

Lawyers didn't hesitate when villagers cried out for justice

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David M. Stahl has always been an advocate for pro bono work. In fact, he's often encouraged younger attorneys at Eimer Stahl LLP to offer their services at no charge.

"We try to encourage people to do as much pro bono work as we possibly can," said Stahl, a founding partner in the Chicago firm. "It's important for development and it's an obligation to the community we live in, as well as an obligation to the broader community."

That's why Stahl and partner Lisa S. Meyer have spent seemingly countless hours over the past 2 ½ years on a case involving victims of a 1998 bombing massacre in Colombia.

Stahl and Meyer are legal counsel for the victims who were injured, and families of those killed, when a Colombian air force helicopter allegedly dropped a cluster bomb on the village of Santo Domingo while an outdoor bazaar was being held to raise money for a local school.

Troops were battling guerrillas near the village around the time of the blast that killed 17 people, including six children, and wounded 25 others, including nine youngsters.

Stahl and Meyer became involved in the matter after being approached in July of 2000 by Douglass W. Cassel, Jr., director of the Center for International Human Rights at the Northwestern University School of Law.

At the time, Cassel was assembling a mock United States tribunal in Chicago to hold a symbolic trial in the case.

The "tribunal of opinion" was organized by the Center for International Human Rights, as well as Amnesty International and other United States, Colombian and international organizations, at the urging of Colombian groups who claimed that the Colombian government has consistently impeded an open investigation into the massacre.

The tribunal panel, consisting of law professors, a rabbi and an auxiliary Roman Catholic bishop, had no legal authority, but hoped to use its influence to prod the Colombian government into a thorough investigation of the case.

Stahl and Meyer were asked to act as counsel for the victims of the bombing.

"I didn't even have to ask them once — the words were barely out of my mouth and they said yes," Cassel recalled. "That's the kind of people David and Lisa are. They are people who are willing to help, and people with a commitment to conscience. And they're damned good lawyers."

Stahl and Meyer decided to accept because of their commitment to pro bono work, as well as their interest in international law and human rights work, the duo said.

The Colombian government did not defend itself during the tribunal, claiming it didn't have to since the panel had no legal authority in a domestic incident.

Two lawyers from the Chicago area represented the government, while Stahl and Meyer represented the victims who were killed and the 25 who were wounded, including four who testified during the hearing.

"They said the Colombian army ransacked the village as the air force continued to fire, and villagers were trying to help victims," Meyer said.

The tribunal, headed by former Illinois Supreme Court justice Seymour Simon, issued a "judgment" accusing the Colombian military officials of covering up their responsibility for the deaths of village residents, which included 11 adults and six children.

The government, the tribunal found, had violated international and humanitarian law and was responsible for protecting the children from armed conflict. The government should also be responsible for helping in the recovery of the children who were wounded, the tribunal agreed.

After the bombing, the Colombian government offered no special medical, physical or psychological assistance to the child survivors, the tribunal alleged. It also did not offer to compensate wounded child victims for medical expenses.

The tribunal made several recommendations, including that the government make monetary reparations with victims and their families and form an independent panel to investigate the incident.

So far, all the Colombian government has done is suspend both the co-pilot of the helicopter and a technician for 90 days, Stahl said.

"The courts in Colombia have had plenty of opportunity to address this," Stahl said. "Predictably, the government hasn't done anything. We wanted to make sure what happened [in Santo Domingo] didn't get swept under the rug."

That's why last year Stahl and Meyer filed a petition with the Inter-American Commission on Human Rights.

The commission is the principal arm of the Organization of American States (OAS) charged with promoting the observance and protection of human rights. Colombia is a member of the OAS.

The commission, a seven-member panel, receives and takes action on petitions and other communications lodged by a person or group alleging violations of human rights.

It has authority to study the case, and then make recommendations to the governments of the OAS — including Colombia — on the adoption of progressive measures in favor of enhancing human rights as they pertain to a country's legislation.

After a review, the panel in March ruled the petition filed by Stahl and Meyer is admissible.

"Now that the case has been ruled admissible, it proceeds forward on the merits," Meyer said. "We have 60 days from the admissibility order to submit our brief and supporting evidence, after which the Inter-American Commission on Human Rights will issue a report on the case. It's possible, although not certain, that the commission may decide to hold a brief hearing on the merits."

The two lawyers hope to accomplish several things through the commission, Meyer said, including:

- A declaration that the Republic of Colombia is responsible for various violations of the American Convention on Human Rights.
- A recommendation that the Republic of Colombia conduct a thorough and effective criminal investigation, by civilian authorities, of the responsibilities for the bombing and, if warranted, prosecute those responsible before civilian courts.
- A recommendation that the Republic of Colombia conduct a thorough and effective criminal investigation, by civilian authorities, of the responsibilities for the obstruction of justice in this case and, if warranted, prosecute those responsible before civilian courts.
- A recommendation that the Republic of Colombia provide prompt and adequate reparations to the victims and their survivors.
- A referral of this case, in the event Colombia does not comply with the Commission's recommendations, to the Inter-American Court of Human Rights.

Victims of the bombing hope that the commission will help bring about change in Colombia.

"There's a strong feeling among victims...they want justice," Stahl said. "They want their story told and we want to reclaim justice for some people who have been deprived of it for far too long."

While it has consumed many hours, both Meyer and Stahl said they have enjoyed working on the project.

Meyer called it a "satisfying experience."

Stahl said that the case has made him feel fortunate.

"It's great to be able to use our legal skills to work on something like this," he said. "It makes you feel lucky to have opportunities you have ... being an United States citizen, the rights we have are amazing. It's nice to be able to contribute in a way that makes things better somewhere else, and to help people who have gone through something really horrible."