

Avocats Sans Frontières

Newsletter 2003 - IV

Dear reader,

We are pleased to present the fourth edition of our newsletter, which was produced by two new volunteers, both trainee journalists. Avocats sans Frontières would like to thank Didier Verbruggen, who drafted the original Dutch version, and Joffrey Monnier who produced the French translation. Brendan Whitty, one of our interns, translated into English.

There is some good news to report concerning the membership campaign mentioned in the previous two newsletters. Avocats Sans Frontières is pleased to inform you that over the past seven weeks we have welcomed more than one hundred new members and received gifts from over seventy generous donors. Avocats Sans Frontières would like to offer a heartfelt thanks for their support. This is an important first step on the way to reinforcing our fund base, and it is an encouraging sign that our activities are considered relevant and useful by many.

Finally, Avocats Sans Frontières wishes to inform you that we are looking for a long-term volunteer to assist the running of our department of administration and logistics. If you are interested, please consult our offer [here](#).

This is the final newsletter of 2003 and Avocats Sans Frontières would like to take the opportunity to wish our readers our best wishes for the new year

Until next year,

*Peter Van der Auweraert
Director.*

Timor Leste

The training of public defenders continued at a rate of two sessions a week. Some participants, however, still have a problem with transport. Despite at times somewhat modest levels of participation, the work of our representative, Priscila Beltrame, has had met no little success. She has introduced the Timorese Public Defenders to the basic principles of civil and criminal law. In particular, one issue of developing importance is the law relating to the defence of those charged with committing a crime, a law which in practice does not receive a great deal of respect from the police. Priscila described to the Public Defenders the minimum acceptable level of legal protection required to meet the demands of the accused's fundamental rights.

ASF has also begun to put in place a case management system which will prove valuable to the bureau of Public Defenders. The first to benefit should be the prisoners of Gleno. Until now, for example, no-one has documented the interrogations taking place there. According to Priscila, it will take some time before these changes will have a real effect.

ASF continues to work, in collaboration with private lawyers and other NGOs, on a legal project relating to the status of lawyers, Public Defenders and the Bar. The law ought to be drafted in four languages, something that will not simplify matters. In the meanwhile, the Timorese Bar has laid out a project before the appropriate Parliamentary Commission, and has also been submitted for consultation to the Minister of Justice. Diverse international and Timorese councillors have already commented with great enthusiasm on the project.

Finally, the ASF's East Timor mission received a visit from a delegation of the International Commission of Jurists and the Legal Aid Services from Australia. Both organisations marked their support for work conducted in collaboration with the bar. Their aid should mean that it is possible to have a larger library than was previously planned. It may equally be used to bring foreign lawyers to East Timor to give seminars on professional ethics.

Rwanda

The members of the government and the parliament, elected in August and September, have officially taken up their functions. The parliamentary debate over legal reforms has therefore suddenly accelerated significantly. The reforms could enter into force by the end of the year.

The Branch of the Kigali Consultation and Defence Bar has a new director. The putting into practice of the accord of collaboration concluded with the bar is proceeding in a promising fashion. Furthermore, our sponsor, the DGGD, has awarded us new financing which will allow us to ensure that the collaboration will continue until 30th June 2004.

Our Head of Mission in Rwanda, Fidel Nsita, made an official visit to the International Criminal Tribunal for Rwanda in Arusha, where he met with the principle actors involved. They expressed the wish to initiate a collaboration with a view to working on the jurisprudence on genocide. On our side, we have finalised the circulation of the fourth edition of the Review of Jurisprudence in the context of the genocide cases (1000 copies in French and 2000 in Kinyarwanda). The fifth edition will be released in January 2004.

Burundi

The restoration of peace in Burundi is well on its way. A summit meeting between the transition government and the principle rebel movements in the country, CNDD-FDD was held in Dar-es-Salaam on the 16th November. The parties declared a cease-fire which has, up to now, been respected. The armed conflict has not, however, died out completely – the FNL (National Liberation Forces), another rebel Hutu movement remains active in the region around the capital Bujumbura and refuses even now to negotiate with the government.

One party to the cease-fire agreement envisages offering the CNDD-FDD a place in the government and the principal institutions of the state. It is against this context that the nomination of Didade Kiganahe to the post of Minister of Justice should be noted.

While in the Democratic Republic of the Congo the magistrates started their strike on the 30th October (see above), in Burundi the magistrates launched their strike on the 1st September and lifted it on the 22nd October. They have returned to work.

Since our [last Newsletter](#), the ASF's team in Burundi has been principally engaged in training. The magistrates of the Supreme Court attended a training

session from the 6th to the 10th of October. Fabienne Laduron, the Substitut du Procureur du Roi at the Parquet of Brussels, was flown to Burundi to teach penal procedure to her African colleagues. Luc Walley, a lawyer from the Brussels bar, held a seminar on international justice for the benefit of lawyers of the Burundian bar on the 14th and 17th October. The instruction of 60 magistrates of the tribunal of first instance is also well on course. As a small reminder, ASF had accepted the task of reforming the judiciary with the intention of decentralising the criminal tribunals.

ASF is also working on behalf of the defence of victims of sexual violence. We are distributing a legal review on sexual crimes. We are discussing in collaboration with local actors for about a fortnight on the problems of violence in Burundi. We are also looking at both means of preventing of future violence and means of supporting victims.

October was the month of visits to the field. In addition to Fabienne Laduron and Luc Walley, the team in Burundi received visits from Serge Rumin (for an external evaluation), Didier Kessel (the accountant in charge) and Fidel Nsita (Chief of the Rwanda Mission). The last took on the direction of both the Rwanda and the Burundi missions until a new head of mission is engaged for the post in Rwanda. Our interim head of mission Ladislav de Coster left Burundi on the 21 October. It remains only to note the visit, from the 10th to the 18th November, of a delegation from the European Union, one of our principal sponsors.

Democratic Republic of Congo

Since the [last Newsletter](#), formal peace has been re-established in the Democratic Republic of the Congo. The central government has concluded an accord with the Mai-Mai for the cessation of hostilities, but at the same time, fresh massacres of civilians in the provinces of Ituri and Uvira have been reported.

From a legal point of view, the most important development is the strike entered into on the 30th October by the Independent Union of Magistrates of the DRC (in French, Synamac). The strike has no fixed end-date. Synamac is calling for an increase in the independence of judicial power, an alignment of magistrates' salaries, and an improvement in working conditions.

In the meanwhile, ASF consolidated its position in the East. Francesca Boniotti and Lara Deramaix carried out an exploratory mission with a view to future training programs for magistrates in Kindu, Goma and Bukavu. Having arrived in the towns, they made interesting contacts with other NGOs working on matters of justice. A seminar is already set up in Kisangani for the 11th and 17th December 2003 for the magistrates of Beni, Butembo and Kindu! ASF will employ the same methodology, with minimal adaptations, as were used in earlier seminars given to magistrates in the East ([see the earlier Newsletter](#)).

There has been good news in the context of the project attempting to popularise the "Transitional Constitution". The project, conducted by ASF in collaboration with the local NGO LINELIT (French acronym for "National League for Free and Transparent Elections"), envisions rendering the text accessible to all. It is on the cusp of success. The texts have been sent to the printer, having been translated into Tshiluba, Swahili, Kikongo or Ligala.

Finally, the library of the law faculty of Kinshasa will shortly receive a batch of supplementary juridical works courtesy of ASF. The 693kg package is actually going through customs at the moment.

Israel/Palestine

Since the departure of our Head of Mission, Dianne Luping ([cf. Newsletter III](#)), ASF has continued with the process of putting in place a permanent mission in Jerusalem. A new Head of Mission is currently being sought. Besides this, Peter Van der Auweraert and Fanny Fontaine travelled to the region and stayed from the 11th to the 16th October. They met with local funding sponsors and with the partners in the project, on both the Israeli and the Palestinian side.

Important new developments have taken place in the case of Jonathan Ben Artzi, the nephew of Benjamin Netanyahu who refuses to do his military service in the Israeli army, and who is currently appearing before the Jaffa Military Court. The court of first instance rejected his status as a pacifist. The observer sent by ASF to the hearing on the 8th October could rejoice in the decision of the military court finally recognised Ben Artzi's pacifism, although he has already spent two years in prison.

[See the joint observation mission report.](#)

International justice

The working group for the rights of victims, in which ASF participates, met again in the Hague on the 21st October, where they applied themselves to the problem of organising the defence of victim's interests in proceedings before the International Criminal Court. The discussion permitted the various NGOs present to establish common ground on certain points, which allowed the presentation of a common approach during the consultations organised by the Registrar of the ICC on the 22nd and 24th October. This meeting also presented an occasion to broach the participation, representation and award of reparation to victims in the context of processes before the ICC.

ASF remains interested in all aspects of legal representation of victims before the ICC. Finally, ASF drafted a commentary over certain questions relating to the promotion of victims' interests during the first public hearing of the ICC concerning the regulations of the Court.

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.

**Bank account: ING/Private fund 630-0227491-85
IBAN: BE89 6300 2274 8185 - BIC : BRUBE
Mention: gift - campaign "free reserves" 2003-2004**

There are also other ways to help ASF:

- **Become a member of ASF and regularly receive the ASF newsletter (40 Euro/Year - Bank account: ING/Caisse Privée 630-0227491-85 - IBAN: BE89 6300 2274 8185 - BIC : BRUBE - Mention: "membership 2003-2004") ;**
- **Regularly consult our website to find our regularly updated [vacancies for volunteers, interns and regular staff.](#)**

