

Model Law and Implementation Guide on Access to Public Information for the Americas

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Department of International Law -- Secretariat for Legal Affairs
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Group of Experts

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- **Leslie Bar-Ness:** Manager, State Government Relations, Symantec Corporation
- **Eduardo Bertoni:** Director, Center for Studies on Freedom of Expression and Access to Information, School of Law, Universidad de Palermo
- **Catalina Botero:** Inter-American Commission on Human Rights, Rapporteur on Freedom of Expression, OAS
- **Sandra Coliver:** Senior Legal Officer for Freedom of Information and Expression, Open Society Justice Initiative
- **Damian Cox:** Director, Access to Information Unit, Office of the Prime Minister, Jamaica
- **Diego Garcia-Sayan:** Vice-President, Inter-American Court of Human Rights
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- **Josée Villeneuve:** Director of Systemic Issues, Policy and Parliamentary Relations, Office of the Information Commissioner of Canada
- **John Wilson:** Senior Legal Officer, Department of International Law, Secretariat for Legal Affairs, OAS

Biographies and Contact Information

Jaime Aparicio

President, Inter-American Juridical Committee, OAS

Jaime Aparicio was the Bolivian Ambassador to the United States until 2006. Currently, he is the President of the Inter-American Juridical Committee. The Committee, headquartered in Rio de Janeiro, is an advisory body for the Organization of the American States in juridical matters of an international nature. The Committee had a leading role in drafting the Inter-American Anti-Corruption Treaty, and is currently promoting issues like the International Crime Court; principles for Access to Public Information; migrant rights; and the applicability of the Inter-American Democratic Charter to oppose authoritarian trends in the region. Amb. Aparicio is the Committee rapporteur for Access to Information. Since June of 2006, Ambassador Jaime Aparicio-Otero worked for the Carter Center in issues related to monitoring elections in Nicaragua and Ecuador. From May 1997 to 2000, he was political advisor to the OAS Secretary General. From 2000 to 2002 he worked at the Organization of American States as Executive Secretary of the Summits of the Americas. In that capacity he coordinated the Summit of the Americas in Quebec City, Canada. Previously, he was Under Secretary of Foreign Affairs and Acting Minister of Foreign Affairs of Bolivia. He coordinated the Summit of the Americas on Sustainable Development in Santa Cruz Bolivia, the first Summit open to civil society.

Karina Banfi

Regional Alliance on for Freedom of Expression and Information

Ms. Banfi is the coordinator of the Regional Alliance for Freedom of Expression and Information. The Alliance comprises twenty four leading civil society organizations from eighteen countries of the Americas. She also coordinates regional programs for the Trust for the Americas, organization affiliated with the Organization of American States (OAS) and headquartered in Washington, D.C. She develops training activities for NGO's and journalists, as well as incidence actions regarding Freedom of Expression and Access to Information in Latin America and the Caribbean. Previously, she worked with declassified documents of the U.S. Department of the State in the National Security Archive (NSA, George Washington University) regarding the last Argentinean dictatorship and the violation of human rights.

In Argentina, she was a researcher at the Ministry of Justice. She investigated the irregularities in the trial about the international terrorist attack against AMIA (Asociación Mutual Israelita Argentina). This investigation included the use of declassified documents of the Intelligence Secretariat. As a consultant of the Argentinean Anticorruption Bureau and the World Bank, she participated in the draft of a bill about witnesses' and complaining parties' protection in cases of corruption.

Leslie Bar-Ness

Manager, State Government Relations, Symantec Corporation

Leslie Bar-Ness is currently the Government Relations Manager for Symantec Corporation, focusing on state and local governments in the Western United States as well as Latin America. She works with elected officials and appointed policy makers on issues of importance to Symantec such as data security and consumer protection in an online environment.

Previously, Ms. Bar-Ness served in the administration of Governor Arnold Schwarzenegger. In her role of as the Deputy Director in the Silicon Valley, she was responsible for advance and communications in the San Francisco Bay Area and served as a key policy aide in the areas of high technology, bio-technology and economic development. Prior to joining the Schwarzenegger administration, Ms. Bar-Ness also held a number of positions with the City of San Jose and local non-profits that addressed youth violence and gang involvement.

Her work in education and economic development began in the early 1990's when she held a post in San Salvador, El Salvador that assisted newly repatriated refugee communities rebuild their rural

infrastructure. Leslie Bar-Ness holds a Bachelor of Arts degree from Dominican University of California and a Master of Social Work from San Jose State University.

Eduardo Bertoni

Director, Center for Studies on Freedom of Expression and Access to Information (CELE), Palermo University School of Law, Argentina

Eduardo Bertoni is the Director of the Center for Studies on Freedom of Expression and Access to Information (CELE) at Palermo University School of Law, Argentina. He was the Executive Director of the Due Process of Law Foundation (DPLF) until May, 2006. Previously, he was the Special Rapporteur for Freedom of Expression of the Inter-American Commission of Human Rights at the Organization of American States (2002-2005) and a former fellow of the Human Rights Institute at Columbia University School of Law. Mr. Bertoni has also worked as a private lawyer in Argentina and has been a legal advisor for several nongovernmental organizations in his country. He has also worked as an advisor to the Department of Justice and Human Rights in Argentina. He holds a Masters in International Policy and Practice from the Elliot School of International Affairs, George Washington University. Mr. Bertoni was appointed Professor of Criminal Law and Criminal Procedure at the School of Law of Universidad de Buenos Aires, where he has taught undergraduate and graduate courses. He was also an Adjunct Professor at the School of Law, George Washington University. Mr. Bertoni has written several publications on the right to freedom of expression, judicial reforms and international criminal law and has given lectures and conferences in several countries on these issues.

Eduardo Bertoni is the Director of the Center for Studies on Freedom of Expression and Access to Information (CELE) at Palermo University School of Law, Argentina. He was the Executive Director of the Due Process of Law Foundation (DPLF) until May, 2006. Previously, he was the Special Rapporteur for Freedom of Expression at the Organization of American States (2002-2005). Mr. Bertoni has written several publications on the right to freedom of expression.

Catalina Botero Marino

Inter-American Commission on Human Rights: Rapporteur on Freedom of Expression

Dr. Botero Marino was elected in 2007 by the Inter-American Commission on Human Rights to serve as the Special Rapporteur for Freedom of Expression. She worked previously as Auxiliary Magistrate in the Constitutional Court of Colombia since 2005. She has held a number of posts, including: National Director of the Office for the Promotion and Dissemination of Human Rights, in the Office of the People's Defender of Colombia; Director of the Consultancy for Human Rights and International Humanitarian Law at the Social Foundation; adviser for the Office of the Prosecutor General of the Nation; and professor and researcher at the Law School of the Universidad de los Andes. She received her law degree in 1988 at the Universidad de los Andes and did postgraduate studies at that university, as well as in Madrid, Spain, at Universidad Complutense, the Center for Constitutional Studies and the Universidad Carlos III.

Sandra Coliver

Senior Legal Officer for Freedom of Information and Expression, Open Society Justice Initiative

Sandra Coliver is the Senior Legal Officer for Freedom of Information and Expression at the Justice Initiative, an operational program of the Open Society Institute which aims to fill gaps in the FOI field by (a) engaging in strategic litigation; (b) contributing to standard-setting work, including by compiling and analyzing evolving national practices; (c) building capacity of national NGOs to litigate and obtain information of strategic significance, and (d) developing and sustaining global and regional information-sharing networks. Previously, she served as Director of the Center for Justice & Accountability, a San Francisco-based NGO that tracks down human rights abusers who come to the US, brings civil lawsuits against them, and tries to get them criminally prosecuted. For more than two decades, she managed or participated in human rights and rule of law programs in Central and Eastern Europe, Africa and Asia,

including three years (1996-98) based in Bosnia, where she worked for the UN High Commissioner for Human Rights, the OSCE and the International Crisis Group. As the first Law Program Director of Article 19, the Global Campaign for Free Expression (1990-96), she helped develop the Johannesburg Principles on National Security, Freedom of Expression and Access to Information, and edited or co-authored five books on freedom of expression and information issues. Previously, She clerked for the Ninth Circuit Court of Appeals, and worked as a public defender and private defense counsel in San Francisco. She received her degree in philosophy from Yale and her law degree from the University of California, Berkeley.

Damian Cox

Director, Access to Information Unit, Office of the Prime Minister, Jamaica

Damian O. Cox is the Director of Access to Information Unit, Information & Telecommunications Department Office of the Prime Minister-Jamaica. He is responsible for directing all the activities of the Unit, which is charged with monitoring the consistent implementation and application of the Access to Information Act 2002 across all government entities encouraging greater transparency, accountability and public participation in national decision-making. The Unit is also responsible for ongoing island-wide public education programmes, conducting internal training for government entities and liaising with NGO's and other stakeholder groups.

Mr. Cox is an Attorney-at-law. He received his Legal Education Certificate from the Norman Manley Law School and his LLB from the University of the West Indies (U.W.I). He also attained a B.A. (Hons.) (History) from the U.W.I. and a Certificate in Strategic Planning & Policy for Telecommunications, IT & Broadcasting Executives from the Mona School of Business, U.W.I.

Diego Garcia-Sayan

Vice-President, Inter-American Court of Human Rights

Currently Judge and Vice President of the Inter American Court of Human Rights, General Director of the Andean Commission of Jurists and a member of the Permanent Court of Arbitration (The Hague). In 2007, Mr Garcia-Sayán served as the Chief of the Electoral Mission of the Organization of American States (OAS) in Guatemala. Mr García-Sayán has recently worked as a member of the Redesign Panel on the United Nations System of Administration of Justice and Legal Counsellor of the Board of the Central Bank of Peru. Between July 2001 and July 2002, Mr García-Sayán was Peruvian Foreign Minister. During his tenure he promoted the ratification by Peru of the Rome Statute (ICC) and the approval by the OAS of an Inter American Democratic Charter. Prior to his appointment as Foreign Minister, Mr García-Sayán served as Minister for Justice for eight months participating towards the normalization of relations between Peru and the Inter American Court of Human Rights. He was also instrumental in the rebuilding of Peru's justice and security systems after 10 years of authoritarian regime.

Annie Goranson

Discovery Attorney, Symantec Corporation

Annie Goranson is Discovery Attorney with Symantec Corporation. As Discovery Attorney, Ms. Goranson focuses on e-Discovery and information management issues and how these issues may impact organizations across various industries. Previously, Ms. Goranson was Corporate Counsel for Symantec where she was responsible for managing the company's litigation matters and counseling internal clients on a broad range of dispute resolution issues.

Prior to joining Symantec, Ms. Goranson was in private practice where she assisted international and domestic clients in conducting internal investigations and responding to investigations by various government and regulatory authorities.

Patricia Milagros Guillén Nolasco

Counselor at the Secretariat of Public Management, Peru

Patricia Milagros Guillén Nolasco, is a lawyer from the University of San Martín de Porres, with a master in Enterprise Sciences, with a mention on Public Investment Management for the Federico Villarreal National University. Work experience in various institutions of the public sector, such as Judiciary Branch, the National Superintendence of Public Registries, the National Anti-Corruption Council of the Justice Ministry, the National Anti-Corruption Office of the Ministers Council's Presidency, and currently at the Public Management Office of the Ministers Council's Presidency. With experience in the development of actions related to improving the implementation of access to public information measures in different State entities, in coordination with specialized institutions and civil society organizations.

Edison Lanza

Regional Alliance on Access to Information

Es consultor en Libertad de Expresión y Derecho a la Información. Director del Centro de Acceso a la Información Pública (CAInfo), una organización focalizada en el derecho de acceso a la información y libertad de expresión. Ha sido invitado a numerosos foros en materia de acceso a la información. Es director del Departamento de Periodismo de la Universidad Católica del Uruguay. Es también asesor legal de la Asociación de la Prensa Uruguaya (APU). Forma parte del grupo de expertos que elabora una Ley Modelo de Acceso a la Información para la región, en el marco del Comité Jurídico de la OEA.

María Marván Laborde

Information Commissioner, Federal Institute for Access to Public Information (IFAI), Mexico

Ms. Marván is one of the present Information Commissioners of the Federal Institute for Access to Public Information (IFAI). She was appointed by the President of Mexico on November the 8th, 2002 and ratified to her post on September 2006. Her work at IFAI has been focused on the impulse and enforcement of the Right of Access to Information, the promotion of Transparency and Accountability and the protection of personal data.

Mrs. Marván has a PhD on Sociology by the New School for Social Research of New York. She developed her career as a researcher and professor at the University of the State of Guadalajara. She is currently a professor of the course: *Democracy and Transparency* at ITAM. Maria Marván is author of several articles and has worked as an editor of the *Milenio*, *Siglo 21*, and *Público* newspapers. Among the different posts that Mrs. Maria Marván has been placed, the following are noteworthy: Counselor at the Federal Electoral Institute (IFE) in the state of Jalisco and Counselor and member of the governing body for the National Institute for Women.

Laura Neuman

Associate Director for the Americas Program and the Access to Information Project Manager, the Carter Center

Laura Neuman is Associate Director for the Americas Program and the Access to Information Project Manager for the Carter Center. She directs, develops and implements the Center's transparency projects, including projects in Jamaica, Bolivia, Nicaragua, Mali, Liberia, and China and at the hemispheric level in the Americas. She most recently organized and managed the International Conference on the Right to Public Information for more than 125 participants from 40 countries and the follow-on Americas Conference on the Right of Access to Information. Ms. Neuman edited six widely distributed guidebooks on fostering transparency and preventing corruption, has been published in a number of books and paper series, and has presented at numerous international seminars relating to access to information legislation, implementation and enforcement. Ms. Neuman is a member of the Initiative for Policy Dialogue task force on transparency an International Associate to the Open Democracy Advice Center, South Africa, and has

served as a consultant to the World Bank, Inter-American Development Bank, and a number of governments. Ms. Neuman also has led and participated in international election monitoring missions throughout the Western hemisphere. Prior to joining The Carter Center in August 1999, she was senior staff attorney for Senior Law at Legal Action of Wisconsin. She is a 1993 graduate of the University of Wisconsin law school.

Juan Pablo Olmedo

President, Consejo para la Transparencia, Chile

Juan Pablo Olmedo was appointed in October 2008 by the President of Chile, Michelle Bachelet, and ratified by two thirds of the Senate as director of the Council for Transparency, assuming office for a period of three years. At its first meeting, the Council elected him as president of the organization, mandate to be held for 18 months until May 2009. He has been an active lawyer for more than 15 years as an advocate of the public interest in areas related to democratic governance, rule of law and protection of human rights in Chile and the Region. His experience includes institutional leadership and social participation in public debate concerning philanthropy foundations, the development and monitoring of legislative proposals, the monitoring of public policies, advice to social organizations and strategic litigation in defending the right of freedom of expression, access to public information, a clean environment, and non-discrimination, among others.

His work also includes the generation and participation of partnerships between national, regional and international lawyers and between lawyers, NGOs, journalists and the media, to promote seminars, publications and academic representation of individuals before the Commission and the Inter-American Court of Human Rights. In 2000 he participated in the creation of the Access Foundation (Pro Acceso), an NGO aimed at promoting and protecting the fundamental right of Access to Public Information. Access Foundation collaborates with the State in the formulation of legal standards governing law, promotes the dissemination of best practices and conducts state monitoring activities and social control. To this end, promotes seminars, participates in public debates, training public officials and journalists, implements publishing activities, reporting and strategic litigation, among others.

Maria del Carmen Palau

Department of State Modernization & Governability, Secretariat of Political Affairs, OAS

Darian Pavli

Legal Officer for Freedom of Expression and Information, Open Society Justice Initiative

Darian Pavli is Legal Officer for Freedom of Expression and Information at the Open Society Justice Initiative. He has been involved, among other things, with impact litigation before international human rights mechanisms, and has played a leading role in efforts to establish the right of access to government information as a basic human right internationally. He works closely with human rights groups in Africa, Eastern Europe, Latin America and elsewhere to address a broad range of freedom of expression and information deficits, and writes and speaks extensively on these issues. Prior to joining the Justice Initiative, Darian was the Southern Balkans researcher for Human Rights Watch and a senior attorney for the OSCE Mission in Albania. He taught constitutional law in his native Albania, and holds advanced law degrees from NYU Law School and Central European University. Darian is a founder of the International Media Lawyers' Association.

Issa Luna Pla

Instituto de Investigaciones Juridicas, UNAM, Mexico / American Bar Association Rule of Law Initiative

Issa Luna Pla is a researcher at the UNAM Legal Research Institute and has a doctorate in the right to information from Western University, Sinaloa, Mexico and a master in human rights from the London

School of Economics and Political Sciences, UK. Luna Pla has been a researcher in the Program on Comparative Media Law and Policy (PCLMP), Oxford University (Great Britain). Her published books include *El Derecho de Acceso a la Información Pública*, UIA-Konrad Adenauer Foundation, Mexico 2002; *Agenda Setting de los Medios*, UIA-Western University, Mexico 2003; *Movimiento social del derecho de acceso a la información pública en México*, Instituto de Investigaciones Jurídicas, UNAM, Mexico, 2009. She has collaborated with civil society organizations in Mexico advocating the right to information. Among the activities that Luna has participated in are the Global Media Assistance Strategies conference organized by the World Bank, USAID, and the PCMPL, held in Paris, France, 2001. Luna Pla has written numerous articles in specialized journals and prestigious newspapers.

Melanie Ann Pustay

Director of the Office of Information Policy, United States Department of Justice

Melanie Ann Pustay is the Director of the Office of Information Policy (OIP) at the United States Department of Justice. Ms. Pustay manages the Department's obligations related to the Freedom of Information Act (FOIA), foremost of which is the statutory mandate to encourage agency compliance with the FOIA. Ms. Pustay's responsibilities include developing policy guidance on the full range of issues related to the FOIA; providing advice to, and preparing declarations for, the litigating divisions of the Department of Justice in connection with FOIA cases that have become the subject of litigation; managing the Initial Request and Administrative Appeals staffs of OIP; and supervising the defense of FOIA litigation cases handled directly by OIP.

Before becoming Director, Ms. Pustay served for eight years as Deputy Director of OIP, where she was responsible for the Department's responses to access requests made to the senior leadership offices. Beginning in 2003 and continuing today, she has worked extensively with government officials in China, Argentina, and Chile, as well as with numerous other countries, to assist them in implementing openness-in-government initiatives.

Pablo Saavedra

Secretary, Inter-American Court of Human Rights

David Stewart

Member, Inter-American Juridical Committee, OAS

Mr. Stewart joined the faculty of Georgetown University Law Center in September 2008 as a Visiting Professor of Law. He teaches courses in Public International Law, International Criminal Law, Foreign Relations Law, Treaties and the Constitution, International Conflicts of Jurisdiction, Human Rights, and Private International Law. Before retiring after nearly 33 years with the U.S. Department of State, Mr. Stewart served as a career member of the Office of the Legal Adviser. His last position was Assistant Legal Adviser for Private International Law, heading the office that coordinates the U.S. role in the negotiation and implementation of treaties and other international efforts to unify and harmonize private law, including through participation in multilateral organizations such as UNCITRAL, UNIDROIT, the OAS and The Hague Conference on Private International Law.

Before joining the Government in 1976, he practiced for six years with Donovan Leisure Newton & Irvine in New York City in general commercial and antitrust litigation. A graduate of Princeton University and the Yale Law School, Mr. Stewart received an LL.M. in International Legal Studies from New York University as well as an M.A. in International Relations from the Yale Graduate School. Mr. Stewart was recently elected to membership in the Inter-American Juridical Committee (term to run 2009-12). He is a member of the Board of Editors of the *American Journal of International Law*, the American Law Institute and the Executive Committee of the ABA's Section of International Law. He also serves as a Vice-President of the American Branch of the International Law Association. Mr. Stewart co-edited the *Digest*

of U.S. Practice in International Law for the years covering 1989-2003 (seven published volumes), co-authored (with Judge Thomas Buergenthal and Professor Dinah Shelton) the *Nutshell on International Human Rights* (4th ed. 2009), and is working (with Georgetown University Law Center Profs. Luban and O'Sullivan) on a new textbook on *International and Transnational Criminal Law*, to be published in 2009.

Josée Villeneuve

Director of Systemic Issues, Policy and Parliamentary Relations for the Office of the Information Commissioner of Canada

Josée Villeneuve is the Director of Systemic Issues, Policy and Parliamentary Relations for the Office of the Information Commissioner of Canada since December 31, 2008. Ms. Villeneuve joined the Office in September 2007 as the Director of Strategic Planning, Parliamentary Relations and Communications where she was responsible for various reports and special events such as the Right to Know Week. She began her career in the Public Service in 1998 at the Competition Bureau, where she held increasingly senior positions related to policy, international affairs and parliamentary relations. She then served as Assistant Deputy Commissioner, Civil Matters Branch, where she led a team of investigators and worked on various investigations, advocacy initiatives and international policy projects. Prior to joining the Public Service, Ms. Villeneuve practised law in Montreal. Ms. Villeneuve holds a LL.B from the University of Montreal and a degree in management from the Hautes Études Commerciales. She was called to the Quebec Bar in 1995.

John Wilson

Senior Legal Officer, Department of International Law, Secretariat for Legal Affairs, OAS

Mr. Wilson is Senior Legal Officer with the Department of International Law, of the Secretariat for Legal Affairs at the Organization of American States. On behalf of the General Secretariat, Mr. Wilson has coordinated the drafting of legislative and procedural recommendations for OAS Member States and political bodies on access to information and data protection, has coordinated a study on best practices on access to information, and is currently coordinating the drafting of a model law and implementation guide on the topic. In other duties within the OAS, Mr. Wilson coordinates the drafting of treaties and other instruments on private international law. Prior to joining the OAS, Mr. Wilson coordinated legal reform efforts in Latin America for an NGO affiliated with the University of Arizona College of Law, his alma mater.