



Canadian Centre for International Justice
Centre canadien pour la justice internationale



The Honourable Robert Nicholson
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, Ontario
K1A 0H8

The Honourable Lawrence Cannon
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, Ontario
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SENT BY FAX AND MAIL

April 11, 2011

Re: Extradition and Investigation of Jorge Vinicio Sosa Orantes

Dear Ministers Nicholson and Cannon:

The Canadian Centre for International Justice and Lawyers Without Borders Canada call on you to assure that Jorge Vinicio Sosa Orantes is held fully accountable for crimes against humanity he allegedly committed in Guatemala. Mr. Sosa, who was arrested in Lethbridge, Alberta, on January 18, 2011, is currently in detention in Calgary based on a request from the United States. He has Canadian, U.S. and Guatemalan citizenship.

Evidence indicates that Mr. Sosa was a commander in an infamous special army unit in Guatemala that, over three days in 1982, methodically executed more than 250 people in the town of Las Dos Erres. Only two young boys are known to have survived. The massacre included the rape of numerous women and the bludgeoning of children with a sledgehammer before they were thrown down a well. This massacre took place in a context of widespread violence against the civilian population, totalling more than 200,000 killed during the 30 year internal armed conflict that officially ended in 1996. Few of those responsible for human rights violations have been brought to account.

In the case of Dos Erres, none of the 17 members of this elite unit responsible for the massacre have been held criminally responsible for these egregious crimes. Four of them are set to stand trial in July of this year but many others are out of reach for the Guatemalan justice system.

There are two critical steps the Canadian government should take to ensure real accountability in this case. First, Canada must pursue an extradition option that will result in Mr. Sosa facing charges commensurate with the crimes he allegedly committed, namely crimes against humanity, war crimes and other international law violations. Second, the RCMP and Department of Justice must carry out a complete and thorough investigation with an eye toward a criminal prosecution in Canadian courts under the *Crimes Against Humanity and War Crimes Act*.

The United States is not a good option for justice. The U.S. case against Mr. Sosa is based only on the accusation that he lied in his U.S. citizenship application. There are no charges for crimes against humanity or war crimes. The maximum sentence for naturalization fraud is only ten years in prison which is clearly insufficient for the horrific acts he allegedly committed. In addition, past experience, namely the case of Mr. Gilberto Jordan, who was also accused of having participated in the Dos Erres massacre, shows that U.S. fraud trials provide little or no opportunity for victims to participate.

Spain has also issued an international arrest warrant for Mr. Sosa on charges of torture and genocide, and we are told an extradition request is forthcoming. Spain has been investigating events in Guatemala for many years, using “universal jurisdiction” principles equal to those underlying Canada’s *Crimes Against Humanity and War Crimes Act*. Mr. Sosa’s extradition to Spain would provide an opportunity to get to the heart of his alleged human rights crimes, something the U.S. case would not do.

We have also been informed that Guatemala has initiated legal procedures that should result in an extradition request on human rights charges. Although there is normally a strong preference that human rights violations be prosecuted in the country where they occurred, namely Guatemala, there are some hesitations in this case. Victims and human rights groups have expressed concern about the Guatemalan courts. They are nervous that a prosecution might not be allowed to succeed after years of delays and setbacks.

Canada is both well equipped and legally obligated to investigate Sosa’s role in the massacre. As you know, the *Crimes Against Humanity and War Crimes Act* has already been used successfully in the 2009 *Munyaneza* case to convict a man who moved to Canada after killing and raping innocent civilians during the genocide in Rwanda. The law could be applied to Mr. Sosa.

We are in close contact with the families of those killed in the massacre and their lawyers. For them, a U.S. prosecution for fraud and a possible sentence of ten years or less would not be nearly enough for a man accused of murdering their relatives in cold blood. They either want Sosa prosecuted in Canada or extradited to a country where he will stand trial for crimes against humanity.

We strongly urge you to use your authority under the Extradition Act to assure the fullest measure of accountability in this case by prioritizing other extradition requests over that of the United States. We also urge you to make sure that Canada is carrying out a criminal investigation with an eye toward Mr. Sosa's prosecution in a Canadian court as an alternative if the extradition process is prolonged or unsuccessful.

We would welcome the opportunity to meet with you about this case.

Sincerely,



Matt Eisenbrandt
Legal Coordinator
Canadian Centre for International Justice



Pascal Paradis
Executive Director
Lawyers Without Borders Canada