

*The Honourable  
Mr. Justice  
Paul Williamson*



## Taking *for* Granted

**W**e judges, lawyers, and Notaries sometimes forget how fortunate we are to live in Canada with its unquestioned acceptance of the rule of law.

This was driven home to me earlier this year when I went to Guatemala.

One of the first things I learned was that one day in 1982, four helicopter gun ships sprayed a village in the Guatemala highlands with machine gun fire. Seventy of the village's 400 inhabitants—men, women, and children—died. Apparently the village was suspected of secluding insurgents.

Then, moving ahead 23 years, I learned that just last year, a Canadian embassy employee in Guatemala City was stopped at a red light on his way home from work with his wife when, suddenly, several gunmen appeared from nowhere and riddled the vehicle behind them with gunfire—killing the occupants.

Next I learned that apparently one form of initiation for young males wishing to join gangs is to randomly kill a woman.

These were just three of the stories I heard in February of this year while visiting Guatemala with Rick

Craig, Executive Director of the Law Courts Education Society (LCES), and Susanne Dahlen, a director with Victim Services and a member of the Board of LCES. Our reason for being there was to initiate an evaluation of a joint LCES, BC Attorney General, and RCMP project to train Guatemalan police in homicide crime-scene preservation techniques.

**Suddenly, several gunmen appeared from nowhere and riddled the vehicle behind them with gunfire, killing the occupants.**

Why homicide? Because in the last 3 years, there have been an average of 5300 murders a year in Guatemala, a country of 12 million people. Canada, with 33 million people, averaged 622 murders per year in the same period. Perhaps more startling, there were only 15 prosecutions for murder last year in Guatemala.

The project we were assessing started in 2004. As well as the three Canadian partners mentioned above, three Guatemalan partners participated:

- a nongovernmental organization involved in the exhumation of murder victims' bodies in an effort to identify them and determine how and why they died;

- the office of the Fiscal General of the Ministerio Publico, the equivalent of our Attorney General; and
- the national police force.

Funding came from the Canadian International Development Agency (CIDA), the Swiss government, British Oxfam, and a private foundation.

In 2004, 12 trainees—prosecutors, police officers, and one NGO coordinator—came to Chilliwack for a 5-week training course on crime scene investigations, conducted by RCMP personnel. While actual dollars came from the funders mentioned above, the LCES, the RCMP, and the Guatemalan NGO contributed considerable time—especially the RCMP—and the relevant Guatemalan departments continued the salaries of the participants.

This project, then, was an exemplary illustration of international cooperation.

Has it been successful? At first, I found the results of our very intensive meetings with various groups involved somewhat depressing. I felt we were simply nibbling around the edges of an immense problem that would take decades, if not generations, to resolve.

Every morning our indefatigable translator Rick Craig read accounts of last night's many murders from the morning newspaper. The death count.

The ubiquitous presence of guns, brandished by private police—mostly adolescents, it appeared to me, guarding banks, restaurants, hotels, and businesses—had me thinking “fill a city with guns and people will die” (Skytrain take note).

Yet I came to be persuaded the project was making a difference.

Time and time again we were told that was so. The nongovernmental people pointed to obvious efforts to preserve crime scenes, evidenced by the yellow police tapes now seen at murder locations. They commented upon the developing respect for preserving evidence manifest by the members of the media, emergency personnel, and the police themselves.

The Guatemalan resident member of Oxfam, a woman with long experience in international projects, called this “the most successful project I have ever seen in the justice sector.” The police have, as a result of this training, developed a separate department—the Crimes Against Life Prosecuting Section—and have used the officers trained in Canada to teach a modified 2-week course in Guatemala for police and prosecutors, as well as firemen and ambulance drivers who are often the first on a crime scene.

The Attorney General Juan Luis Florido turned to us well into a meeting that was being conducted in Spanish and said, in perfect English, “...look, I want you to understand that this is one of the most important steps taken by the Ministerio Publico since I became Fiscal General.”

The proposal now is to expand the project in two ways: First, to train in the areas of major crime scene investigation generally, rather than specifically in homicide cases, and second, to initiate a regional program involving not only Guatemala but San Salvador and Nicaragua, as well. We at LCES are well along in the development of this expanded program.

Listening to these people who have suffered so much, I found that their optimism and determination convinced me of the value of our work. Indeed, I could not now think of letting them down.

It also reminded me of how lucky I am to live where I do. ▲

The Honourable **Mr. Justice Paul Williamson** was born and raised in BC. He obtained a BA from UVic in 1967, and an MA from Carleton in 1969. After a period as a newspaper reporter in Victoria, and as a college and university teacher in Québec City and Vancouver, he graduated from UBC Law School in 1974. He was a law clerk to the Court of Appeal, then practised criminal law in Gastown in the 1970s, before moving uptown to practise civil litigation with an emphasis on complex, lengthy trials or arbitrations.

He was Commission Counsel on a number of major inquiries and a lengthy Royal Commission before his appointment to the Supreme Court of British Columbia January 28, 1994.