

Avocats Sans Frontières

Newsletter 2004 - II

March 2004

Dear reader,

It is with some delay that we send you this Newsletter. You will note that its content concerns the month of February. Our apologies for that.

Avocats Sans Frontières is happy to announce the conclusion of an agreement of collaboration with a group of Cameroonian lawyers who came together to form Avocats Sans Frontières – Cameroun. Avocats Sans Frontières will support this young association in its functioning and, in as far as possible, involve it in its own activities. A first common project is already under elaboration and concerns the organisation of training sessions in Cameroon, amongst others in the field of international criminal justice.

In addition, Avocats Sans Frontières has established a new working group that will, in collaboration with the European office of Amnesty International, study the initiatives taken by the European Commission in respect of the unification of the European criminal law. The number of European initiatives in this area has considerably increased over the past two years, mostly under pressure of the fight against terrorism. It is clear from past Commission initiatives that European civil society has to remain vigilant so as to ensure that hard-won fundamental rights – such as the right to an adequate defence and the right to a fair trial – are not encroached upon.

Traditionally, Avocats Sans Frontières has always been concerned with the respect of the right to an adequate defence, no matter where the trial takes place. It is thus from this tradition that the organisation has decided to also monitor developments in the European context. The expert lawyers participating in this working group will provide the European Commission with advice and concerns and will, if necessary, engage in lobby work around particular European initiatives in this area. Avocats Sans Frontières is still looking for additional volunteers to contribute to this working group. If you are interested and ready to devote a few hours per month to this cause, we would like to hear from you either by e-mail (info@asf.be) or mail (Rue Royale, 123 – 1000 Brussels). Please include a short motivation as well as your CV.

Finally, Avocats Sans Frontières would like to inform you of its participation in the NGO working meetings organised by the Registry and the Prosecutor's Office of the International Criminal Court (ICC) in The Hague. The purpose of these meetings will be to work out more concretely what the role and implication of victims will be in the ICC proceedings and to specify further how the Court will collaborate with national and international NGOs. Over the past few weeks, these meetings were intensively prepared by Avocats Sans Frontières' working group around international criminal justice, which recently welcomed a number of new members. A report of those meetings will be included in the next Newsletter.

Enjoy the reading,

*Peter Van der Auweraert
Director*

Timor Leste

The past six weeks have seen the arrival of two new recruits. Since the end of January, Shelley Wieck has been leading the education program for private lawyers and for lawyers from the Bar. Teresa Benedict will take up the torch as Head of Mission and Administrator of the Mission. Both of them have prior education and experience that will unreservedly allow them to assume and fulfill their new roles and functions.

Shelley Wieck is a lawyer of 16 years experience. She is an active member of the American Bar Association and South Dakota Bar Association. Before her work with ASF, she had been working in Timor with the Peace Corps in the Emera district where she learned Tetum, the language spoken by the Timorese.

Teresa Benedict is a lawyer by qualification. She has had several years of solid work experience in the development sector, notably due to the work that she undertook in Malaysia, where she was executive director of Transparency International, an international NGO that specializes in eliminating corruption. Before joining ASF she worked on a UNDP Regional Program for Least Developed Countries.

We wish to extend our very warmest thanks to Pablo Lasalandra for his decisive contribution in the set-up of our East Timor project. Since 2002 Pablo was the Timor Mission Administrator. To ensure that Teresa familiarises herself with her new roles and responsibilities and her new professional environment, Pablo has extended his stay in Timor until mid-March.

Rwanda

The new Head of Mission, Enrico Muratore has begun work as of the beginning of February. He will be succeeding Fidel Nsita who will move to the position of Head of Mission in Burundi.

The major institutional reforms begun in Rwanda will not have negligible effects on the judicial system. ASF is closely following this process by adapting, at best, its contribution to the reform of the judicial system to this context currently in a state of transition. We are still waiting for the spread of new laws on the organization of the Magistrature, as well as the spread of the Gacaca courts through the whole country after this "pilot" phase.

From 9 to 13 February, we have organized a new training session for lawyers from the Kigali Bar as well as for the Corps of judicial defenders. The training concerned the "articulation of the organic laws of 1996 and 2001" which apply to those contentious of genocide. An inquiry into the large number of different aspects of these laws has begun.

Tome IV of the Collection of Jurisprudence has gone to press. It will be distributed over the course of the month of March.

Finally, we are continuing our support of the Kigali Bar on the issue of legal assistance.

Several assassinations have taken place in Rwanda between October and December 2003, and these have been the subject of important media coverage. Following these events, several groups of genocide survivors have denounced – in the context of the media coverage – the fact that the victims of these assassinations were genocide survivors supposed to testify before the Gacaca courts. They fear that the security of other surviving witnesses may subsequently be threatened.

Consequently, the Rwandan authorities have approved investigations and arrests (notably in the province of Gikongoro), so that the guilty be judged quickly and that they become the target of an exemplary sanction. The trials of the accused have been organized into rapid intervals, and in such a climate, they risk to be expeditious. Many local and international associations have also begun a process of monitoring these affairs to ensure that this atmosphere would not weigh too heavily on the tranquility of these debates. ASF-B has decided, in collaboration with the Kigali Bar, to ensure that legal aid should be prepared for the 3 trials. It will concern an intervention in exceptional cases – these trials being, moreover, a matter of common law.

Burundi

In our precedent Newsletter, we informed you of the management of the first training session in January 2004, of 68 Hutu magistrates promoted to complete the criminal chambers of the Tribunal of grand instance. Just more than a month after their return to practice, it seemed necessary to us to complete and strengthen the education programs that we hosted, which form a crucial foundation for these magistrates. The advanced session will take place from 15 March till 2 April 2004. And, in parallel to this session, ASF is organizing a retraining seminar for the other magistrates of the Tribunal of grand instance. This second seminar will be held in Bujumbura from 22 March till 2 April 2004.

Furthermore, ASF has been struck by a symbolically important dossier. Four Rwandans accused of holding up the Bank of Burundi – events in the course of which one of these persons lost his life – might face execution. They have been condemned to death in the first instance, and two lawyers have been assigned to assure their defense in appeal. This affair must be placed in the context of a crime wave: armed robbery, sexual violence on a large scale, gang violence that turns into multiple homicides. Declaring that they are acting on behalf of a population that would be exasperated and would demand effective death penalties, the authorities have asked the judicial system to be firm and to pronounce exemplary sanctions.

Democratic Republic of Congo

The principal activity of ASF in the DRC at the beginning of 2004 had been the organization of a retraining seminar for magistrates of Sud Kivu, in Bukavu, from 29 January till 4 February.

Thanks to the financial support of the Swiss and Dutch embassies, ASF-B organized, in collaboration with the Commission on the Permanent Reform of Congolese Law, a seminar-workshop on the theme: “The Family Code: 16 years afterwards, assessment and perspectives,” which was held from 29 to 30 January 2004, under the auspices of the Ministry of Justice. This seminar-workshop had occasion of debating some concrete questions about criticisms of the current Code by providing the RDC with a Code reformed and adapted to the current realities and lives of the people.

Concerning the project for the “popularization of the Constitution,” we have already received a delivery of 4,220 samples of the 10,000 expected of the French version of the text, and we also expect a translation into Tshiluba and Kikongo. ASF has also held meetings with the Civic Education Network of Cangon, the eastern province, in order to finalize the project’s document for the popularization of the transitional Constitution, an organization which we are working with for this project.

Solidarity and Defense

From 24 to 27 February, Lawyers Without Borders has led a mission of solidarity with the Tunisian League for Human Rights (LTDH). On the invitation of the latter, Caroline Stainier has participated as a speaker at a seminar dedicated to the examination of regional and international instruments and mechanisms for the promotion of Human Rights. This was, moreover, an occasion to meet, with representatives of the International Commission of Lawyers (CIJ) and of the International Federation of Leagues for Human Rights (FIDH), with the lawyers and defenders of Human Rights, and with victims of exaction and violence, in the affair they are working on concerning the Department of the Public Prosecutor in Tunis: they have been claiming that the collection of complaints that they have filed on this subject over the course of recent years – and to which no follow-up has ever been considered – should be duly registered, should become the subject of a serious investigation, and that the authors of these deeds should be identified and tracked down.

Finally, this was an opportunity to make a point about the situation of the LTDH, confronted with serious difficulties following the selection, by the European Commission, last August, of the project that it had presented in the framework of a call for propositions entitled the “European Initiative for Democracy and Human Rights.” In this project, with which ASF had formed a partnership, the League wished to begin a mission to improve access to justice for the most vulnerable people of Tunisia. Arguing that these new legal arrangements had never been proposed previously, the Tunisian authorities are opposed to the financing of this project and are blocking, moreover, the bank payments that the European Commission has sent to the League, under the title of an earlier project, whose undertaking had in large part already begun! More to follow ...

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" 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 - Mention: "membership 2004") ;**
- **Regularly consult our website (www.asf.be) to find our regularly updated vacancies for volunteers, interns and regular staff.**