

Avocats Sans Frontières  
Annual report

2010

**JUSTICE** *for a fairer world*

*Avocats Sans Frontières is an international non-governmental organisation. Its mission is to independently contribute to the creation of fair and equitable societies in which the law serves society's most vulnerable groups. Its principle aim is to contribute to the establishment of institutions and mechanisms allowing for independent and impartial access to justice, capable of assuring legal security, and able to guarantee the protection and effectiveness of fundamental rights (civil and political, economic and social).*

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Children in front of a church in Panzi, a suburb of Bukavu (DR Congo) where ASF organised a mobile legal aid centre. November 2009  
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« ... the organisation's key principles – empowering vulnerable people, local access to justice, and lawyers as “agents of change” – [continued] to guide ASF's interventions... »



The ASF team led by Executive Director Francesca Boniotti (l.) raises awareness among judicial actors at the Palace of Justice in Brussels on 30 June 2010, on the occasion of 50 years of independence of DR Congo. The small bags of confetti distributed are made from judicial documents which symbolise cases handled according to the rule of law © ASF

## A Dynamic Year

2010 was a year of consolidation at Avocats Sans Frontières (ASF), with the organisation's key principles – empowering vulnerable people, local access to justice, and lawyers as “agents of change” – continuing to guide ASF's interventions both in the countries of operation and at the international level.

Designing and implementing legal aid for vulnerable people in countries with a fragile rule of law remained at the core of our operations. In doing so, ASF emphasised the quality of its services, provided together with partners, as well as the capacity of our partners to later assume full ownership of these legal aid activities. ASF created mechanisms to help the transfer of full responsibility for legal aid activities in a coordinated manner, such as a pool of lawyers dedicated to assisting the vulnerable, and steering committees with bar associations (Burundi). ASF's technical assistance helped ensuring the long-term sustainability of quality legal aid in countries in the global South.

As a *sans frontières* organisation with a global orientation, ASF remained active at the international level. ASF met the increasing demand from victims of serious human rights violations to access the legal repertoire of international justice by our activities supporting the Rome Statute and the International Criminal Court. ASF and its partners facilitated the direct participation of victims in criminal proceedings in both domestic jurisdictions and the ICC through awareness-raising activities in the field and training of lawyers. Empowering local stakeholders to claim their rights with the knowledge that they, as victims or as lawyers, prosecutors and judges, have a key role to play in the fight against impunity underpinned ASF's interventions. Furthermore, ASF focussed on globalisation of justice, looking at the adverse impacts that transnational corporations can have on communities in the global South. A long-standing issue, ASF believes that the law as a tool for change and for the re-establishment of communal rights has not been used to its fullest potential yet.

ASF's conviction in reciprocity of responsibilities of the global North and South took shape in another innovative initiative called the International Legal Network (ILN), consisting of lawyers and other legal experts. The philosophy behind the ILN is to encourage lawyers in the North and South to assume their responsibility as actors of social change. This approach was applied through various observation missions of emblematic cases, peer-to-peer counselling on a range of issues, and interventions to assist lawyers in danger.

All these activities implemented in 2010 could not have been realised without the professional contribution of our staff who accomplished our goals in often difficult conditions. A word of thanks should also be given to the Board of Directors and friends of ASF who supported the work, values and strategic direction of the organisation.

This annual report provides a summary of ASF's activities in 2010, providing a review of the various programmes and initiatives that brought us closer to realising our guiding principles. I invite you to take a closer look at the challenges and successes that ASF faced in 2010 as an instructive and interesting view of how the rule of law can improve people's lives. ■

**Francesca Boniotti**  
**Executive Director**

## Making a difference for the most vulnerable

Dear readers,

*Tempus fugit.* 2010 has past. It was a highly eventful year although other major events have made the news headlines since then; dictatorial regimes have been overthrown by rebelling citizens who were denied their fundamental human rights for decades.

Injustice has many faces. Misconduct in countries such as Tunisia, Syria, Egypt, Yemen, Bahrain, and Libya turned out to be of a larger scale than generally assumed in the Western public opinion. The cry for more freedom and justice has loudly rang out.

Since its foundation in 1992, Avocats Sans Frontières (ASF) has “translated” its inexhaustible fight for justice into numerous activities and missions. The present annual report gives you an overview of our work in the field. Once again, hard work has been delivered both at headquarters and in the field to maximise our assistance to the most vulnerable groups in affected societies.

ASF created new initiatives to make our work in the field more efficient and to offer our target groups high-quality support. As an example, I would like to flag our new “house tool”: the International Legal Network (ILN), a network of lawyers and legal professionals that comprises over 160 members from all over the world. Thanks to these members’ long years of experience and expertise offered on a pro bono basis, our organisation can further develop its area of expertise and expand its field of action.

This annual report contains testimonials of our colleagues, collaborators and partners in the field. These accounts confirm that through our expertise both in access to legal systems and in ensuring free legal aid, we can make a difference.

The fight against impunity for the most serious international crimes such as war crimes, genocide and crimes against humanity continues unabated. It is encouraging to note that an increasing number of local judges and prosecutors – thanks to our trainings and interventions – are convinced that impunity is unacceptable and that victims are entitled to redress.

The idea that a mechanism such as international criminal justice can be a response to the unbearable suffering inflicted on many innocent civilians is gaining acceptance in the countries where we are active. In this respect, I would like to refer to our successes in the Democratic Republic of Congo (DRC), on which you can read more in this report.

The right to a fair trial expresses a fundamental choice in favour of individual dignity. Concretely, protecting this right means that no one can be detained for an undetermined period without charges and without access to assistance from a counsellor. Abuses of pre-trial detention are common in the

countries where we operate. ASF has invested many resources over the past year to raise awareness of illegal detention at policy level.

Because access to legislation, case law and other useful information for local lawyers remains difficult, the organisation took the initiative in the DRC to develop three *vademecum* on pre-trial detention, sexual violence and torture.

2010 is also the year of the whistleblowers. In the annual report you will read the testimony of Stella Akiror, a divorced mother of six children and a community leader in Uganda. She feels responsible for exposing child trafficking in her community and informing local authorities. The fight against child trafficking and child abuse is one of ASF’s priorities in Uganda.

Apart from the descriptive account for each mission, the annual report also presents the financial results of 2010 in numbers.

I am convinced that this annual report will not leave you indifferent.

In 2012, ASF will celebrate its 20th anniversary. What started as a small group of committed lawyers who wanted to contribute to the fight for a better world, has now grown into a full-fledged organisation employing over 160 people and into a key player in its field of action.

Enjoy the report. ■

**Hafida Talhaoui**  
President



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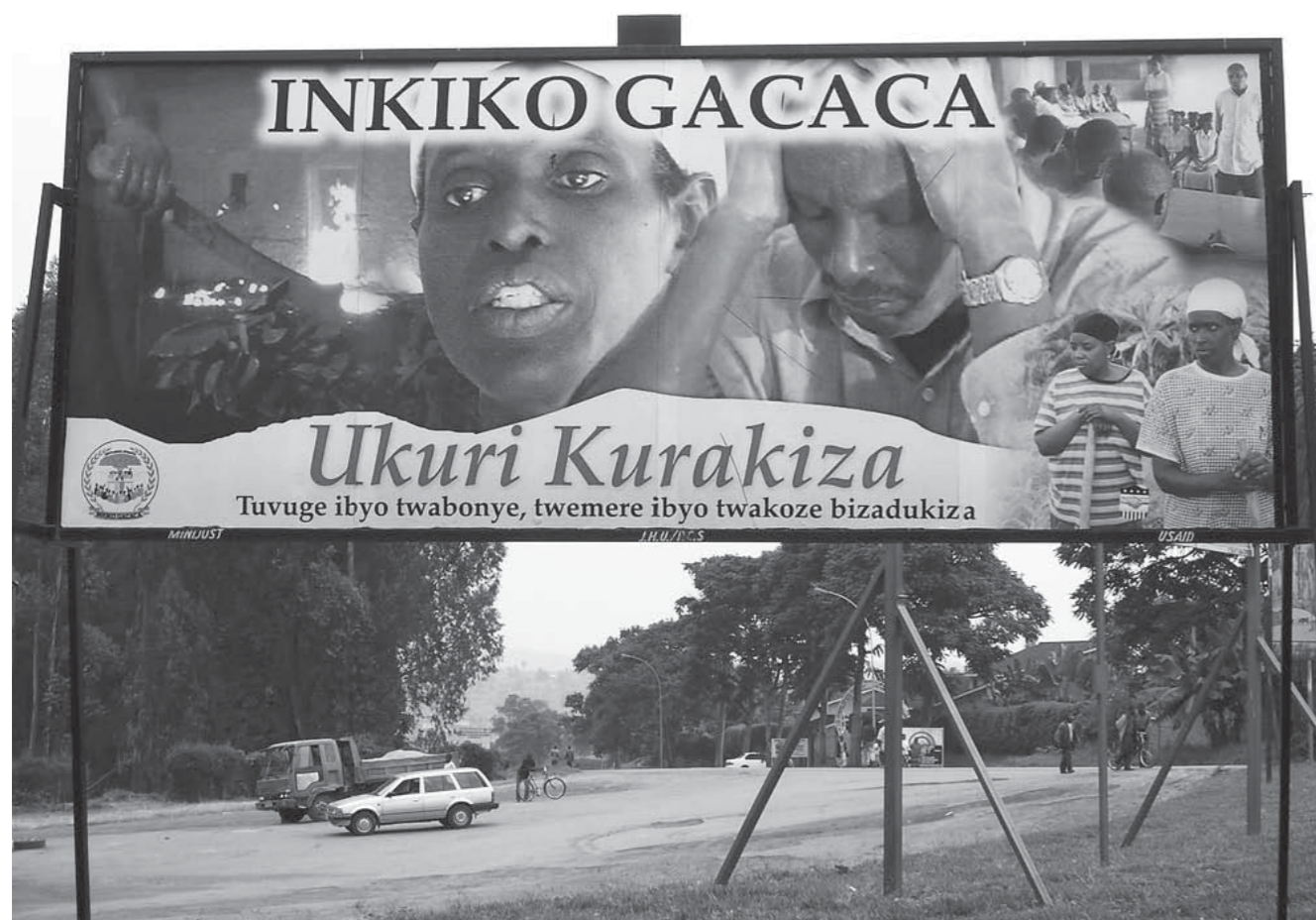


*« ... through our expertise both in access to legal systems and in ensuring free legal aid, we can make a difference. »*

A small boy in the village of Walungu, South Kivu (DR Congo), where insecurity is a regular threat for the local population. 2010 © ASF - Claude Maon

# STREET LIFE

« Whatever the justice system, classic or Gacaca, delivering fair justice is the final goal. »



The billboards promoting Gacaca jurisdictions have now been removed from the urban landscape. Picture taken in 2005 © Amanda Gregory

## Historical moment in Rwanda: the Gacaca tribunals close down

2010 is a special year for justice in Rwanda: the so-called Gacaca tribunals have stopped handing down their judgments\*. These tribunals established after the 1994 genocide are a unique example of a jurisdictional mechanism empowered to judge on a national level – rather than the international level – persons accused of genocide. This mechanism aimed at combining the traditional approach of judgments at the level of small administrative entities by non-professional judges elected by the community, with a formal judicial framework essential to the standardised implementation of common rules at national level. After five years, some 12,000 Gacaca tribunals have delivered approximately one and a half million decisions.

Albert Muhayeyezu coordinated the Monitoring programme of the Gacaca trials at the ASF mission which opened in Kigali in 1996 and has closely followed this unique process.

**In Rwanda, as in other countries of intervention, ASF aimed at contributing to improving legal assistance. But here, the context was very specific...**



**Albert Muhayeyezu:** Yes. And the challenge was huge: how to respond to the scale in terms of number of crimes committed through a judgment-delivering mechanism carried out at community level – communities which themselves are victims – by untrained people within a homogenous judicial framework at national level? For ASF, this was truly a first. We recognised the full complexity of dealing with such as a traumatic event.

**In 2004, ASF launched monitoring programs to observe the Gacaca process and make recommendations to the National Service of Gacaca Tribunals (SNJG). What has been the impact of these activities?**

**A.M.:** Our team of legal experts carried out field visits and observed the trials. Sometimes, the hearings were held under large trees within the local communities. The monitoring of the Gacaca extended itself from a “pilot” judgment phase in 2005 to the generalisation of the process across the entire country by the end of 2009. Recommendations were made to the authorities, more specifically to the SNJG, in order to improve the expertise of the *inyangamugayo*. These were people elected by the population to take decisions within the Gacaca jurisdictions. In fact, ASF actively contributed to the support given to the *inyangamugayo* through training (in 2004-2005) as well as the distribution of manuals to the different Gacaca tribunals across the country.

**Respecting the rules for a fair trial was a crucial element in the judgments given in the context of Gacaca tribunals. ASF published several reports on this issue. The final one was in 2010.**

**A.M.:** As a reminder, a fair trial is based on the following requirements: the respect for a hearing with opposing points of view, the requirement to explain the motivation on which the decision is based, specific rights accorded to the accused, procedures concerning confessions and determining sentences. Our last analytical report reviewed all our conclusions related to the respect of these principles by the Gacaca tribunals. We observed that for each judgment taken, the level of acceptance of this decision and its repercussions varied according to the quality of the decision. Some people have undoubtedly been satisfied with the judgment while others have not. In fact, in many cases that ASF observed, the trials did not respect the legal provisions which guarantee the right to a fair trial. When a judge does not respect the principles of fundamental rights, the parties to the hearing feel discriminated by the decision taken. Without hearing the opposing views, there is no articulation of common truth, no emphasis on individual responsibility of the accused, and no guaranteed respect for the equal rights of the parties. With no clarification of the reasoning behind a judgement, the judge does not uphold his or her responsibility to outline the elements on which his or her decision is founded. In these conditions, the parties and the public cannot understand the logic and the legality of the decision made, or the reasoning underpinning it.

**You have been a judge for 25 years. What have you learned from your experience in monitoring the Gacaca trials with ASF?**

**A.M.:** Whatever the justice system, classic or Gacaca, delivering fair justice is the final goal. This requires that the principles governing the fair trial are scrupulously respected. We have worked on this by way of trainings provided directly or indirectly by ASF, but also by our monitoring which has led to regular reports and recommendations aimed at improving the Gacaca process. Despite certain decisions over which we were unable to have a positive influence, the comments which we received from various stakeholders who have benefitted from our help, or who have been worked with ASF throughout the process, leads us to believe that our monitoring action has had a positive effect on the administration of Gacaca justice. ■

\* The ongoing cases in 2011 are the ones being reviewed.



## Access to Justice in Burundi: a local lawyer collaborating with ASF shares his views

In 2010, Avocats Sans Frontières (ASF) further implemented its legal assistance programme for vulnerable persons involved in land disputes, victims of sexual violence, acts of torture, and flagrant fundamental rights violations. Imprisoned minors and persons held in illegal preventive detention were also supported. Lambert Nsabimana is lawyer in Bujumbura and has collaborated with ASF for three years. He is now part of a pool of lawyers offering quality legal representation services to vulnerable populations going to justice; ASF created this at the end of 2010 and offers support to the lawyers. ASF also offers continued capacity-building measures to the members of the pool in order to meet this objective.

Lambert Nsambimana talks about a specific obstacle to access to justice in Burundi as well as in many other African countries: the concentration of lawyers in the capital city at the expense of the rest of the country.

**Could you mention a case which has made a particular impression on you as lawyer collaborating with ASF?**



**Lambert Nsambimana:** I would rather mention certain aspects of different cases. As an example, I remember a land dispute case in which a vulnerable young woman was claiming her share of inheritance from her brothers. This case was addressed with exceptional promptness. I pleaded it in just one open court hearing. It was deliberated, the brothers did not appeal, and the court decision was swiftly executed. This client is still grateful to me because she won her claim. Another case was about preventive detention. It happened at the Rumonge prison, located south of Bujumbura. A young suspect aged 15 and accused of murder had seen me plead before the court for other detainees in cases taken up by ASF and asked me to help him. I asked the judge if I could examine his file. It only included a warrant for arrest and lacked any other document justifying the charge. I pleaded successfully for the suspect to be released due to lack of evidence. It was a pro bono pleading that really left its mark on me.

**How would you describe the added value of ASF in Burundi?**

**L.N.:** ASF's contribution is enormous. In Burundi, a number of vulnerable people have enjoyed their right to a lawyer or have been able to understand their rights thanks only to ASF. Some of them have benefited from the support of ASF throughout all stages of their trial. It is a more than considerable contribution in terms of access to justice for the population. From the point of view of lawyers starting their careers, working with ASF is an enriching experience. It is like a training enabling them to gain expertise, practice their work, and approach the justice system. More accomplished lawyers can acquire new skills by dealing with cases of sexual violence or torture. In brief, the ASF capacity-building policy contributes concretely to the development of skills of lawyers whose profession requires constant training.

**In your view, what should be done in Burundi to enable a larger number of vulnerable people to access justice?**

**L.N.:** I believe that the judicial procedure needs to undergo a general reform. In Burundi, a family land dispute or the theft of a mobile phone goes up to the Supreme Court. At some point, the justice process should stop in order to unblock our tribunals and enable the Supreme Court to work within the bounds of its mandate. On this issue, ASF could orientate its advocacy by assisting the court and raising its awareness on strictly respecting its role within the Burundian judicial system. Another issue is the geographical concentration of lawyers in Bujumbura at the expense of other parts of the country. Concerning vulnerable people living outside of the capital city, ASF could call upon the Ministry of Justice to envisage other means to accompany these victims through the different

steps of their trial. Furthermore, as lawyers have to keep their practice active, there should be more to help them establish themselves in certain areas around the country. Organisations such as ASF could facilitate the establishment of an incentive policy for lawyers who would be ready to settle in more remote parts of the country. This would increase access to justice.

**An important issue in the field of justice in Burundi concerns land disputes. What strategy should be developed in this matter?**

**L.N.:** Regarding land disputes, claimants should be assisted on how best to avoid this kind of dispute. ASF could advocate for the introduction and popularisation of a law on inheritance. This would coincide with the draft law on inheritance for women in Burundi for example, aiming at more legal security

in land issues. In this case, ASF intervention would be only of a preventive nature. I would like to come back to the issue of training. ASF should organise training sessions for lawyers and judges – all law practitioners – to reduce gaps in their respective interpretations of the law. Advocacy should also target the Ministry of Education in favour of the introduction to law lessons in schools. In this way, the law would be accessible to everyone, and claiming one's rights would become a reflex. Lawyers would then also play their role as trainers in addition to their role as legal representatives. ■

*« ... a number of vulnerable people have enjoyed their right to a lawyer or have been able to understand their rights thanks only to ASF. »*



The High Court of Rutana, a poor and remote province with few skilled lawyers or judges, South Burundi, May 2011  
© ASF - Fanny Cachat

« Children are better informed (...) through my sensitisation work in schools with pupils, teachers and parents. »



Community leaders posing with their promotion posters distributed by ASF during their training in Soroti, East Uganda, 2010 © ASF - Angella Agado

## Uganda: a community leader fights child trafficking

Besides dealing with crucial issues such as the use of torture, excessively long pre-trial detention and domestic violence, ASF's activities in Uganda have focused on extending its programs combating child trafficking. The abuse of children's rights in Uganda stems from the post-conflict situation, poor socio-economic conditions and a lack of legal awareness. The eastern part of the country in particular is known as a hotbed of human trafficking. This is why ASF opened its third Ugandan Office in Katakwi, the main town in the eastern district which is a transit point of child trafficking for other parts of the country as well as neighbouring countries.

ASF set up a key mechanism of having focal points within local communities to promote both prevention and quick detection of cases of child trafficking and other issues of access to justice.

The presence of these community leaders enables ASF to develop a sustained and community-owned strategy whereby issues affecting children (child trafficking, sexual violence and neglect, domestic labour, forced marriages) and the lack of access to justice for vulnerable people are brought to the attention of ASF lawyers for intervention.

Ms. Stella Akiror, a divorced mother with six children, is one of the 65 community leaders with which ASF works. Based in the Kamod Parish, in the eastern district of Soroti, she has been instrumental in mobilising her community for ASF "mobile clinics" (mobile legal aid centres), raising awareness, and referring victims of rights violations for assistance and access to justice.

### How do you explain child trafficking in Uganda?



**Stella Akiror:** People are poor. Some of them are ready to sell their children, sacrificing them for money in a way. The victims are also orphans and generally girls. We see an increase in the numbers of orphans who are easy prey for traffickers. These people come disguised, presenting themselves as aid organisations for orphans but instead they take these children to urban centres where they will be exploited.

### As a community leader, what obstacles do you face in combating child trafficking and enhancing access to justice?

**S.A.:** What makes my work difficult is the animosity from community members when I raise these issues or report cases of child trafficking to the authorities. The parents and

guardians involved claim that community leaders have no say in internal matters related to their families. Also, few men turn up to legal education during the mobile clinics, despite all my efforts to mobilise the community. This is problematic, as men are usually the perpetrators of child trafficking. This is why – in addition to family counselling – there is a need for legal education and legal aid activities in the community specifically targeting men. But I do see progress. Many people within communities have a better understanding of the law on child trafficking. Also, legal action against some parents serves as an example and, as a consequence, more adults are afraid of being involved in acts of child trafficking.

### What about the children, the potential victims, themselves?

**S.A.:** Children are better informed, for example through my sensitisation work in schools with pupils, teachers and parents. I also do counselling. One day, I was informed of a 14 year old girl who allegedly wanted to get married in order to escape many problems at home. Apparently, she had also been taken to town to work as a house maid. I held a number of counselling sessions with her and she returned to school. After a while however, she dropped out of school again as she had to take care of her three younger siblings. I am still following up closely on this case.

### What have you learned through the ASF work in your community and how do you see your role after the ASF project?

**S.A.:** I have learned that defilement cases and child trafficking-related cases carry the maximum penalty. On property ownership, now I know that women also have a right to inherit land, and which courts are competent to handle land issues. I am also familiar with the "referral pathway", that is to which court the cases I come across have to be referred. I have become a whistleblower in my community by reporting child trafficking cases to the authorities whenever they are brought to my attention. We, community leaders, shall remain relevant as at least local councils, the police, parents, teachers and pupils know and value our work. I am convinced that they will continue consulting us and that we shall continue playing our role for the benefit of our communities. ■

« Ensuring that suspects and victims benefit from the best legal representation possible is crucial. »



The Registrar of the International Criminal Court, Mrs. Silvana Arbia (third from left sitting), met with representatives of a women's group during her first mission to Chad in April, 2009 © ICC-CPI

## ASF supports the International Criminal Court

Avocats Sans Frontières (ASF) has actively supported the work and the independence of the International Criminal Court (ICC, or the Court)\*. In particular, ASF has continued its awareness-raising activities benefitting the ICC. ASF has shared its expertise and field experience through regular consultations with the various bodies of the Court. Equally, ASF has teamed up with the Council of Bars and Law Societies of Europe for the organisation of a public event called "Appeal to Female African lawyers" which took place in Brussels in November 2010. This event concluded the first phase of the campaign launched by the ICC and the International Bar Association to increase the number of women on the list of lawyers authorised to intervene before the Court. Finally, ASF has actively participated in the preparation of the Review Conference of the Rome Statute\*\* – the founding document of the ICC – which took place in Kampala in May-June 2010 (cf. pages 20-21 of this report).

The ICC's Registrar, Mrs. Silvana Arbia, is responsible for the Court's administration. She comments on the role of lawyers and of civil society organisations in the work of the ICC.

**The international community is expecting a lot from the ICC, the first and currently only permanent international criminal tribunal. How does the Court face up to the challenge of these expectations?**



**Silvana Arbia:** The ICC is an independent, impartial and purely judicial institution. It is a court of last resort with a mandate to fight against the impunity of perpetrators of the most serious crimes: crimes against humanity, war crimes and genocide. However, the initial responsibility to prosecute these perpetrators rests with the states, under the principle of complementarity. The ICC can contribute to strengthening or restoring peace in certain countries worldwide but its role is fulfilled through respect for a fair judicial procedure. Expectations vis-à-vis the Court's mandate will be rationalised through communication with the wider public and sharing information on the Rome Statute, the founding treaty of the ICC, and the competence of the Court. But ultimately, the efficiency and professionalism of the Court's staff remains the best guarantee for responding to international expectations.

**How can ASF support the work of the Court and interact with it?**

**S.A.:** As other NGOs, ASF has a role to play in supporting the Court's work by relaying information and ensuring a better understanding of the ICC in various parts of the world. The ICC counts on this support to increase the impact of our information and awareness-raising activities towards the public in general, and in particular the communities affected by the crimes coming under the competence of the Court. ASF's activities are also necessary to increase the participation of lawyers from different countries before the ICC and to encourage them to subscribe to the list of counsels authorised to

represent suspects, accused or victims before the Court. This is crucial to guaranteeing the best representation for these people, increasing the support from the world's legal community, and facilitating international cooperation with the Court.

**In which areas could legal stakeholders and civil society organisations such as ASF contribute more?**

**S.A.:** Ensuring that suspects and victims benefit from the best legal representation possible is crucial. It is therefore useful for ASF to join its efforts with those of the Court in order to encourage subscription to the list of counsels, notably through supporting the campaign "Appeal to Female African lawyers" launched together with the International Bar Association. It can also support establishing training sessions for lawyers on issues concerning the ICC. More generally, legal actors and civil society organisations can cooperate with the Court in supporting the capacities of national authorities in the countries where the Court is investigating, so that they can prosecute the perpetrators of war crimes, crimes against humanity, and genocide at national level.

**What does the Court – and more specifically the Registry – do to encourage the involvement of lawyers?**

**S.A.** In order to guarantee the rights of suspects and victims at all times during the proceedings, the Registry takes all the necessary measures to check that the chosen counsel (lawyer), supported if need be by a team, is fully capable of fulfilling his mandate. Experienced lawyers who wish to represent suspects, accused or victims must appear on the list of counsels, which currently comprises the names of 300 lawyers from 53 countries. The Registry provides all its designated counsels with a range of services including translation and interpretation services, training to use the Court's electronic system\*\*\*, and offices at the seat of the Court with all the necessary equipment. Its services include the use of the offices, security and the liaisons with national authorities. The department for the support of counsel coordinates these services and has been created to ensure an institutional support as well as training sessions for counsel and external teams. Finally, one of the key components guaranteeing the rights of victims and those being prosecuted is of course the support to judicial proceedings. This ensures that the costs of legal representation are paid by the Court when the victims or those being prosecuted lack the necessary means. ■

\* The ICC has jurisdiction to prosecute those responsible for genocide, crimes against humanity, war crimes and crimes of aggression, when national jurisdictions are not capable nor willing to do so.

\*\* The Rome Statute came into force in 2002.

\*\*\* The "e-Court" implies the electronic management of courtroom activities, documents, data and evidence.

## International criminal justice and national jurisdictions: DR Congo is in progress

The main activities of Avocats Sans Frontières' (ASF) International Justice programme focused on the Review Conference of the Rome Statute which took place in Uganda's capital city Kampala in May-June 2010, as well as on evaluating the implementation of the Statute. In the context of the conference, ASF was actively involved in the consultation process with members of civil society and the States Parties on two themes: (i) the complementarities between international justice and national jurisdictions; and (ii) the impact of the Rome Statute on victims and affected communities. Furthermore, ASF participated in preparatory meetings in The Hague, where the International Criminal Court (ICC) has its seat, as well as in Brussels, notably during of the Spanish Presidency of the European Union (EU).

It should be noted that the ASF "Integrated Project on Fighting Impunity and the Reconstruction of the Legal System in the Democratic Republic of Congo" (DRC) was one of the ten projects selected during the Assembly of States Parties of the Conference as a concrete example of strengthening national jurisdictions in the framework of the fight against the most serious crimes. Put into operation in 2005, the objective of the project was to help rebuild the Congolese justice sector by providing judicial assistance to victims of serious human rights violations and strengthening the ICC. ASF also developed a new project to promote the system laid out by the Rome Statute and increase the efficiency of the ICC, with financial support of the EU and the MacArthur Foundation. Launched at the end of 2010, this project will enable ASF to capitalise on the lessons learned and to extend its activities in this field in 11 countries, including Colombia, Nepal, Timor Leste and the African Great Lakes Region.

Myriam Khaldi is an ASF thematic analyst in DRC. She shares her experience of the treatment of international crimes in this country, and particularly of the role of national jurisdictions.

**An increasing number of Congolese magistrates have directly invoked the provisions of the Rome Statute in their judgements - as stated in the Constitution. How is this development remarkable?**



**Myriam Khaldi:** In fact, the DRC is one of those very few States which have developed a national jurisprudence in this field and this has been done with the greatest respect for the principle of complementarities with the work of the ICC. This development is noteworthy. It means that lawyers, victims of violence and judges have had the necessary courage and tenacity to ensure that the alleged perpetrators of serious violations of human rights appear before a tribunal and are judged as fairly as possible. Put yourself in the shoes of the victims: what a relief for them to see that justice works and that crimes committed do not stay unpunished.

**In the east of the country, the civil population has particularly been the victim of international crimes. Do you have an example of a case concerning these violent acts?**

**M.K.** The "Kakado" case, named after Kakado Tshopena who was the spiritual leader of an armed group, the *FRPI* (Ituri Patriotic Resistance Front). In 2002, the militiamen under his command massacred more than one thousand people – mostly women, children, the sick and the elderly – in two villages near Bunia in Ituri. They set fire to schools, hospitals and churches, and looted villages. They raped women, including minors, and reduced others to sexual slaves. Five years later, Kakado was arrested by the Congolese army and prosecuted for the crimes perpetrated by his militiamen.

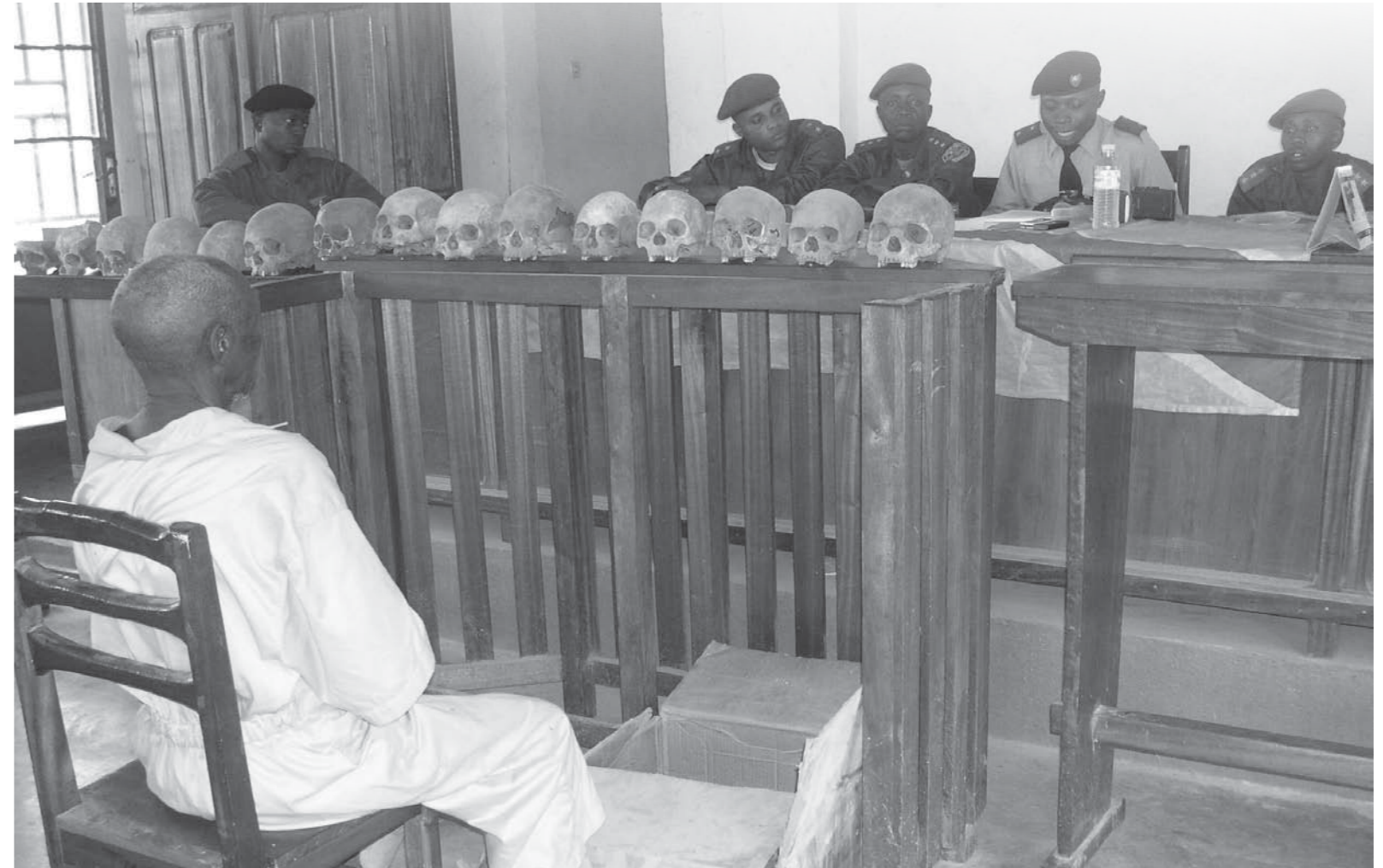
**That trial began in January 2010 and a few months later, the military tribunal of Bunia sentenced Kakado to life imprisonment. In what way is this decision emblematic?**

**M.K.:** It is emblematic on several accounts. There was a great deal of collaboration between judicial stakeholders, judges and lawyers who shared a common objective: to return a fair and just decision. So, the judges ensured the safety of the victims and witnesses who benefited from anonymity during the trial. The parties were heard in the languages of their choice. The sentence was based on a reasoned decision motivated by the judges and on a real substantive effort to establish the truth. Finally, let us not forget that there is still a certain level of violence in Ituri. Despite this permanent climate of insecurity, the examining judge went into the field to collect evidence.

**Could you illustrate ASF action with regard to the fight against international crimes in DRC?**

**M.K.:** Besides the judicial assistance brought to more than 500 victims, we have filed the dossiers of 56 victims in two important cases before the ICC. We have organised legal training sessions for around 50 local NGOs which are part of the fight against international crimes. During the Review Conference of the Rome Statute, ASF organised, in collaboration with the Uganda Law Society, a seminar on the complementarities with national tribunals. The ASF study on jurisprudence entitled "The application of the Rome Statute by Congolese national jurisdictions" was presented. I would also mention the publication of a collection of legal decisions and pleadings concerning international crimes. But beyond our actions, what really matters is the fight which the victims and the local legal stakeholders have led against the impunity of massive human rights violations in DRC. ■

*« ... what really matters is the fight which the victims and the local legal stakeholders have led against the impunity of massive human rights violations... »*



Kakado Tshopena, founder of the militia *Front de Résistance Patriotique en Ituri*, stands trial at the Military Garrison Court of Bunia, East DR Congo, February 2010 © ASF - Théodore Mukendi

## Legal aid in Chad: one lawyer per hundred thousand inhabitants

How to develop an efficient and accessible justice system? This is the challenge the Chadian authorities are facing. Following the adoption of a Justice Reform Programme in 2005, which aimed to guarantee better access to justice, a Support Program for Justice in Chad (PRAJUST) was launched with the support of the European Union. Hoping to benefit from Avocats Sans Frontières' (ASF) experience in legal aid, PRAJUST has invited ASF to contribute to the development of legal aid and judicial assistance in Chad.

Valerie Dumoulin is a PRAJUST expert based in N'Djamena and Namuezi Fedi is the expert on mechanisms of access to justice at ASF headquarters.

**Valerie Dumoulin, what are the needs for access to justice in Chad?**



**Valerie Dumoulin:** So far, legal aid provided by authorities has been limited to criminal trials. Concretely, if you are a woman requesting child support, or a person accused of stealing and in preventive detention, and you don't have the financial means to have a lawyer, you are on your own before the judge, with no means to defend yourself. Besides

this inaccessibility to lawyers for economic reasons, there is a lack of geographical accessibility. There are only 115 lawyers in Chad for a population of 11 million, the same population as Belgium, where there are 15,000 lawyers. Moreover, most Chadian lawyers are in the capital of N'Djamena, located in the far west of a country that is forty times bigger than Belgium.

**Why has PRAJUST called upon the experience of ASF?**

**V.D.:** Since its creation, ASF has developed efficient tools for improved access to justice for the most vulnerable in various contexts – especially in the Great Lakes region. I am thinking especially of their “mobile trials”. Also, we have received positive feedback on the legal aid training for representatives of the Chadian Bar, civil society and the Ministry of Justice; this training financed by the United Nations Development Programme (UNDP) was organised in 2009 in Belgium by ASF and another NGO (*RCN Justice & Démocratie*). This is why we have invited ASF to participate at a seminar on legal aid and judicial assistance in N'Djamena in October 2010. This seminar brought together some 80 key actors in legal aid matters in Chad: representatives of the central administration, bar associations, human rights organisations, etc. One of the objectives was to deepen our understanding of national and international experiences in legal aid and judicial assistance, and also to encourage justice and civil society stakeholders to think together about the development of a viable mechanism for Chad.

**Namuezi Fedi, how did you fit ASF into the framework of this seminar?**



**Namuezi Fedi:** Besides sharing our expertise, participating allowed us at ASF to actively contribute to establishing a national legal aid policy in Chad, as the seminar led to concrete recommendations. The event also coincided with the development of a project on a legal aid service for the most vulnerable by the

Chadian bar association in the framework of a call for project proposals launched by PRAJUST. Given our longstanding experience in capacity-building of bar associations, our technical support focused on defining the logical framework – key to any project – and drafting the project proposal (with a budget of close to €450,000).

**V.D.:** I should add that the input of ASF enabled the Chadian bar to focus its proposal on legal aid and judicial assistance for the most vulnerable and prioritise the complementarities between lawyers and other actors such as human rights organisations active in awareness-raising and legal consultations. The bar also met with representatives from the traditional, administrative and penitentiary authorities. This approach should support the collaboration between the bar and other actors assisting vulnerable people.

**How will the project developed by the bar and supported by PRAJUST improve access to justice in Chad?**

**N.E.:** The bar needs to demonstrate its capacity to defend the most vulnerable in cooperation with other actors. Another element will be decentralisation, as two lawyers should move to the city of Moundou, in the south of Chad; this should improve access to justice for the population in that specific region.

**V.D.:** As the majority of Chadians could be considered indigent, the project will need to plan for a mechanism for attributing legal aid to the most needy. For the first time, Chad will have a systemised mechanism to defend the most vulnerable such as handicapped people, sick people and women. The bar will also work in prisons for defendants who cannot afford legal representation. This too will be a first in the field of access to justice. ■

*« Since its creation, ASF has developed efficient tools for improved access to justice for the most vulnerable in various contexts... »*



Chad is more than forty times bigger than Belgium with largely remote areas, making access to justice for the population a challenge. February 2010 © Valérie Dumoulin

*« The bar needs to demonstrate its capacity to defend the most vulnerable in cooperation with other actors. »*

## Nepal: ASF opens a permanent office

While Nepal can be seen as a charming and attractive country, it is also among the most impoverished nations in the world. The country is recovering from ten years of civil war and is facing many challenges in the field of respect of human rights, access to justice and fight against impunity. This is why Avocats Sans Frontières (ASF) – following an exploratory phase in 2009 – has decided to open a permanent mission, with the financial support of the Belgian Ministry of Foreign Affairs and Development Cooperation. Julie Fournier started her function as Head of Mission in November 2010. From Canada, Julie Fournier has previously taken on a range of responsibilities in international organisations and development agencies in Burundi, Rwanda, Canada, Haiti and Croatia before joining ASF.

**What specific challenges related to justice does Nepal have to face?**



**Julie Fournier:** Nepal is facing the standard challenges for any country coming out of a crisis: impunity for those who committed acts of torture and other crimes during the civil war, disorganisation of State services, lack of capacity of local actors such as the NGOs and bar associations, lack of knowledge and information of the population on their rights and ways to claim them, and lack of independence of judicial actors (police, magistrates). There are also more specific issues such as the fact that the population has little recourse to formal justice. There are more than 10,000 lawyers in the country. The legal sector is relatively well-developed and the judicial power is able to take credible decisions on human rights issues. Nevertheless, according to estimates, three disputes out of four are being resolved through informal or alternative justice mechanisms such as community leaders; these mechanisms do not always guarantee the protection of the victims' rights. This situation can be partly explained by cultural and economic factors but it is also a result of the absence of access to justice and legal aid policies. Moreover, certain issues in Nepal are particularly worrying. I am thinking of torture, human trafficking, sexual violence, and the exclusion of fringe groups, such as children put to work.

**How does ASF plan to respond to the absence of access to justice and legal aid policies in Nepal?**

**J.F.:** ASF's action in Nepal will be essentially focused on strengthening the capacities of lawyers and district bars (the districts are administrative entities) to provide legal aid to its population. We will assist the organisation within bars for the provision of a range of pro bono services: information, counsel, and legal representation. Lawyers will also be supported through training and coaching, which will allow them to better understand their role and the services that they can offer the population and other actors within the system. Advocacy work will be done with the central bar in the capital city of Kathmandu in the context of the legal aid mechanisms reform.

**What will be the concrete objectives of the ASF program in Nepal?**

**J.F.:** First, we aim to encourage people subject to trial to call upon lawyers and go through mechanisms of formal rather than informal justice, the latter often not being adapted. Secondly, the capacity of actors within the system – primarily lawyers and bar associations – will be strengthened, including through a training program for a limited number of lawyers involved in the project. Legal aid services will be evaluated to ensure quality and the drafting of new policies will be supported. Finally, ASF will take up specific emblematic cases (on torture, human trafficking, sexual violence) in order to consolidate the capacity of local actors to tackle these issues innovatively and to contribute to the development of related jurisprudence. We have decided not to directly implement all these activities but rather to give responsibilities to local actors; ASF will have a more catalysing and support role. The program

will be implemented in cooperation with three local NGOs, the Nepalese National Bar Association, and experts from the International Legal Network.

**Opening a mission in a country in a post conflict situation is not an easy thing...**

**J.F.:** That's true. To operate in Nepal, ASF needs to be officially registered with the Social Welfare Council, a branch of the Nepalese government responsible for supervising the work of NGOs. This fairly complicated process should result in a positive response during the first trimester of 2011. Besides preparing the documents necessary for our registration, I worked on fine tuning our program, particularly in its modalities for implementation. Once a project is starting, it is

important to analyse the challenges of the local environment, to evaluate the capacities of our partners, and to build the foundations for a solid and clear partnership. Finally, there is a whole logistic dimension linked to the opening of a new permanent mission, like finding office spaces, recruiting local staff, getting to know the legal and regulatory framework of the country, developing internal operational guidelines, etc. All in all, it is a complex yet thrilling adventure. ■

\* The Agreement making official the permanent presence of ASF in Nepal was signed June 12, 2011.



*« ... three disputes out of four are being resolved through informal or alternative justice mechanisms (...); these mechanisms do not always guarantee the protection of the victims' rights. »*

Nepal is the poorest country in South Asia with one-third of the population living below the poverty line © ASF - Julie Fournier

« As Israel is the occupying power in East Jerusalem,(...) its settlement policy is in clear violation of international law. »



The demolition of the Shepherd Hotel in Sheikh Jarrah, East Jerusalem, 9 January 2011 © Atef Safadi

## Housing rights in East Jerusalem: not just a domestic dispute

Avocats Sans Frontières' (ASF) program in Israel and the Occupied Palestinian Territory (OPT) promotes respect for, and enforcement of, international law by strengthening the capacities of human rights lawyers and civil society organisations. In October 2010, ASF launched a short-term project in the OPT on protection of housing rights and legal enforcement mechanisms. The project consisted of sending of a delegation of British lawyers mandated by ASF to Sheikh Jarrah – a Palestinian neighbourhood located north of the Old City of East Jerusalem – in order to conduct a fact-finding mission on the ongoing legal struggle. This delegation, with a specialisation in housing rights, is expected to publish its report in 2011 but have already reached some preliminary conclusions.

Stijn Denayer is the project coordinator. He looks back on the preparation for this mission and outlines some of the results.

**How did the sensitive political background of housing rights in Jerusalem affect the ASF mission?**



**Stijn Denayer:** The issue of housing rights in Jerusalem is not new. Since the start of the Israeli occupation and annexation of East Jerusalem in 1967, Palestinian refugee families in Sheikh Jarrah have been the target of eviction proceedings. Today, out of more than half a million Israeli settlers living in the OPT, some 190,000 live in settlements inside East Jerusalem. Between 2001 and 2009, 37% of all settlement housing units in the OPT were located in East Jerusalem.

**Could you describe the way Palestinian families are being evicted from their homes by the Israeli authorities?**

**S.D.:** The testimonies of affected families on how they have been evicted are compelling. The Israeli police have attended evictions and demolitions of houses owned by Palestinians in disproportionate numbers, closing off roads, and removing families with unnecessary force. I remember this Palestinian woman who told us that when the Israeli Defence Forces came to evict her around four o'clock in the morning, it looked like a war zone. She said that within an hour, the Israeli settlers were occupying her house and using her belongings. This has been confirmed by numerous direct and indirect sources. As a result, people become homeless and no assistance is provided by the Israeli authorities to the families concerned.

**You stayed in Jerusalem for the entire duration of this project (October-December 2010). Were you able to meet the different parties engaged in this legal battle?**

**S.D.:** Yes and no. In the two months before the arrival of the delegation, I worked essentially on organising the agenda for the fact-finding mission of the delegation. During that time, I was able to meet with all the relevant local – both Israeli and Palestinian – and international NGOs, as well as international organisations such as the United Nations Office for the Coordination of Humanitarian Affairs and UNRWA (the United Nations relief agency in charge of the Palestinian refugees). I also met with a dozen Israeli and Palestinian lawyers as well

as with academics and political representatives, including representatives of the Palestinian Authority. However, it was much more difficult to arrange meetings with Israeli lawyers defending settler groups or with representatives from settler groups. In fact, I only received negative responses to my requests for meetings. Similarly, many requests were made prior to and during the visit of the delegation to meet with members of the Jerusalem City Council and representatives from the Jerusalem Mayor's Office. Here also, the responses have unfortunately been negative except from one elected member of the Municipality, who is also a leading member of a civil society organisation fighting against Israeli demolition of Palestinian houses in the OPT.

**The lawyer delegation mandated by ASF will produce its mission report in 2011 but what main conclusion can already be drawn?**

**S.D.:** As I mentioned, the evictions in Sheikh Jarrah are not being carried out in compliance with international human rights law, according to which force should only be used as a last resort and – when unavoidable – minimised to the utmost extent. In reality, the way these evictions have been conducted violates Israel's obligations under the International Covenant on Economic, Social and Cultural Rights. More importantly, contrary to what the Jerusalem Municipality and the Israeli government are claiming, the situation in Sheikh Jarrah is not a legal matter for the domestic Israeli courts to decide upon; the situation is not one of a dispute of local property ownership between Jewish and Arab residents of Jerusalem. As Israel is the occupying power in East Jerusalem, it has no jurisdiction over these cases and its settlement policy is in clear violation of international law.

**Does it also impact directly on the living conditions of the Palestinian residents in Jerusalem?**

**S.D.:** Absolutely. The Palestinian population is facing a severe housing crisis. Currently, only 13% of the land in East Jerusalem is available for Palestinians to build on, much of which is already densely built upon with overcrowded houses. The housing conditions in the Palestinian communities in occupied East Jerusalem are in stark contrast to the housing conditions in the Israeli settlements. Palestinian areas are characterised by poor roads, little or no street cleaning, and limited sewage infrastructure. There are few public services and well-maintained public areas are absent. ■

\* At the time of writing the Annual report, this report has been published and is available on the ASF website.

## The International Legal Network: from dream to reality

Avocats Sans Frontières' (ASF) International Legal Network (ILN) was launched in January 2010. The ILN comprises lawyers from around the world who support ASF's international programmes and missions on the ground by using the law as a mechanism for social change benefitting society's most vulnerable. The ILN offers law firms partnership opportunities allowing them to develop their pro bono activities through their knowledge and expertise of the law. Trainee lawyers are given the opportunity to participate in the "Article 16 – Lawyers in Danger" project\*, advocating on behalf of persecuted colleagues.

ILN members can become involved in various ways. ASF missions and programmes provide a structured framework for maximum impact interventions. A wide range of service requests, such as consultations, legal assistance, analysis, and training, mean that various areas of competencies are required without necessarily sending volunteers to the field. There are plenty of opportunities for lawyers to offer top-quality service to ensure that the most vulnerable can enjoy their full range of human rights.

By the end of 2010, there were more than 160 lawyers and other legal professionals from five continents in the ILN. John Reynolds is one of them, a doctoral candidate at the Irish Centre for Human Rights of the National University of Ireland. He was mobilised to observe the "Rachel Corrie vs. State of Israel" trial in Haifa, Israel.

**You joined the ILN only a few months after its creation in early 2010. How did you learn about its existence and what was the main motivation for you to join?**



**John Reynolds:** Being active in the community of legal human rights organisations, I have long been impressed by ASF's advocacy and programmatic work. I was contacted by the organisation in March 2010 and invited to join the observation mission for the Rachel Corrie trial. Having recently returned from a practitioner's role in an NGO to legal research in the academic setting, the ILN provided an ideal outlet for me to maintain an involvement in practical human rights work, and to become part of a broader network of practitioners working on important legal issues in a range of political and socio-economic contexts.

**Rachel Corrie was an American student who was crushed by an Israeli army bulldozer in the Gaza Strip in 2003. The trial started in March 2010. How does such a case impact you as a legal practitioner?**

**J.R.:** The case taken by Rachel Corrie's family against the State of Israel is emblematic and somewhat unique. It is emblematic in the sense that it personifies many of the obstacles faced by victims seeking justice in a conflict situation, as well as many of the problems inherent in a military authority being vested with the responsibility to hold its own personnel accountable

under the law. It is also unique because the victim was an American killed in the context of Israel's military occupation of Palestinian territory. Her family has the necessary access and resources to bring a claim in the Israeli courts that most Palestinian victims would not possess. As such, the case is to a certain extent a test of the fairness and impartiality of the Israeli justice system as it relates to Palestine and to global civil society. It is therefore crucial to have independent observers present to evaluate the substantive and procedural fairness of the trial. For me, as someone whose background – contrary to the majority of ILN members who are practicing lawyers – is one of legal research and advocacy with a particular focus on the Middle East, being part of the trial observation mission provided me with an invaluable insight into the workings of an Israeli district court, as well as the military operational procedures and internal investigation system which are central to the case.

**Could you outline the sort of support you received from the ILN and ASF?**

**J.R.:** ASF provided logistical support under very pressing circumstances for the first trial observation mission. Although it was organised at late notice, the logistics were managed very professionally, translators were organised, and all necessary arrangements were in place to ensure that our mission went smoothly. Before the second observation mission, the team was hosted by ASF at its offices in Brussels to discuss the strategy for the mission and ASF's role in the context of the case. From this briefing, I gained a deeper insight into the workings of the ILN, and felt more confident in being able to accurately represent ASF and its mandate in discussions with external actors.

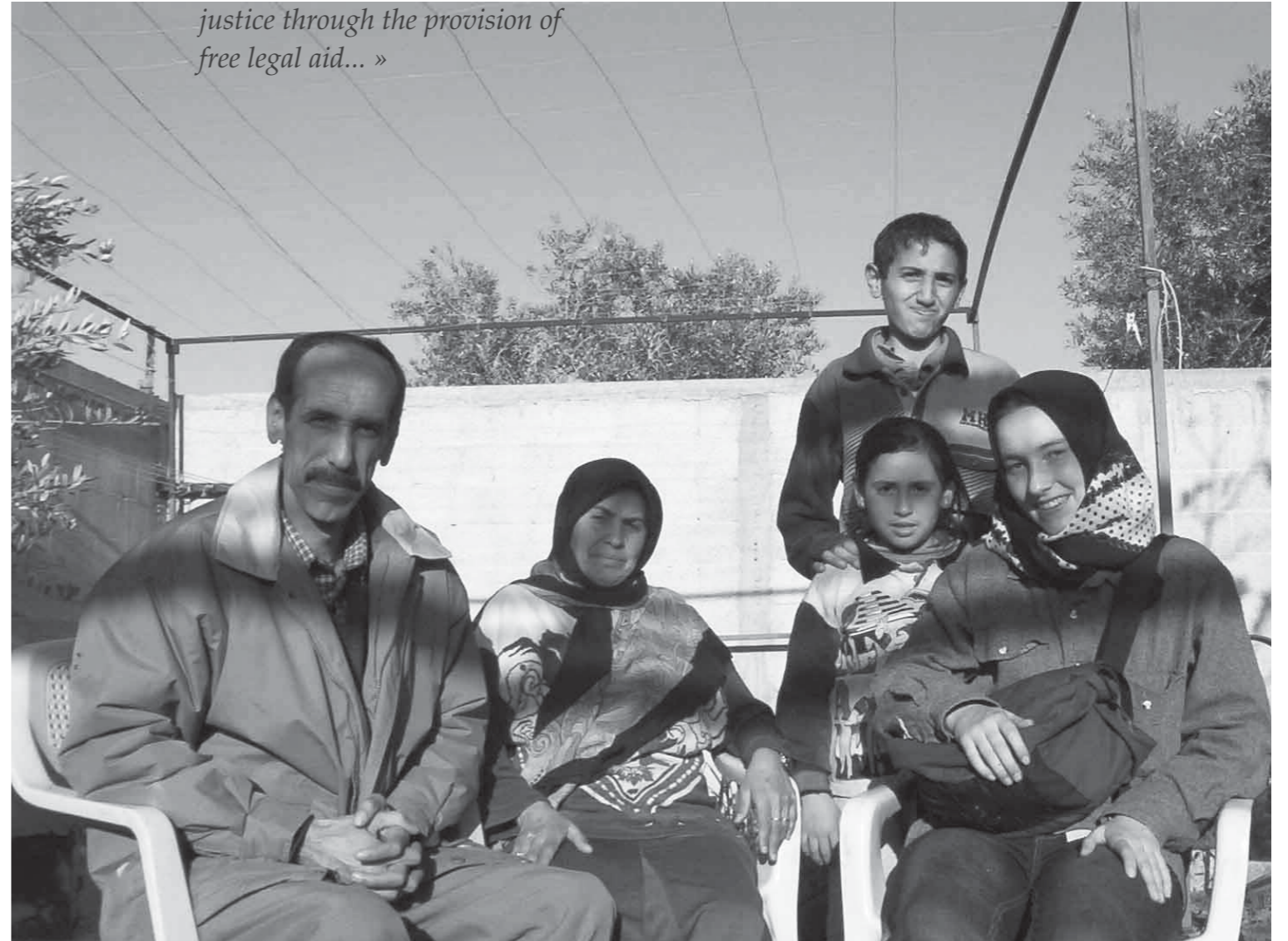
**From your experience, what is ILN's added value as a contributing mechanism to access to justice in general and to promoting the law as a "motor of change"?**

**J.R.:** The network has the potential to be a valuable tool in enhancing access to justice through the provision of free legal aid, as well as by drawing on relevant expertise and consultancy for the purposes of supporting strategic litigation and conducting trial observation missions. Through the provision of training programmes, the ILN also offers the potential to build the capacity of lawyers and judges. The inevitable challenge facing a network that relies on pro bono contributions from its members is to be able function effectively and consistently when based on voluntary resources. ■

\* Cf. Article 16, Basic Principles on the Role of Lawyers (Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 1990)

\*\* The trial is still ongoing at the time of writing (2011).

*« The network has the potential to be a valuable tool in enhancing access to justice through the provision of free legal aid... »*



Rachel Corrie (far right) with the Nasrallah family at their home in Rafah, Gaza, 2003. Rachel was killed protesting in front of their home, defending it against impending demolition © Photo courtesy of the Rachel Corrie Foundation for Peace and Justice



## Economic globalisation: a new challenge for justice

In 2010 Avocats Sans Frontières (ASF) organised two seminars on the theme “Justice in a globalised economy. What can lawyers do?”. The first seminar was organised in Amsterdam in collaboration with the *Nederlands Juristencomité voor de mensenrechten* (the Dutch Section of the International Commission of Jurists), the Amsterdam Bar Association, and Avocats Sans Frontières Netherlands. The second seminar was held in Paris in collaboration with the French NGO Sherpa. The discussion focussed on legal means to encourage transnational corporations operating in the Global South to effectively demonstrate their Corporate Social Responsibility (CSR).

Lieven Denys is lawyer at the Brussels bar, a member of the ASF Board of Directors and a former President of ASF. He specialises in international business law. Lieven Denys takes stock of the challenge facing ASF as far as economic globalisation is concerned.

**What does “Globalisation and Justice” imply for an organisation like ASF?**



**Lieven Denys:** In the context of “Globalisation and Justice” we examine in the first instance the direct effects of economic globalisation, such as the activities of international businesses, on the most vulnerable groups in society. We then look at the judicial remedies that these groups and their lawyers have at their disposal to remedy the often very heavy “collateral damage” of economic globalisation which affects individuals. We are concentrating in particular on corporate lawyers as advisors of transnational organisations and as specialists. Assisting individuals or groups in civil or criminal procedures are examples of a lawyer acting on behalf of the victims in a “class action” hoping to obtain compensation. Corporate lawyers understand both sides: the rights and obligations in business, and those of the vulnerable groups affected. If they subscribe to the specific responsibilities, or even ethics of businesses in the vulnerable administrative and socio-economic contexts of many countries in the Global South, these lawyers are natural partners for ASF. This evolution is influenced by the growth of the *pro bono* culture, especially within large international law firms. These lawyers show a growing inclination to use their expertise in the public interest and to achieve a more fair legal relationship between transnational corporations and vulnerable groups in the countries of the Global South.

**How can ASF specifically contribute to the construction of a more equitable relationship?**

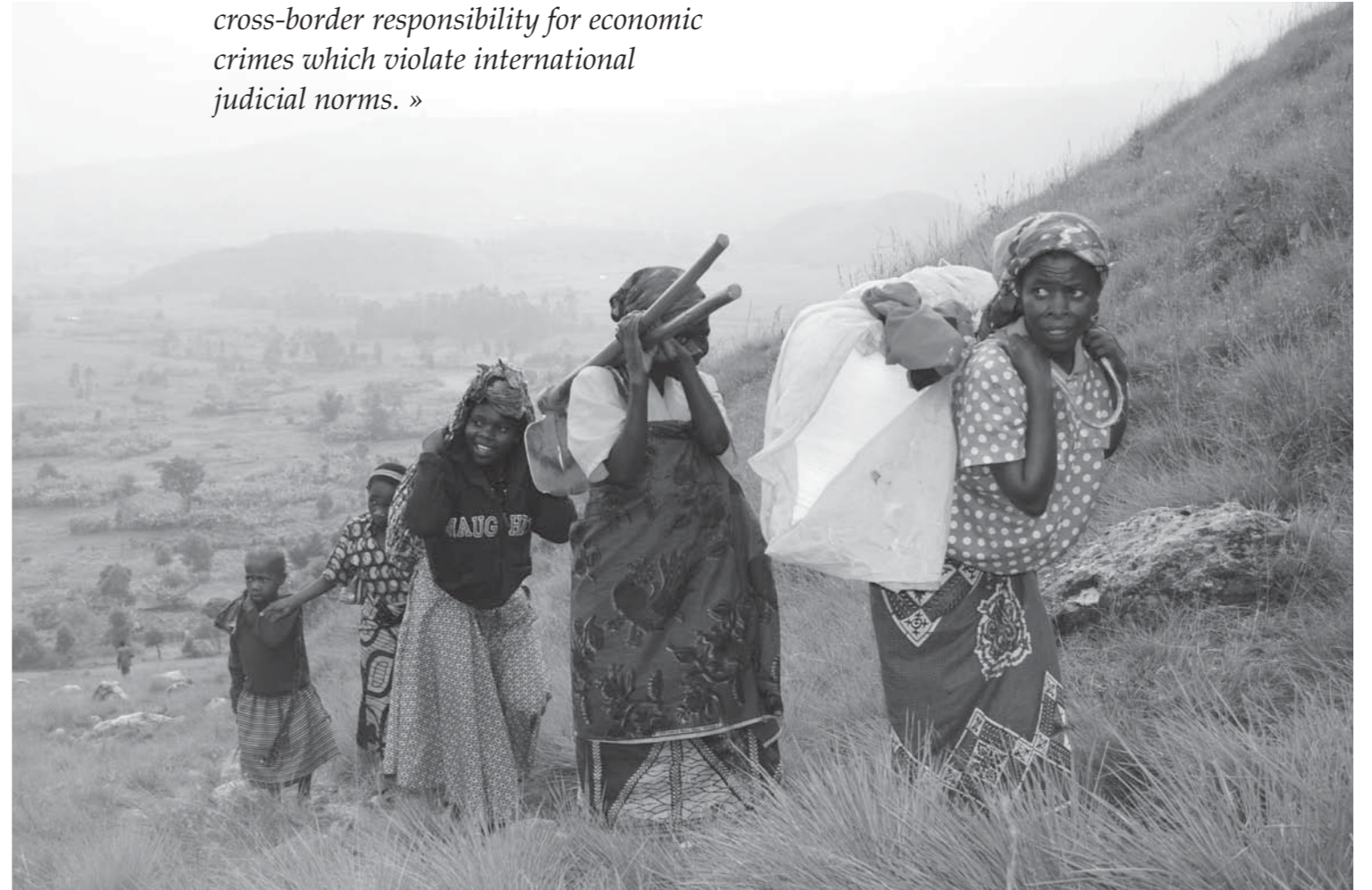
**L.D.:** ASF is exploring the possibility of cross-border responsibility for economic crimes which violate international judicial norms. This means that ASF uses procedures such as a direct strategy to force firms to justify themselves. This could be a seizure to obtain compensation for victims. I am mainly referring to activities criminalised by international law, such as illegal deforestation in the Congo Basin, the dismantling – for slave wages – of ships filled with poisonous asbestos on beaches

in Asia, or the unnecessary displacement of local population in order to build pipelines. In short, serious economic offences. The second more indirect strategy is consultation. These past decades, judicial norms and guidelines concerning CSR have seen numerous positive developments. International law firms have at their disposal expertise in the fields of international business and CSR. Applying this expertise *pro bono* in the relationship between Global North and South has become one of ASF’s tasks. It might involve advising businesses on how to act in vulnerable countries of the Global South, but also advising local populations or authorities in their negotiations with transnational corporations, for example, on the terms of contracts or conditions which they must respect before they start their activities.

**What has ASF achieved through its activities on the issue of “Globalisation and Justice”?**

**L.D.:** First of all, ASF tested the interest among legal professionals in the Global North to be actively involved – and noted that this interest exists. Secondly, ASF mapped out the capacity of the legal profession in the countries of intervention. It seems that the know-how and the resources to effectively support individuals and communities are not yet sufficient. An International Legal Network of lawyers from the Global North and South has been put in place. One of the benefits of setting up this network has been to give lawyers in the South possibilities to exchange their experience with colleagues from the North. This growing network – which is also used in ASF mainstream programmes – has been tested, first with small accessible initiatives. Simultaneously, concrete cases have been analysed to formulate a strategy. The corporate lawyers are very interested and enthusiastic. Of course, there are still areas to work on. ASF and other stakeholders involved have to address certain ethical issues and this must be done in a cautious manner. At the same time, the commercial interests of international law firms do not necessarily have to conflict with the public interest. Consequently, potential conflicts of interest will be taken into account on a case by case basis and the formulas to prevent these cases are there. After all, it is a question of commitment and availability of resources, especially financial. ■

« ASF is exploring the possibility of cross-border responsibility for economic crimes which violate international judicial norms. »



A small group of women returning from a work day in the field, Walungu, South Kivu, DR Congo. June 2010 © ASF - Claude Maon

**FAG**

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## ASF in Burundi

### PROGRAMMES AND RESULTS

- Legal aid : including legal aid centres and mobile legal aid centres for towns in the covered zones:
  - 2,900 persons were given quality legal advice by legal professionals (lawyers and legal experts).
- Free legal representation for persons detained preventively and illegally, as well as for the other target groups of beneficiaries and of cases:
  - 143 new cases received free legal representation (51 on sexual violence, 40 detained women and minors, 42 victims of illegal detention, seven victims of flagrant violation of fundamental rights, three victims of torture acts).
  - 310 files were observed by lawyers in collaboration with ASF before courts and tribunals (including all matters).
- Capacity building of lawyers and civil society
  - Data collecting for the realisation of a mapping of all actors in ASF's intervention zones.
  - Development of a pool of 20 specialised lawyers ready to intervene in ASF's activities.
  - The setting up of a pilot intervention project regarding illegal pre-trial detention in four prisons. The first hearings in Council Chamber were held in December 2010.
  - Institutional support to the bar relative to the Bujumbura Court of Appeal.
  - The signing of an agreement on, and the setting up of, a pilot committee for the transfer of legal aid centres to the Bujumbura bar.
  - Setting up of a forum including actors active in the legal aid area in Burundi.

### FUNDING

- EuropeAid (European Commission)
- Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of Belgium
- UK Department for International Development (DFID)

### STAFF ASF

- Expatriate staff : 3
- Local staff : 52

*David Pascual BADENES, Head of Mission (February-May 2010)*

*Jean Frédéric MORTIAUX, Head of Mission (since August 2010)*

*Georges KONY SHILLYA, Financial Coordinator*

*Eugène NTAGANDA, Coordinator Research-Training*

*Réverien BAHATI*

*Philippe J. BAKEVYUMUSAYA*

*Pasteur BARANYANKA*

*Willy BIGIRIMANA*

*Emmanuel BIGIRIMANA*

*Prudence BUGONDO*

*Déo BURERO*

*Ernest CIZA*

*Pierre GAHUNGU*

*Freddy GAHUYA*

*Claude J. HABARUGIRA*

*Dieudonné HABONIMANA*

*Sistor HAVYARIMANA*

*Ildéphonse HITIMANA*

*Ingrid KANYAMUNEZA*

*Alphonsine MANIRAKIZA*

*Thadée MANIRAKIZA*

*Jérôme MANIRAKIZA*

*Freddy MANIRAKIZA*

*Aaron MPAWENIMANA*

*Jean Marie MUTESA*

*Dieudonné MWERU*

*Spès NAHABAKOMEYE*

*Marie Chantal NAHISHAKIYE*

*Cyriaque NDAYISENGA*

*Pontien NDAYISHIMIYE*

*J. Berchmans NDAYISHIMIYE*

*Patrick NDAYIZEYE*

*Avit NDAYIZEYE*

*Emmanuel NDIKUMANA*

*Jean Marie NDIKUMANA*

*Placide NDIKUMANA*

*Ildéphonse NGENDABANYIKWA*

*Josiane NIBIGIRA*

*Adrien NIFASHA*

*Jacques NIMUBONA*

*Léonidas NIYONGABO*

*Léa NIZIGIYIMANA*

*Grâce NSABIMANA*

*Jean NSENGIYUMVA*

*Egide NSHIMIRIMANA*

*Martine NTAMBA*

*Rose NTAWUMENYAKAZIRI*

*Leatitia NTEZICIMPA*

*Evelyne NYAGASA*

*Barnabé NYANDWI*

*Gilbert NZEYIMANA*

*Vincent NZEYIMANA*

*Silas SINDARUBAZA*

*Gérard SINDAYIHEBURA*

*Yvette UMUHORAKEYE*

*Juste YAMUREMYE*



The ASF office in Bujumbura, Burundi, June 2011 © ASF

## ASF in Nepal

### BACKGROUND

In June 2010, ASF obtained financing from the Belgian Ministry of Foreign Affairs to put into place a long term programme aimed at improving access to justice for at-risk populations. A Head of Mission was recruited. Pending designated authorities consenting to an application of an accreditation certificate, ASF has conducted a number of preparatory activities to establish the mission, defined the modalities of the programme's execution and created a partnership between ASF and local organisations. The development of activities is expected for 2011.

### ASF PARTNERS IN NEPAL

- Centre to Assist and Protect Children Rights of Nepal (CAPCRON),
- Districts Bar Units (Morang, Kaski, Rupendehi, Makawanpur, Kanchanpur)
- Forum for the Protection of People's Rights (PPR)
- Legal Aid and Consultancy Centre (LACC)
- Nepal Bar Association

### FUNDING

- Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of Belgium
- UK Department for International Development (DFID)
- United Nations Voluntary Fund for Victims of Torture (UNVFVT)

### STAFF ASF

Expatriate: 1

*Julie Fournier, Head of Mission*

## ASF in Uganda

### PROGRAMMES AND RESULTS

- Fight against domestic violence and child trafficking (in collaboration with ASF partner Uganda Association of Women Lawyers)
  - 65 rural community leaders were trained on the basics of the relevant laws and how to refer victims to ASF's legal team and other service providers.
  - 20 justice professionals (judges and lawyers) were trained.
  - 12 radio shows were produced to inform the public about their rights and our services.
  - One booklet on guidelines for referral of victims (referral pathways) was produced and distributed to local agencies (police, other NGOs, government services).
  - 63 awareness raising sessions were conducted in rural communities reaching 5,360 people, 49% of them women.
  - 614 vulnerable people were given legal advice and referred, including 429 women and 185 men. 50% of these clients were advised via our legal aid centres and 50% via the mobile legal aid centres.
  - 49 cases were filed in the courts of law (of which 23 were resolved by year end).
- Fight against illegal detention and torture
  - Eight places of detention were visited on various occasions to raise awareness of the staff and gather information on pre-trial detainees in Kampala and Soroti.
  - 124 people in detention were given free legal advice.
  - 51 people were supported before the court in their pleas for release from detention.
  - 138 pre-trial detention cases and torture cases were accepted by ASF for legal representation.
  - 40 torture cases are still ongoing before the courts and other tribunals.
  - 58 pre-trial detention cases have resulted in release of the client.

### FUNDING

- EuropeAid (European Commission)
- Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of Belgium

### STAFF ASF

Expatriate staff: 1

- National staff: 15 (8 in Kampala and 7 in Soroti) including 2 in-house lawyers

- Legal Interns: 4 (3 in Kampala and 1 in Soroti)

- Staff employed by Uganda Association of Women Lawyers on joint project: 4 lawyers and one Community Liaison Officer

*Carolyn TANNER, Head of Mission*

*Grace Olive ACHIPA*

*Angella AGADO*

*Godfrey EKWENYI*

*Wilson JAMO*

*Oscar KALONJI KASONGO*

*Dorah MIREMBE*

*Abel Saleh MUZAALE*

*Barbara NAMBI BUNYA*

*Judith NSENGE*

*Deogratias OKOT*

*Richard OLADJA*

*Phillip OPIO*

*Kenneth SSEGUYA*

*Mary Consolate UJEO*

*Margaret UWIMANA*

### Legal Interns

*Christine ACEN*

*Fiona Kwezi ASIIMWE*

*Ronald MUTALYA*

*Phillip OPIO*



As in 2009 (picture), ASF trained community leaders in 2010 in Soroti, Uganda © ASF - Bruno Vinay

## ASF in Israel and the Occupied Palestinian Territories

### PROGRAMMES AND RESULTS

Continuation of establishing the programme "Promotion for the respect of international law" in Israel and in the Occupied Palestinian Territory (OPT), in order to support lawyers and NGOs working for the protection of fundamental rights.

- Coordination of the drafting of legal advice – carried out by international lawyers who are members of the ILN – in order to help Israeli lawyers to evaluate the opportunity of taking legal action based on international law in favour of Palestinian victims.
- Organisation of legal observations for the "Rachel Corrie vs. the State of Israel" case, which is taking place before the Haifa District Court. Two missions to the field were organised in March and October 2010.
- Organisation of a roundtable in Brussels called "Opportunities and challenges for the inquiries on the breaches of fundamental rights following the Goldstone report", June 2010. The aim of the roundtable was to analyse the inquiries of the hostilities which took place in Gaza at the end of 2008 and at the beginning of 2009, and to scrutinise the consequences of the Goldstone report publication, particularly for the work of NGOs and Israeli lawyers.
- Launch of the project "Enforcing housing rights". In December 2010, a delegation of British lawyers, on behalf of ASF, visited Israel and the OPT in order to investigate and to report on the litigation of forced evictions at Sheikh Jarrah, a Palestinian neighbourhood situated in the north of the Old City in occupied East Jerusalem.

### FUNDING

- Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of Belgium

### STAFF ASF

*Programme coordinator "Enforcing housing rights": Stijn Denayer*

# ASF in Democratic Republic of Congo

Bureaux : Kinshasa – Equateur – Maniema – Sud Kivu

Localités d'intervention : Kinshasa – Province Orientale – Nord Kivu – Sud Kivu – Maniema – Equateur

## PROGRAMMES AND RESULTS

- Access to justice

### Legal aid centre

- 4,314 people received free legal consultations at legal aid centres in Kinshasa and the provinces.
- 5,523 people received free legal consultations at 345 mobile legal aid centres.
- 2,447 victims of sexual violence received free legal aid.
- 25 mobile legal aid centres took place at the Makala central prison of Kinshasa and 48 were organised by different prisons in the provinces.
- 131 “live” legal aid centres were transmitted over community radios.
- 96,400 people were educated on their rights.

### Mobile Courts

- Five mobile courts were organised in three provinces.
- Three training seminars concerning the fight against sexual violence were put in place for members of mobile Court teams (magistrates and members of judicial personnel) participating in the “Support for mobile courts” project in three provinces (Equateur, South Kivu and Maniema).

### Legal Assistance

- In 23 cases of international crimes, over 800 victims were helped by lawyers designated by ASF. ASF also enabled part of the victims to participate to the trials.
- 428 victims of sexual violence were represented.
- Legal assistance was provided in 16 cases of torture.

### Reinforcement of lawyer and civil society capacity

- Networks of collaborating lawyers were created in different provinces of intervention.
- 47 lawyers and judicial defenders took part in trainings to reinforce their professional capacity to combat sexual violence.
- 25 NGOs participated in training seminars regarding sexual violence.
- Four legal training centres on international justice were organised in five provinces of intervention aimed at over 50 NGOs, giving way to collective restitution between the ASF team and the supervising lawyers.
- Financial support requests of 29 NGOs were examined, 11 were financed.
- Three roundtables were organised in Kinshasa and in provinces with different agents engaged in the fight against sexual violence.

- Six debate conferences for intern lawyers were organised in three provinces of intervention at the rate of two debates per province (208 interns participated).
- Two debate conferences were organised in Kinshasa during two days and 123 lawyers participated.

### Publications

- Three vademecum for lawyers on: Preventative Detention, Sexual Violence and Torture.
- A collection of court rulings and pleadings regarding international crimes.
- The outcome of an expert workshop on the issue of forest resource exploitation in the Democratic Republic of Congo.

## FUNDING

- Dutch Embassy in DRC
- EuropeAid (European Commission)
- Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of Belgium
- German Embassy in DRC
- King Baudouin Foundation United States
- MacArthur Foundation
- United Nations Voluntary Fund for Victims of Torture (UNVFVT)
- United States Agency for International Development (USAID)

## STAFF ASF

- Expatriates: 5
- Local staff: 46
- Collaborating lawyers: around 200

*Aurore DECARNIERES, Head of Mission*

### Kinshasa

Jean Pierre BAKWELA  
Walter BATSHINA  
Hans BUSHIRI  
Jerry EBANDA  
Alphonse KAMBA  
Dominique KAMUANDU  
Jackie KANKU  
Claude Michel KAYEMBE  
Myriam KHALDI  
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Honorine KITOKO  
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Marie Bernadette NZILABA  
Sylviane PUERTAS  
Daniel SABWE  
Esaïe TSHAMUNDELE  
Chris TSHIBALA  
Esther VIDIKUAKU

ASF and MONUC organising an awareness-raising session for the military of the Congolese Armed Forces in the context of the International Day in Support of Victims of Torture. June 2010 © ASF - Claude Maon

### Bukavu

Claude MAON, Head of the Office  
Benjamin BUKARABA  
Julien CIGOLO  
Etienne KALOGÉ  
Thierry KINDA KIBUNU  
Prudence MAPENDO  
Zacharie MIKWEGE  
Innocent MUSAFIRI  
Jean MUTEBESHA  
James SONGA KILAURI  
Germaine UNGAOBE BUMBU

### Kindu

Juvénal DJENDE  
Octave KABEYA  
Assani KASIMU  
Joseph KAYA  
Kayembe wa KAYEMBE  
Théophile KIBISA

### Mbandaka

Séraphin BOMPUNZA  
Mutien ILINGA  
Fabien KIYIMBI  
Marc Hyacinthe MAKWALA  
Espérant NDUNDA



## ASF in Rwanda

Intervention zones: Kigali and Gisenyi

### PROGRAMMES AND RESULTS

- **Monitoring**
  - Gacaca tribunals: in 2010, a report was issued on the observations carried out in November and December 2009, as well as an analytical report on the period of January 2008 up to March 2010.
  - Monitoring of classic tribunals: 322 hearings have been examined, and an observation report was published.
  - During the three training sessions, a total of 118 persons from 15 NGOs were trained on monitoring and reporting on human rights.
  - During two sessions of trainings, 42 lawyers benefited from a training course on monitoring.
  - An exchange forum gathered together 30 lawyers and civil society members.
- **Access to Justice**
  - At the Gisenyi legal aid centre, 1,464 persons benefited from free consultations through the centre, 526 through the mobile legal aid centre sessions in the Gisenyi district, and 2,297 persons were assisted during sessions in the three prisons in the district.
  - 2,999 persons benefited from legal advice.
  - 8,344 persons were informed about their rights.
  - 1,096 requests of legal aid were received, of which 245 of minors in conflict with the law and 319 related to sexual violence.
  - 670 benefited from legal aid, with priority given to rural areas and regions farthest from the capital and 547 decisions were reached.
  - Three days of practical workshops on minors' rights were held for 31 lawyers, coached by two members of ILN.
  - Two trainings of four days each on the juvenile justice and defence rights were organised for a varied group of judicial actors, including 16 lawyers, five judicial police officers and five judicial legal proceeding officers.
  - Four training sessions were organised for the judicial police officers on the rights of minors in conflict with the law.

### Publications

- Guide on minors' rights and collections of litigation precedents on minors in conflict with the law.

### FUNDING

- Canadian Embassy in Rwanda
- EuropeAid (European Commission)
- Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of Belgium
- United Nations Children's Fund (UNICEF)
- United States Agency for International Development (USAID)



The ASF Rwanda team during a team building exercise in Kigufi, East Rwanda, December 2010 © ASF

### STAFF ASF

- Expatriate staff: 3
- Local staff: 31

*Zarir MERAT, Head of Mission (January - May 2010)*

*Karine RUEL, Head of Mission (since July 2010)*

*Appolinaire FOTSO, Coordinator access to justice (until May 2010)*

*Hugues MUKENDI, Coordinator access to justice (since June 2010)*

*Eugene NTAGANDA, Thematic and Regional Analyst Burundi – Rwanda*

*Espérance BORA NYIRINGABO*

*Pascal CYUBAHIRO SEZIRAHIGA*

*Yvonne DUSHIMIMANA*

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*Eustache UWIMANA*

*Espérance UWITEGUYE*

## The International Legal Network

### ACTIVITIES

Launched in January 2010, the International Legal Network (ILN) comprises 165 members from around the world, the majority being lawyers. Since March 2010, over 40 lawyers have worked on 20 individual cases within ILN. The majority of ILN's cases from 2010 are still being worked on at the time of the annual report's compilation.

#### • Article 16, lawyers in danger

- Fiji: a Human Rights specialist completed two legal observation missions to follow the case of Ms. Imrana Jalal, a lawyer and defender of human rights, who was being criminally tried by the administration (began June/ July 2010).
- Vietnam: preparation of an intervention by a team of lawyers in order to support Vietnamese lawyers and defenders of human rights (began April 2010).
- Iran: establishment of a team of volunteers to support prosecuted Iranian lawyers (began March 2010).

#### • Legal assistance

- Rwanda: a criminal defence team of two lawyers supported Rwandan defendants in Kigali in their appeal in favour of a journalist opposing the regime and prosecuted for violating press laws (began March 2010)
- Democratic Republic of Congo (DR Congo): a criminal defence team of two lawyers and a Congolese lawyer defended a dozen indigenous people who were prosecuted for having protested against an international company that exploited wood in the Equateur province (began March 2010).
- DRC: a lawyer, alongside a Congolese colleague, is helping the family of Floribert Chebeya, a Congolese human rights defender, found dead June 1, 2010 (began July 2010).
- Burundi: a lawyer, alongside Burundian colleagues, is supporting the organising fighting corruption ("OLUCOM") following the assassination of its President in March 2009 (began July 2010).

#### • Legal observation

- Israel: a team of two ILN observers attended the emblematic "Rachel Corrie vs. State of Israel" trial in Haifa (began March 2010).
- DRC: two observers attended the "Firmin Yangambi et al" trial in Kinshasa (began October 2010)

#### • Research

- Analytic collection of "Rwandan Jurisprudence on the Rights of Minors": a group of six lawyers contributed to the completion of the document, by integrating numerous elements of comparative and international law (closed).
- *Vademecum* on "The Role of lawyers in the defence of victims of sexual violence in the DR Congo": two lawyers contributed to the completion of the document (closed).

#### • Trainings (seminars and workshops)

- A team of five lawyers prepared and presented three training sessions in Burundi and Uganda on "The role of lawyers in the prevention and repression of the international crime of torture" (April and June 2010).

#### • Trainings (coaching)

- DRC: two lawyers aided a Congolese colleague with the SODEFOR file (began April 2010).
- DRC: one lawyer aided Congolese colleagues with the Floribert Chebeya file (began July 2010).

#### • Strategic and operational support

- Child trafficking in Uganda: a team of four lawyers used their expertise to support implementation of a programme to fight child trafficking in Uganda (began June 2010).

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Van Antwerpen, Ireen Vanhelden, Ann Vlaminckx



*report*

## Financial Report

**Institutional donors** represent the largest part of the ASF budget, contributing 94% of revenues of the organisation. These funds are linked to the implementation of the programmes in the countries where ASF is active.

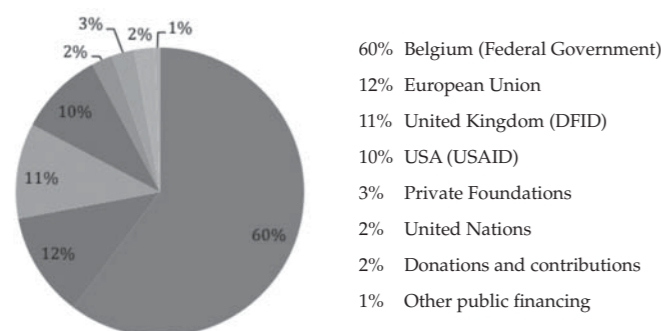
In terms of institutional donors, ASF receives significant support from various governments and private foundations. Our primary donors are the Belgian government, the European Commission, USAID and the UK government (DFID). As for non-institutional donors, key sources of funding include the Belgian bar associations, as well as private donations of ASF members and the general public.

**Annual operating revenue** for the association reached EUR 4,537,986 in 2010, compared to EUR 5,219,512 in 2009.

The difference in the operating income between 2009 and 2010 can be explained by a number of factors: the closing of ASF's permanent mission in Timor Leste in 2009 and the opening of the mission in Nepal at the end of 2010; the mid-year termination of a three-year DFID structural financing; and a delay of six months for the renewal of a financing in Burundi.

**Donations and membership dues**, resulting from interest in ASF's work by bar associations, lawyers and the public, reached EUR 103,273 in 2010.

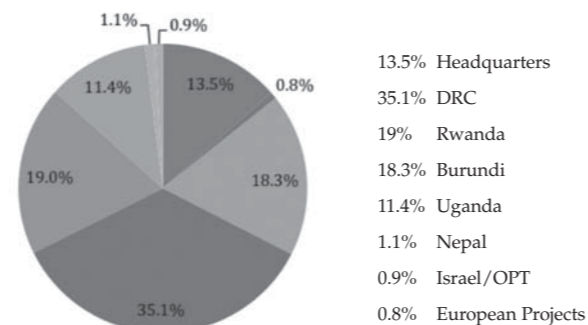
**Other operating revenues** included income related to the last payment of a three year operational subsidy granted in 2007 by DFID.



Sources of funding

## Operating Charges

The implementation of activities in the field represents EUR 4,061,085, or 86.5% of the expenses in 2010. The ASF mission in DR Congo remains the most significant programme in terms of expenses, at more than EUR 1,6 million, or 35% of expenses in 2010.



Distribution of expenses

« *The implementation of activities in the field represents EUR 4,061,085, or 86.5% of the expenses in 2010.* »

## Human Resources

As of 31 December 2010, ASF employed 155 individuals of a dozen nationalities, including 132 people recruited locally by ASF missions in the field, 10 expatriate staff in the missions, and 13 people in headquarters.

## Profit and Loss Account\*

PROFIT AND LOSS ACCOUNT	2010	2009	2008	
<b>I. Operating Income</b>	<b>70/74</b>	<b>4,537,986</b>	<b>5,219,512</b>	<b>4,617,342</b>
A. Revenues (grants)	70	4,173,292	4,656,279	3,964,338
B. Membership fees, donations and legacies	72	103,273	110,011	101,342
a. Membership fees		4,400	2,180	2,340
b. Donations – natural persons		4,356	3,506	5,295
c. Donations – bar associations		86,100	97,665	91,175
d. Donations – other legal persons		8,417	6,660	2,532
C. Other operating income	74	261,421	453,223	551,662
<b>II. Operating charges</b>	<b>60/64</b>	<b>-4,554,697</b>	<b>-4,918,298</b>	<b>-4,558,176</b>
A. Services and other goods	61	2,152,831	2,365,553	2,123,447
B. Salaries, social welfare contribution and pensions	62	2,353,517	2,719,543	2,278,104
C. Depreciation	630	34,657	32,307	22,289
D. Amounts written off on trade debtors	631/4	0	-85,037	2,457
E. Provision for risks and losses	635/7	0	-126,000	126,000
F. Other operating charges	640/8	13,692	10,932	5,878
<b>III. Operating profit</b>	<b>70/64</b>	<b>-15,711</b>	<b>301,214</b>	<b>59,166</b>
<b>IV. Financial income</b>	<b>75</b>	<b>54,785</b>	<b>21,238</b>	<b>60,195</b>
<b>V. Financial charges</b>	<b>65</b>	<b>-116,437</b>	<b>-117,729</b>	<b>-110,691</b>
<b>VI. Gain on ordinary activities</b>	<b>70/65</b>	<b>-77,363</b>	<b>204,723</b>	<b>8,670</b>
<b>VII. Extraordinary income</b>	<b>76</b>	<b>10,731</b>	<b>98,328</b>	<b>0</b>
<b>VIII. Extraordinary charges</b>	<b>66</b>	<b>-28,683</b>	<b>-1,337</b>	<b>0</b>
<b>IX. Profit for the financial year</b>	<b>70/66</b>	<b>-95,315</b>	<b>301,714</b>	<b>8,670</b>
A. Profit to be appropriated	70/69	-59,370	337,659	35,945
a. Profit for the year available for appropriation	70/68	-95,315	301,714	8,670
b. Profit brought forward from the previous year	790	35,945	35,945	27,275
B. Allocation to association fund	691/2	59,370	-301,714	0
C. Profit to be carried forward	793/693	0	35,945	35,945

The year 2010 saw a loss of EUR 95,315. This is essentially due to a financial loss related to currency fluctuations. Concerning the operating profit, the loss results of the investment of association own funds in the creation and the development of the International Legal Network (ILN).

\* For a clearer presentation of the accounts, the costs of national staff of the missions are included in IIB. Salaries, benefits and pensions. This classification differs from the version of the annual accounts published at the National Bank of Belgium in which they appear under the preceding heading IIA. Services and various goods.



## Balance Sheet

ASSETS		2010	2009	2008
<b>FIXED ASSETS</b>	<b>20/28</b>	<b>105,087</b>	<b>91,723</b>	<b>116,968</b>
<b>II. Intangible assets</b>	<b>21</b>	<b>2,057</b>	<b>1,970</b>	<b>2,109</b>
<b>III. Tangible assets</b>	<b>22/27</b>	<b>44,393</b>	<b>71,058</b>	<b>100,031</b>
B. Installations, machinery and equipment	23	40,905	68,896	99,937
C. Furniture and vehicles	24	3,488	2,162	94
<b>IV. Financial assets</b>	<b>28</b>	<b>58,637</b>	<b>18,695</b>	<b>14,828</b>
<b>CURRENT ASSETS</b>	<b>29/58</b>	<b>1,879,925</b>	<b>2,089,784</b>	<b>1,605,610</b>
<b>VII. Amounts receivable within one year</b>	<b>40/41</b>	<b>1,030,889</b>	<b>1,699,083</b>	<b>741,145</b>
<b>IX. Cash at bank and in hand</b>	<b>54/58</b>	<b>802,551</b>	<b>390,152</b>	<b>852,850</b>
<b>X. Deferred charges and accrued income</b>	<b>490/1</b>	<b>46,485</b>	<b>549</b>	<b>11,615</b>
<b>TOTAL ASSETS</b>	<b>20/58</b>	<b>1,985,012</b>	<b>2,181,507</b>	<b>1,722,577</b>

LIABILITIES		2010	2009	2008
<b>ASSOCIATION FUNDS</b>	<b>10/15</b>	<b>390,611</b>	<b>524,249</b>	<b>242,085</b>
<b>IV. Reserves</b>	<b>13</b>	<b>350,443</b>	<b>409,813</b>	<b>108,100</b>
<b>V. Profit brought forward</b>	<b>140</b>	<b>0</b>	<b>35,945</b>	<b>35,945</b>
<b>Loss brought forward</b>	<b>141</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>VI. Capital subsidies</b>	<b>15</b>	<b>40,168</b>	<b>78,491</b>	<b>98,041</b>
<b>PROVISIONS AND DEFERRED TAXES</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>126,000</b>
4. Other risks and losses	163/5	0	0	126,000
<b>DEBTS</b>	<b>17/49</b>	<b>1,594,401</b>	<b>1,657,258</b>	<b>1,354,492</b>
B. Financial debts	43	8	951,647	359,148
C. Trade creditors	44	174,639	193,160	179,113
E. Taxes , salaries and social welfare contributions	45	85,587	149,126	103,488
1. Taxes	450/3	8,200	26,882	11,559
2. Salaries and social welfare contribution	454/9	77,387	122,244	91,929
F. Other debts	47/48	1,327,556	359,825	712,743
3. Non-interest bearing debt (donor advances)	4891	1,327,556	359,825	712,743
<b>X. Accruals and deferred income</b>	<b>492/3</b>	<b>6,611</b>	<b>3,500</b>	<b>0</b>
<b>TOTAL LIABILITIES</b>	<b>10/49</b>	<b>1,985,012</b>	<b>2,181,507</b>	<b>1,722,577</b>

Receivables and debts from donors represent, respectively, the amount of expenses incurred by ASF in the context of funding contracts but not yet reimbursed by donors, and advances made by donors that have not yet been spent by ASF.

## Risk Management

The risk management of the organisation is tailored to the specific conditions in which ASF implements its activities. In effect, many of those activities are carried out by local offices situated in fragile and/or post-conflict countries. Today, the aim of the control procedures and measures put in place – both in terms of finance and general management – is to respond to the needs of these contexts in an appropriate manner.

## Acknowledgements

Avocats Sans Frontières would like to thank all its donors – lawyers, jurists and activists – as well as the following bars and institutional donors for their support in 2010:

Belgian bar associations:

- The Bar of Antwerp
- The Bar of Mechelen
- The Flemish Bar Council (OVB)
- The French and German speaking Bar Council of Belgium (OBFG)
- The Brussels Bar, Dutch speaking section (NOAB)

Institutional donors:

- Canadian Embassy in Rwanda
- Dutch Embassy in DR Congo
- EuropeAid (European Commission)
- Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of Belgium
- German Embassy in DR Congo
- King Baudouin Foundation United States
- MacArthur Foundation
- UK Department for International Development (DFID)
- United Nations Children’s Fund (UNICEF)
- United Nations Voluntary Fund for Victims of Torture (UNVFVT)
- United States Agency for International Development (USAID)

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