

DPLF

Annual Report 2006



Our Mission

The Due Process of Law Foundation (DPLF) was founded in 1996, by Hon. Judge Thomas Buergenthal, who sits today on the International Court of Justice, and his former colleagues of the United Nations Truth Commission for El Salvador. DPLF was created with the understanding that human rights can only be guaranteed through the existence of strong and independent national judicial systems. Therefore, our main goal is to influence the development of public policies related to the improvement of the administration of justice, particularly in Latin America. Through our activities, we promote the rule of law and the institutions and conditions necessary to strengthen respect for human rights in democratic societies.

As an international non-governmental organization based in Washington, D.C., DPLF is exempt from federal income taxes under Section 501(c)(3) of the US Internal Revenue Code.

Message from our President and Executive Director

Since its creation, the Due Process of Law Foundation (DPLF) has been a partner in the regional push for judicial reform and respect for human rights. Over the years we have faced and experienced the advances and setbacks that exemplify the judicial reform process in the region. There is a consensus that the reforms that have taken place should be consolidated, enhanced, and not abandoned, and that they should be promoted in places where they do not yet exist.

Lack of equal access, independence, impartiality and transparency in the judiciary are prevailing problems in Latin America. We believe that an important obstacle in advancing judicial reform in the region is that, in general, many are unaware of the impact that these reforms can have on their everyday lives. Furthermore, regional polls have shown the general public's dramatic lack of trust in judicial systems. Despite wide-ranging reform campaigns throughout the region directed at modernizing obsolete systems, this distrust persists. This is why our work in promoting equal access to justice, accountability, transparency and independence, and a decrease in impunity rates is so important to increase public trust in judicial institutions.

Therefore, DPLF is committed to raising the profile of judicial reform processes among all sectors of society. DPLF will continue building bridges with civil society organizations that work on these issues in their respective countries and engaging the broader public to create public pressure to promote reform.

Following a time of introspection, recommitment, and growth, DPLF is excited about the opportunities before us. Those of us at DPLF appreciate the opportunity to work on these issues in a non-profit, international, non-governmental organization like the Due Process of Law Foundation. 2006 exemplifies what we foresee for DPLF's future, and we now invite you to read this annual report which summarizes the highlights of the year.

Douglass Cassel, Foundation President
and
Eduardo Bertoni, Executive Director

Our Goals

- Promote the reform and modernization of national justice systems in the Americas.
- Assist civil society to use the law to accomplish social changes.
- Strengthen the independence, impartiality, and transparency of the judiciaries.
- Familiarize lawyers, judges and local civil society groups with regional and international human rights norms, institutions and mechanisms.
- Provide opportunities to share experiences about the implementation of judicial reforms among experts, academics, civil society groups and government officials from different countries.
- Facilitate dialogue between governments and non-governmental organizations.
- Strengthen civil society organizations, so they can play a more effective role in proposing, implementing and monitoring public policies related to the justice sector.
- The full implementation and ratification of the Rome Statute.

Institutional Developments

This year DPLF has ushered in a number of institutional changes. The following is a review of those developments:

DPLF FOCUSES MISSION STATEMENT

Following a year of transition, strategic planning, and recommitment to the mandate of the organization, DPLF is well-positioned for future challenges. Part of our strategic planning process has involved focusing our mission statement, which encapsulates our organization's primary commitment. The new language reflects what has been accomplished in the past as well as our plans for the future:

DPLF is an organization that seeks to improve public policies related to the administration of justice, particularly in Latin America.

DPLF DEFINES NEW PROGRAM AREAS

In order to better focus our objectives, we reorganized our projects and activities into three program areas:

Judicial Accountability and Transparency (JAT)

1 DPLF recognizes the need for more accountable and transparent judicial systems. Remains of a judicial culture of secrecy can be found all around the Americas. If judicial independence is considered a right of the individual and a duty of the judiciary, it is essential to provide citizens with the necessary tools to verify that the judicial system complies with its obligation to provide justice in an impartial and independent manner. Transparency, access to information, and the establishment of means to fight corruption from within, should be recognized as



fundamental requirements in any judiciary that promotes the rule of law.

This area addresses issues such as transparency in the judicial sector, access to judicial information, mechanisms for the appointments, evaluation and removal of judges, institutional control mechanisms and civil society monitoring.

Equal Access to Justice (EAJ)

2 DPLF firmly believes that for democracy to succeed it is necessary to have a fully organized, empowered, and informed civil society. The activities and results of the projects under this program area are directly aligned with this belief. Through our capacity-building activities, DPLF has helped empower small, geographically-removed civil society groups—especially those working with indigenous peoples, women and other vulnerable groups—so that they may demand full participation in the democratic process of their town, state, and country.

International Justice (IJ)

A fundamental step towards global democratization consists in the incorporation of nations into an international community that adheres to basic human rights principles. Our work in the international justice program area is rooted in this understanding.

The issues this area addresses include, among others, the national implementation of international treaties and recommendations, the implementation of the Rome Statute, national reforms needed to investigate human rights violations, international mechanisms to protect human rights, and truth and reconciliation commissions.

DPLF STAFF, CONSULTANTS, AND INTERNS



Eduardo Bertoni, Hernan Charosky, Katya Salazar, Montserrat Solano, all from DPLF, at Transparency International's conference in Guatemala, in November 2006.

New DPLF Executive Director

Key to continuing the organization's work was the selection of a new executive director. Keenly aware that the choice of new executive director would define the organization's immediate direction and plans for the future, DPLF diligently carried out a transparent and thorough search process. The position was left vacant owing to the unexpected and tragic death in 2005 of DPLF's founding Executive Director Margaret (Maggi) Popkin.

Following an extensive interview and deliberation process, DPLF was proud to extend the offer to Eduardo Bertoni, an Argentine lawyer who was the former Special Rapporteur on Freedom of Expression for the Inter-American Commission on Human Rights of the Organization of American States. Mr. Bertoni began his tenure with DPLF in June of 2006.

DPLF Staff

At the beginning of 2006, DPLF's staff consisted of Programs Director Katya Salazar and Operations and Outreach Director Laura Park, who co-directed the organization until a new executive director was in place. In June DPLF's new Executive Director Eduardo Bertoni assumed his duties, bringing the full time staff back to its original number. Thanks to program support approved in the last trimester of the year, we were able to hire a Program Coordinator for our Judicial Accountability & Transparency Program Area. Montserrat Solano began working with us from Costa Rica as a consultant, and joined the DC office in January 2007. DPLF will hire another staff member, a Program Coordinator for the Equal Access to Justice Program, in early 2007.

DPLF Consultants and Interns

DPLF carries out its multiple activities with the help of consultants and interns. We continue to utilize Latin American in-country experts, who carry out research that is subsequently presented in our publications, conferences and seminars. This year, due to the implementation of a new fundraising initiative, we have also benefited from the assistance of development consultants.

During 2006 DPLF also established an Internship Program. Through this program, DPLF seeks interns interested in human rights and rule of law topics. The interns conduct research on issues related to our current work in Latin America. The program is open to law students or graduate students in journalism, international relations, Latin American and/or Caribbean studies, or other related fields.

Projects and Activities

JUDICIAL ACCOUNTABILITY AND TRANSPARENCY

Assessing and Combating Judicial Corruption in Central America

During 2006, DPLF continued work on a two-year study assessing judicial corruption and evaluating the impact of anti-corruption programs in Central America. This study also seeks to develop a more reliable basis for understanding the phenomenon of judicial corruption and how it might best be addressed in Central America. This project is being carried out with the support of the Open Society Institute.

The results from this project will be published in a book which will include a study from each of the countries (Guatemala, El Salvador, Costa Rica, Nicaragua, Honduras, and Panama), and a comparative evaluation that will bring together the conclusions and findings of the study. The publication will be presented in special events in Central America and Washington, DC to help disseminate the findings.



DPLF staff and Judicial Corruption project consultants at the methodology meeting in El Salvador, in July 2006.

Judicial Independence and Accountability: Towards a Pluralistic Debate in El Salvador

DPLF coordinated a workshop with Casals/El Salvador to discuss some of the same issues addressed in our Judicial Corruption project with key actors in

El Salvador. This workshop brought together—in some cases for the first time—representatives from government agencies and non-governmental organizations during a very tense time in El Salvador. The event benefited from the presence of DPLF's country consultants, who were in San Salvador for a methodology meeting for the Judicial Corruption project. They were able to present their country's experience and participate in the general discussion. The report from this workshop is currently in distribution.



Participants at DPLF and Casals/Salvador's seminar on judicial independence and accountability in El Salvador, in July 2006.

DPLF Contributes to Global Corruption Report 2007

DPLF's Programs Director Katya Salazar and our Judicial Corruption Study Project Coordinator Jacqueline de Gramont were invited to write an article for Transparency International's yearly publication, this time focused on judicial corruption. Their article is entitled "Civil Society's Role in Combating Judicial Corruption in Central America."

Comparing Transparency in Latin America

During the final months of 2006, DPLF began work on a study comparing the impact of access to information standards upon judicial transparency in six Latin American countries (Argentina, Chile, El Salvador, Guatemala, Mexico, and Peru). This project is being carried out with the support of the Ford Foundation.

Guide on Addressing Judicial Corruption in Latin America

Using the same methodology applied in our Central American judicial corruption project, DPLF is developing a practical guide for measuring the real impact of anti-corruption initiatives on the judicial systems of other Latin American countries. The methodology includes collection of empirical information through in-depth interviews with key actors of the judicial system. The interviews seek to discern the concrete effects of reforms upon judicial corruption.

DPLF Participates in the 12th International Anti-Corruption Conference

In November of 2006 DPLF staff attended Transparency International's conference in Guatemala on corruption. DPLF staff participated in panels and discussed the judicial corruption guide, the Central American judicial corruption study, and other related DPLF initiatives.



EQUAL ACCESS TO JUSTICE

Strengthening the Capacity of Indigenous Lawyers in Oaxaca, Mexico

In July of 2006, DPLF completed a project in Oaxaca, Mexico with the overall objectives to ensure the due process rights of indigenous people



and to combat the discrimination directed against these communities in the local judicial systems through the empowerment of indigenous lawyers. This project was made possible with the support of the National Endowment for Democracy (NED).

In addition to holding two seminars and producing a publication that included the presentations, discussion, recommendations, and conclusions resulting from those events, DPLF worked closely with our partner organization in Oaxaca, the Center for Human Rights and Advice for Indigenous Peoples (CEDHAPI), to build their capacity.

The seminars had a tremendous impact in Oaxaca, especially as this was the first time civil society groups and government institutions sat down together at the same table to work toward a common goal.

Strengthening Civil Society and Contributing to the Recognition of Indigenous Rights in Oaxaca, Mexico

Due to the success of the original project, NED renewed its grant for an additional year (2006-2007). Therefore, in the second half of the year DPLF continued to offer technical assistance in legal strategies and institutional strengthening to our Oaxacan partner, CEDHAPI. These activities coincided with a period of violent confrontations between various civil society groups and government officials (both state and federal). CEDHAPI

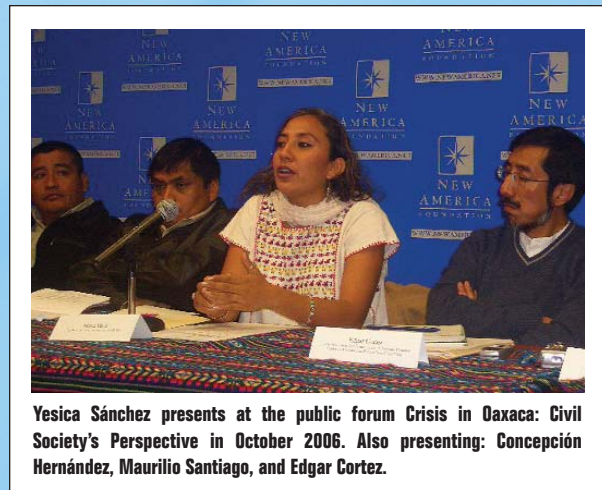
has been a key actor in providing legal representation to many of the detained, and has consistently denounced human rights abuses throughout the conflict. During this entire time, DPLF was in close contact with CEDHAPI, offering technical legal assistance.

Hearings on Oaxaca before the Inter-American Commission on Human Rights

In March 2006, DPLF prepared a delegation from Oaxaca for a hearing before the Inter-American Commission on Human Rights (IACHR) on the troubling situation of women, particularly indigenous women, in the state. The delegation of 8 lawyers, the majority indigenous women, represented 5 civil society organizations from Oaxaca. The hearing was not only publicly praised by officials of the IACHR, but it also had an immediate impact in Oaxaca—the annulment of a law that allowed for reduced sentencing in cases deemed to be “honor killings.”

Following the hearing, a number of public presentations, and several meetings, the delegation returned to Oaxaca not only with a personal sense of empowerment, but also with an enhanced public stature that facilitates their full participation in the democratic process.

As part of the renewed capacity-building project, DPLF once again joined CEDHAPI in requesting a hearing for the IACHR’s October 2006 session.



Yesica Sánchez presents at the public forum *Crisis in Oaxaca: Civil Society’s Perspective* in October 2006. Also presenting: Concepción Hernández, Maurilio Santiago, and Edgar Cortez.



Presentation at Moriah Fund on the situation of women in Oaxaca.

This time the hearing addressed the political violence that erupted in Oaxaca over the summer months, as well as the due process and human rights violations that fanned the flames of the unrest. The hearing resulted in the Commission’s agreement to conduct an official visit to Oaxaca in 2007 in order to examine the human rights situation.

Strengthening Civil Society and Contributing to the Recognition of Indigenous Rights in Chiapas, Mexico

Using our experience in Oaxaca as a springboard, DPLF has now expanded its capacity building projects to other Mexican states. With the support of the John Merck Fund, DPLF began in December 2006 a project to strengthen the capacity of small and geographically-removed human rights organizations in the Mexican state of Chiapas.

DPLF is currently collaborating with local counterparts and offering them legal and institutional technical assistance. As a result, these organizations will be better able to develop their own institutional and legal strategies, and participate fully in the debate, design, and implementation of public policies guaranteeing human rights.

Study on the Judicial Reform Process: The Case of Honduras

DPLF recently began work on this World Bank funded project, which will help to identify the variety of legal, political, social, and cultural risk factors



Beatriz Hernandez, Katya Salazar, and Soledad Garcia during DPLF's 2nd Seminar for Indigenous Lawyers in Oaxaca, held in May 2006.

that have impeded the successful implementation of judicial reforms in Honduras.

The study focuses on two specific areas: (1) the results and impact of criminal procedure reforms on pre-trial detention practices and impunity levels, and (2) reforms in the nomination and selection of judges. The data collected will be employed to make key recommendations and to draw essential comparisons with similar countries, such as Bolivia.

Breaking the Stalemate: A New Perspective on Judicial Reform in Colombia

Along with the Inter-American Dialogue, DPLF co-sponsored a breakfast meeting in December 2006 with a representative of Colombia's Center for the Study of Law, Justice and Society (Dejusticia). He discussed policy options for judicial reform in Colombia that maintain the human rights gains made by the Constitutional Court, while using the judicial system to promote economic liberty, social order, and equal access to justice. The breakfast meeting was attended by representatives of U.S. agencies (including Congress, and the Departments of State and Defence), leading Washington law firms working in Latin America, donor agencies, academia, and other NGOs.

INTERNATIONAL JUSTICE

The Impact of the Inter-American System of Human Rights Protection on Transitional Justice in Latin America

PLF continued work on a study on the impact of the Inter-American human rights system on transitional justice. The authors for this publication, all recognized experts in their fields and the Inter-American system, are enthusiastic about participating in this small, but timely, study and publication. This study is made possible with the support of the US Institute of Peace.

Implementation of the Rome Statute in Latin America

This year, DPLF staff participated and made presentations at international conferences addressing the implementation of the Rome Statute in Latin America. Furthermore, as a new member of the Coalition for the International Criminal Court (CICC), DPLF has begun to collaborate actively with the Coalition.

DPLF ACTIVITIES RELATED TO THE REGIONAL DIALOGUE ON JUDICIAL REFORM

During 2006, DPLF continued its active participation in the regional discussion and dialogue on judicial reform in diverse ways: membership in various networks, presentations at conferences and seminars,



Participants at DPLF and the Inter-American Dialogue's meeting on Judicial Reform in Colombia, in December 2006.

publication of articles and opinion pieces, and granting interviews to national media.

DPLF joined the Access to Information Network in Latin America (REDFOIA), a worldwide electronic network of organizations that work to protect the exercise of the right to access information.

Latin American Studies Association (LASA 2006)

DPLF Programs Director Katya Salazar gave two presentations at the renowned Association's meeting held in San Juan, Puerto Rico in March of 2006. Her presentations addressed the role of civil society in justice reform in Latin America, and the peruvian truth commission findings on the role of women during the internal conflict in Peru.

CSIS Americas Program Conference "Judicial Reform in Latin America: An Assessment"

This conference held on June 7, 2006, included presentations from DPLF President Douglass Cassel, Executive Director Eduardo Bertoni, and Programs Director Katya Salazar. All these presentations were included in the document "Judicial Reform in Latin America: an Assessment," edited by Peter DeShazo and Juan Enrique Vargas.

Género, violencia sexual y derecho penal en el periodo post-conflicto en el Perú (Gender, Sexual Violence and Criminal Law in the Post-Conflict Period in Peru)

This article was written by Programs Director Katya Salazar and published in *El legado de la verdad: La justicia penal en la transición peruana*, a publication edited by the International Center for Transitional Justice and the Democracy and Human Rights Institute of the Catholic University of Peru (Lima, April 2006).

Jueza de los Estados Unidos declara inconstitucional el programa de espionaje telefónico y ordena su suspensión (U.S. Judge Finds Federal Wire-Tapping Program Unconstitutional and Orders its Suspension) by Katya Salazar. Published in May 2006 on the Justicia Viva Web site (www.justiciaviva.org.pe).

Panel Discussion on Access to Legal Abortion in Mexico

DPLF Executive Director Eduardo Bertoni spoke on the legal aspects of the issue. The panel was organized by the Moriah Fund and the Women's Rights Division of Human Rights Watch and held on October 30, 2006.

International Seminar "Implementing the International Criminal Court Statute in Mexican Law"

This international seminar, held on November 6th-8th in Mexico City, included a presentation by DPLF's Executive Director Eduardo Bertoni.



DPLF Executive Director Eduardo Bertoni (right) and Francisco Antonio Pacheco, President of Costa Rica's Legislative Assembly

We believe that an important obstacle in advancing judicial reform in the region is that, in general, many are unaware of the impact that these reforms can have on their everyday lives.

Communications and Publications

NEW COMMUNICATIONS INITIATIVE

Through a new communications initiative, DPLF strives to be more strategic in promoting its projects and activities.

New DPLF Web Site

Foremost in this initiative is the comprehensive re-design of the organization's Web site (www.dplf.org). DPLF believes this undertaking is essential to present our expanding programs and projects to the public. The new site is expected to be unveiled in early 2007.

Media Initiative

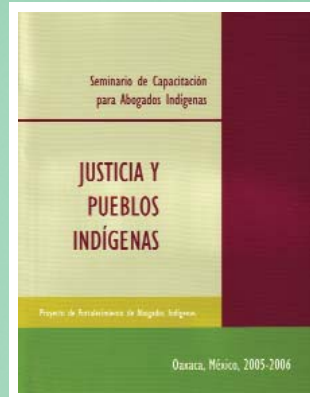
DPLF now collaborates with regional news media to a significant extent. In addition to coverage of our events in local news media, DPLF staff members have published op-eds and have been interviewed by national newspapers throughout the region.

Judicial Accountability and Transparency Newsletter

As part of our Judicial Accountability and Transparency Program Area, DPLF will begin issuing a quarterly newsletter in 2007 which will highlight many of the issues addressed in our projects.

DPLF PUBLICATIONS

Producing publications based on our various projects, as well as distributing those publications to the greatest extent possible, remain integral elements of DPLF's work. This year we issued two new publications:



Justicia y Pueblos Indígenas: Seminario de Capacitación para Abogados Indígenas

Justice and Indigenous Peoples: Capacity Building Seminar for Indigenous Lawyers



Independencia judicial y rendición de cuentas: Hacia un debate pluralista en El Salvador

Judicial Independence and Accountability: Towards a Pluralistic Debate in El Salvador

In addition to posting these publications on our Web site, we have disseminated them as widely as possible—both within their respective countries and the region.

Institutional Publications

DPLF developed and published a new brochure in 2006, and has begun to distribute it to partner and donor organizations, as well as to other interested individuals.

DPLF in the News

Over the course of the year DPLF activities, op-eds and interviews have been published in local and national media throughout the Western Hemisphere. The following is a sampling of this coverage.

Piden transparentar partidos

Interview of DPLF Executive Director Eduardo Bertoni by *Reforma* of Mexico, August 31, 2006.

La pena de muerte fracasó

Interview of DPLF Foundation President Douglass Cassel by *El Comercio*, Peru, September 26, 2006.

Chavez's Double Standards: Venezuelans Harshly Punished if They Insult Chávez

Op-ed by DPLF Executive Director Eduardo Bertoni that appeared in the *Miami Herald*, September 26, 2006

Leyes vigentes y libertad de expresión

Op-ed by DPLF Executive Director Eduardo Bertoni that appeared in *La Nación*, Costa Rica, November 12, 2006.

Juicios orales y transparencia

Op-ed by DPLF Executive Director Eduardo Bertoni that appeared in *El Norte*, Monterey, Mexico, November 24, 2006.

Combate a la corrupción judicial

Op-ed by DPLF Executive Director Eduardo Bertoni and Program Coordinator Montserrat Solano that appeared in four national newspapers (*Reforma*, Mexico; *La Nación*, Costa Rica; *Panamá América*, Panama; and *La Nación*, Argentina) on December 9, 2006—International Anti-Corruption Day.

Publicidad estatal distribuida arbitrariamente es un atentado a la libertad de expresión

Interview of DPLF Executive Director Eduardo Bertoni by *Estrategia*, Chile, December 27, 2006.

. . . DPLF is committed to raising the profile of judicial reform processes among all sectors of society. DPLF will continue building bridges with civil society organizations that work on these issues in their respective countries and engaging the broader public to create public pressure to promote reform.

Our Supporters

DPLF is grateful for the generous support of individuals and foundations that make it possible for us to carry out our programs and activities.

In 2006 support came from the following sources:

INSTITUTIONAL DONORS

Ford Foundation

General Service Foundation

Inter-American Foundation

John Merck Fund

National Endowment for Democracy

Open Society Institute

Parthenon Trust

UNDP

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Financial Statement

The Due Process of Law Foundation is an independent, non-governmental organization with tax-exempt status under Internal Revenue Code Section 501(c)(3).

Statement of Financial Position		
12/31/2006		
Assets		
Cash and cash equivalents	232,620	
Accounts receivable	2,175	
Contributions receivable	2,200	
Contracts receivable	1,145	
Prepaid expenses and other assets	5,432	
Grants receivable	45,500	
Fixed Assets	2,466	
Total Assets	291,538	
Liabilities & Net Assets		
Liabilities:		
Accounts payable and accrued expenses	21,960	
Benefits (Annuity withheld & Metrochex)	535	
Total Current Liabilities	22,495	
Commitments		
Net Assets:		
Net Assets Unrestricted	1,926	
Net Assets Restricted	267,116	
Total Net Assets	269,042	
Total Liabilities & Net Assets	291,537	
Statement of Activities (Statement of Revenue & Expenses)		
Period January 1, 2006 – December 31, 2006		
Revenue:		
Grants Restricted	347,466	85%
Grants Unrestricted	10,000	2%
Contributions	6,803	2%
Contractual Services	36,531	9%
Interest Income	6,668	2%
Total Revenues	407,468	100%
Expenses:		
Program Services	280,543	74%
Supporting Services		
Management & General	43,405	11%
Development	56,315	15%
Total Expenses	380,263	100%

DPLF's Board of Directors—2006

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Former Special Rapporteur on Debt for the United Nations
Commission on Human Rights
Former Minister of Foreign Affairs of Venezuela

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President of the Foundation

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Eduardo Bertoni, *Executive Director*

Katya Salazar, *Programs Director*

Laura Park, *Operations and Outreach Director*

Montserrat Solano, *Program Coordinator*

Jacqueline de Gramont, *Project Consultant* (part time)

Hernan Charosky, *Project Consultant* (part time)

William Spencer, *Development Consultant* (part time)



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