

Due Process of Law Foundation



Due
2008 Annual Report

Process
of Law
Foundation



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, DPLF is an organization that seeks to improve public policies related to 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.

Promoting Rule of Law and Human Rights in Latin America



Message from our President and Executive Director

Dear Friends of DPLF,

On October 28th, 2008 DPLF held a reception celebrating our 10 years of work promoting judicial reform and respect for human rights in Latin America, where we honored our founder and first president Judge Thomas Buergenthal—now a judge on the International Court of Justice in The Hague. It was a wonderful evening!

Events like that allow us to reflect on what has been achieved throughout Latin America in the past few years, but also what is still left to do. In light of the current volatile political and economic environment there is a real danger of the region back sliding on a number of advancements—and judicial reforms that respect and protect human rights are very vulnerable.

Despite years of free elections in many Latin American nations, state institutions—including the judiciary—are still not fully accountable and accessible to their citizens. DPLF firmly believes that our work with national justice systems and civil society is fundamental to consolidating the rule of law in Latin America. Therefore, DPLF continues to work through our three program areas—Judicial Accountability & Transparency (JAT), Equal Access to Justice (EAJ), and International Justice (IJ) so that a broader mission may be achieved: the attainment of true democracy in the region.

This past year, thanks to the generous support of our funders, including individual donors, DPLF has also:

- ◆ Helped our partners in the Mexican state of Guerrero participate in ***their first hearing before the Inter-American Commission on Human Rights*** on the criminalization of human rights defenders in that state, where our colleagues sat across—and on par—with the same state government officials who have refused to dialogue with civil society on just these issues.
- ◆ Made our quarterly newsletter ***AportesDPLF a trusted resource*** for authorities, NGOs, experts and human rights advocates where they can find best practices in making justice systems more accountable and transparent as well as capable of redressing human rights violations and promoting access to justice for vulnerable groups
- ◆ ***Extended technical assistance to national judicial systems and NGOs*** throughout the region including Bolivia, Honduras, Mexico, Peru, and El Salvador, to strengthen national judicial

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MESSAGE FROM OUR PRESIDENT AND EXECUTIVE DIRECTOR *(Continues)*

systems by making them more independent and more accountable, as well as making the **NGOs more capable of monitoring and oversight of the national systems.**

- ◆ **Expanded our organizational capacity building work** with small, geographically removed organizations beyond Oaxaca, Chiapas and Guerrero (Mexico) to the Andean region—Bolivia, Ecuador, and Peru – especially those working with vulnerable groups.
- ◆ Carried out **a trial observation in the historic Fujimori Case in Peru** and **Observation Missions** on the performance and level of independence of the judicial systems in Panama, Honduras, and the Mexican state of Oaxaca. Each of these activities finalized with a position paper to be disseminated and used as an advocacy tool.
- ◆ **Added to the regional discussion of judicial reform and human rights** using our numerous publications to promote a dialogue on pressing issues linked to judicial corruption, judicial transparency, equal access to justice for all, and justice for past human rights violations, among others.

We invite you to peruse our 2008 Annual Report to learn more about the past year's impressive activities and accomplishments.

Douglass Cassel, Foundation President
Eduardo Bertoni, Executive Director

(Left) Douglass Cassel. (Right) Judge Thomas Burgenthal and Eduardo Bertoni.



DPLF celebrates 10 years of work promoting judicial reform and human rights in Latin America



Celebrating 10 years of work on Judicial Reform and Human Rights in Latin America, DPLF hosted a reception honoring one of our founders Judge Thomas Buergenthal, current member of the International Court of Justice. The event was held on Tuesday, October 28, 2008 and was attended by colleagues and friends who have accompanied DPLF over the years.

Our Program Areas

Judicial Accountability and Transparency (JAT)

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 to evaluate and combat judicial corruption, institutional control mechanisms and civil society monitoring.

Equal Access to Justice (EAJ)

DPLF's Equal Access to Justice Program promotes access to justice for vulnerable and marginalized groups and individuals in Latin America. The program has carried out a number of initiatives with indigenous groups, detainees, women victims of violence, displaced persons, and migrants. Through several projects, we currently provide training and institutional strengthening to small human rights organizations involved in key issues throughout the region.

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 ratification and implementation of the Rome Statute, national reforms needed to investigate human rights violations, international mechanisms to protect human rights, and truth and reconciliation commissions.

AportesDPLF

DPLF's quarterly newsletter, begun in 2007 as part of our Judicial Accountability and Transparency Program (JAT), became a fixture in our work and the judicial reform and human rights regional dialogue in 2008. In the final 2008 edition, we expanded the newsletter to include Equal Access to Justice Program (EAJ) issues and activities. The newsletter is sent to our online mailing list, as well as distributed in hard copy to key judicial authorities in the region and other stakeholders. AportesDPLF is now warmly received by many organizations and officials throughout Latin America.



Institutional Developments

DPLF welcomes new staff



Emilie E. Joly

Equal Access to Justice Program Coordinator

Ms. Joly joined DPLF in January 2008 as our Equal Access to Justice Fellow through a collaborative agreement with the Canadian organization Rights & Democracy, and in August she was named Program Coordinator of the program. Ms. Joly holds a Masters in International Relations from the University of Quebec in Montreal, Canada. Her extensive experience with small, geographically removed organizations in Mexico has been especially helpful in our capacity building projects in southern Mexico, and the Andean region (Peru, Bolivia and Ecuador)

DPLF says good bye to colleagues

Montserrat Solano Carboni, who led our Judicial Accountability and Transparency (JAT) Program moved on this year to work with the International Criminal Court in The Hague.

Thomas Antkowiak, who worked on our Equal Access to Justice Program, is now teaching and directing the Human Rights Clinic at Seattle University in Seattle, Washington.

DPLF takes pride in offering professional growth opportunities to our staff and wishes those who accept new challenges the best in their new endeavors.

DPLF initiates Fellowship Program

In 2008, DPLF hosted four Fellows under our new Fellowship Program. DPLF extended part time fellowships to two LLM students who worked with our Judicial Accountability and Transparency (JAT) program. Gerardo Moloeznick Paniagua, a Mexican LLM candidate at Georgetown University, became our first JAT Fellow and worked with us during the spring and summer semesters. Diego Alcala, a lawyer from Puerto Rico and LLM candidate at American University's Washington College of Law, held the fellowship during the fall semester. Under our Equal Access to Justice Program, DPLF hosted Emilie Joly, a Canadian student from Canada, in our Washington office for two months and placed her with one of our partner organizations in the south of Mexico for four months. Furthermore, DPLF hosted Victor Leonel Juan Martinez, a visiting scholar and lawyer from the Autonomous University Benito Juarez of Oaxaca during the month of September.

DPLF's Internship Program

DPLF's Internship Program was fully operational this year. In addition to hosting a legal intern from one of the local LLM programs during the spring semester of 2008, DPLF enjoyed sharing our work with three more legal interns and one administrative intern over the summer. In addition to helping our staff carryout a very full schedule of projects and events, the staff enjoyed working with these young people and adding to their education through hands on experience in a small and vibrant non-profit office.

Through our internship program, DPLF seeks students interested in human rights and rule of law topics. Depending on the background of the student, our interns help conduct research on issues related to our current work in Latin America.

INSTITUTIONAL DEVELOPMENTS *(Continues)*

Research internships are open to law students or graduate students in journalism, international relations, Latin American and/or Caribbean studies, or other related fields. We also have administrative internships for college students to help backstop project logistics, and/or help with administrative tasks around the office.

Because of the small office dynamics, we believe that an internship with DPLF allows students to experience all facets of our work. This invaluable exposure makes the internship experience that much richer for the students and DPLF. For applications see our web site at www.dplf.org

DPLF Consultants

DPLF carries out its multiple activities with the help of our extensive network of exceptional consultants. Once again, in 2008, DPLF benefited from our network of Latin American in-country experts to assist with carrying out research that was subsequently presented in our publications, conferences and seminars. Please see our 2008 list of publications for an example of how DPLF uses and benefits from the deep expertise and innovative thinking represented in our consultants.

Presentation of our book “Comparando Transparencia” in the Supreme Court of Mexico and Santiago de Chile

Mexico City, Mexico and Santiago, Chile. (February 12 and November 27, 2008)

Due to the impact of this comparative study, we held a second presentation at the beginning of 2008 in coordination with the Mexican Supreme Court of Justice. The event included the participation of José Ramón Cossío Díaz, member of the Supreme Court, Emilio Álvarez Icaza, President of the Human Rights Commission of Mexico City, Areli Cano, Comisionada Ciudadana of InfoDF and Eduardo Bertoni Executive Director of DPLF. On November 27th, 2008 the book was presented in Santiago, Chile, in an event organized by Pro-Acceso and co-sponsored by DPLF and the Justice Studies Center of the Americas (CEJA).



DPLF participated in a regional seminar on “Judicial Transparency” in La Paz, Bolivia

La Paz, Bolivia (November 20 and 21, 2008)

DPLF participated in this regional seminar focused on the Andean region and organized by the Red Participación y Justicia from Bolivia. The event was co-sponsored by DPLF, Transparency International, Justice Studies Center of the Americas (CEJA), DANIDA (Danish cooperation) and USAID-Bolivia and its objective was to place on the region’s agenda on justice issues the importance of taking concrete steps to promote judicial transparency –including not only judicial decisions, but also administrative information- as a means to judicial accountability. The event also sought to expose judicial authorities to the benefits and possibilities of working with organized civil society to increase access to public information.

Projects and Activities

JUDICIAL ACCOUNTABILITY AND TRANSPARENCY

During 2008, DPLF experienced the maturing of our Judicial Accountability and Transparency (JAT) Program into a full-fledged resource for governments and organizations, achieving direct impact on the administration of justice in Latin America.

This year, the program organized and sponsored a number of activities throughout the region, promoting and disseminating JAT values and positively impacting policy. Relationships were forged and strengthened with organizations that operate internationally, such as Transparency International, the International Commission of Jurists and the Justice Studies Center of the Americas.

Cooperation agreements were signed with the Supreme Court of Mexico and the Justice Studies Center of the Americas. We published 4 more editions of our quarterly newsletter *AportesDPLF*, which continued to be a point of reference for the issues that are a priority in our work agenda.

We worked closely with George Washington University's Human Rights Clinic in developing indicators for transparency and judicial independence, and held an experts meeting in November in Washington, DC to evaluate the indicators which will be applied in various countries in Latin America during 2009.

Furthermore, DPLF made a conscious effort to integrate JAT activities and topics with those of our Equal Access to Justice (EAJ) Program. The introduction of our EAJ Program and its issues in the last 2008 issue of *AportesDPLF* (#8) exemplifies our efforts to show the integral links between the two programs.

Technical Assistance in the Region



From left to right: Karina Banfi, from Trust for the Americas, Katya Salazar, Programs Director from DPLF, Claudia Umaña, Director of the Legal Department of FUSADES, Rene Fortín and Javier Castro de León, from FUSADES.

Study on Judicial Observatories

In 2008, DPLF carried out a study on “judicial observatories” in Latin America, that is, civil society initiatives to monitor the performance of Judiciaries in the region. The study included in the August edition of *AportesDPLF*, highlighted the importance of these initiatives in providing an independent oversight of the judicial systems and contributing to strengthening their independence and credibility. The Salvadoran Foundation for Economic and Social Development (FUSADES) asked for our advice on this topic, which led to the presentation of our study in El Salvador and a productive dialogue with the staff of FUDASES and meetings with local public officials.

JUDICIAL ACCOUNTABILITY AND TRANSPARENCY *(Continues)*

Fostering Transparency in the Selection of Members of Supreme Courts



From left to right: Thomas Roerdam, member of the Supreme Court of Denmark, Katya Salazar, Programs Director of DPLF, Vilma Morales, President of the Supreme Court of Honduras, and Eduardo Cifuentes, dean of the School of Law of the University of the Andes, Colombia.

In 2008, DPLF, together with the International Commission of Jurists (Geneva) participated in a mission of experts to monitor Honduras' last selection process of the new members of the Supreme Court. The delegation met with the commission responsible for drawing up a list of 45 candidates from which Congress would then select the final designations. During our meetings, we recommended the adoption of a series of urgent measures directed at making the selection process more transparent. Among them, we recommended the creation of a webpage with the names and CVs of the candidates, as well as an email address where citizens could direct comments and complaints. We further recommended that public hearings take place with the candidates and shared with them comparative experiences in this kind of proceedings from the region. Several of our recommendations were implemented, including the development of a webpage and the implementation of televised public hearings.

Participation in the XIV Iberian American Judicial Summit held in Brasilia

DPLF was the only non-governmental organization that participated as a special observer in the *General Assembly of the XIV Iberian American Judicial Summit*, held March 4-6, 2008 in Brasilia, Brazil. The Iberian American Judicial Summit is a coordination and cooperation platform of the twenty three Judiciaries of Latin America, Spain and Portugal. The Rules of Brasilia on Access to Justice for Vulnerable Groups was approved by the members at the conclusion of the Summit. DPLF participated in the discussion of the preliminary documents through technical assistance to the Costa Rican Supreme Court and is now member of the working group created to follow up these rules.



Presidente Lula inaugurated the XIV Cumbre Judicial Iberoamericana.

“Semana de la Transparencia”

Mexico City, Mexico (September 24, 2008)

The Instituto Federal de Acceso a la Información de México (IFAI) invited Eduardo Bertoni, Executive Director of DPLF to participate on a panel that included representatives from Mexico's Supreme Court of Justice and academics. The panel addressed the importance of access to information in improving the efficiency of a judicial system.

JUDICIAL ACCOUNTABILITY AND TRANSPARENCY *(Continues)*

Developing Principles on Access to Public Information

DPLF, together with other organizations, advised the president of the Inter-American Juridical Committee, Dr. Jaime Aparicio, on the drafting of a series of basic principles related to Access to Public Information. These principles were approved by the Committee on August 13, 2008 and can be accessed at CJI's webpage: http://www.oas.org/cji/CJI-RES_147_LXXIII-O-08.pdf

Taking Effective Steps towards Judicial Independence

Monitoring Judicial Independence in Panama



Abraham Siles, peruvian law professor and consultant of DPLF, Harley Mitchell, President of the Supreme Court of Panama, and other Supreme Court members at a meeting held in Panama.

At the invitation of the president of the Supreme Court, DPLF arranged a mission to gather on-site information related to the performance of the Judiciary in Panama as well as its level of independence. Professor Abraham Siles, of the Catholic University of Peru, helped DPLF carry out this investigation. In May, meetings were held in Panama with Harley Mitchell, President of the Supreme Court, as well as with other judges and high public officials. Information sharing meetings were also held with civil society organizations, academics and practitioners. The report with our findings *Entre la alarma y la*



From left to right: José Zeitune, Program Officer for Latin America of ICJ, Eduardo Bertoni, Executive Director of DPLF, and Jorge Romero, Executive Director of FUNDAR.

expectativa: el reto de fortalecer la independencia judicial en Panamá was finalized in late 2008 and will be presented in Panama during the first semester of 2009. Follow-up activities are expected with the Judiciary and civil society organizations.

Promoting the Rule of Law in Oaxaca, Mexico

In the Mexican state of Oaxaca social upheaval and cases of torture, arbitrary detention and other grave human rights violations point to structural problems in the state's justice system and an inability on behalf of authorities to uphold the principles of the rule of law. In July of 2008, DPLF led a mission to Oaxaca to gather on-site information on how the judicial system functions, and particularly, to evaluate the situation of judicial independence in the state. The delegation included representatives of the International Commission of Jurists and FUNDAR, Centre for Analysis and Research, a Mexican organization based in Mexico City. During the mission, the delegation met with state authorities, judges, lawyers, academics and representatives of civil society organizations. During the press conference held at the conclusion of the mission, the delegation reported that serious deficiencies in the organization and functioning of the judicial system

JUDICIAL ACCOUNTABILITY AND TRANSPARENCY *(Continues)*

prevail in Oaxaca. The delegation assessed that these deficiencies are due to inadequate regulation and practices that allow interference from the Executive Branch. The final report titled *Independencia Judicial en Oaxaca: ficción o realidad* will be released in early 2009 and follow-up activities are planned.

Trial Observations

The Fujimori Trial

During 2008, DPLF's Executive Director Eduardo Bertoni and DPLF President Douglass Cassel traveled to Lima, Peru to observe the historic trial against former Peruvian President Alberto Fujimori for alleged human rights violations. The trial observation's main purpose was to determine the effectiveness of transparency measures adopted by the Peruvian Judiciary. DPLF witnessed the court proceedings on July 25th and 27th, evaluated the website created to keep the public informed of all developments in the trial, and met with the members of the tribunal in charge of Fujimori's prosecution to gather information on the measures implemented

by the Peruvian Judiciary regarding transparency and access to trial information by the citizenship. DPLF concluded that the measures adopted were consistent with constitutional and international obligations regarding transparency and access to public information, and recommended the adoption of similar measures in other trials in the country.

Judicial Independence in Venezuela analyzed through the observation of one trial

DPLF, with the help of Chilean attorney Francisco Cox, carried out another trial observation on a politically charged Venezuelan case that has been ongoing since 2002. In this case a number of metropolitan policemen and their superiors are accused of afflicting bodily harm and homicide during the short lived April 11, 2002 coup. This trial observation concluded that the plaintiffs' basic rights to due process were violated, publicity and transparency requirements had not been fulfilled, and that there were serious questions on the independence of the intervening judges. The mission report was issued and uploaded to DPLF's website.

"Transparencia y Acceso a la Información Judicial, la experiencia internacional" Montevideo, Uruguay (August 21, 2008)



Eduardo Bertoni, DPLF's Executive Director and Edison Lanza, Asociación de la Prensa Uruguaya (APU).

Organized by *Grupo de Archivos y Acceso a la Información Pública* (GAIP) and co-sponsored by DPLF and Fundación AVINA. Two months after this event, Uruguay's Parliament ratified the new access to public information law. Speakers included: Paul Rueda, representing the Costa Rican Supreme Court; Raul Oxandabarat, Director of Communications and Public Relations of Uruguay's Supreme Court of Justice; Anabela Damasco, President of the Association of Judges of Uruguay; and Eduardo Bertoni, Executive Director of DPLF.

EQUAL ACCESS TO JUSTICE

Strengthening Civil Society in Bolivia

In 2008, DPLF expanded its work in Bolivia with a number of trips to meet with like minded organizations and assess the situation in the country. DPLF staff traveled throughout the country, including La Paz, Sucre, Santa Cruz, and Cochabamba, meeting with civil society organizations, local and national authorities, and academics. In July 2008, DPLF—in coordination with one of our partner organizations—the *Centro de Estudios sobre Justicia y Participación* (CEJIP)—organized an event to present and discuss our study on judicial corruption in Central America. This event was organized with the objective of beginning a discussion among judges, academics and civil society representatives in Bolivia on the structural problems that affect the Judiciary, and allow—and sometimes promote—corrupt activities, which in turn deny access to justice to vulnerable groups in the country. In the coming year, our work in Bolivia will focus on working with organizations that seek to better the relations between state judicial authorities and indigenous justice authorities.

Strengthening Civil Society in the southern regions of Cusco and Puno, Peru

This year DPLF continued working with a diverse group of local Peruvian NGOs from the southern Cusco and Puno regions. In April, with the Cusco based organization APORVIDHA, DPLF organized an international seminar on the contributions of the Inter American system in the protection of human rights in Cusco. In collaboration with the *Coordinadora Nacional de Derechos Humanos*, an umbrella organization with more than 60 Peruvian human rights organization members, and small organizations from Cusco and Puno, in November DPLF organized a two day capacity building seminar focused on the main obstacles these organizations face in strengthening their institutions. DPLF also became a member of the *Red Académica de Acceso a la Justicia*, a network of scholars, lawyers, judges and NGOs that work collaboratively for a greater access to justice in Peru.

(left) DPLF Program Coordinator Emilie Joly and Programs Director Katya Salazar (left front row) with civil society organization participants in a institutional strengthening conference held in Cusco, Peru in Nov. 2008. (right) DPLF Program Coordinator Thomas Antkowiak presents a report on human rights violations against migrants on Mexico's southern border to the United Nation's Special Rapporteur for Migrants.



Uniting Law and Society in Indigenous Oaxaca, Mexico: A training and research project



Participants of DPLF's international training session held in Oaxaca, Mexico.

In coordination with American University's Department of Government (Washington D.C) and the Universidad Autónoma Benito Juárez of Oaxaca, DPLF is carrying out a 3-year contract with US-AID's TIES program that includes research and training activities on issues surrounding the -sometimes conflictive- relationship between official law and customary law in Oaxaca, where most of the population belongs to an indigenous group. 2008 was the second of the 3 year project. In August 2008, DPLF organized a two week international training session in Oaxaca. Classes were imparted by experts from the United States, France, Colombia, Peru, Ecuador, Mexico City and Oaxaca. The participants in the training sessions were not only lawyers but social scientists, state authorities and indigenous authorities as well.



DPLF Operations & Outreach Director Laura Park and training session participant Victor Alfonso Canseco



Left to right: Emilie Joly from DPLF, Luz Maria Lluvias from Centro Morelos, Abel Barrera, from Centro Tlachinollan, Hegel Mariano Ramirez from Red Guerrerense and Vidulfo Rosales from Centro Tlachinollan.

Hearing before the Inter-American Commission on Human Rights (IACHR) on the criminalization of human rights defenders in Guerrero, Mexico

DPLF assisted in the request and, once granted, participation in the October 2008 public hearing by a delegation of human rights defenders from Guerrero before the Inter-American Commission on Human Rights (IACHR), in Washington, DC. DPLF and our partner organizations from Guerrero also presented to the Commission an extensive report on the criminalization of human rights defenders that can be found in its electronic version at: <http://www.dplf.org/uploads/1225989683.pdf>. While in Washington, DC, the Guerrero delegation also participated in a brown bag presentation organized in collaboration with WOLA and CEJIL, and in various work meetings with donors and human rights organizations. During 2009 DPLF staff will continue to work closely with our partner organizations in Guerrero in follow-up activities to this hearing.

Left to right: Javier La Rosa, Access to Justice Program Coordinator at IDL (Peru), Katya Salazar, DPLF Programs Director, and Maurilio Santiago, Director of CEDHAPI (Mexico).

Hearing before the Inter-American Commission on Human Rights (IACHR) on access to justice in the Americas

In coordination with IDL (Peru), CEDHAPI (Mexico), CEJIP (Bolivia) and the Center for Human Rights in the Americas of DePaul University (Chicago), DPLF participated in a hearing before the IACHR on barriers to access to justice in the Americas. The presentation focused on the cultural, linguistic, economic, and gender based barriers. The hearing also focused on the importance of understanding the right to access to justice as a right larger than access to tribunals only, and on the importance of establishing communication and coordination channels between state and indigenous authorities with the purpose of improving access to justice for vulnerable groups in Latin America.



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

This year DPLF continued working in Chiapas with the Centro de Derechos Humanos Fray Matías de Córdoba, a small organization in the southern Mexican border town of Tapachula. Here, DPLF extended capacity building assistance, including technical assistance on legal strategy, to an organization that addresses due process violations against migrants—including women and children—on the border between Mexico and Guatemala. As a part of the extensive capacity building assistance extended, a DPLF fellow worked with the Center in Chiapas from March to July. DPLF also assisted the organization in leading two strategic meetings, one on institutional development and one on concerted partner strategies. Additionally, a report elaborated by DPLF and partner organizations in the Mexican state of Chiapas, on human rights violations towards migrants was presented in a meeting with the United Nations Special Rapporteur for Migrants and before the Inter-American Commission on Human Rights (IACHR).

Strengthening Civil Society and human rights in Guerrero, Mexico

2008 was the second year of a 3-year capacity building DPLF project in the Mexican state of Guerrero which supports the work of the Red Guerrerense de Organismos Civiles de Derechos Humanos and its member organizations. Working closely with our partner organizations in Guerrero, DPLF led a training meeting with special invitee Peruvian expert David Lovatón, director of the Instituto de Defensa Legal (IDL). We also participated in several strategic planning sessions with the organizations who wished to request a hearing before the IACHR on the criminalization of human rights defenders (see below). DPLF staff traveled to Guerrero to gather information for the hearing request and the report submitted to the IACHR. During each of DPLF's trips to Guerrero, and in on-going communication with our partner organizations, DPLF staff continues to extend assistance and training with legal issues as well as fundraising and institutional building to our partner organizations.



Members of the Centro Morelos, a human rights NGO from Chilapa, Guerrero with David Lovatón, Executive Director of IDL (Peru), and Emilie Joly from DPLF at an institutional strengthening workshop held in Chilapa last year.

INTERNATIONAL JUSTICE

Compiling Latin American national jurisprudence on international crimes

In 2008, DPLF began compiling Latin American case law on international crimes which will be presented in a final publication in digest form in English and in Spanish. The digest will be arranged by topic with sections of the relevant decisions quoted in the text of the publication. The topics addressed will include: statutes of limitations, non-incorporation of international law and the relationship between international crimes and related domestic crimes (i.e. murder and crimes against humanity), retroactivity of both international and domestic law, impunities, amnesties, and other limits on prosecutions. DPLF will publish the digest in 2009 as a useful tool for judges, prosecutors and complainants' lawyers (as well as defense counsel) in Latin America.

Amicus Brief presented to the Inter-American Court of Human Rights

On Monday January 21st, the International Commission of Jurists (ICJ) and the Due Process of Law Foundation (DPLF), filed an *amicus curiae* before the Inter-American Court of Human Rights related to the case of *Ana María Ruggeri Cova, Perkins Rocha Contreras and Juan Carlos Apitz ("Corte Primera de lo Contencioso Administrativo") vs. Venezuela*. The objective of the brief was to outline international principles that emphasize the importance of an independent judicial branch as a safeguard for the protection of human rights and the rule of law.

Amicus Brief presented in trial against Fujimori

On June 26th Eduardo Bertoni, DPLF's Executive Director, presented an *Amicus Curiae* before the Special Criminal Court of the Peruvian Supreme Court

related to former president Alberto Fujimori's trial for crimes committed in Barrios Altos and La Cantuta. The brief was prepared by the George Washington University Law School International Human Rights Clinic directed by Professor Arturo Carrillo and with the collaboration of the Peruvian attorney Carlos Zelada. This document was ratified by more than a dozen Law Professors in the United States, including DPLF's President Professor Douglas Cassel. Additionally, DPLF provided technical assistance during the preparation of the brief.

Colloquium on the Inter-American Human Rights System

Eduardo Bertoni, DPLF's executive director was invited to participate in the "Colloquium on the Inter-American Human Rights System" organized by Université Laval, Université de Montréal, Université de Québec à Montréal and McGill University, of Canada. The event was held at Laval University in Québec on November 14 and 15. Bertoni opened the colloquium addressing questions such as: How has the global human rights context impacted the region? What are the bench marks of the system's evolution? What has changed since the creation of the system? And, what has been the legal evolution of the Inter-American Human Rights System?

Document on Proposed Reforms to the Inter-American Human Rights System

In December 2008 a joint document by the Instituto de Defensa Legal (IDL), the Coordinadora Nacional de Derechos Humanos (CNDDHH), the Centro de Estudios Legales y Sociales (CELS), and DPLF was presented to both the Inter-American Commission and Inter-American Court of Human Rights commenting on proposed reforms to the Inter-American System of Human Rights (SIDH).

Communications and Publications

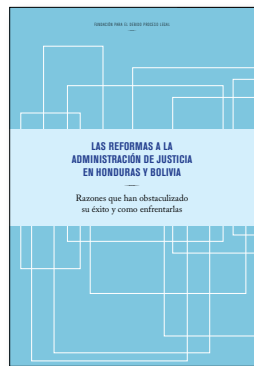
Through its communications and publications initiative, DPLF strives to reach as wide a public as possible to increase awareness of the issues related to judicial reform—at the individual and institutional level. DPLF uses publications, web postings, and opinion pieces in this effort. All written documents produced by DPLF are uploaded to our Web site (www.dplf.org) in order to achieve as wide dissemination as possible.

DPLF Publications

Publishing studies and seminar reports from our various projects, as well as distributing those publications to the greatest extent possible, remains an integral part of DPLF's work. In addition to posting our publications on the organization's Web site, we disseminate them as widely as possible in Latin America, the United States, and Europe. This year DPLF issued the following publications:



Victimas sin Mordaza
(Spanish version of DPLF
2007 publication *Victims
Unsilenced*)



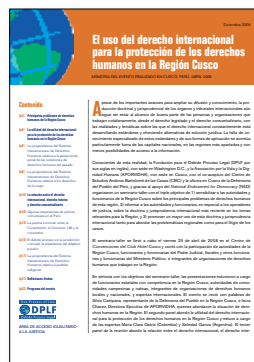
**Las Reformas
a la Administración de
Justicia en Honduras y
Bolivia: Razones que han
obstaculizado su éxito
y como enfrentarlas**
(Available in Spanish)



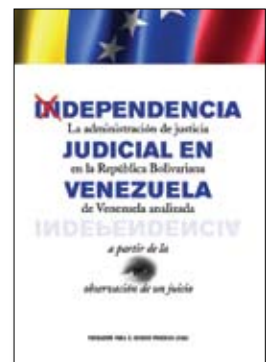
**Después de Procesos
de Justicia Transicional
¿Cuál es la situación de
las víctimas?: Los casos
de Chile y Guatemala**
(Available in Spanish)



**La crisis de derechos
humanos en
la frontera sur de México**
(Available in Spanish)



**El uso del derecho
internacional para
la protección de los
derechos humanos
en la Región Cusco**
(Available in Spanish)



**Independencia Judicial
en Venezuela: La
administración de
justicia en la República
Bolivariana de Venezuela
analizada a partir de la
observación de un juicio**
(Available in Spanish)

DPLF in the News

Over the course of the year articles on our events, opinion pieces and interviews with DPLF staff have appeared in local and national media throughout the region. The following is a sampling of this coverage.

January 21, 2008 (Costa Rica)—Article published in *La Nación* about DPLF's report on judicial corruption. **Estudio señala corrupción en labor de peritos judiciales.**

January 30, 2008 (Nicaragua)—Article published in *La Prensa* describing the conclusions presented in DPLF's report on judicial corruption. **Independencia judicial sepultada por corrupción.**

February 10 2008 (Spain)—Article published in *El País* quoting DPLF Programs Director Katya Salazar regarding respect for human rights in customs and practices of indigenous law in Oaxaca. **La rebelión se llama Eufrosina.**

March 15, 2008 (Mexico)—Article published in *El Universal* on a DPLF report presented to the United Nations Special Rapporteur for Migrants. **Denuncian ante ONU abusos a Migrantes.**

March 23, 2008 (Spain)—Article published in *Gipuzkoa, Euskadi* quoting DPLF Programs Director Katya Salazar. **Cualquier normativa que recorte derechos fundamentales está destinada al fracaso.**

March 26, 2008 (USA)—Article published in *Miami Herald*, quoting DPLF Executive Director Eduardo Bertoni on the use of state resources for government propaganda. **Chavez's grip on media getting stronger.**

April 5, 2008 (Mexico)—Op-Ed written by Eduardo Bertoni and published in *Reforma*. **Justicia Grabada.**

May 6, 2008 (USA)—Op-Ed by DPLF Executive Director Eduardo Bertoni written in commemoration of the International Freedom of the Press Day that was published in the *Miami Herald*: **Honor journalist who report on abuses of power**

June 12, 2008 (Nicaragua)—Article published in *La Prensa* quoting DPLF Report on judicial corruption. **Corte aprueba normativa.**

June 30, 2008 (Peru)—Interview with DPLF Executive Director Eduardo Bertoni on the Alberto Fujimori trial in *La República*

July 3, 2008 (Peru)—Interview in the *Caretas* magazine with DPLF Executive Director Eduardo Bertoni explaining

the impact of the Fujimori trial on the fight against impunity: **De Nuremberg a la Diroes.**

July 8, 2008 (Mexico)—Article in *Noticias, Voz e Imagen de Oaxaca* explaining the DPLF led judicial reform mission to Oaxaca: **Inician juristas internacionales misión en Oaxaca para revisar sistema de impartición de justicia.**

July 10, 2008 (Mexico)—Article published in *Reforma* describing DPLF's mission to analyze the judicial system in Oaxaca: **Revisan justicia en Oaxaca**

July 11, 2008 (Mexico)—Article published in *La Jornada* reporting on the conclusions of a mission on judicial independence led by DPLF in Oaxaca, Mexico: **En Oaxaca, el Ejecutivo controla al Poder Judicial**

August 7 & 12 (Mexico)—*Sociedad Abierta* Editorial published in *Noticias* on DPLF's work in Mexico: **Escrutinio judicial**

August 12, 2008 (Mexico)—*Sociedad Abierta* Editorial published in *Noticias* of Oaxaca on DPLF International Course held in that city in August: **Derecho y sociedad.**

August 18, 2008 (Mexico)—Article published in the newspaper *Reforma* on the finding published in *Aportes DPLF* #7: **Ministros Empresarios**

August 28, 2008 (Uruguay)—Article published in the weekly *Revista Busqueda* after an event organized by DPLF in Montevideo: **Denuncian carencia de "debido proceso" para juzgar a magistrados.**

October 24, 2008 (Mexico)—Article published in *La Jornada* on the IACHR hearing on criminalization of human rights defenders. **Zeferino Torreblanca, acusado de represor ante la CIDH.**

November 27, 2008 (Venezuela)—Article published in the newspaper *El Universal* on the release of our Venezuela trial observation report: **Cuestionan falta de imparcialidad en juicio a los PM.**

November 28, 2008 (USA)—Article published in the *Miami Herald* on the release of our Venezuela trial observation report: **Rights group assails detention of police.**

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

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DPLF's Board of Directors—2008

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DPLF Staff

Eduardo Bertoni, *Executive Director*

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Katya Salazar, *Programs Director*

Montserrat Solano Carboni, *Program Coordinator (through March 2008)*

Thomas Antkowiak, *Program Coordinator (through April 2008)*

Emilie E. Joly, *Program Coordinator*

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

12/31/2008 (unaudited)

Assets		
Cash & Cash equivalents	158,388	
Grants & Accounts receivable	369,461	
Prepaid expenses & other assets	3,729	
Fixed Assets	1,755	
Total Assets	533,333	
Liabilities & Net Assets		
Liabilities:		
Accounts payable and deferred revenue	8,059	
Other current liabilities	500	
Total Current Liabilities	8,559	
Net Assets:		
Net Assets - Restricted	511,599	
Net Assets - Unrestricted	21,734	
Total Net Assets	533,333	
Total Liabilities & Net Assets	533,333	
Statement of Activities (Statement of Revenue & Expenses) Period January 1, 2008 - December 31, 2008		
Revenue		
Grants	642,916	92%
Contributions	5,187	1%
Contractual Services	39,487	6%
Interest Income	4,263	1%
Publications Sales	50	
Total Revenues	691,903	100%
Expenses		
Program Services	401,249	83%
Supporting Services		
Management & General	59,217	12%
Management, General, & Development	23,484	5%
Total Expenses	483,950	100%





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