

Avocats Sans Frontières

Newsletter 2003 - II

Dear reader,

I am pleased to send to you the second edition of our newsletter. For those of you who receive this letter for the first time, please note that you can find the earlier newsletter on [our website](#).

The biggest news of the past few weeks has undoubtedly been that Avocats Sans Frontières was awarded a 780.000 Euro grant by the European Union for a large scale training programme in Rwanda. This support will allow Avocats Sans Frontières to train close to three thousand five hundred Inyangamugayo, i.e. individuals who will act as judges at the district level in the Gacaca proceedings. This project further affirms the commitment of Avocats Sans Frontières to support Rwanda's attempt to deal with the legacy of the 1994 genocide.

On the organisational side of things, Avocats Sans Frontières will soon launch a big membership campaign. The first target of this campaign will be the community of law practitioners in Belgium. The campaign is a first step towards a more intense membership policy, which will include the further development of membership services. This and other targets will be set out in the Avocats Sans Frontières Plan of Action 2004-2007, which will see the light in the beginning of 2004.

What is already certain now, however, is that to ensure its long-term, independent survival Avocats Sans Frontières urgently needs to build up its free financial reserves. It is impossible for Avocats Sans Frontières to use the project funding it receives for this purpose, as this money may only be used to fund project activities and not for the organisation as such. Thus an increase in free financial reserves can only be achieved through a significant increase in financial revenues emanating from private sources.

It is for this reason that I would like to use the opportunity of this newsletter to encourage you to make a generous donation to Avocats Sans Frontières if you find that our activities are important. We really do need your support.

Please note that donations of 30 Euro or more to Avocats Sans Frontières are tax deductible (in Belgium only). You will find more practical information on how you can provide financial support to Avocats Sans Frontières at the end of this newsletter.

Happy reading!

*Peter Van der Auweraert
Director
Avocats Sans Frontières/Advocaten Zonder Grenzen*

Timor Leste

Priscila Beltrame, a Brazilian lawyer and Project Coordinator for Public Defenders (PD), is now in Dili. She is beginning a period of "observation" to

better integrate the different levels of the country, to make contact with individuals at the offices of the PD and to develop closer ties with each member of Public Defender. The training courses will begin sometime in October. We expect to recruit two or three new Public Defenders from the Ministry of Justice.

Our research on traditional law has begun its first phase of gathering field data. It turns out that certain questions have had to be changed. This phase should be completed in early September.

A working group dedicated to traditional justice has been set up in Dili, and ASF is part of it. The group aims to coordinate the different programs and will give more weight to recognition of the need to account for this type of justice in the context of the country.

Draft legislations concerning the legal status of lawyers, of public defenders and of the Bar have been revised and edited in order to minimize the risks of discrepancy, and to guarantee coherence between these different documents. A training plan for lawyers has been drafted and budgeted. ASF is also considering sending several lawyers to Macao so that they can familiarize themselves with the practical workings of a Bar.

Christophe Morvan has replaced George Mukkath as Head of Mission.

Rwanda

Rwanda has just seen its first pluralist presidential election since its independence in 1962. This is the most important election held since the genocide in 1994. On 25 August 2003, the incumbent Paul Kagame carried this presidential election with 95.5% of the vote. This landslide victory was immediately contested by the leading opposition candidate, Faustin Twagiramugu. The European Union Mission for the Observation of Elections judges that this victory leaves a contrasting impression, which challenges the national electoral commission.

In this political context, under much scrutiny, ASF has maintained and adapted its activities..

The program for the observation of the Gacaca Courts continued until the end of July; in August the political agenda had put a stop to the meetings on the observation of different parts of the courts. These meetings were expected to resume after the presidential election.

The program for the Memory of the Genocide Trials (jurisprudence with respect to those accused of genocide) saw the completion of its fourth volume, which will be released in September. A seminar on the jurisprudence of those accused of the genocide will be given during this month, gathering together different members of the legal community. Meanwhile, efforts to complete the fifth volume have already begun.

The project for the training of the Gacaca judges, "*Inyangamugayo*," has been approved by the European Commission, which will support it. In the meantime, we are waiting for the official green light from the authorities in charge of the Gacaca courts in order to begin the project. We hope to start next October.

Burundi

As concerns security, the situation in Burundi has improved over the course of the past month, permitting the expatriate team to return to its work in

Bujumbura, Burundi's capital, where ASF's offices are located. As concerns politics, negotiations between the government and the CNDD, the more important of the two rebel movements in the area, took place on 19, 20 and 21 August at Sun City in South Africa in preparation of the next regional summit in Dar Es Salam, which will be held at the beginning of September.

The Head of Mission, Pilar Villanueva has, for personal and professional reasons, finished her term in Burundi and is being replaced temporarily by Ladislav de Coster, jurisprudence and training coordinator, while we recruit a permanent replacement.

Continuing the construction of the Help Network for Victims of Sexual Violence, ASF will publish a collection of judicial decisions at the beginning of September. These documents aim to publicize the application of the existing legislation by the magistrates, and to encourage a deeper reflection by starting a real legal debate on these issues.

ASF will hold a training session on the conduct of criminal trials for the Magistrates of the Tribunaux de Grande Instance from 22-27 September. On this occasion a Belgian magistrate will participate as external trainer along with local experts (lawyers and magistrates) in order to facilitate the exchange of knowledge and expertise.

In September, a criminal session will take place, initiated by ASF, in the jurisdiction of the Court of Appeal of NGOZI. The goal is to close 50 dossiers still open (on the +/- 1000 remaining) concerning those accused of genocide in 1993 within one month.

Democratic Republic of Congo

The introduction of transitional institution in the DRC (Democratic Republic of the Congo) is becoming more and more effective. On 30 June 2003, the members of the government of the national union were appointed to its ranks (n.b. this government comprises 66 including the Head of State and the four Vice Presidents).

In July, the ASF Project Officer for Africa, Jean-Jacques Badibanga, spent three weeks at the ASF mission in RDC, to brief and prepare the new Chief of Mission of the ASF local mission, Francesca Boniotti. Both the Desk Officer and Head of Mission carried out an explorative mission in both Kisangani and Bunia in the period of 23 to 28 July, in preparation of an extension of our activities over the whole of the RDC territory.

As concerns the mission, ASF will hold a follow-up training session for magistrates of the Eastern Province in the context of supportive activities for the Government in the area of law and justice.

To this effect, Francesca Boniotti, the new Head of Mission, and Dominique Kamuandu, the Legal Advisor, have conducted an exploratory mission on 13-15 August in Kisangani, the aim of which was to prepare for the upcoming training session for magistrates of the bench and the Public Prosecutor's Department in the Eastern Province. This endeavor is a first step towards the extension of our projects to the East.

The team has also networked with certain local NGOs that have expressed the wish to begin a partnership with ASF. In this context, ASF envisions to start supporting the creation of legal clinics.

The "MISSKIN" team wishes to welcome Lara Deramaix, who joined on Sunday August 16th, 2003, and is already taking a very active part in all of our

projects!

Israel/Palestine

On July 29th ASF's Head of Mission attended a hearing of the Jonathan Ben-Artzi trial before the Military Court in Jaffa. Ben-Artzi was refused the status of "pacific" by the military committee appointed to these hearings and has already spent 200 days in prison for refusing to perform his military service on this ground. The hearing of the President of the military committee by the Military Court in Jaffa has led to the decision on July 29th to send Ben-Artzi back to this committee for reexamination of his status. The decision was confirmed at the next hearing, on August 10th, and bodes well for Ben-Artzi.

On July 31st, the ASF's Head of Mission held a day-long seminar for Palestinian lawyers and prosecutors from the Ramallah region concerning the principles and mechanisms of international law (criminal and humanitarian) applicable in the Israeli-Palestinian situation. This session was one of a series of seminars given by the United Nations Office of the High Commissioner for Human Rights, with whom ASF collaborated.

ASF has completed its project for the establishment of a permanent mission in Israel/Palestine, which should launch at the end of 2003 or the beginning of 2004.

In the second phase of the project, ASF aims to notably organize these types of seminars on a more regular basis and in an interactive manner, addressed to lawyers, magistrates and NGOs staff, both Israeli and Palestinian.

International justice

On July 16th and 17th, ASF participated to a seminar given by FIDH and Redress in Paris on the harmonization of mechanisms of extraterritorial jurisdiction in Europe for international crimes. Luc Walley, a member of the ASF Board, had been invited to speak about the legislative and jurisprudential developments in Belgium. The French, German, Spanish and English experiences were also debated, from the perspective of the questions of immunities, limitation periods, direct access of victims to justice and executive discretion. The opinions emerging from this seminar will provide the background for more extensive debates during a second conference scheduled to take place in Brussels in the coming months.

On July 17th, the anniversary of the adoption of the Rome Statute for the International Criminal Court (ICC), the Prosecutor of the ICC released a communiqué commenting on the 499 communications received by the Prosecutor's Office since July 2002. The crimes committed in the Democratic Republic of the Congo (DRC) and especially in Ituri recently will be a priority for the new Prosecutor, who intends to favor the implementation of the complementarity principle in the DRC wherever possible. The Prosecutor also emphasizes the need to fight the illegal exploitation of natural resources by foreign groups in the DRC.

Abrogation of the Law of Universal Competence of 1993: ASF has co-signed a joint press release of the NGO platform for the defense of the Belgian law of Universal Jurisdiction, deploring the decline that constitutes the abrogation of the law of 1993 for the fight against impunity, and emphasizing the need for a European coordination on this question.

ASF NEEDS YOU !

ASF has to urgently increase its free reserves. This important goal can only be reached with your help. Only your generosity will ensure the association's long term survival. Make a donation to ASF. All cash donations equalling or exceeding thirty Euro are tax-deductible in Belgium.

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