and supported this initiative funded by the Canadian government, including the Institute for Media, Policy and Civil Society (IMPACS) of Vancouver, the Canadian Network for an International Criminal Court and ILANUD, the UN regional organization specialized in criminal justice and crime prevention whose mandate includes the Caribbean countries, and the Judicial Training Institute of the Ministry of the National Security and Justice of Jamaica.

From May 3 to 9, Assistant Coordinator Carole Samdup attended a meeting of UN Special Rapporteurs in **Geneva** on Social, Economic and Cultural Rights. On May 6, Ariane Brunet, Coordinator of the Women's Rights Programme spoke at the launch of *Investigating Women's Rights Violations in Armed Conflicts* at the first International Conference on Refugee Women Fleeing Gender-based Persecution organized by the Canadian Council of Refugees in **Montréal**.

Micheline Lévesque, Regional Officer for Asia, attended the annual meeting of the National Coalition Government of the Union of **Burma** (NCGUB) in **Washington** on May 15 and the **Ottawa** May 17 meeting of the Canadian NGO Committee on **Burma**.

Ms. Brunet spoke on The Rise of Religious Rights and Women's Rights on May 22 in **Sherbrooke** (Québec) at the annual meeting of ACEAS (Association canadienne-française d'éducation et d'action sociale) and on May 23, she spoke on Integrating a Gender Perspective in Peacekeeping Operations to students attending a seminar organized by the Pearson Centre in **Montréal**.

On May 22, Mr. Allmand was guest speaker at the meeting of the Montréal Chapter of the World Federalists and on May 26 he spoke out on economic, social and cultural rights at McGill University in **Montréal**.

Following the joint mission with the Assembly of First Nations and Rights & Democracy to **Colombia** (see page 1), Mr. Allmand attended the annual Organization of American States (OAS) General Assembly in **Costa Rica** from June 3 to 6, where he lobbied for the strengthening of the proposed Democratic Charter. Geneviève Lessard, Assistant Coordinator of the Democratic Development Programme, Madeleine Desnoyers, the Regional Officer for the **Americas**, and Sofia Macher, a member of the Board of Directors of Rights & Democracy from **Peru**, also attended and met with partners in the region.

Diana Bronson, Coordinator of the Globalization and Human Rights Programme, made a presentation in **Montréal** before the Canadian Democracy and Corporate Accountability Commission on June 6, calling for legal reforms of the Canadian Business Corporations Act and the Special Economic Measures Act, to ensure that Canadian corporations are accountable and to encourage them to be more responsible.

Mr. Allmand attended a conference organized by the International Centre on Criminal Law Reform (ICCLR) to celebrate its 10th anniversary in **Vancouver** on June 9 and 10.

Ms. Desnoyers attended the **Latin America** Region Consultation on Human Rights Defenders in **Mexico City** from June 13 to 15, organized by Amnesty International with financial support from Rights & Democracy. It was the first time the UN Special Representative on Human Rights Defenders Hina Jilani met and consulted with regional organizations, including the Ad Hoc Comité de Defensores en **Colombia** and the Comité de Defensores en **Mexico**.

On June 20, Mr. Allmand spoke out against the death penalty before members of the Montréal Chapter of Amnesty International. On National Aboriginal Day, June 21, Mr. Allmand again (see page 3) called on Canada to support the UN Draft Declaration on the Rights of Indigenous Peoples at a rally before the Supreme Court of Canada in **Ottawa**. Mr. Allmand attended the conference of the Democracy Foundation from June 23 to 27 in Berlin and spoke on Making Democracy Sustainable. From June 22 to July 1, **Africa** Regional Officer Akouété Akakpo-Vidah attended the National Conference on Human Rights organized by the government of the **Democratic Republic of Congo** in Kinshasa and from July 8 to 16 he was in Lusaka, **Zambia**, for a workshop on African Unity and Democracy organized by Rights & Democracy with partners to pave the way for a Summit of the Peoples of **Africa** to be held in 2002, parallel to the first Assembly of the African Union.

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Rights & Democracy's Documentation Centre is open to the public. Call (514) 283-6073 for an appointment.

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