

# Avocats Sans Frontières

## Newsletter 2005 - III

june 2005

*Dear reader,*

*Just in time before the summer holidays start for most of us, Avocats Sans Frontières is pleased to send you its third newsletter of the year. In addition to an overview of our activities over the past period, you will also find a more indepth section on the Avocats Sans Frontières' civil society project in East Timor. This project was started in the beginning of the year, and is now advancing according to the original project schedule. It aims to address one of the most serious rule of law issues in East-Timor, namely the near total access to justice in the Districts.*

*On a lighter note, Avocats Sans Frontières is also pleased to report that all participating secretariat staff has successfully completed the 20 km run of Brussels. Thanks to the sponors of its secretariat members and the law firms that participated in the Legal Run 2005 (see previous newsletter), the organisation collected a considerable amount of money for its activities and actions. Avocats Sans Frontières would like to take this opportunity to express its gratitude to all those who generously provided their support, both physical and material.*

*To provide further support to the Avocats Sans Frontières field office in the Democratic Republic of Congo (DRC) especially in respect of its project "Fighting Against Impunity and Reconstructing the Congolese Justice System" (see previous newsletter), the Secretariat recruited a new Project Officer International Justice, Ms. Martien Schotsmans. Ms Schotsmans considerable expertise and experience in legal and other victims' issues in the context of international crimes as well as her extensive knowledge of the region are certain to further strengthen the capacities of Avocats Sans Frontières teams at the Secretariat and in the field. Ms Schotsmans can be reached at mschotsmans@asf.be and by phone at our usual number.*

*Happy reading,*

*Peter Van der Auweraert  
Executive Director*

## **ZOOM...**

*The Civil Society program in East-Timor*

### **Avocats Sans Frontieres in Timor-leste**

*Avocats Sans Frontières has been present in East Timor since July 2002. The main objective of the mission is to support the efforts of the government, the NGOs and civil*

*society to build the foundations of the country and to help ensure a long-term peace and just development process. In particular, ASF attempts to contribute to the implementation of the rule of law and the consolidation of a judicial system that operates according to international standards but that is also respectful to the traditions and culture of East Timor.*

*ASF has built up privileged relationships with local civil society, the government and the other international actors active in East Timor. ASF has a high and positive public profile in East Timor, largely due to the organisation's participatory and consultative approach and working methodology.*

***The Civil Society Programme: Providing access to justice and legal awareness at the grassroots level.***

*Bearing in mind these elements, ASF has launched since the beginning of 2005 a programme to strengthen East Timor's civil society entitled Providing access to justice and legal awareness at the grassroots level. Mention of the launching of this project has been made in the previous Newsletter and because of the importance of this project, a more detailed description of the objectives and of the recent developments of the programme is now provided.*

*The overall objectives of the Civil society programme are to contribute towards the emergence of a legal system in East Timor that can provide real protection for the population, especially the weakest groups within this population, and towards the emergence of a real rule of law and democracy culture in East Timor.*

*In order to achieve these goals, ASF has decided to focus in particular on the following:*

- (i) Emergence of a network of paralegal workers among community leaders in rural communities.*
- (ii) Build capacities of paralegal workers by providing them with basic knowledge of laws and procedures; skills to provide legal information, education and guidance to rural communities.*
- (iii) Provide rural communities with information on the justice system in Timor leste, thus increasing their knowledge of their rights and obligations as citizens under the rule of law in a democratic society.*
- (iv) Improve access to the formal justice system in the districts.*
- (v) Increase access to justice for women by providing information to community leaders on women's issues and gender sensitivity.*

*Since the independence of East Timor in 2002, the need to establish an effective and functioning judicial system is real. One of the major difficulties in achieving this, is that the majority of the population and especially the people situated in the rural communities remain largely unaware of the law and even of the institutions recently put in place by the government. As a result the most vulnerable parts of the population namely women and children are especially prone to violations of their rights.*

***The framework of the programme: Creation of a Paralegal-like Network and legal education for rural districts***

*To address this lack of access to justice and to legal information of the population in the districts, ASF has prepared a 3-year capacity building training and dissemination of legal information at the community grassroots level programme. Concretely, ASF proposes to carry out a project cluster consisting of, on the one hand, the creation of a paralegal like network in the targeted districts, and on the other hand, the carrying out of a legal education program in the same targeted districts. The Civil society programme is thus twofold.*

*The first project component consists of capacity building training of selected individuals who currently are, or in the future can become, "community leaders" so that they would gain basic knowledge of the law, its procedures and institutions as it is in place in East Timor. At the same time they would be trained so as to be able to, in turn, raise legal awareness and provide legal guidance, education and assistance to those who need it within their respective communities. In short, they would be trained to become what is often*

*referred to as "paralegals". These community leaders (Chefe de Suco) play an important role in practice in the resolution of disputes and conflict within the communities. However these informal leaders are mostly unaware of the basic knowledge of Timorese law and justice institutions.*

*The second project component builds upon the first and consists of a legal education and awareness campaign for the population of the targeted communities. The information provided to the rural communities through this project activity is intended not only to raise the level of awareness and knowledge of basic laws, rights and institutions but also to empower and increase the capacity of the poor, the disadvantaged and the marginalized to exercise their rights and defend their interest.*

*In order to implement this vast programme, ASF has designed a few local NGOs as partners that will help carry out the activities designed in the project. Amongst these local NGOs can be found the Centro Informasaun da Edukasaun Sivika (CIES.TL) with a focus on education, capacity building, and monitoring, and the Fundacao Espinhos da Rosa (FEDAROS) with a focus on youth and women's issues.*

*During the first year of implementation of the programme, the project team will concentrate on three sub-districts in Timor that are Liquica (50 km from the capital city Dili), Baucau (150 km to the east of Timor), and Suai (200 km to the west of Timor).*

*A programme with a 3-year focus would ensure that the initial activities carried out in the first year are monitored for their relevance, effectiveness and impact to the communities. Not only that, subsequent follow-on activities in providing continuous information and capacity to rural beneficiaries will be implemented taking into account the learning and modifications in the approaches. Such adaptations addressing the rapid changes and development in the country to make the programme relevant to the reality will effectively ensure that the beneficiaries are able to use the information and capacity provided productively.*

#### **Recent developments within the Civil society programme:**

- *The first project component:*

*The project team has been very busy over the past months with the preparation of the implementation of the first project component. The month of April was dedicated to designing and preparing the training modules for the Community Leaders Capacity Building programme. Since the launching of the programme in January 2005, brainstorming sessions have enabled the team to advance in the implementation of the first project component. One important area of development has been the definition of the concept of Community Legal Liaisons (CLL). Given the level of education of community leaders in the districts, the project team felt that it was important to provide this informal structure with not merely legal information but also to provide them with skills that would enhance their existing official positions in the community. A new module has been designed that aims at identifying the role, functions, and qualifications of a CLL.*

*ASF's Programme Co-ordinators have also prepared a Module Assessment Workshop that would bring together several local resources persons to critique and provide inputs, ideas and suggestions for the development of the training manuals. As a result of the workshop held in April, the various modules and materials have been revised and the final modules are now ready to be used by the local NGO partners and Field Researchers as material for the training in the field. During the month of May, the Field Researchers have begun identifying potential participants for the CLL Training Programme. A total of 105 participants will take part in the training programme.*

- *The second project component:*

*With regards to the second project component of the programme, i.e. Legal Education/Radio Programme, the team has begun brainstorming on how best to implement the activities. The team conducted preliminary research in the field to ascertain the extent and impact of previous legal education programmes.*

*The Civil society programme is important for the population of Timor as it is directed at the grassroots level of the population and reaches out to even the most marginalized parts of the Timorese population. It has the potential to lay the first stones for the building of an effective political and justice system even in the rural communities. By working in cooperation with local NGOs that are aware of the different dialects spoken in Timor, the outreach of the programme is very wide. The partnership with the local organisations also ensures an element of sustainability of the activities that will remain after the end of the 3-year programme. The element of sustainability of the project is also guaranteed through the capacity building of the local actors such as the community leaders and the local staff involved in the implementation of the activities.*

*Avocats Sans Frontières will be glad to update you on the development of the Civil society programme in the forthcoming Newsletters.*

## Rwanda

### Context

The last two months have been marked by a period commemorating the eleventh anniversary of the genocide. The country is divided between hope and uncertainty. This division of opinion has manifested itself most noticeably through two important but divisive concerns; namely the extent of the jurisdiction of the Gacaca courts and the question of disarmament and the return of the rebel group 'Democratic Forces for the Liberation of Rwanda' (FDLR).

In the last Newsletter, ASF focussed on the question of the Gacaca courts (see Zoom from the last Newsletter for more detailed information concerning the Gacaca process). Essentially the launch of the Gacaca courts constitutes an important step forward for Rwanda in resolving genocide-related cases and brings about a necessary advancement in the reconciliation process for the Rwandan people. Since the start of 2005, the country has helped to launch the work of 8260 new courts from cell level to national level. The effective date of the legal proceedings in 118 pilot sector courts was 10 March 2005.

Since the start of this process, observers have been able to thank the performance of judges and the important participation of the whole population in their efforts to establish justice. In two months 650 people have faced trial. There has also been a noticeable increase in the mobilisation of the political and administrative authorities in Rwanda. Various figures of authority have testified of their own volition or as a consequence of summons by the courts of the area that they lived in during 1994. Memorable examples include the testimony of the Prime Minister Bernard Makuza and the tumultuous deposition of the Defence Minister Marcel Gatzinzi amongst others.

The promising impetus of the Gacaca process has however come across difficulties since the beginning of April. There was a noticeable exodus of Rwandans to neighbouring countries. In mid-April, 7 500 people had already fled the country. A large part of the departures were perceived in the Butare region (in the South of the country) and were aimed in the direction of Burundi. Those that left did so because of their belief in 'information' according to which there exists a plan of Tutsi vengeance against the Hutu; they have also voiced their fears in the existence of false accusations before the Gacaca courts.

The Rwandan authorities have launched a campaign to heighten public awareness amongst the population in consideration of those that have left. According to the authorities, those that have left have been the victims of rumours spread by people with bad intentions relating to the Gacaca process. For the moment, the effects of the campaign are slow moving. Despite certain people making return journeys the number of 'refugees' in Burundi has remained stable.

(During the month of May, two of the members of parliament whose names were brought up during the gathering of information at the heart of their cell, Jean Baptiste Butare and Etienne Magali, have resigned. These resignations came about after a parliamentary debate during which the question of the involvement of members of parliament, as revealed by the Gacaca court sessions, was discussed. The parliament had on this occasion invited its members to testify before the courts.)

FDLR announced in Rome (Italy) that they intended to renounce their armed struggle and have decided to transfer their efforts towards a political-based combat. As part of the same declaration, FDLR has condemned the Rwandan genocide of 1994 and its perpetrators. The political movement stated that it has begun a 'struggle against the ideology of ethnic hatred and has renewed its engagement to cooperate with internal justice'. The movement also claims it will 'welcome the return of Rwandan refugees to their own country in line with international standards and within the overarching theme of respect for the rights and liberties of human beings.' This claim, which was welcomed by the internal community, has not as yet been applied in practice. In fact, since this announcement, things have been going downhill: on the one hand FDLR are demanding discussions on the conditions of their return, which significantly include the setting up of an ad hoc international committee responsible for it, and on the other hand the Rwandan authorities have made known that they are organising the reception of those returning to the country, it being understood that those that are accused of participating in the genocide will have to face the country's law courts. There was no question of the Rwandan authorities engaging in discussions with FDLR.

## Activities

The legal representation of both the accused and the victims of the genocide-related cases in Rwanda has increased slowly. Within the framework of cooperation between ASF and the Rwandan bar, Rwandan lawyers are gradually taking up the c. 300 cases that had been sent to ordinary law courts before the start of the Gacaca process. Since the return of the audiences only 6 cases have been settled by the Rwandan courts. In other matters, discussions are in progress relating to both the judicial assistance on 'first category' cases that come from the Gacaca courts and also the viability of a solid system of legal aid in the country.

With the commencement of the Gacaca process, the ASF mission in Rwanda has created a Gacaca team to follow the hearings in the different areas of the country. Since the start of the jurisdictional phase, the team of ASF observers have been able to follow hundreds of hearings in front of audiences. Each report has been written up and will make up the half-yearly report that will be produced and made public soon.

From now on the National Commission of Human Rights (CNDP) is responsible for the coordination of observation, monitoring, research and journalism relating to the Gacaca courts. A series of reunions were organised with the objective of coordinating the observation efforts. Regarding the demarcation of the areas observed by the AFS team, the mission made a first choice of 16 sectoral jurisdictions in the provinces of the Kigali Town, Kigali Ngali, Gitarama, Byumba, Umutara, Kibungo, Ruhengeri, Butare and Gikongoro. This choice was inspired by: (a) the fact that the judgment hearings have already begun (in a pilot phase), (b) the relative extent of killings that occurred in the zone, (c) the effectiveness of the activity of judgments in these courts, (d) the question of how representative these courts are and (e) the human resources at hand. Having this choice is a real turnabout after a period of about two months focussing on the same court.

Regarding educational tools in aid of the Gacaca process, the ASF mission in Rwanda were able to put into practice, with the collaboration of the National Service of the Gacaca courts, a 'simplified guide to the process of judgment', intended for the Inyangamugayo. The usefulness of this guide for the Gacaca judges is proved by the fact that they can very often be seen seated armed with this concise blue guide. The ASF mission in Rwanda has also created the first version of a manual explaining the law of 19 June 2004, which governs the Gacaca courts. This

work will be finalised with the SNJG before being printed and circulated.

The other large project of ASF in Rwanda concentrates on the strengthening of the capacities of judicial figures. With a view to this, a collection of legal material compiled by ASF will shortly follow; at this stage the sixth volume is currently being printed.

Elsewhere the distribution of the work 'Vade-mecum: war crime and crimes against humanity in front of the ordinary courts of Rwanda' created by ASF remains at hand for the judicial figures of the country: judges, lawyers and the Officers of the Public Ministry have practically all received the work by now. A special distribution was also made in favour of the foreign participants in a training session, which brought together the trainees lawyers in Rwanda, Burundi, Goma and Bukavu (in the Democratic Republic of the Congo).

Another collection of International Conventions relating to human rights and the administration of justice is presently being created by the ASF mission in Rwanda. This compilation, aimed at Rwandan judicial figures, is designed to reduce the lack of knowledge they experience concerning applicable international laws.

Two training seminars aimed at judges on the applicable rules for genocide-related cases were organised and held throughout this period. The training of the first group took place 25 to 29 April at the Andre Kabgayi Centre in Gitarama. The training of the second group, according to them, took place 23 to 27 May at the School of Finance and Banking of Mburabuturo in the town of Kigali. Outside of the usual theme of genocide-related cases (categorisation of the accused's status, procedures for confessions, penalties, the penalisation of minors etc) much of the debate centred on the problems associated with provisional detention of those accused of genocide which is felt to be too long, the mandatory judicial representation of minors following the new Code on criminal procedures, and lots of other things as well. The participants appeared satisfied with the quality of the training and hoped to be able to benefit from it more regularly. Preparations are already under way for the training of the third group of judges, planned for the month of July.

The trial known as 'Kibungo' began on 9 May in front of the Assize Courts in Brussels, and should last 7 weeks. Two Rwandan nationals, Etienne Nzabonimana and Samuel Ndashykirwa face accusations of serious violations of international human rights law, owing to the role that they are thought to have played in the beginnings of the genocide particularly in the Kibungo area (East of Rwanda). It is the second trial, following one in 2001, that has taken place in Belgium on the basis of a law that describes itself as having 'universal competency'.

In view of the trial, the aid given to victims and to civil groups continues: numerous steps have been put into practice in their favour, aimed particularly at the legalisation of state-generated documentation.

Elsewhere, ASF had hoped to offer two Rwandan radio journalists the possibility to follow the entire trial and thereby keep the most important people, the Rwandan population, up to date with the latest developments through the most popular medium of communicating news within the country. An agreement was made, with this aim in mind, with on the one hand Radio 10 (the first Rwandan free radio) and L'Orinfor on the other. Two journalists from these media groups – Mr Jean-Marie Jabo (Radio10) and Fidel Kajugira (Orinfor) are now in Brussels and broadcast regularly news on the Rwandan courts.

## Burundi

### Context

Since the referendum in February on the constitution, the political climate in

Burundi has stabilised since the beginning of April. The transition period has been extended to 4 months. The electoral calendar has been fixed as follows; the local elections are planned for the 3rd June, the legislative elections for the 4th July and the presidential elections, which will be by universal suffrage, for the 19th of August. The electoral campaign for the elections taking place on the 3rd of June, started the 18th of May.

At the end of March the superior council of the magistracy gave instructions on how to deal with long-term prisoners' cases. The council recommended the prosecutors to make an inventory of all cases dated since six years or other six years ago from the preliminary hearing without being submitted to a court till now, and to grant them immediately a temporary release. The Council also recommended the presidents of the courts to make an inventory of all the cases of detainees held for over 8 years, and to immediately organise as a matter of priority trials to rule upon the temporary releases.

During May more than 7500 Rwandans fled to Burundi, for fear of appearing before the Gacaca tribunals, which officially started the cases against those accused of participating in Genocide. These refugees were forced into groups from the 29th May. They will be subsequently brought back to Rwanda.

On the 31st of May, The Security council extended the mandate of the United Nations mission in Burundi to 6 months. The UNB will be present until the 1st of December. The Security council has also asked all those concerned to do their best for the success of the transition period and for the national reconciliation.

Security in Bujumbura and other parts of the country has deteriorated throughout May. Many people have been killed in ambushes by armed forces. Also the electoral climate has increased the insecurity.

## Activities

During the last two months, the circumstances have hindered the planned legal aid. Nevertheless, from the 1st to the 15th of April ASF lawyers appeared before 7 jurisdictions. They participated in 22 trials defending those accused of general crimes and of involvement in the 93 crisis. During the last two weeks of April trials were cancelled following instructions from the minister of justice concerning temporary releases.

From the 18 to the 29th of April trials dealt exclusively with the files of long term detainees. All the courts were called to organise trials without delay during this period in order to analyse the cases of those considered as deserving temporary release. ASF designated lawyers to observe the progress of the trials and to intervene if needed. In concrete terms, during the last 15 days of trials concerning provisional releases, 1044 defendants have been summoned before the courts of Ngozi and Gitega. 237 have been granted provisional release. During the month of May ASF lawyers have been pleading before 10 jurisdictions. They have participated in 86 hearings and have defended the accused in 83 cases, both general crimes and crimes from the 1993 crisis. However, most of the cases have been postponed to a later date.

The postponement was due to many reasons such as the prisoners strike following their discontent with the ruling on bail, and the failed appearance of witnesses and plaintiffs. Measures will have to be taken to resolve the problem of witnesses and plaintiffs failing to appear, as well as the new problem of the non – appearance of defendants on bail.

Regarding the assistance of sexual abuse victims the MSF – B Center has registered 135 cases during the month of April. However, there are few appeals to ASF. Only three demands for legal aid have been registered throughout May.

The mission consisted of activities to prepare increased legal aid in the area of

torture, sexual abuse and land ownership cases. ASF Team in Burundi has discussed about those cases from 23th to 31th of may, with different national and international organisations and presidents of jurisdictions.

These interviews have given a view to the activities accomplished by other organisations. Furthermore they have allowed ASF to determine how to tackle problems, particularly those concerning land ownership, which is a new area in ASF intervention.

The broadcast on national radio of Nkina Nkebura programs on the theme of “the victims of sexual violence by the police”, ended the beginning of April. There is a possibility to start another Broadcasting in June 2005.

A project for a legal clinic was launched towards the end of May and the beginning of June by ASF Burundi. A follow up of all activities will be presented in the next Newsletter.

## Democratic Republic of Congo

### Context

The DRC has recently suffered from political tension concerning the question of whether to extend the transition period. The elections should have taken place before the 30th of June 2005. However, the reality is very different. The country does not yet seem ready to end the transition period. An extension period of 6 months is provided in the constitution. The opposition party has criticised the lack of determination of the government to follow the electoral program initially planned. There is a lot of tension. Due to rumours the Congolese franc has devaluated.

At the end of April, Mr Malu Malu, president of the Independent Electoral Commission, officially asked parliament to prolong the transition period.

The question on whether to prolong the transition period will be on parliament's agenda on the 15th of June. When the constitution was adopted the president made a speech in which he promised hold elections within the constitutional time limit. This reassured the population.

The new constitution adopted by parliament must be ratified by referendum. Parliament is currently elaborating a law that will be adopted by referendum. The constitution describes a semi – presidential regime within a decentralised unitary state. This text will replace the transitory constitution of the DRC which was formed from ‘the Global and Inclusive agreement’ signed by Congolese politicians in December 2002 at Pretoria.

The “Forces Démocratiques” pour la Liberation du Rwanda” (FDLR), a rwandan Hutu rebellion group with several members suspected of having participated in the genocide, is still based in the DRC. On the 31st of March the FDLR announced that they were prepared to end all armed conflicts and that they were ready to return to their country.

At the start of April a meeting was held with the representatives of the FDLR, the DRC, the United States, the United Kingdom and the European Union in order to set out the necessary measures for the repatriation. Although invited, Rwanda refused to attend. A calendar for the repatriation of the FDLR stipulates that the disarmament will start from the 5th of May. The whole process should take three months. A month after the declaration at Rome, no concrete measures have been taken to repatriate the FDLR to Rwanda. East Congo, where they are based, remains the scene of a lot of violence. The FLDR denies involvement in the violence. At the end of April the FDLR demanded the setting up of an ad hoc commission during their repatriation, in a press release in Nairobi.

The disarmament program proceeded in Ituri. It has enabled the dismantlement of

one of the most important militia's of this region ( FACP, Forces Armées du Peuple Congolais ). On this day 10000 people laid down their weapons. However there are still 2000 militiamen who have not yet done this.

During April several people were placed under arrest for war crimes. Amongst the people arrested by the Congolese authorities there is the head of PUSIC, Mandro Kahwa, arrested the 9th April at Bunia, and the secretary general of the UCP, John Tinanzabo, arrested on 14th of April. Eleven soldiers were arrested on the 18th of April in Mbandaka for looting and rape in Songo Mboyo, December 2003. In the last few months at least 25 people accused of war crimes have been arrested, including prestigious leaders such as Thomas Lubunga of the UPC

Didier Preira and other member of the International Penal Court office organised workshops on the functioning of the IPC, for civil and military judges at Kinshasa and Lubumbashi.

In May there was an attempt to secede in Katanga ( comprend pas le sens français ). Many people accused of being involved have been arrested, including the son of Tshombe, leader of the rebel Katanga movement during the sixties. The accused are being illegally detained. They were imprisoned in an ANR jail, and then some of them were released. 17 people including the son of Tshombe, have been transferred to Kinshasa to a prison called Makala. An official enquiry has not been opened.

## Activities

Amongst the activities of ASF in the DRC, the mobile courts were very successful during the months April – May. During the month of April a new decentralised office has opened its doors at Mbandaka, the capital of the Equator province situated in West Congo. ASF now has three decentralised projects from which they work to implement the mobile courts project.

The mobile courts session at Mweka in the province of East Kasai took place without any problems. The local people showed great interest. The public awareness campaign helped by the Provincial Network of Human Rights Organisations in the Congo, seems to have had a good effect. The court has made more than 70 judgements over 4 weeks. In May the ASF team were able to follow up the process of carrying out the judgements. The mobile court session in Punia, in the province Maniema, started on the 25th of April until the 31st May. A large amount of the population attended. The session in Basankusu in the Equator province started the 9th of May and was preceded by a public awareness campaign assisted by the Commission for justice and peace of the Catholic church. The public interest of the population in the cases should continue until their closure planned on the 4th of June.

The second main activity of ASF in DRC concerns the legal clinic projects. Thanks to the raising of public awareness assisted by their partner AFEAC, the Association of Female Lawyers in the DRC, the number of consultations has reached the record figure of 102 consultations in May, compared with 76 in the precedent period. In May the consultations reached their highest level since the start of the project.

The itinerant permanencies in partnership with AFEAC have also seen success with 63 consultations in April and 91 in May. Several meetings have taken place in order to plan the public awareness campaign and the time table for the itinerant permanencies. The last meeting was held on the 18th of May. On the 26th of May a meeting was held to evaluate the activities of the legal clinic.

In order to assure the effectiveness of workshops organised between 2003 and 2005, ASF decided to start evaluating the training received by magistrates by annotating judgements made in penal and civil matters, as well as analysing questionnaires given to magistrates and lawyers. In April the first evaluation was submitted in the Oriental province of Maniema and Sud – Kivu. In total, the team collected 802 decisions and judgements from the court of appeal, the magistrates' court and other

courts.

Three experts are making a critical analysis of the decisions and judgements from the first collection period. The comments related to the planned objective of the evaluation, namely the correct application of the law including aspects of procedure elaborated by magistrates trained by ASF.

Finally in the framework of the project “ fight against impunity and reconstruct the legal system in RDC; an integral approach” and considering the people arrested in April, ASF decided to form a select group of Congolese lawyers. They assured the legal representation before the Congolese military jurisdictions in cases concerning international crime or serious human rights violations, and represented the victims before the international criminal court. This group of lawyers are called the ‘Rapid Response Team’.

At the end of April, 11 soldiers were arrested at Mbandaka and accused of gang rape and looting in the village Songo Mboyo. The Rapid Response team will assure the defence of the victims and the accused before the military jurisdictions at Mbandaka.

## Timor Leste

### Context

At the national level, recent developments have occurred concerning the Truth and Friendship Commission dealing with the crimes committed in 1999 as described in the previous newsletter. The President of Indonesia M. Susilo and his counter part M. Xanana Gusmao have signed the establishment of the Commission, which has a mandate of two years. It is expected to begin operating in August 2005.

President Xanana Gusmao has finally decided to refer the controversial draft Law on Freedom of Association and Demonstration, which had been approved by the National Parliament on 7 December 2004, to the Court of Appeal, for review of its constitutionality (see previous Newsletter on this topic).

Concerning the United Nations mission in Timor (UNMISET), its term has come to an end in May. The Security Council has thus passed resolution 1599 on 28 April, which establishes UNOTIL, a year-long follow up mission of UNMISET. The main element of UNOTIL will be strengthening the capacity of national human rights institutions through the provision of specialized training and technical advice. It will especially focus on support for the establishment of the office of the Prosecutor for Human Rights and Justice.

The Serious Crimes process has come to an end in May as well. The Serious Crimes Unit was established by the United Nations Transitional Authority in East Timor (UNTAET) in June 2000 to conduct investigations and prosecute cases in the Special Panels for Serious Crimes (SPSC). During the past two months, the Serious Crimes Unit has met with the communities to inform them of the closure of the process and of the progress achieved to date. Many families of the victims of the 1999 violence have expressed concern that the process was ended prematurely. Meanwhile, the laborious process of handing over all relevant documentation to the Timorese authorities is being finalised. The Special Panels for serious crimes has been a success although it has not been able to deal with many cases when the accused is located outside of the Timor's territorial jurisdiction. Indeed many of the people who have been accused are in Indonesia and therefore outside of the reach of the special panels.

A recent Judicial System Monitoring Program has reported that 78% of the cases listed at the District Courts are violence against women, which represents a

substantial increase over the past year. Lack of financial and human resources are the major impediments for operational courts in the districts.

## Activities

ASF has been very active again during the two past months with regards to the future of the Bar Association Project (AATL). Activities during the month of April were dominated by the response to the Ministry of Justice's proposed Decree Law regarding the regulation and accreditation of the private lawyers. Regular meetings were conducted in order to discuss the official response of the AATL. ASF completed its own formal written comments to the Proposed Decree Law and had it translated into the Portuguese language for delivery to the Ministry of Justice and other governmental leaders. Copies were also provided to appropriate national and international organisations, NGOs, donors and diplomatic advisors to the justice sector for their consideration and review. Efforts put into raising awareness on the issue of the private lawyers will strengthen the access to justice for the people of East Timor and the future of the justice system as a whole. At the same time, regular meetings have taken place to discuss the draft Advocacy Statute, a major topic for the AATL as well.

One of ASF's biggest achievements over this period has been the formal opening of the AATL office and release of the AATL Newsletter. The AATL conducted an Open House Reception on May 27th for the private lawyers, as well as donors, diplomatic corps, local and international NGOs, members of Parliament, and justice sector actors to officially open its new office. The event was very well attended and it is hoped that the physical visibility of the office will provide the private lawyers with greater ownership, credibility and investment in the AATL.

Another big achievement was the contact made by a new attorney hired to work with the Peace and Justice Commission. Three representatives of this organization came to ASF's office to register the new attorney with the AATL and to ensure that she receives all information on the AATL and ASF's training program. This is a very positive element to see that there is recognition that new lawyers practising in East Timor need to contact the AATL in order to register and be recognised.

As part of ASF's Private Lawyer Training Program, a two-day workshop was held on April 29-30 in cooperation with the ARD Land Law Program on the topic of land law. The workshop was well attended and enthusiastically received by all the participants. The role of private lawyers in land mediation was presented and discussed.

The Civil Society Program entitled Providing access to justice and legal awareness at the grassroots level is the object of our Focus in this Newsletter. The objectives of the programme as well as its rationale are detailed in the Focus. Most recently, a Train the Trainer's Workshop prior to the implementation of the training programme in the field is scheduled to take place on the 30th May – 3rd June, 2005 to enable the team to plan and prepare for future activities. The objective of this event is to provide the project team, which would consist of the NGO Programme Co-ordinators, Field Researchers and ASF Programme Co-ordinators, with skills on how to conduct training programmes in the districts.

Plans for potential projects to offer legal aid for women's rights violations have been discussed during April and again in May. Potential women lawyers have been identified as possible candidates for further capacity building in the area of women's rights. In May, ASF has participated in meetings with other NGOs such as JSMP, the Asia Foundation and Peace and Democracy Foundation, to further discuss the issue of legal assistance for women. Preparation for the project on the training of the newly elected *Chefe de Sucos* on domestic violence has also been carried out. The *Chefe de Sucos* are community leaders who are legally obligated to provide mediation and assistance on domestic violence issues by virtue of law.

ASF's head of mission for Timor and Program officer for the Civil society project,

Teresa Logase will be leaving the team on the 1st of June 2005 and will be replaced by the mission's Program officer for the bar association project, Shelley Wieck. As of June Ross Clarke will be joining Timor's mission as Program Co-ordinator for the Civil society programme.

## Israel and the Palestinian territories

As mentioned in the previous Newsletter, ASF's training seminar for Israeli and Palestinian lawyers took place at the Maison de l'avocat in Brussels from the 10 to the 13 of March 2005. The topic of the seminar was the Globalisation of Justice : International Law and Protection of Fundamental Rights. ASF has completed the report, which compiles all the interventions and the debates during the seminar. The report is now available upon request.

The seminar was a success and many of the participants expressed the need for this common effort to be pursued and the results gathered during the seminar to be explored. The necessity for the lawyers to co-operate in the long run was underlined. This collaboration could prove to be very important in terms of exchange of information, networking, and debates. As ASF is committed to encourage an open communication in the judicial context between the two communities, it has prepared a project. Its goal is to develop an association of Israeli and Palestinian lawyers promoting human rights.

This project, which has been financially approved, has the objective of organising a six day training cycle and a series of activities in order to put in place the above mentioned association. The successful group dynamic experienced in Brussels now enables ASF to develop projects in the field. As such regular meetings with more and more lawyers can be held. Our project officer will be travelling to Israel and in the Palestinian territories in July in order to hold preparatory meetings for the launching of this new project.

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**Avocats Sans Frontières 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 Avocats Sans Frontières. All cash donations equalling or exceeding thirty Euro are tax-deductible in Belgium.**

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- Become a member of Avocats Sans Frontières and regularly receive the Avocats Sans Frontières newsletter (40 Euro/Year - 20 Euro for students - Bank account: ING/Caisse Privée 630-0227491-85 - IBAN: BE89 6300 2274 8185 - BIC : BRUBE<sup>B</sup>B - Mention: "membership 2004") ;

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