

Avocats Sans Frontières

Newsletter 2004 - III

May 2004

Dear reader,

Avocats Sans Frontières is pleased to send you its third newsletter of the year. In addition to what is mentioned in the newsletter itself, at least one other event of the past period stands out.

During the last week, Avocats Sans Frontières successfully completed negotiations with the UK Department of International Development (DFID) for its project of "travelling jurisdictions" in the Democratic Republic of Congo. If all goes well, this important project -which has the potential of significantly increasing the access to justice for the population in the three target provinces- will start in the coming months. You will, of course, read about all future developments in respect of this project in the Avocats Sans Frontières newsletter.

Enjoy the reading,

*Peter Van der Auweraert
Director*

Timor Leste

During March and early April, the Head of Mission has been meeting representatives from embassies, key players within the justice sector and donor agencies in Timor Leste to introduce the new Mission team as well as to explore opportunities for collaboration and additional funding. Proposals were sent to the British High Commission in Timor Leste, the Ford Foundation in Jakarta and the National Endowment for Democracy in the States.

The Head of Mission and Programme Officer met with the Vice Minister of Justice to discuss the status of ongoing projects and to identify areas for future interventions. ASF took this opportunity to reiterate our commitment to assisting the Ministry of Justice in building a strong and independent justice sector in Timor Leste. A progress report on the various activities successfully carried out by ASF from July 2002 to March 2004 was submitted to the Ministry of Justice.

Programme Officer, Shelly Wieck represented ASF the Public Defenders Organic Law revision committee. The 2nd draft of the Pubic Defenders Organic Law was drafted by ASF in 2003 and the draft legislation is now in its final stage of revision.

ASF, through the Head of Mission and Programme Officer was represented at the launch of a research on "Women's Access to Justice". The research was timely and draws attention to the failure of the present justice system in providing access to justice to women in Timor Leste.

ASF continues to make itself present and heard in the areas of law and justice when its representatives participated in a Land Law Dispute Resolution workshop. The researchers made policy recommendations for the government to consider. Participants were asked to provide feedback and suggestions on the related matter.

Two national staff meetings have been held where a number of important administrative, financial and management decisions were made. The recruitment process for a Timorist Jurist to join the mission is now underway.

ASF begun working in partnership with the Asia Foundation in the area of private lawyers training programme with a roundtable discussion held in March. Judge Wallace a respected legal personality having worked 20 years in Asia facilitated this programme.

Rwanda

The judicial reform is going on. However, it is not expected to be completed before the end of May 2004. We are still waiting for the nomination of magistrates. In the meantime, the Rwandan Tribunals work at a much slower pace. The mission had to adapt its planning accordingly.

ASF keeps on following up the "Gikongoro" trial ([see previous newsletter for more details](#)) and still provides financial support to the Kigali Bar Association, whose lawyers represent parties in appeal cases as well.

Furthermore, the fifth volume of our collection of case-law on the genocide was published in French and Kinyarwanda. Also, the project of a training programme addressed to *Inyangamuagyo* sector judges (competent for the judgment in first instance and in appeal of the accused belonging to the "second category") is moving forward. The job openings were announced for the members of the team which will be handling the project team and the content of the training workshop is being set up in co-ordination with the National Service in charge of the Gacaca jurisdictions.

The extension to the rest of the country of the Gacaca jurisdictions at the "cellules" level is expected for June 2004, where as the jurisdictions at the "sectors" level won't be working until September at least.

Burundi

Avocats Sans Frontières organised a second training programme for 41 resident magistrates who have been appointed to the Tribunaux de Grande Instance. This session took place from 15 March to 2 April 2004 and allowed to deepen and complete the previous training held in January 2004. In order to avoid any paralysis of the judiciary, the judges were divided into two groups. Practical details for the second group training programme will be determined later on with the Minister of Justice.

In addition to this session, a workshop was organised for 70 other judges from the Tribunals of Grand Instance. The theme of this workshop was "the process of trials in criminal fields" and will be held in Bujumbura from 22 March until 2 April 2004.

Regarding its programme of "Protection of Fundamental Rights", Avocats Sans Frontières dealt with two cases :

- The trial of four Rwandans accused of holding up a bank: the case was brought before the Tribunal and heard on 14 April. The verdict will be handed out soon. It is meaningful to recall that the accused face death penalty and execution
- The trial regarding the murder of the World Health Organization representative in Burundi, in which ASF has appointed an expatriate counsel for the defense of one of the accused

Following the broadcasting of a radio programme about "sexual violence's" in the context of the project "Radio Theatre Paysan", which was carried out with the collaboration of local associations, ASF is preparing other programmes, about "the victims and their rights" that will be broadcasted in the near future on the Radio Television Nationale Burundaise (RTNB).

In collaboration with national and international organisations, ASF is taking part in a project for the protection and support of victims of sexual violence's. In order to reach the objectives, the following activities were developed:

1. An informal network of national and international organizations willing to support and help victims of sexual violence has been set up, in which ASF plays an active role.
2. ASF provides free legal advice and information to victims
3. Consciousness-raising campaigns regularly take place in the Bujumbura area.
4. Radio programmes are broadcasted in order to raise rural public awareness about the issue of sexual violence's.

Democratic Republic of Congo

The mission's main recent activity was an exploratory mission carried out in Goma from 23 to 30 March 2004 to prepare the training programme for magistrates from Goma and Kalemie, which will take place from 6 to 12 May 2004 in Goma.

The mission received a financial support of 21.000 € from the Dutch cooperation for the implementation of the project "Lawshop" in Kinshasa.

The library of the faculty of Law of Unikin got a new batch of books after we finally managed to get them out of the customs' offices.

Hence, the mission already received 10.000 French and 5.200 Swahili copies of the Constitution to be distributed as a part of its awareness-raising campaign. The mission is still expecting the Tshiluba and Kikongo translations.

Solidarity and Defense

I. The legal proceedings against Aktham Naisse, a famous Syrian lawyer known for his activities in favour of Human Rights

On 26 April, the price "Ludovic Trarieux" of the Institut des Droits de l'Homme du Barreau de Bordeaux was awarded to Me Aktham Naisse, a famous Syrian lawyer known for his activities in favour of Human Rights.

The 53 years old lawyer is also the president of the Comité de Défense des Libertés Démocratiques et des Droits de l'Homme in Syria. He was arrested April 13, 2004 and was held incommunicado for over one week. He appeared before the High State Security Court on April 22rd Naisse is being charged with "undermining the objectives of the Revolution (Arab unity, freedom, and

socialism) and “broadcasting of fake news”. He faces fifteen years imprisonment.

His health which was already poor due to previous periods of imprisonment and to the torture he underwent on several occasions seemed to be severely deteriorated: he seemed to suffer from hemiplegia, and could hardly speak.

Neither his family nor his lawyers are allowed to visit him, and he is without any medicine.

His arrest actually closely follows the publication of a report by the CDF about the situation of Human Rights in Syria, the gathering of several thousands signatures for a petition that claimed the end of the state of emergency that has been in force since 1963, and the organisation of a unprecedented demonstration demanding the end of the state of emergency as well as the implementation of the Rule of Law.

We call on our readers to join their voices to those claiming the immediate and unconditional release of Mr Naisse, as well as the dropping of all legal charges against him.

In view of the above, may we suggest you to contact:

-HE Bashar al-Assad
President of the Syrian Arab Republic
Presidential Palace
Abu Rummaneh, Al-Rashid Street
Damascus, Syrian Arab Republic
Fax: + 963 11 332 3410

-HE Nabil al-Khateb
Ministry of Justice
Al-Nasr Street
Damascus, Syrian Arab Republic
Fax: +963 11 224 6250

-Major General 'Ali Hammud
Minister of the Interior
Ministry of Interior
Merjeh Circle
Damascus, Syrian Arab Republic
Fax: + 963 11 222 3428

-His Excellency Faruq al-Shar'a
Deputy Prime Minister and Minister of Foreign Affairs
Ministry of Foreign Affairs
Al-Rashid Street
Damascus, Syrian Arab Republic
Fax: +963 11 332 7620 / 332 0686

-Mr Ahmad 'Idu, President
Syrian Bar Association
Mayssaloune Street
Damascus, Syrian Arab Republic
Fax: + 963 11 221 4099

-Ambassade de la République Arabe Syrienne (en Belgique)
Avenue Franklin Roosevelt, 3
1050 Bruxelles.

Thank you for letting us know about the actions you might take.

II. Recent publications available on our web site

- [Morocco: "The case of the judge Jaafar: the independence of the judiciary called into question \(PDF 54 k° - French\)](#)
- [Tunisia: Solidarity with the Tunisian League for Human Rights \(PDF 55 k° - French\)](#)
- [Mauritania: the trial of Ould Haïdalla and his colleagues: a crackdown on a political ambition \(PDF 67 k° - French\)](#)

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 BB
Mention: gift - campaign "free reserves" 2004

There are also other ways to help ASF:

- **Become a member of ASF and regularly receive the ASF newsletter (40 Euro/Year - 20 Euro for students - Bank account: ING/Caisse Privée 630-0227491-85 - IBAN: BE89 6300 2274 8185 - BIC : BRUBE BB - Mention: "membership 2004") ;**
- **Regularly consult our website (www.asf.be) to find our regularly updated vacancies for volunteers, interns and regular staff.**