

Honduras - Lawyer Dionisio Díaz Garcia

The following information has been reported about Honduran lawyer Dionisio Díaz Garcia, who was murdered on December 4, 2006 in Tegucigalpa, Honduras's capital. He was the main labour lawyer for the Association working in the Labour Rights for Vulnerable Populations program. He was in charge of providing legal defense and representation on labour rights to hundreds of security guards employed by 13 private security companies.

On December 4, 2006 he was driving to the Supreme Court and was shot dead by masked men on a motorcycle. They shot him in the head and the chest at close range.

Mr. Díaz Garcia had begun talking with the owners of several private security companies but he had not been able to communicate with two companies: Delta Security Services and Service & Seguridad Técnica de Honduras. Richard Swasey, a U.S. citizen, owns both companies. Due to Mr. Díaz Garcia's efforts, the Labour Court placed an embargo on two of the vehicles owned by Delta Security Services and the Service & Seguridad Técnica de Honduras. With inspectors from the Ministry of Labour, Mr. Díaz Garcia carried out an inspection of the areas where the security guards worked and found that labour rights were regularly violated.

In response to the legal actions taken against them, on September 19, 2006 representatives of the two companies forcefully entered the central office of the Association in Tegucigalpa. Following the September 19, 2006 encounter, a Honduran news website ran a paid advertisement claiming that the Association had not paid social security to its employees and making slanderous statements about the staff of Revistazo, the Association's online news journal. After the advertisement ran, a number of vehicles with tinted windows and without license plates were seen parked outside of the Association's central office and staff members reported being followed by the vehicles.

The Association and other Honduran non-governmental organisations reported the threats and harassment to President Zelaya on September 27, 2006 and to the Attorney General

on September 28, 2006. In October and November, they also reported the threats and harassment to the Attorney General's Special Human Rights Office and the National Human Rights Commission but the authorities did not take any action.

On November 27, 2006, a fellow lawyer at the Association received a text message stating that Dionisio Díaz Garcia's life was in danger. A few days later, Donaldo Burke, a former agent of the Honduras General Bureau for Criminal Investigations contacted Mr. Díaz Garcia and insisted on having a private meeting to discuss the location of a vehicle that was in Mr. Díaz Garcia's custody and that had mysteriously disappeared, and to discuss concerns over the labour violations against the security guards. In response to the text message threats, to being followed and to the disappearance of the vehicle in his custody, Mr. Díaz Garcia, registered official reports with the General Bureau for Criminal Investigations and with the Office of the Public Prosecutor.

The General Bureau for Criminal Investigations did not act on his reports but did act on a report filed by Service & Seguridad Técnica de Honduras, which claimed that Mr. Díaz Garcia had stolen the disappeared vehicle. Similarly, the Office of the Public Prosecutor ignored Mr. Díaz Garcia's report but took legal action against him based on the report of the Service & Seguridad Técnica de Honduras. On December 4, 2006 Mr. Díaz Garcia was murdered.

Intervention Letter

[date]

[President of the Republic of Honduras
Minister of Security
National Human Rights Commissioner
Attorney General
President of the Supreme Court
President of the National Congress
Ambassador of the Republic of Honduras in Canada]

Your Excellency,

Re: Lawyer Dionisio Díaz Garcia

The Law Society of Upper Canada is the governing body for the more than 36,000 lawyers in the Province of Ontario, Canada. Our mandate is to govern the legal profession in the public interest. Fundamental to our system of democracy in Canada is the maintenance of an independent bar. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

In this regard the governing board of the Law Society of Upper Canada, on the recommendation of its Human Rights Monitoring Group, has requested that I write to you to express our deep concern over the assassination of lawyer, Dionisio Díaz Garcia. According to reports we received, a number of non-governmental organizations reported the death threats and harassment against Dionisio Díaz Garcia to Honduras authorities. It appears that the threats were made in relation to his work in representing and working in the best interests of his clients, which was his legitimate professional duty.

We are concerned about situations where lawyers who work for the protection and respect of human rights are themselves targeted for exercising their freedoms and rights under international law. As you know, Article 16 of the United Nations *Basic Principles on the Role of Lawyers* states that ‘governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and to consult with their clients freely; and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.’

Also, the UN *Declaration on Human Rights Defenders* requires States to take all necessary measures to ensure the protection of everyone against violence, threats, retaliation, adverse discrimination, or any other arbitrary action as a consequence of the legitimate exercise of their rights.

The Law Society of Upper Canada hopes that the government of the Republic of Honduras will,

- a. provide immediate and effective protection for all staff members of the Association For A More Just Society and their families, in accordance with their own wishes; and
- b. order a thorough and independent investigation into the murder of Dionisio Díaz Garcia and the threats against him and other members of the Association For A More Just Society with the aim of bringing those responsible to justice and
- c. more generally ensure that in all circumstances respect for human rights and fundamental freedoms in Honduras is in accordance with international human rights standards.

Please accept, Your Excellency, the assurance of my highest consideration.

Yours sincerely,

Gavin MacKenzie
Treasurer