

Avocats Sans Frontières Newsletter 2003 - I

Dear reader,
Dear friends,

Avocats Sans Frontières/Advocaten Zonder Grenzen Belgium (ASF) has the great pleasure to send you the first issue of its new newsletter. This periodic publication will regularly inform you about the projects and activities of our organisation.

Over the past few years, ASF has expanded considerably. Besides legal interventions by individual lawyers in cases all around the globe, ASF has continued to increase its permanent activities in support of the rule of law and viable, independent and efficient judiciary systems. ASF now has projects in five countries -Burundi, Congo, East-Timor, Palestine/Israel, Rwanda and East Timor- and employs almost one hundred people, mostly local staff in those five countries. ASF has also been actively involved in the creation of the International Criminal Court (ICC). ASF intends to continue its involvement with the ICC through the organisation of the legal representation of victims before the new international court.

In view of the continued growth of its activities, ASF has decided to create new tools to remain in contact with all those who show an interest in the organisation and its activities. Our web-site at www.asf.be, which is now available in Dutch, French and English, was the first step to improve our external communication. This new newsletter is complementary to the ASF web-site, and refers to sections of our web-site where you can find more detailed information on the issues mentioned in the newsletter.

For an overview of our activities in 2002 and the first five months of 2003, you can consult our annual report 2002 and our report January-May 2003.

Happy reading!

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

TIMOR LESTE

Head of Mission: George Mukkath (05/08/02 - 21/07/03)
Christophe Morvan (22/07/03)
Project coordinator in Brussels: Charles Mardaga

ASF continues to carry out its study on traditional Timorese law together with its partner, the East-Timorese Study Group (ETSG). The study remains in its preparatory stage. Over the past few weeks, we have worked on the study's methodology and the elaboration of three questionnaires: one for our focus groups, one for the individual interviews with members of the different local communities and one that will be used for interviews with outside experts. Each has been translated into Tetum and the relevant local dialects. They will have to pass one final test prior to their definitive adoption. This is in line with ASF's policy to give priority to the quality over the quantity of the information gathered.

The database of the library at the Documentation Centre has been fatally damaged. ASF is trying to create a new one, at least for the approx. 420 books in Bahasa Indonesia and English that have been supplied by ASF. In the meantime, the refurbishment of the reading room continues. As the Centre awaits the computers promised by UNICEF, the official opening ceremony has been postponed to later in July.

Concerning the different training programs ran by ASF in East-Timor, the most pressing concern is now the drafting of a project proposal for UNDP. This document will describe our teaching methodology, the content and the monitoring and assessment mechanisms of the ASF training programs for Public Defenders and Paralegal Officers in East-Timor. Both programs are based on an analysis of the local legal context, the needs expressed by the beneficiaries and an assessment of past legal training given by ASF.

ISRAEL-PALESTINE

Head of Mission: Dianne Luping
Project coordinator in Brussels: Fanny Fontaine

ASF supports the complaint lodged by the Public Committee against Torture in Israel and LAW before the Israeli Supreme Court in the case of the targeted killings. Our Chief of Mission assisted with the writing of the final brief on behalf of the plaintiffs. The main Israeli newspaper, Ha'artez, has published extracts of this brief in an article emphasising the importance of this case and the questions it raises. Antonio Cassese, former President of the International Criminal Tribunal for the former Yugoslavia, submitted an expert opinion before the Supreme Court in support of the plaintiffs' claims.

On the 28th of May, 2003, ASF monitored the trial of Ben-Artzi's, Benjamin Netanyahu's nephew, before the Jaffa Military Court. Ben-Artzi has refused to carry out his obligatory military service, invoking his pacifist beliefs. ASF has published a report on this trial which includes an analysis of the 'selective' and 'total' right to conscientious objection under Israeli law. It also refers to the recent case law of the Israeli Supreme Court and the European Court of Human Rights and reports of the United Nations Human Rights Committee in this area. The report had been handed over to Ben-Artzi's family.

ASF has co-signed [a report](#) on the question of access to water and food for the Palestinian people, together with a number of Palestinian, Israeli and international NGOs. This report will be submitted to the United Nations Special Rapporteur on the Right to Food, who will visit the region this month.

RWANDA

Head of Mission : Fidel Nsita
Project Coordinator in Brussels: Jean-Jacques Badibanga

On the political level, Rwanda held a referendum on the project of a new Constitution last May, paving the way for its first general elections since the 1994 genocide. The official result announced 93% 'Yes' votes, with a participation rate of 87% of all eligible voters.

ASF continued its observation program on Gacaca jurisdictions. The observations reports are placed on the ASF web-site [here](#) (in French only).

Over the past few weeks, ASF has finalised the publication of the Kinyarwandese version of the third volume of its Recueil de Jurisprudence du contentieux du génocide et des massacres au Rwanda, an annotated collection of Rwandese case law related to the 1994 genocide. Copies of the volume will be distributed amongst judges, public prosecutors, lawyers, judicial defendants, Rwandese human rights associations, universities, technical schools, and public administrations interested in the subject.

The collaboration between ASF and the Department of Courts and Tribunals of the Supreme Court concerning the publication of the Rwandese case law has taken another important step with the appointment of two senior Rwandese judges as part-time consultants to the project. This step further ensures the continued existence of this project.

BURUNDI

Head of Mission : Pilar Villanueva
 Projet Coordinator : Jean-Jacques Badibanga

The past two weeks have seen a significant increase in violence, especially in Bujumbura, the capital of Burundi, where ASF has its office. The situation had become so dangerous that ten days ago, ASF took the decision to evacuate its expatriate personnel. This staff will remain outside Burundi until the situation has become more stable again. Our local staff continues to carry out their work at the mission, as long as it is safe for them to travel from home to work and back. It is thanks to their remarkable efforts and commitment that ASF has been able to maintain some of its activities during this difficult time.

Despite this renewed violence, it is undeniable that the 1st of May represented a major political turning point for Burundi. After eighteen months in office, the Tutsi president Pierre Buyoya handed over his mandate to a Hutu leader of the opposition, Domitien Ndayizeye. The latter will lead the country during another eighteen month period. Once his time in office ends, also the thirty-six months transitional period –which started on the 1st of November 2002- will end. The transitional period was meant to give the Burundese political actors sufficient time to establish new political institutions and make all necessary preparations for a general election.

In this difficult political context, ASF has continued to carry out its activities:

- continued support for the local legal aid system. ASF provides final support in cases where otherwise the victim or the defendant would be unable to afford legal representation;
- bimonthly sessions of practical training for young lawyers providing free legal aid;
- broadcasting of a "Radiothéâtre paysan", a radio series on law and justice ;
- management of a permanent office in a popular neighbourhood and a network of national and international NGOs working around sexual violence;
- continued support for the publication of the Burundi State Gazette.

In addition, ASF has put considerable energy in the so-called 'World Health Organisation case'. This case turns around the murder, in November, 2001, of the official representative of the World Health Organisation (WHO) in Bujumbura, Burundi. The trial of the five individuals accused of this murder started earlier this year. The defendants are four watchmen of the victim's house and office and the victim's assistant. ASF has appointed two lawyers in the case –one expatriate and one local lawyer- who will represent two of the defendants.

The past two months saw a number of spectacular incidents in this case, including the accusation by the defendants that some of the political and judicial authorities of Burundi, as well as the Burundese military intelligence apparatus were involved in the murder. These accusations led the defence to ask for special protection, both for themselves and their clients.

DEMOCRATIC REPUBLIC OF CONGO

Head of Mission : Patrick Spinnoy (11/03/02 - 08/06/03) - Francesca Boniotti (20/07/03)
 Project Coordinator : Jean-Jacques Badibanga

The establishment of the new political institutions agreed to in negotiations involving all political actors –belligerents, non-armed opposition and civil society- was once more delayed during the month of May and June. Currently, things appear to be moving again in the right direction, but the political situation remains very difficult. The past few months have also seen increased fighting in Ituri, leading to the decision of the United Nations Security Council on the 30th

of May to create a temporary, multinational emergency force in Bunia. Led by France, this force has been charged with pacifying Bunia, if necessary by military force. Last week, the recently appointed Prosecutor to the International Criminal Court announced that his office would investigate events in East-Congo as its first and, for the foreseeable future, only case.

ASF's activities in Congo have included:

- continued support for the Permanent Commission for the Reform of Congolese Law. This commission forms part of the Ministry of Justice and is in charge of adapting Congolese law to the international conventions ratified by the Democratic Republic of Congo;
- organisation of training for the judges of the County Courts of Kinshasa. This training was carried out together with the Citizens Network RCN, another Belgian NGO present in Congo.
- additional work to ensure the safety of the books held in the library of the law faculty of the National University of Kinshasa.

INTERNATIONAL JUSTICE

Project Coordinator in Brussels: Fanny Fontaine

Despite the different initiatives of the NGO platform in defence of the Belgian law on universal jurisdiction –a platform which includes, in addition to ASF, Amnesty International Belgium, FIDH, Human Rights Watch, the Liga voor de Mensenrechten and the Ligue Belge des Droits de l'Homme- the new Belgian government has decided to abandon the law. Following a number of complaints lodged against American military and political leaders in respect of the war in Iraq, Belgium had come under unprecedented diplomatic pressure from the United States to change its legislation and abandon its adherence to a universal jurisdiction independent to any link with Belgium. The new draft legislation currently under discussion before the Belgian Parliament provides for a limited form of extra-territorial jurisdiction, only when the perpetrator or the victim is Belgian or resides in Belgium; more importantly, the draft legislation limits the direct access of victims to justice (through the "constitution de partie civile") only in cases where the perpetrator is Belgian or resides in Belgium. In all other cases, the decision to prosecute is left to the Prosecutorial discretion.

The text of the Press Release that was issued on the 21st of May by ASF together with the other members of the Platform in respect of the Belgian law.

ASF continues to work on the organisation of the legal representation of victims before the ICC. This activity has become all the more pressing since the entering into office of Mr Ocampo, the first Prosecutor of the International Criminal Court, on the 16th of June, 2003.

ASF NEEDS YOU !

In order to maintain its independence and to continue carrying out long-term projects for which it is hard to find institutional financing, 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 630-022749-85
 IBAN: BE89 6300 2274 8185
 Mention: gift - campaign 2003.

There are also other ways to help ASF:

- Become a member of ASF and regularly receive the ASF

newsletter (40 Euro/Year) ;

- Regularly consult our website (www.asf.be) to find our regularly updated vacancies for volunteers, interns and regular staff.