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Brief Community News

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BRIEF COMMUNITY NEWS

In an effort to broaden communication between human rights groups around the world, the *Human Rights Brief* is proud to host the "Brief Community News." The "Brief Community News" is published in every issue, and the *Human Rights Brief* invites submissions from all human rights groups. It is our hope that nongovernmental organizations (NGOs) will use this space to inform others about their programs, successes, and challenges. To contribute, please see the information at the end of the article.

Mexican Commission for Defense and Promotion of Human Rights (CMDPH)

CMDPH, a civil society organization, has worked since 1989 to promote international human rights standards within Mexico. The organization has also worked to defend human rights in Mexico within international and regional human rights systems. This year, CMDPH has been working on a campaign to stop violence against women in the Ciudad Juárez and in the northern state of Chihuahua. Since 1993, more than 300 hundred women have been killed in Ciudad Juárez in a series of gender-based serial killings and domestic violence incidents. Recently, the problem appeared to be expanding through Chihuahua, in large part because of the discriminatory manner in which authorities are handling the situation. In many instances, authorities have attempted to justify the killings by focusing on the manner in which the women lived. Three hundred fifty Mexican and international organizations, including Amnesty International, are working with CMDPH to stop the killings and promote the accountability of authorities. CMDPH has already prepared reports for the Inter-American Commission on Human Rights and the United Nations regarding this campaign. Currently, CMDPH is working with local organizations in Ciudad Juárez and in the state of Chihuahua to compile the information necessary to bring unsolved cases before the Inter-American Commission on Human Rights. For more information about the work of CMDPH, please e-mail comunicacion@cmdpdh.org, or visit its Web site at <http://www.cmdpdh.org>.

The Palestinian Human Rights Monitoring Group (PHRMG)

PHRMG is a Palestinian, independent, nongovernmental organization working to end human rights violations committed against Palestinians in the West Bank, Gaza Strip, and East Jerusalem. PHRMG's main task is monitoring the ever-changing human rights situations for Palestinians. The group's field researchers responsibilities include keeping abreast of local developments, pursuing long-term monitoring tasks, and responding to urgent human rights situations in order to record eyewitness testimonies of victims, witnesses, and other actors. PHRMG also works on outreach programs that aim to educate both Palestinians and the international community about the human rights violations committed against Palestinians. These outreach programs include publication of a bi-monthly magazine, the "Palestinian Human Rights Monitor," distributed throughout the West Bank, Gaza Strip, and East Jerusalem in Arabic and English; and maintenance of one extensive Web site that includes information about human rights violations committed against Palestinians, in both Arabic and English.

Recently, PHRMG established the Settler Watch Hotline. The hotline provides Palestinian victims of settler violence a phone number to call 24-hours a day where they can receive legal advice or assistance from a PHRMG lawyer. The hotline has successfully empowered Palestinians to file complaints and utilize the legal process when they are victimized. By providing legal advice to people who would have otherwise not filed a complaint, the hotline has also forced the Israeli courts to address complaints that were previously often overlooked or disregarded. PHRMG is currently updating its programs to coincide with the

evolving human rights situation in Palestine and to meet the needs of the Palestinian people. For further information about the organization's activities, please contact Tara J. Close, public relations officer, at admin@phrmg.org, or visit the organization's Web site at www.phrmg.org.

Indian Social Institute (ISI)

ISI is a social center committed to working toward the creation of a society based on the values of justice, equality, freedom, and fraternity in India. The organization, which was founded over 25 years ago, is run by the Jesuits and works to empower India's Dalits, tribals (India's indigenous peoples), women, and other disadvantaged groups in Indian society by providing legal literacy training, human rights education and support.

From July 14-28, 2003, ISI will host a course entitled, "Legal Resources for Social Action and Empowerment." Today, social activists require a minimum level of legal knowledge and expertise to make their work effective and useful. To become more efficient in providing assistance, social activists need to be equipped with adequate legal knowledge. Many ordinary Indian people, particularly Dalits, tribals, and women, suffer unnecessary injustice and hardship for want of legal awareness and guidance. ISI believes that social activists and those working at the grassroots level, if provided with adequate legal training, have the potential to make social change and empower disadvantaged groups. This potential needs to be exploited fully and effectively in order to achieve social change and build a just society.

For more information about all of ISI's programs, please contact D. Albert, coordinator of the Human Rights & Legal Service Unit, at devalbert@yahoo.co.in.

Corporation for Peace and Development in Magdalena Medio (CDPMM)

CDPMM is a non-profit organization currently working in the Magdalena Medio region of Colombia, one of the country's most violent regions due to fighting between paramilitary groups trying to control the area. The violent deaths in the Magdalena Medio region equal the number of violent deaths in all of Colombia's other regions combined. The organization's Peace and Development Program in Magdalena Medio (PDPMM), is a dynamic social process that works to empower citizens networks to make changes in their communities' economic development. The program has two main objectives: 1) to create a sustainable human development, equal for all; and 2) to create a culture of peaceful coexistence and a common space for all, based on democratic principles that respect common interests and human rights. In December 2002, the PDPMM process was used in Micoahumado, Bolívar, in order to work toward protecting citizens' freedom from the actions of illegal armed groups in that community.

In addition to the organization's Peace and Development Programs, CDPMM works to overcome poverty and to achieve a peaceful coexistence in 29 regions distributed through 4 departments in Colombia. The backbone of CDPMM is a citizen's network comprised of citizens and social organizations working together voluntarily to achieve their objectives.

BADIL, Resource Center for Palestinian Residency and Refugee Rights

The BADIL Resource Center, located in Bethlehem, provides a resource pool of alternative, critical, and progressive information regarding Palestinian refugees and their quest to achieve a just and lasting solution for exiled Palestinians based on their right of return.


This year, BADIL will launch the International Expert Forum for the Promotion of Palestinian Refugee Rights (Expert Forum).

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The exclusion of international law, human rights standards, and UN resolutions from past Israeli-Palestinian negotiations has been extremely detrimental to Palestinian refugees and has contributed to the breakdown of the political process. BADIL asserts that the Expert Forum will bring together legal and academic experts, politicians, and practitioners of refugee and general human rights law to pave the way toward treaty-based human rights solutions to the Palestinian refugee issue in accordance with UN Resolution 194. The first international seminar, "The Role of International Law in Peacemaking and Crafting Durable Solutions for Palestinian Refugees," will be hosted by the University of Ghent in Ghent, Belgium from May 22-23, 2003. Additional seminars will follow in Europe and Cairo, focusing on property restitution, international and regional protection mechanisms, and obstacles to the implementation of refugee return and restitution.

In March, BADIL will publish, in Hebrew, an information packet on the Right of Return. The packet will be based on BADIL's Arabic and English language information packets pub-

lished on the same topic in 2000. BADIL's Hebrew packet was created in order to answer the questions and concerns raised in the Israeli debate about Palestinian refugees' right to return to their homes and properties now located in Israel. The Hebrew language packet will serve as a tool for exploring the potential of a rational, rights-based dialogue with Israeli peace and human rights activists, educators, academic researchers and journalists. The packet will include facts and figures, responses to frequently asked questions, and international legal briefs and testimonials from Palestinian refugees regarding their vision for a just and durable solution to their plight. For more information about BADIL, please e-mail info@badil.org, or visit its Web site at www.badil.org. 

The Human Rights Brief is accepting submissions for the next edition of "Brief Community News," which will be published in September. If your organization has an event or situation it would like to publicize, please send a short description to hbrbrief@wcl.american.edu, and include "Brief Community News" in the subject heading of the message. Please limit your submission to two paragraphs. The Human Rights Brief reserves the right to edit for content and space limitations.

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Kayishema also challenged the Trial Chamber's assessment of the credibility of the witness who identified him. The Appeals Chamber dismissed the argument, holding that it is within the Trial Chamber's discretion to assess the probative value of testimony, including how to resolve apparent contradictions.


Similarly, in ground seven of his appeal, Ruzindana suggested that the Trial Chamber erred in not using established criteria to analyze the credibility of Prosecution witnesses; in particular, he claimed that accepting the testimony of one witness on a particular matter was unreasonable and unreliable. In its rejection of Ruzindana's claim, the Appeals Chamber noted that it is impossible to draw up an exhaustive list of criteria for the assessment of evidence, given that the circumstances of each case are different and that a judge must rule on each case in an impartial and independent manner. Dismissing Ruzindana's specific claim, the Chamber reasoned that accepting the uncorroborated testimony of a witness does not necessarily constitute error.

Sentencing

Kayishema's ground eight and Ruzindana's ground nine challenged the Trial Chamber's analysis of aggravating and mitigating circumstances in general, and with respect to their particular circumstances. As a general point, the Appeals Chamber noted that the Trial Chamber has broad discretion in weighing mitigating and aggravating circumstances at sentencing. Additionally, the Appeals Chamber stated that, pursuant to Articles 6(4) and 23 of the ICTR Statute and Rule 101, the Appellant must prove that the Trial Chamber acted beyond its discretion in sentencing the accused.

The Appeals Chamber rejected Ruzindana's claim that by taking into account the heinous means by which he committed the killings, the Trial Chamber confused a material element of the crime with an aggravating circumstance. The Appeals Chamber reasoned that the fact that an act of killing supported a conviction of genocide does not prevent a separate finding that the manner in which it was carried out gave rise to an aggravating factor. It also concluded that there was no abuse of discretion in the way the Trial Chamber weighed the aggravating against the mitigating circumstances in his case.

The Appeals Chamber also rejected Kayishema's claim that the Trial Chamber punished him twice by identifying his position of authority as an essential element in the crime of genocide and an aggravating factor. The Chamber explained

that although a mere finding of command authority cannot be considered an aggravating circumstance, the manner in which an accused exercises that authority can be an aggravating circumstance. In addition, the Chamber found that the zeal shown by the accused in committing the crimes and the harm suffered by the victims were properly characterized as aggravating factors. Finally, the Appeals Chamber stated that even if the Trial Chamber had erred in finding that Kayishema's denial of guilt and assertion of an alibi constituted aggravating factors, such error did not invalidate the sentence imposed since the primary aggravating factor was the gravity of the offense. 

**Maria Allison, author of the summary of the Kayishema and Ruzindana appeals, is a political analyst in the District of Columbia. Leslie Wilson, author of the summary of the Musema Appeal, is a J.D. candidate at the Washington College of Law.*

***Susana SáCouto is the legal coordinator of the War Crimes Research Office at the Washington College of Law.*

ENDNOTES

¹ Musema withdrew his third ground of appeal.

² The Appeals Chamber did not address the merits of the Prosecution's appeal, finding the appeal inadmissible because of the Prosecution's failure to file its appellate brief on time and to demonstrate good cause for filing out of time. In his dissenting opinion, Judge Shahabuddeen concluded that the Prosecution had filed its appellate brief on time and that even if it had not, the Appeals Chamber could have granted the Prosecution an extension of its own accord, as, in his opinion, the Prosecution had demonstrated good cause for an extension of time to file.

³ Kayishema raised three additional arguments supporting his unfair trial claim, namely that: 1) the expression "persons responsible for" in Security Council Resolution 955 and procedural improprieties in the case compromised his right to the presumption of innocence; 2) the court failed to adhere to the adversarial principle; and 3) the Prosecution failed to timely disclose evidence. The Appeals Chamber dismissed all three arguments, finding the first two allegations meritless and rejecting the third claim because it had not been raised at trial.

⁴ In support of his argument regarding the insufficiency of evidence provided by the Prosecution on the specific intent requirement of genocide, Ruzindana also challenged the Trial Chamber's findings regarding his authority during the events in question, claiming the Prosecution had not established that he had either *de jure* or *de facto* authority. Noting that neither is required for a finding of individual criminal responsibility under Article 6(1) of the ICTR Statute, the Appeals Chamber rejected this argument as well.

⁵ Ruzindana's fifth ground of appeal asserted that the Trial Chamber made errors of fact with respect to its analysis of his personal status. This ground failed because Ruzindana failed to put forward an argument in support of his claim.