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**2012**

Avocats Sans Frontières  
Annual report

# JUSTICE FOR A FAIRER WORLD

*Created in Brussels in 1992, Avocats Sans Frontières (ASF) is an international NGO specialising in defending human rights and access to justice.*

*From Kathmandu to Kinshasa, from Bogota to Tunis, its teams defend the victims of torture and prisoners held illegally, train local lawyers, magistrates and judges and ensure that the voices of the victims of international crimes are heard by the courts.*

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In December 2012, teams from the Observation Network of Transitional Tunisian Justice (ROJ), supported by ASF, conducted a large-scale campaign to mobilise lawyers and other law professionals to observe trials and look out for miscarriages of justice, in order to identify needs for reform in Tunisia

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### Introductory comments :

- 1) The graphs included in this report relate to the number of persons made aware of their rights and who received legal advice and legal assistance between April 2012 and March 2013.

As regards legal assistance (judicial assistance and non-judicial assistance), only new cases opened during this period are recorded. Therefore, cases already in progress before April 2012 do not appear in the graphs.

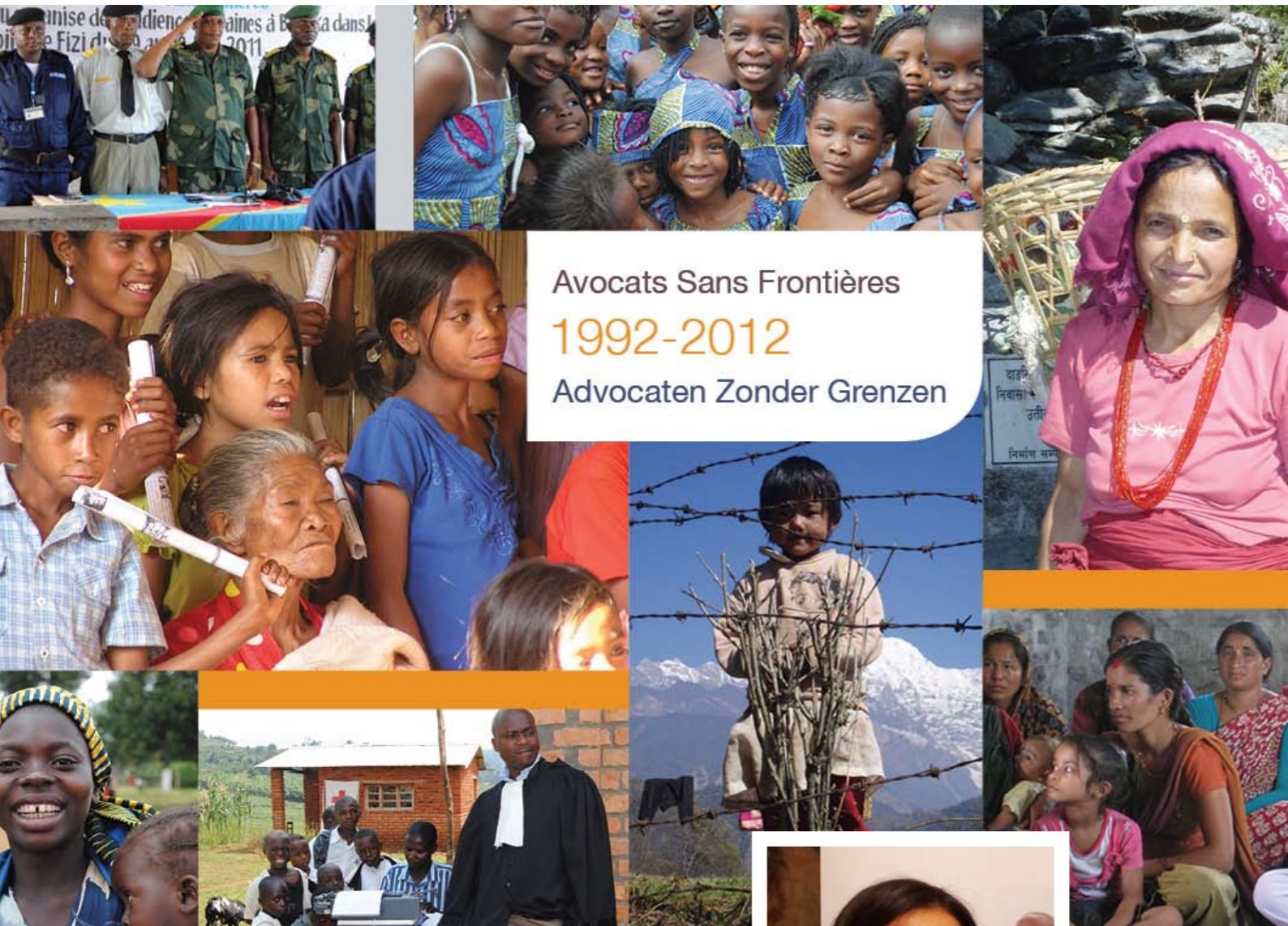
### 2) Definitions :

- **Legal aid:** All free legal services provided to the most vulnerable/indigents without financial resources to benefit from the services of a lawyer, including information, advice and legal assistance.
- **Legal advice:** Information and guidance given to a person in order to establish, on the basis of the information he/her has and the problem he/her raises, which legal provisions are applicable and which legal channels exist in order to resolve the problem. This does not involve any action or follow-up of the advice provided.
- **Legal assistance:** All possible legal actions allowing restoration of the rights of the most vulnerable and taken on by ASF. Legal assistance includes judicial assistance and non judicial assistance (drawing up complaints, administrative processes, legal action, etc.).

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# Introduction



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Hafida Talhaoui  
© Mathieu Parret

Dear readers,

2012 marked the 20<sup>th</sup> anniversary of Avocats Sans Frontières.

Could the bar presidents from Belgium and further afield who founded ASF in 1992 have predicted that our organisation would still be as active in promoting human rights two decades later? Probably not - we've come a long way!

In this anniversary year alone, with the support of ASF teams, 20,000 people have been made aware of their rights and over 3,000 people have benefited from legal advice and assistance. Women, minors, people detained illegally in prison or victims of war crimes whose fundamental rights have finally been recognised.

ASF has also extended the geographical scope of its activities. A year after the "Arab Spring", ASF has launched programmes to support transitional justice in Tunisia, a symbolic country whose passage to democracy and the rule of law is being closely observed by all countries in this sub-region. Maintaining its presence in the African Great Lakes region, ASF has also launched a project to assist minors in N'Djamena (Chad). Other areas in which ASF is active include Nepal and Uganda.

In 2012, our teams in the field, supported by our experts at our headquarters in Brussels, continued their efforts to prevent perpetrators of violations of human rights from going unpunished, in particular giving the most vulnerable groups in the population every chance to find out about their rights and achieve recognition for the abuses suffered by them. From respect for economic and social rights to the right to international protection (asylum in Burundi) and international criminal justice (Lubanga reparations decision), ASF has worked with local (bar associations and civil society organisations) and international partners to make the ideal that has been our driving force for 20 years a reality.

The results which we are delighted to share with you in this annual report could not have been achieved without help from many quarters: the legal experts in the International Legal Network who have worked the equivalent of 240 days on a pro bono basis, the UK Government, whose major support consolidates ASF's expertise in the long term as well as professionals from the communications, media and banking sectors who have greatly supported the visibility of our organisation's campaigns in Belgium.

On 22 November 2012, 140 ASF supporters gathered in Brussels to celebrate the association's 20th anniversary. It's not by chance that this event was entitled *Let there be light... Let there be justice*. This is partly a reference to the exhibition by the contemporary artist Alfredo Jaar dedicated to human rights (*Let there be Light*). More than that, for us, national and international bar presidents, lawyers, donors, representatives of sponsors... injustice is intolerable.

Hafida Talhaoui

President of the Board of Directors

# Acknowledgements



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Francesca Boniotti

© C.Massard

On behalf of our beneficiaries, I would like to thank all donors and sympathisers of Avocats Sans Frontières. Thanks to their vital support, vulnerable populations can have access to justice and can enforce their rights.

Francesca Boniotti, Executive Director

## Institutional donors:

- Belgian Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation
- Embassy of the Kingdom of the Netherlands in DR Congo
- Embassy of Sweden in DR Congo
- Embassy of Switzerland in DR Congo
- European Union
- Institute for Foreign Cultural Relations (IFA, Germany)
- MacArthur Foundation
- Ministry of Foreign Affairs of the Kingdom of the Netherlands - Stabilisation Unit
- Office of the United Nations High Commissioner for Refugees (UNHCR)
- Open Society Institute
- Swiss Federal Department of Foreign Affairs (DFAE)
- UK Government (UK aid)
- United States Agency for International Development (USAID)
- UN Voluntary Fund for Victims of Torture (UNFVT)

## Belgian Bar Associations:

- Flemish Bar Council (OVB)
- French and German speaking Bar Council of Belgium (OBFG)
- Bar Association of Antwerp
- Dutch section of the Brussels Bar (NOAB)
- Bar Association of Dendermonde
- Bar Association of Ghent
- Bar Association of Liège
- Bar Association of Leuven
- Bar Association of Mechelen
- Bar Association of Mons
- Bar Association of Namur
- Bar Association of Veurne
- Young Flemish Bar Association of Brussels (Vlaams Pleitgenootschap)

## Law firms:

- Caluwaerts-Uytterhoeven (Antwerp)

## Other institutions:

- Olne local authority
- Poperinge local authority
- Association of Legal Secretaries of the European Court of Justice
- Circle of law students of the Catholic University of Leuven (Vlaams Rechtsgenootschap)
- Soroptimist Club of Marche-en-Famenne
- Local Council for Development Cooperation of Schilde
- The European Law Students Louvain-la-Neuve (ELSA)
- Fonds social socioculturel et sportif

Media partners: see page 58

## Burundi: For better protection of asylum seekers and refugees



Bwagiriza refugee camp in the province of Ruyigi © ASF/S.Degée



Nathalie Yabidi, originally from DR Congo and a refugee in Burundi since 2006, has benefited from the legal services offered by ASF

© ASF/S.Degée

At the end of 2012, Avocats Sans Frontières launched a project to strengthen the international protection and human rights of refugees and asylum seekers in Burundi. Through the project\*, more than 7,000 people will be better informed of their rights and will benefit from free legal aid, amongst other things.

Due to its geographical location, Burundi has been welcoming people in need of international protection for decades. "It's the only country in the Great Lakes region to have an institution responsible for dealing with asylum issues", explains Katia Urteaga Villanueva, ASF Head of Mission in Burundi. "Burundi has also ratified all relative conventions for refugees and has had a law in place for asylum and refugee protection since 2008."

In reality, however, those eligible to apply for asylum do not necessarily know which procedure to follow. Furthermore, refugees are at greater risk of sexual violence and other violations of their rights than the rest of the population.

This is the case of Nathalie Yabidi, originally from DR Congo and a refugee in Burundi since 2006 (see photo). "My husband had a Burundian mistress. She threatened me all the time, saying that I was only a poor refugee and that I had no rights in Burundi", she tells. "One day, my husband hurt me. I fled the house. The people at the ASF legal aid office listened to my problems, and then accompanied me to the police station to press charges. My husband and his partner were summoned to explain their actions. Thanks to this support, the threats that I was subjected to stopped, and I now know that I have rights as a refugee."

Nathalie's case illustrates the need to improve access to justice for asylum seekers and refugees by offering them quality legal and judicial aid. "Our mission is to support people who are in need of international protection, both inside and outside of the refugee camps," explains Axelle Nzitonda, coordinator of the PIDDAR project. "The asylum procedure must be accessible, the conditions for granting asylum guaranteed, and the legal difficulties experienced by refugees overcome."

Thanks to this project, refugees and asylum seekers will be informed of their rights and duties as well as the asylum procedure itself. Free reception and orientation services and legal advice will be offered. Refugees and asylum seekers, who are victims of sexual violence or other violations of their rights, will be given legal aid in court. Finally, training on refugee rights will be organised for the authorities, the various police forces, as well as civil society and the media.

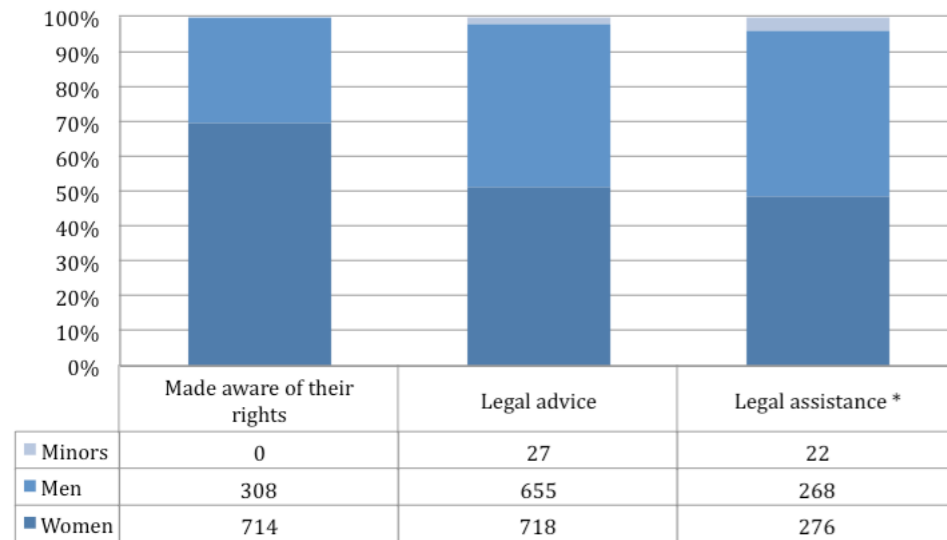
Lasting for three years, the project is run in partnership with the Office of the United Nations High Commissioner for Refugees (UNHCR), the National Office for the Protection of Refugees and Stateless People, the International Rescue Committee and other international organisations.

\* The project is entitled PIDDAR, an acronym for "Protection Internationale et Droits des Demandeurs d'Asile et des Réfugiés" (International Protection and Rights of Asylum Seekers and Refugees).

Bujumbura, 25 April 2013

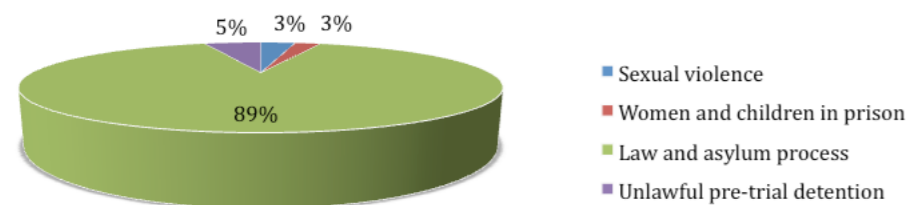
## Activities in 2012 at a glance

### Legal aid services provided to the population:



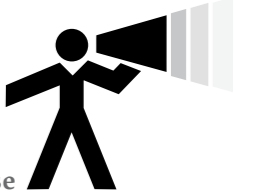
\* Most people who benefited from legal assistance also benefited from legal advice as part of ASF project to strengthen the rights of refugees in Burundi (see above).

### Legal assistance – Types of litigation:



- **Judicial assistance** in the case linked to the murder of Ernest Manirumva, human rights activist and Deputy Chairman of the NGO Olucome.
- **Coordination of the Legal Aid Forum** bringing together all organisations and institutions in the field and drafting a *Proposition de stratégie nationale d'aide légale (Proposal for a national legal aid strategy)* (José M. Cueto, April 2012).
- **Capacity building for lawyers and civil society:** 4 training sessions on economic and social rights, international criminal justice, protection of human rights defenders, and 2 coaching sessions on criminal matters and rights of refugees and asylum seekers.
- **Economic and social rights:** 2 focus groups bringing together members of the Batwa Community in Gitega, centred on their right to food safety, health, education, work, housing, water and sewage.  
ASF's action also enabled 17 Batwa children to attend secondary school (they had been refused access to the school in their village due to discrimination against their community and too-high school fees). ASF intervened in various ways to guarantee their right to education.
- **International criminal justice:**
  - Finalisation of a baseline study on international criminal justice in Burundi.
  - 1 training session with lawyers from the ASF pool on international criminal justice.
  - 1 workshop bringing together 32 lawyers from the ASF regional network for international criminal justice, on professional practices in this field.
  - 1 workshop to raise awareness of the Rome Statute and the International Criminal Court, bringing together 35 representatives of civil society organisations.
  - Various awareness-raising activities on the occasion of International Criminal Justice Day on 17 July 2012.
- **Studies and publications:**
  - *Les droits économiques et sociaux d'une communauté de Batwa de Gitega, Burundi – Etude de base participative* (Me Noé Mbonigaba & Audrey Nzitonda, May 2012).
  - ASF's contribution to the Universal Periodic Review of the United Nations: *Pour un accès effectif à la justice au Burundi* (July 2012).

# Israel and the Occupied Palestinian Territories: The Corrie Case clears the Israeli State of all responsibility



ASF Press Release



Rachel Corrie in the Nasrallah family's garden in Rafah. She was killed protesting in front of their home  
© Rachel Corrie Foundation for Peace and Justice



Rachel Corrie protesting against the demolition of Palestinian houses by the Israeli army, Rafah, Gaza,  
16 March 2003 © idem

Avocats Sans Frontières regrets that the State of Israel's responsibility has been cleared by the District Court of Haifa in the "Rachel Corrie" case. In his verdict pronounced today on the circumstances surrounding the American activist's death, the judge deemed that the internal investigation of the responsibility of the Israeli Defense Forces (IDF) had been appropriately carried out. However, for ASF, who has been observing the trial since 2010, the inquiry was not conducted in a complete, credible or transparent manner. The decision raises questions about the State of Israel's obligation to insure the physical protection of civilians in the Occupied Palestinian Territories.

A volunteer with the NGO International Solidarity Movement, Rachel Corrie was killed in the Gaza Strip on March 16, 2003, crushed by an Israeli Army bulldozer. Alongside other volunteers, Corrie protested against the planned demolition of Palestinian houses in the zone of Rafah.

Following the internal investigation led by the Israeli military police, the case had been closed: the driver of the bulldozer had neither seen Rachel nor could have seen her. This formally contradicts Rachel's colleagues who were at the scene. The Israeli government never released the investigation's report, despite repeated demands by the victim's family. Seeking justice and the truth, the family ultimately decided to file a civil liability action against the State of Israel.

"To declare that the internal investigation was conducted properly discredits the court's decision. It appears from several elements of the file, including the testimony from members of the army at the hearing, that there were serious flaws in the investigation which found no responsibility with the army," says Lara Deramaix, ASF Coordinator in charge of Israel and the Occupied Palestinian Territories.

At the request of the Corrie family, ASF has been ensuring a completely independent observation of this trial since 2010. Commissioned by ASF, Israeli lawyer Smadar Ben Natan attended today's ruling: "The Court has adopted the State arguments one by one. As a result, today's decision does not answer the acute problem of the action (death due to the bulldozer) and the military, and thus State responsibility for it, nor the problems raised by the incomplete military investigation."

In his verdict, the judge in Haifa considered the American activist to have put herself in a dangerous situation despite the fact that she was wearing a fluorescent jacket and carrying a megaphone with which she addressed the soldiers for several hours before she was killed.

"To consider that Rachel Corrie acted at her own risk by interfering in an ongoing military operation serves to clear the State of Israel of all liability and to dismiss the question of whether the army took all the necessary precautions to avoid this tragedy," concludes Deramaix.

ASF Press Release – Haifa/Brussels, 28 August 2012



# Nepal: Combating torture – Beware of “false victories”



© Kate Holt/IRIN



View of a Nepalese village © ASF/S.Stanton

On the occasion of the International Day in Support of Victims of Torture on 26 June, Avocats Sans Frontières reiterates the need to ensure torturers do not escape punishment. ASF highlights two “false legal victories”: defining the term “torturer” (too) broadly and compensating victims so that they are dissuaded from seeking prosecution.

Under the 1984 *United Nations Convention against Torture*, torture is defined as any act whereby a public official or any other person acting in an official capacity intentionally inflicts severe pain or suffering on a person. This violence must be exercised for the purpose of obtaining information or a confession, punishing the person for an act he is suspected of having committed or intimidating him. “The State is actually considered to be responsible for this violence perpetrated in its name”, explains Jean-Charles Paras, ASF expert in civil and political rights.

Progress has undoubtedly been made in several countries. Torture and other cruel, inhumane or degrading treatment is prohibited by laws criminalising these practices. However, a broad definition of perpetrators of torture does not necessarily support prosecuting genuine “state torturers”. This is the case in Uganda, which has just passed a law defining torture in national law but applying it to any individual, not just agents of the State. “There is therefore a high risk that the State will only prosecute private individuals to show that it is proactive in combating torture but refrain from prosecuting its own police officers or soldiers,” warns Jean-Charles Paras.

A second “victory” that is a cause for concern for ASF in its fight against torture is compensation for victims when it is designed to dissuade them from seeking prosecution of the perpetrators.

For instance, in 1996, Nepal passed a law allowing victims to receive compensation from the State if they could prove the crime suffered by them. However, the aim of this Act is not to prosecute the criminals responsible. “In practice, this Act has only led to compensation for a few dozen people, out of the thousands of victims of torture during and after the conflict,” says Jean-Charles Paras. Victims are tempted to take advantage of this legislation to obtain financial compensation. As they are mainly poor people, they do not believe that the State will prosecute the torturers and therefore do not file a complaint. So, in practice, this Act changes nothing for the police officers and soldiers who still escape punishment.

Until legislation criminalising torture is passed, ASF, together with several Nepalese NGOs, is engaged in advocacy and supporting lawyers combating torture. “This support helps us to use the existing system and legislation more effectively to bring cases of torture to the attention of the police and judges,” believes Rajendar Ghimire, a Human Rights lawyer in Kathmandu. “In this way, we hope to help to protect, defend and restore victims’ human rights.”

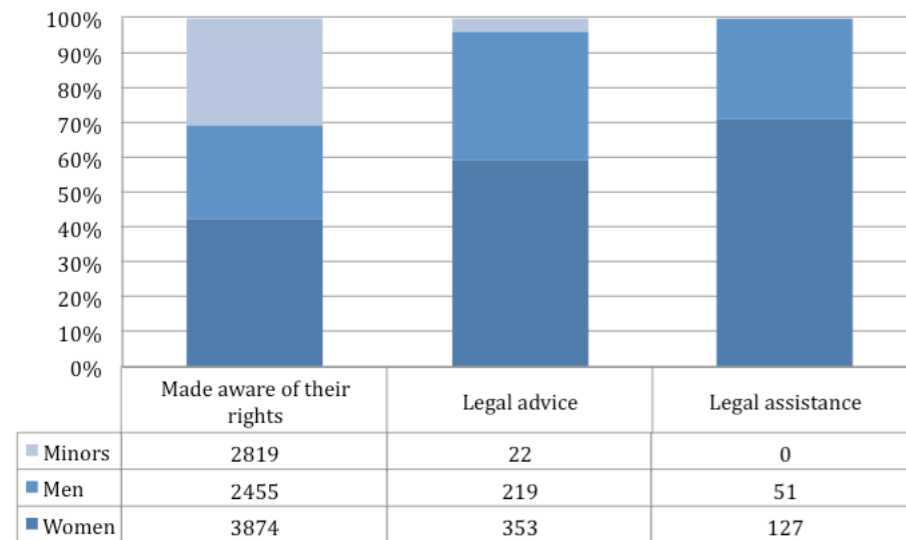
Torture is now recognised as one of the worst international crimes. Of course, the efforts made and results achieved, such as the passing of laws criminalising torture in the national legislation of certain countries and compensation for victims, deserve praise. However, there can be no lasting change while torturers generally go unpunished. “We need to beware of ‘false victories’ that are measures taken by States to hide the reality of torture which is, above all, a ‘crime of State’,” concludes Jean-Charles Paras.

ASF Press Release – Brussels/Kampala/Kathmandou, 26 June 2012

# Nepal:

## Activities in 2012 at a glance

### Legal aid services provided to the population:



### Combating torture:

- Publication of a vade mecum to guide lawyers on prison visits.
- 6 training sessions bringing together 75 lawyers from 6 districts, on prevention of torture and legal action.
- Judicial assistance in a torture case. The victim also received medical and psychological assistance through ASF's partner organisation, Protection of People's Rights.

### International criminal justice:

- Finalisation of a baseline study on international criminal justice in Nepal and organisation of a knowledge exchange workshop with the actors involved: *Preparing to implement the Rome Statute – A study of the laws and procedures in place in Nepal and need for reform* (January 2012).
- 2 seminars on the International Criminal Court for a total of 47 law students from the universities of Tribhuvan, Chakrabarti/Purbanchal and Morong.
- 1 training session for trainers on the Rome Statute.
- Publication of a training manual on the ICC and its application in Nepal, designed for lawyers, law students and magistrates: *International criminal court and its application in Nepal* (October 2012).

### Other:

- 1 workshop on caste-based discrimination, bringing together 50 lawyers, prosecutors and human rights activists.
- 1 workshop bringing together 75 participants on domestic violence against women.
- 5 training sessions bringing together 76 participants on arguments in strategic litigation.

## Uganda: No peace without justice – ASF’s analysis of the amnesty law in Uganda



Rural communities in Northern Uganda affected by war crimes are being sensitized about transitional justice © ASF/I.Zarifis



More than 25,000 ex-rebel fighters in Uganda have been able to take advantage of the Amnesty Act since it came into effect in the year 2000. This figure clearly raises issues in a society torn between a desire to achieve closure and to forgive and the need to see justice done for the crimes of the past. Revised for the first time in 2006, the Act was due to expire in 2012: an opportunity to carry out an in-depth analysis of the consequences and heated debate nationally on whether or not it should be renewed, to which ASF has contributed significantly.

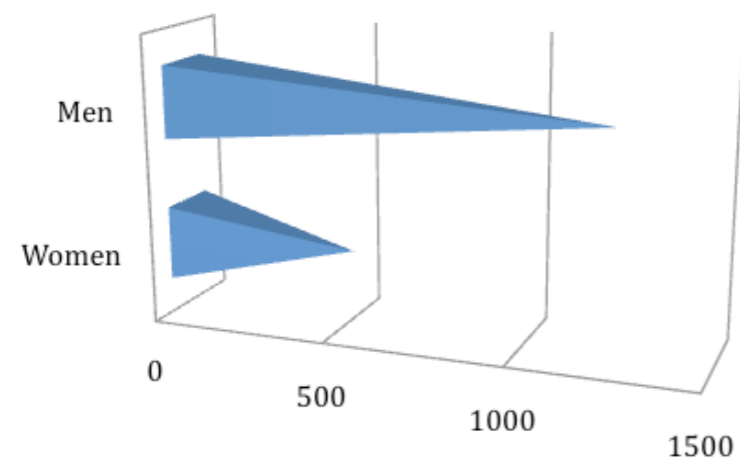
Based on its monitoring experience and analysis, the local ASF team has carried out a number of formal and informal consultations of local participants in the field of justice. Is the amnesty compatible with the concept of retributive justice? This question was examined and a working document compiled, which was published in March 2012 (see next page).

The advocacy tool, which has been shared with the Ugandan judicial authorities, lawyers, prosecutors, members of civil society and also participants within the international community (High Commission on Human Rights, the International Criminal Court, embassies, etc.), should pave the way for Uganda to achieve the right balance between preventing international crimes going unpunished and satisfying the desire for reconciliation.

# Uganda:

## Activities in 2012 at a glance

People made aware of their rights:



	Women	Men
■ Made aware of their rights	509	1232

### International criminal justice:

- Finalisation of a baseline study on international criminal justice in Uganda.
- 1 workshop bringing together members of the regional network of ASF lawyers focusing on international criminal justice, on the cooperation between the African Union and the International Criminal Court; drawing up a report on the workshop: *The 2012 international and transitional justice forum: drawing lessons from local processes to improve regional and international perspectives of justice* (July 2012).
- 3 workshops bringing together 100 representatives of civil society organisations and journalists, on complementarity, participation and protection of victims.
- Publication of a paper on the challenges of international criminal justice in Africa: *Africa and the International Criminal Court: Mending fences* (August 2012).
- Publication of an analysis of the law of amnesty: *Amnesty, an "Olive Branch" in Justice?* (March 2012); organisation of 1 workshop on the subject, bringing together 35 legal actors and 1 round table bringing together 30 representatives of civil society organisations.
- On the occasion of International Criminal Justice Day, 17 July 2012, activities including: 9 public awareness-raising sessions in various cities and universities (1,336 participants in total).

# Democratic Republic of Congo: Floribert Chebeya – A landmark trial in danger of stalling



ASF lawyers at a hearing in the Chebeya trial in October 2012  
© Junior D.Kannah



Justin Chiba, a representative of the NGO La Voix des Sans Voix, takes part in the commemoration of the 3<sup>rd</sup> anniversary of the death of the Congolese activist on 2 June 2013

© ASF/B. Zrikem

On 2 June 2010, Floribert Chebeya, leader of the Congolese NGO La Voix des Sans Voix (the voice of the voiceless), was found dead in his car in Kinshasa. His driver, Fidel Bubanza, whose body has never been found, was declared dead by the authorities one year after his disappearance. From the start of the trial of the alleged murderers, ASF has been directly involved in the proceedings, in defending the interests of certain civil parties (including Floribert Chebeya's brothers and sisters). Apart from the family interest, the case has strong symbolic value. The trial is of major importance for all human rights defenders and their organisations, victims of crimes and repression due to their activities, both in DR Congo and in other African countries.

In an initial ruling delivered in June 2011, the military court dealing with the case held five police officers – four of whom were condemned to death, to ASF's regret – responsible for the death of Mr Chebeya and his driver. Nevertheless, several elements of the inquiry suggested that various military figures and the State security services, in particular General John Numbi, could have been involved in Mr Chebeya's death. Therefore, in July 2012, Mr Chebeya's brothers and sisters filed a complaint against John Numbi as part of the appeal proceedings which commenced in June 2012.

One year later, at the time of the publication of this report, they are still waiting for a response. The investigation into General Numbi's responsibility is ongoing and the appeal trial has been slowed down by a series of debates relating to flaws in procedural requirements. However, an efficient independent investigation of the complaint against Numbi is the only way for the relatives of the victims to arrive at the truth about a central aspect of the case: the possibility that the military hierarchy was directly responsible for the activist's death.

ASF fears that the trial has reached stalemate and is calling on the Congolese judicial authorities to ensure that it proceeds without hindrance or intimidation. ASF also remains vigilant as to the general conditions in which the trial is currently taking place. Lawyers engaged in these proceedings by civil parties have also recently been subject to threats and hindrances in their work. These extremely serious acts need to be brought to an end and the Congolese justice system must demonstrate, both to Congolese public opinion and to the international community, its willingness to mobilise all financial and legal resources at its disposal to arrive at the truth of the circumstances surrounding Mr Chebeya's death and the persons who may be responsible. ASF considers that the importance of the trial, which is still ongoing, should not affect the right to a fair trial for both the victims' families and the defendants.

In February 2012, ASF took part in several evening debates organised by the Brussels Bar Association in various towns and cities in Wallonia, following the release of the film *L'affaire Chebeya, un crime d'Etat?* [*The Chebeya affair, a State crime?*] by Belgian director Thierry Michel.

*Brussels/Kinshasa, 17 July, 26 October and 3 December 2012, 19 June 2013*

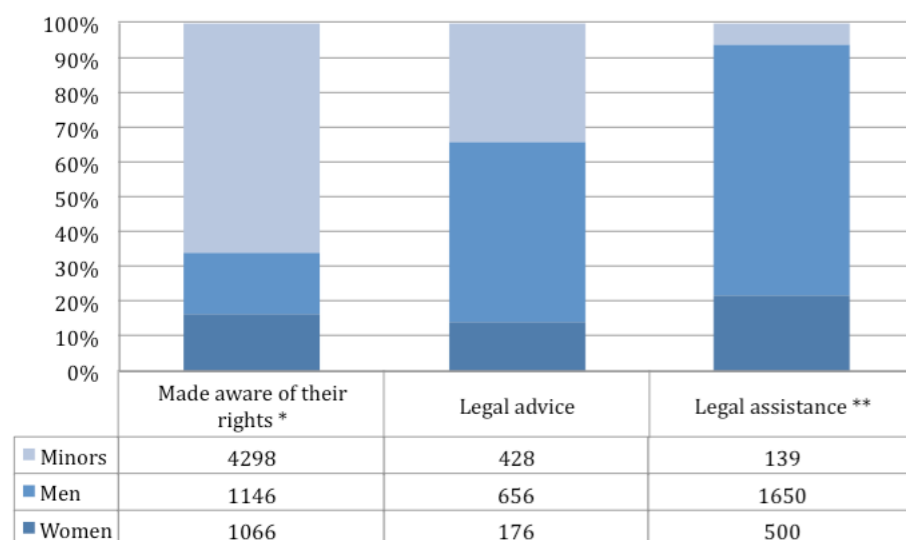
Throughout 2012, ASF was involved in 9 particularly symbolic cases\*, in DR Congo and also in Burundi and Kenya. Through these cases, ASF's lawyers are pursuing a dual objective: to help to change the unjust situation experienced by those involved, but above all to use the law to generate conditions for a sustainable change to the current issues.

\* The cases involved are those of Chebeya (see above), Oluome (see page 14), Lubanga (see page 41), Phyllis Omido (defender of environmental rights in Kenya, accused of having organised an illegal demonstration to protest against pollution from a battery recycling plant and acquitted by the Court in Mombasa following the intervention of ASF and its partner the EALS), Yalisika-Sifforco (see page 49 regarding the International Legal Network), the protection of two defenders of the rights of the Pygmy community (see page 45), Bedi Mobuli Engangenda alias "Dossier 106" and Minova (these last 2 cases relate to international crimes in DR Congo)

# Democratic Republic of Congo:

## Activities in 2012 at a glance

### Legal aid services provided to the population:



\* All awareness-raising relates to the rights of victims in case of sexual violence.

\*\* 87% of interventions in the form of legal assistance relate to cases pertaining to international criminal justice.

### Combating torture:

- Medical-psychological assistance in 25 cases of torture and judicial assistance to 8 victims.
- 1 training session bringing together 19 participants on national and international instruments and mechanisms for prohibition and law enforcement in relation to acts of torture, and directing victims to assistance services.

### International criminal justice:

- 2 training sessions for lawyers from the ASF pool on the Rome Statute and the International Criminal Court (ICC).
- Coordination workshop on the implementation of the legislation of the Rome Statute in the Democratic Republic of Congo, bringing together the Ministry of Justice, members of Parliament, NGOs, etc.
- 4 workshops bringing together 132 representatives of civil society organisations on infringements of the Rome Statute, collection of data and protection of victims.
- Data collection missions, and missions for meeting victims, obtaining their permission to be represented by lawyers and informing them about the proceedings:
  - 3 missions relating to the symbolic Mbarushimana case, followed by the forwarding of the data collected to the ICC.
  - 9 missions in relation to 6 cases pending before the Congolese military courts.
- 2,190 victims of international crimes and 14 defendants represented before the national courts at different stages of the proceedings, relating to 15 cases.
- Submission of an *amicus curiae* to the ICC relating to compensation for victims in the Lubanga affair.

### Closure of the project to prevent sexual violence from going unpunished:

On 22 June 2012, in partnership with the Belgian Ministry of Foreign Affairs, Avocats Sans Frontières organised the closing workshop for its project to prevent sexual violence from going unpunished, conducted from November 2008 to May 2012 in various provinces of DR Congo (South Kivu, Maniema, Equateur and Kinshasa). Besides reviewing the results of the project, this was also an opportunity to consider the structural causes preventing women from exercising their rights and to adopt strategies to tackle gender-based violence as a whole.

### Results:

The project was designed to prevent sexual violence from going unpunished by facilitating access to justice for victims, via an integrated approach:

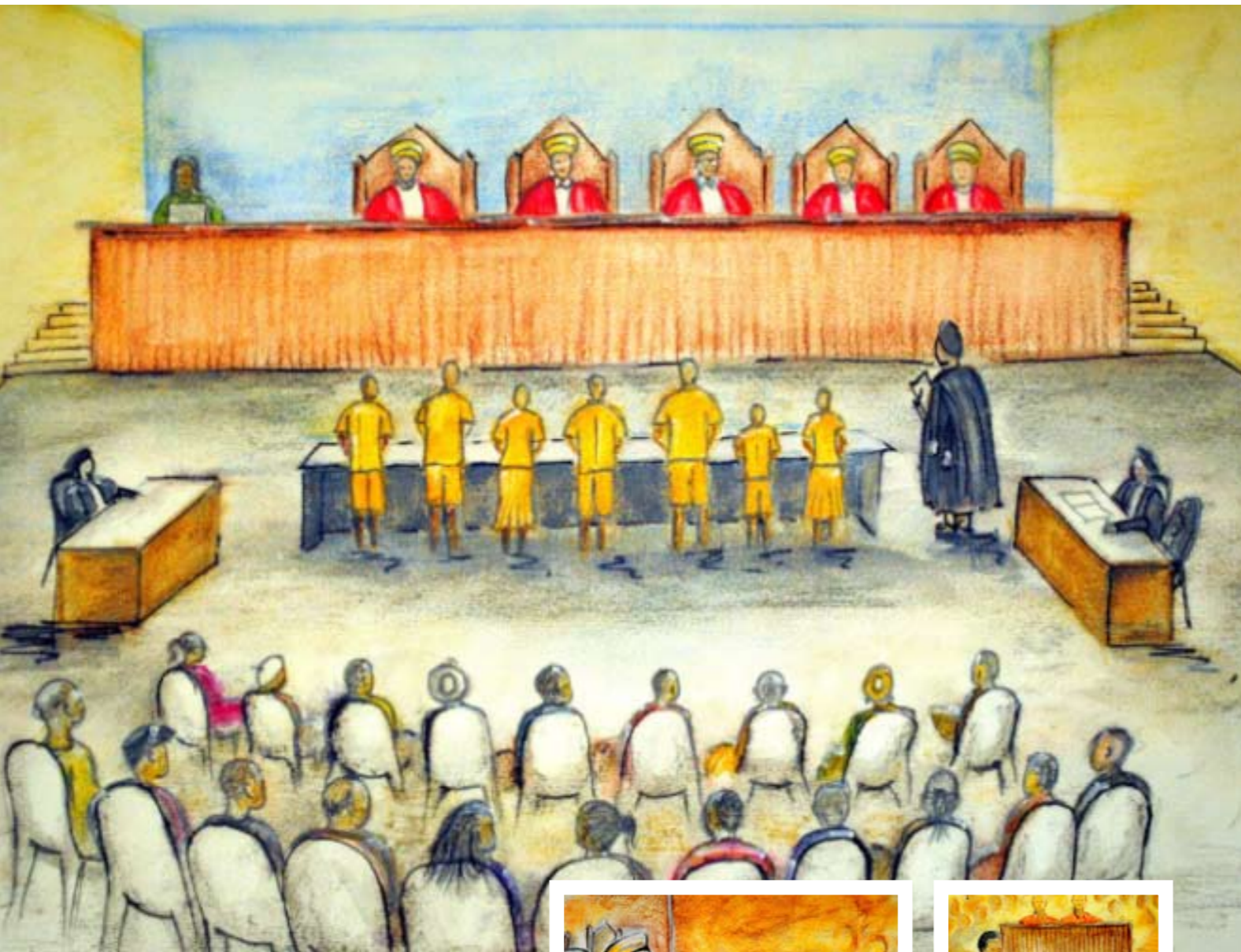
- Networking, training and guidance of local NGOs and civil society actors, to facilitate identification and awareness-raising of victims, providing them with initial legal support and helping to prepare the initial elements of the case. These actors liaise between the victims and ASF so that their cases are handled by barristers and defence counsels.
  - 3 networks of 20 NGOs at least set up in each province.
  - Monthly coordination meetings.
  - 2 training sessions per province per year, attended by 208 NGO workers including 73 women.
  - Supporting mobile court hearings: setting up focal points in 10 mobile court sessions; three training sessions for members of mobile teams, in which 73 legal actors took part; 82 cases of sexual violence dealt with in 10 mobile court sessions.
- Capacity building of lawyers :
  - Setting up a judicial assistance network in each province, involving 83 lawyers.
  - Training of 65 barristers and defence counsels in 4 provinces (2 sessions per year and per province).
- Awareness-raising, free legal consultations and judicial assistance for victims:
  - 39,207 people made aware of their rights through outreach events and radio broadcasts.
  - 3,271 free legal consultations given to victims benefiting from support through NGO partners.
  - 3,271 cases of sexual violence identified and documented.
  - 630 cases taken to court.
  - 246 judgments delivered including 191 convictions.
  - 246 victims of sexual violence benefited from free judicial assistance from a lawyer.
- Organisation of 7 round tables (5 at provincial level and 2 at national level).
- Publications:
  - *Vade mecum on judicial assistance to victims of sexual violence* (M. Khaldi and Frank Mulenda).
  - *Use of the DNA test in legal proceedings for sexual violence in DRC - Feasibility study* (Colonel T. Muntazini and Dr A. Abati, 2009)
  - *Case-law study on sexual violence under common law - The legal system faced with the commonplace nature of rape in DRC* (M. Schotsmans, May 2012).



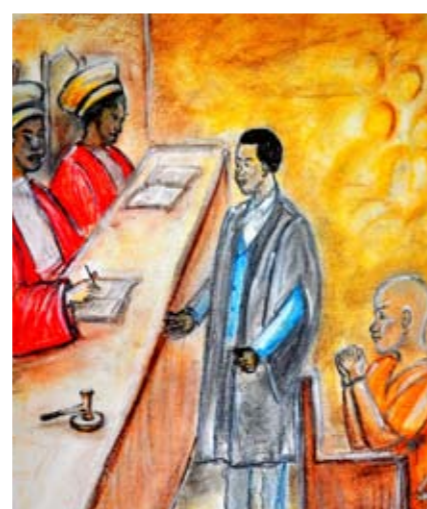
ASF trains Congolese NGOs to facilitate the identification and raising awareness of victims of sexual violence. These are then directed to ASF for the cases to be handled by barristers and defence counsels

© ASF/S.Degée

## Rwanda: End of activities after 16 years' involvement



Drawings by Daniel Ettentuk Edukere



At the end of May 2012, Avocats Sans Frontières ended its permanent activities and direct operations in Rwanda after 16 years.

Since 1996, Avocats Sans Frontières has worked constantly alongside legal actors, actors from civil society and people seeking justice to help to improve access to fair, high-quality justice for all, mainly in partnership with the Rwandan Bar Association and civil society organisations.

Due to financial constraints, ASF has been forced to consider new approaches and review its structure in Rwanda in order to fulfil its role in the best possible way. However, this does not mark the end of ASF's involvement in Rwanda, since a regional project to support human rights defenders was launched at the end of 2011, in partnership with the East Africa Law Society, run from Arusha and supported by a network of partners in Rwanda (see article on page 46).

ASF hopes that the Rwandan Bar Association and civil society actors will continue to do all they can to ensure independent, fair and high-quality justice for all those who seek it, respecting the principles of impartiality and independence inherent in their role in society. ASF would like to thank the many partners who have supported its activities over the last 16 years: international sponsors, the Bar Association, the judicial authorities and civil society, not forgetting the staff on its teams.

*Kigali, May 2013*

# Rwanda:

## The activities in 2012 at a glance

### Legal aid services provided to the population:



The main activities in 2012 involved delivering legal aid services to the population through permanent and mobile legal clinics, including in prisons (see table above) and the publication of a *Revue analytique de conclusions d'avocats et de jurisprudences rwandaises, et actions en faveur d'une meilleure pratique judiciaire, 2010-2012* (Charlotte Arnaud, May 2012).

As from 2007, parallel to its involvement in support of the organisation of genocide cases, ASF initiated a judicial assistance programme in Rwanda, aimed at offering the most vulnerable persons seeking justice – victims and defendants – the assistance of a lawyer to accompany them when they appear in court, for both criminal and civil cases. In 2010 and 2011 alone, ASF organised judicial assistance in over 300 cases and saw 326 judgements passed (at first instance and on appeal).

ASF therefore has a significant collection of lawyers' statements and legal rulings, which it has decided to exploit. In this way, ASF intends to contribute to the creation of a harmonised collection of case-law, freely analysed and broadly distributed in Rwanda, and then to train legal actors and more broadly, to promote legal certainty, thus consolidating the rule of law.



## Chad: Better aid for youth



Yalna and Fafed reception centres for minors © ASF/L.Deramaix

Avocats Sans Frontières, in partnership with the NGO APLFT (Association pour la Promotion des Libertés Fondamentales au Tchad) launched a project to improve the support for minors in N'Djamena. This project will reinforce the capacities of the different actors in the related social and legal spheres. Awareness campaigns are being organised for both the population and the authorities in order to make the rights of minors better known and recognised.

Despite the relative calm following a period of conflict and political turmoil until 2008-2009, significant work remains to be done to build the rule of law in Chad. The challenges are numerous in all domains in this country strongly affected by poverty despite its natural resources.

Justice must face significant obstacles, and the domain of aid for the youth is still in the preliminary stages, even though 50% of the population is under 18 years old. State structures are not operational; the parents, often poor, receive no support for their children's education; and social and legal services are ineffective or lack resources.

Children are the first victims of these shortcomings. Many are neglected, abandoned or subjected to worse forms of exploitation. The measures taken to help them or to pursue the perpetrators of mistreatment are limited. The participants are isolated. Minors in conflict with the law are regularly sent to prison without having the opportunity to consult a lawyer. They stay in prolonged pre-trial detention or suffer heavy sentences, and are mixed with adults and kept in unsuitable prison conditions. They do not receive any measure of support or education.

ASF's project was launched in April 2012, with training sessions for shelters for minors, NGOs involved in legal aid and jurists from the APLFT.

A team of lawyers in charge of supporting and defending minors in conflict with the law is being implemented under ASF's supervision. These same lawyers will participate in exchange workshops with the magistrates in order to together improve the legal monitoring of minors.

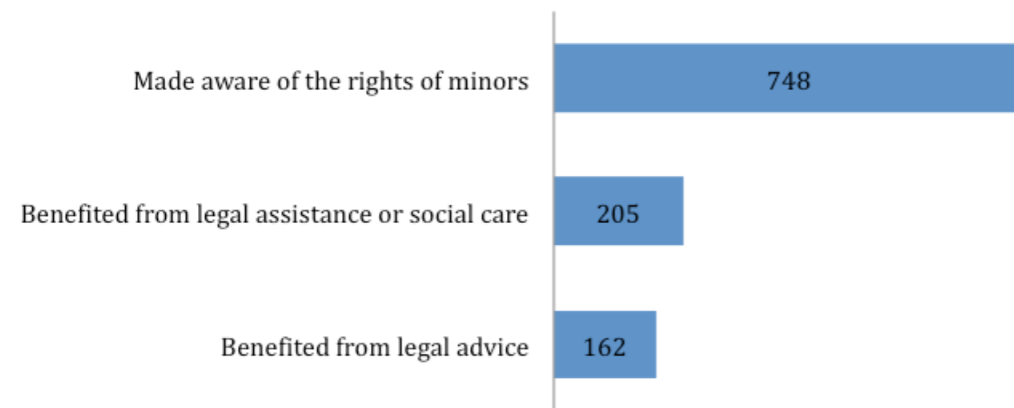
Awareness campaigns aimed at a wide audience and involving traditional leaders and police and gendarmerie forces are also being organised.

"Shelters, legal aid NGOs, social workers, juvenile judges, lawyers, public authorities, police forces, traditional leaders...all must work together. The success of the project depends on the functional synergies of all parties concerned," explains Coralie de Lhoneux, ASF's Project coordinator in N'Djamena. "In the end, our work deals with respect for national and international legislation. Even if they are at times incomplete, the existing texts must be the basis of all decisions. Their practical implementation and a public awareness are the first steps in the long process of improving the social and legal situation of Chadian minors. It is imperative that their rights and their welfare be respected," concludes de Lhoneux.

N'Djamena, 21 August 2012

## Chad:

### The activities in 2012 at a glance



#### The assistance mainly involved cases of:

- abuse
- economic exploitation
- rape
- forced marriage
- statutory rape
- abduction of a minor
- arrest and illegal detention

**Legal clinics** were available at set times at APLFT's offices. Visits were organised to shelters for minors, in order to create an individual file on each minor. Visits to prisons and police stations enabled cases requiring attention to be identified. ASF then followed up the minors taken on to ensure that the planned reintegration measures were applied effectively.

#### Awareness raising and capacity building among actors in the social and legal protection chain for minors in N'Djamena (shelter centres, Bar Association, police and gendarmerie forces, traditional authorities, NGOs, social services, etc.) and lawyers:

- 1 introductory workshop on institutional care of minors at the beginning of the project.
- 1 awareness-raising workshop and 1 training workshop for traditional authorities.
- 1 workshop on legislation and competencies and roles of the various actors, with representatives of the police and gendarmerie forces.
- 5 training sessions for 15 lawyers on instruments for protecting minors, followed by individual coaching of the lawyers in following up cases and how to deal with the public prosecutor's department and juvenile court.
- 2 workshops for exchanging knowledge and training of resource persons within APLFT (partner association of ASF) and several NGOs working with minors.
- 1 knowledge exchange and training workshop for shelter centres for minors (15 participants).
- Creation of a database on care of minors by the various actors involved.
- 3 waves of broadcasting radio messages, informing the population about the services and legal support possibilities offered by the project.

#### International criminal justice:

- Finalisation of a baseline study on international criminal justice in Chad.

## Tunisia: Thousands of cases of violations of human rights analysed



Demonstrations in memory of victims of violence in the mining area  
© ASF/S.Rougeaux

Thanks to Avocats Sans Frontières 7,454 cases of human rights violations in Tunisia have been categorised and filed into databases. Eight Tunisian human rights associations have participated in this project. A better knowledge of the information contained in these files will contribute to the transitional justice process currently underway in the country that is the beacon of hope for the Arab Spring.

Operational in Tunisia since the start of the year 2012, ASF has closed its first project in October: the management of thousands of cases of human rights violations collected by eight Tunisian associations\*. The project aimed to help these associations to efficiently organise their files, store them and better manage the information available, such as the type of victims, the violations and the profiles of the perpetrators. The NGOs carried out the tasks of archiving 7,454 cases of victims as well as managing the information. ASF provided the necessary training and set up the common database.

This archiving was not an easy task, due to the physical deterioration of a certain number of files, disappearance of others due to sabotage under the old regime, or even incapacity of victims and their families to provide details about the harm they suffered.

Despite these difficulties, the project resulted in positive outcomes. "The work on analysing and collating the information recounted by the victims has allowed the associations involved in the project to share their practice in running files, helping and accompanying victims", explains Solène Rougeaux, head of the ASF mission in Tunis.

Managing and putting together the data provided a sort of map of the injustices committed under the old regime. "These databases are an invaluable source for monitoring the respect of freedoms in the country", says Rawdha Gharbi from the Tunisian League for Human Rights, which participated in the project. "Thanks to this information we can draft reports and reinforce our advocacy on the need for justice, which is an essential part of the democratic transition process that Tunisia is currently going through".

Three years after the revolution, the Tunisian civil society has still not succeeded in obtaining the setting up of mechanisms which would establish the truth about the abuses perpetrated by those in power since 1987, the year of the *coup* by Ben Ali, or indeed since 1956, the year of the country's independence. The crimes of the past consist of torture and imprisonment, as well as economic and social crimes such as corruption and embezzlement. "The victims of these crimes must be acknowledged. We are therefore going to continue our work supporting the NGOs for human rights and legal professionals", concludes Solène Rougeaux. "The Tunisian justice must be accessible for all and should help re-establish confidence between the citizens and those in power".

Tunis, 11 October 2012

\* This involves the following associations: The Tunisian Human Rights League (LTDH), the Association of Tunisian Women for Research and Development (AFTURD), the Tunisian Association of Democratic Women (ATFD), the National Council for Liberties in Tunisia (CNLT), the International Association for the Support of Political Prisoners (IASPP), the Organisation against Torture in Tunisia (OCTT), the organisation Liberté et Equité (Liberty and Fairness), and the Association for Families of the Martyrs and Injured of the Tunisian Revolution Al-Awfyia.

## Tunisia:

### The activities in 2012 at a glance

#### Observation Network of Transitional Tunisian Justice (ROJ):

ASF, in collaboration with the Tunisian League of Human Rights and the Tunisian Bar Association, is supporting the creation of an observation platform to monitor the administration of Tunisian criminal justice during the transition, bringing together law professionals and human rights defenders.

- 4 training sessions on observation of trials (79 people trained in 4 cities) and 8 sessions on international standards and miscarriages of justice (160 people trained in 5 cities).
- National recruitment campaign for legal observers, following which 250 lawyers and legal professionals expressed an interest in taking part in the initiative.
- Setting in place tools to observe trials and software to encode the data collected.
- Observation of 26 trials by 27 observers.
- Organisation of a round table on the role of civil society in observing justice, bringing together representatives of authorities and associations (7 December 2012 in Tunis).
- Publication of a report on data collection and analysis (December 2012).
- Organisation of a regional workshop on the *Role of lawyers and Bar Associations in promoting international standards for the administration of justice*, in which 33 lawyers from the Maghreb region and the Middle East took part (29-30 November and 1<sup>st</sup> December 2012 in Tunis).
- Creation of a website for the platform, in French and Arabic: [www.roj-tunisie.com](http://www.roj-tunisie.com).



The Law Court in Gasserine  
© ASF/G.Van Moortel



© ASF/S.Rougeaux

#### Support for transitional justice:

Tunisian associations hold massive amounts of data relating to human rights violations committed under the Ben Ali regime. ASF is supporting eight of them in the organisation and exploitation of this data (see text on page 38).

- 3 training sessions: creation and management of archives; encoding of data; examination and analysis of data for the formulation of recommendations and development of arguments.
- Creation of databases and physical filing plans suited to the requirements of each of the partner associations.
- Technical and quality monitoring of encoding of data, support for its analysis.
- Supply of computer equipment to the associations for the management of archives.
- Organisation of 3 round tables for pooling and analysis of the encoded data.
- Publication and distribution of a report setting out the joint recommendations.

# International criminal justice: Lubanga case – Giving victims a voice



Child soldier in eastern DR Congo © Abdelhak Senna/AFP



Thomas Lubanga Dyilo at the time of his sentencing by the International Criminal Court on 10 July 2012 © ICC-CPI

On 10 July 2012, the International Criminal Court (ICC) passed its first sentence, sentencing Thomas Lubanga Dyilo to 14 years' imprisonment for war crimes. He has already spent more than six years in custody; he should normally serve a further eight years in prison. Avocats Sans Frontières fears that this sentence will not have the hoped-for deterrent effect on the perpetrators of war crimes.

Arrested in March 2005, Mr Lubanga is the first person detained and accused before the ICC. In March 2012, he was held responsible for the recruitment of child soldiers into the Patriotic Forces for the Liberation of Congo (FPLC) and for their active participation in the hostilities in eastern DR Congo in the early 2000s.

More than 30,000 children have been abducted or recruited by the different armed groups active in the Congo between 1998 and 2008. These children have been mistreated during training, sent into combat and the girls have been used as sex slaves by commanders. In addition to the violence suffered, these child soldiers are often seen as criminals instead of victims by the communities – including sometimes their own families – who have suffered from their violent acts.

In total, 123 victims are participating in the “Lubanga” trial, 101 of which are parents child soldiers who have suffered from the FPLC’s violent acts. From the beginning of the enquiry leading up to the “Lubanga” trial, ASF’s intervention alongside Congolese associations has been in helping to identify child soldier victims, explaining to them what is at stake through their participation in the trial, and in providing the assistance necessary to file application for participation to the trial. ASF has also ensured the intervention of lawyers and has put everything in place to ensure the safety of the victims.

At the end of the pre-trial phase, the ICC – the first permanent international criminal tribunal – has, for the first time since its creation in 2002, officially acknowledged 12 minors initially assisted by ASF as victims; this enabled them to benefit from free legal assistance. Their right to access, evaluate and challenge evidence submitted by the defence and the prosecution and testify about the crimes committed was recognised.

While ASF welcomed the judgment on 14 March 2012 finding Mr Lubanga guilty, it fears that the sentence pronounced on 10 July 2012 will not have the hoped-for deterrent effect leading to the end of the violence suffered by the populations in Ituri.

The sentence was based solely on the recruitment and use of child soldiers. It was impossible to consider the claims of abuse, sexual violence and various punishments due to a lack of evidence presented by the prosecution. The court also considered that Thomas Lubanga had cooperated with the ICC throughout the trial, which was suspended on two occasions. As far as the possibility of fines was concerned, it declared the accused insolvent. ASF fears that the victims will find it hard to understand the narrow basis for the court’s sentence, which does not reflect the extent of their suffering.

ASF also stresses the importance of supporting the victims and communities affected after the pronouncement of the sentence: firstly, the court must make sure the communities affected truly understand the judgment delivered in order to avoid any feeling of injustice; secondly, it is essential that the victims are actively involved in the proceedings with regard to the compensation to be granted to them. On 10 May 2012, together with five other NGOs, ASF submitted recommendations to the ICC regarding this, in the form of an *amicus curiae*. Having been consulted in advance by ASF, the affected communities had expressed a wish to receive collective compensation in order to promote reconciliation between the communities. Measures for rehabilitating children such as psychological counselling and apprenticeships were also suggested.

Since June 2013, ASF has conducted a further mission to collect information from victims in the Lubanga case. They are asked about the impact the conflict has had on their life, the reason why they did or did not participate in the trial, the information they were given on the verdict pronounced and the possibility of obtaining compensation, etc. The data collected will enable ASF to submit a further *amicus curiae* to the Court shortly.

Brussels/The Hague, 14 March and 11 July 2012

## International criminal justice:

### The activities in 2012 at a glance

New conflicts break out around the world every year and thousands of people are the victims of serious violations of human rights. Often far from national and international courts, they are deprived of their right to participate in proceedings brought against their aggressors and are unable to obtain redress for the injury they have suffered. Avocats Sans Frontières wants to tackle this problem through its project *Promoting the Statute of Rome system and enhancing the efficiency of the International Criminal Court\**; at the same time, it advocates the principle of complementarity whereby the International Criminal Court (ICC) only has jurisdiction if the case is not already the subject of an inquiry or legal proceedings brought by a State competent for the matter concerned.

The multiple-country project works to strengthen the capacities of civil society, lawyers and participants in the judicial sector, develop regional and national networks within the legal profession advocating ratification of the Rome Statute and the adoption of implementing legislation, support and assess national legal proceedings, and provide legal assistance to victims.

Activities carried out in Burundi, Uganda, Nepal, DR Congo and Chad are contained in the respective sections dedicated to these countries.

The following activities were carried out by the ASF team in Brussels and in countries where ASF does not have a permanent office, i.e. Guinea, Kenya, East Timor and Zimbabwe\*\*:

- In the 4 countries concerned: finalisation of a baseline study on international criminal justice, concerning the expertise and knowhow available, progress with implementation of the Rome Statute and the principle of complementarity.
- Production of a *Guide méthodologique ASF en matière de projets " Justice pénale internationale "*.
- Advocacy initiatives undertaken at the level of the ICC by regular intervention in The Hague (Assembly of States Parties, Victims' Rights Working Party, etc.) and through shared working documents.
- 1 training session bringing together 35 lawyers in East Timor on the Rome Statute and the ICC.

\* Officially launched in 2010 for an initial duration of 3 years, the project is financed by the MacArthur Foundation and the European Union. The latter has since awarded ASF a subsidy to enable the project to be extended during the period of 2013-2016.

\*\* Activities in Latin America – Colombia and Guatemala – are undertaken by Avocats Sans Frontières Canada. For details of those activities, see <http://asfcanada.ca/fr/publications-en>.



Training session bringing together 35 lawyers in East Timor on the Rome Statute and the ICC, December 2012

© ASF/L.Meissner

# Protecting human rights defenders: Ordinary people taking extraordinary risks



With ASF's assistance, these two representatives of the pygmy community initiated proceedings against the people who killed six of their community, forcing them to flee their village in Eastern DR Congo

© ASF/G.Van Moortel



Press conference given by ASF following a hearing in the trial relating to the death of Ernest Manirumwa  
© ASF/J-M Ndikumana

Lawyers and other human rights defenders (HRDs) are often directly targeted when they speak out against local authorities who are at times responsible for human rights violations. To tackle this situation, Avocats Sans Frontières and its partner the East Africa Law Society (EALS) launched at the end of 2011 a major project supporting and protecting human rights defenders in five African countries, including Kenya.

Although important efforts are being made towards democratization in Central and East Africa, the situation for HRDs remains a concern: intimidation, threats, abductions, arrests, "false" criminal proceedings and murders are common practices used against the HRDs. However, the situation of HRDs can be improved if they have access to legal aid, financial and material support, and a protection fund. This is the objective of the project implemented in Burundi, the Democratic Republic of Congo, Kenya, Rwanda, and Uganda by ASF and EALS.

"The challenge is twofold," says Gilles Durdu, the project coordinator for ASF. "We aim to provide short term responses but also long term solutions. Additionally, this project aims to address the specific contexts of each country, within the framework of a regional strategy."

With a total duration of three years, the project is coordinated by ASF and the EALS from Arusha in Tanzania.

During 2012, ASF and the EALS established project bases in the various countries in which they operate:

- Launch workshops bringing together key actors have been organised. Bringing together civil society organisations, journalists, lawyers and other institutions, their aim was to review the situation of human rights defenders in the various countries involved and explore ways of responding to issues such as perpetrators of violations of human rights going unpunished. These exchanges also made it possible to identify synergies and complementarities with the existing network of human rights defenders.
- A regional group of 42 highly-qualified and committed lawyers from the five countries involved has been set up. Amongst other matters, this group will be charged with providing judicial assistance for lawyers and other human rights defenders subject to judicial harassment. The first two training workshops for this pool have been organised in Kampala and Arusha, on the role of lawyers in protecting both themselves and the victims they are assisting, and the standards applicable in the various contexts in which they work respectively.

Nairobi, 15 June 2012

## Protecting human rights defenders:

### The activities in 2012 at a glance

- As this concerns direct legal assistance activities, ASF has been involved in 4 and 6 cases respectively of HRDs who have been threatened, abused, etc. as a result of their activities in defence of human rights:
  1. 2 HRDs from the Pygmy community (eastern DR Congo): relocation and judicial assistance.
  2. Director of an NGO (South Kivu, DR Congo): relocation.
  3. President of civil society for the territory of Massisi (DR Congo): accommodation, living expenses, travel and communication.
  4. President of an NGO in Goma (DR Congo): accommodation, living expenses, travel and communication.
  5. Trial relating to the death of Floribert Chebeya (NGO La Voix des Sans Voix, DR Congo): judicial intervention (see article on this subject on page 26).
  6. HRD lawyer based in Bukavu (DR Congo): judicial assistance.
  7. HRD journalist in the province of Bubanza (Burundi): judicial assistance.
  8. Member of an NGO in Kenya: judicial assistance.
  9. Trial relating to the death of Ernest Manirumwa (NGO OLUCOME, Burundi): judicial assistance.
- Another case requiring direct assistance was referred to ASF, as were 7 cases in which ASF decided not to intervene.
- Having identified the actors interested in setting up a Protection Trust Fund (PTF), an initial meeting was organised in Arusha in October 2012, to analyse requirements in the sector and draft the mandate for the PTF.

## Economic and social rights



© ASF/S.Stanton

Two contributions on the theme of economic and social rights:

- *The obstacles people living in extreme poverty face in accessing justice* - ASF contribution to the UN Special Rapporteur on extreme poverty and human rights. This report responded to the UN Special Rapporteur on extreme poverty and human rights call for contributions for her report on “*Access to justice and extreme poverty*”, in accordance with the Human Rights Council resolution 17/13. The final report was transmitted to the General Assembly on August 9, 2012. The purpose of this report is to “analyse the obstacles to access to justice for persons living in poverty”. In this report, “the Special Rapporteur emphasizes that improving access to justice for persons living in poverty requires tackling a range of legal and extra-legal obstacles present both within and outside of the formal justice system, including social, economic and structural obstacles”. Following that contribution, the UN Special Rapporteur on extreme poverty and human rights agreed to intervene as a speaker in ASF’s conference on “How access to justice can help reduce poverty”, in Brussels on 22 May 2013
- ASF is involved in the development of innovative projects concerning public interest litigation, including a website *Action 4 Justice Toolkit* developed with Oxfam, Transparency International and Greenpeace, among other organisations, with the initial prototype presented in 2012. This online platform is designed as a work and visibility tool for actors involved in strategic litigation, where they will find reference documents on the subject (case-law, legislation, etc.) and be able to share information and good practice.



# The International Legal Network: ASF recruits 700 law professionals



Thanks to the ILN, ASF is able to offer legal advice to the villagers of Yalisika (DR Congo), regarding a dispute between them and international logging company Siforco © ASF/B.Zrikem



During her coaching mission to Burundi in early 2012, Brussels lawyer Charlotte Verhaeghe (left) had the opportunity to take part in a ceremony to award a "honorary diploma" to ASF by the Bujumbura Bar Association, in recognition of the organisation's work to promote access to justice

The International Legal Network (ILN), the international network of lawyers set up by Avocats Sans Frontières in 2010, has over 700 members at the time of publication of this report. This figure demonstrates the solidarity of law professionals in favour of those seeking justice supported by ASF. Based on the principle of pro bono intervention, the ILN has become an essential force in developing the organisation's activities. Its success rests largely on the persistent and tenacious work of its members.

Over the past three years, the ILN has contributed to ASF's work through 86 interventions in a dozen countries, by training local lawyers, providing legal assistance, following trials, and carrying out legal research. Carried out locally or from a distance, these missions constitute more than 600 days of work "donated" to ASF. As demonstration of the growing diversity of the ILN, the network's members originate from over 60 countries in both the northern and southern hemispheres, with interests and experience levels that are both varied and complementary.

"We involve members in our projects according to their domain of expertise. Their actions allow us to increase the impact of our work locally and to provide local lawyers with specialised supervision", ILN Coordinator Catherine Lalonde says.

This ethos of legal professionals from all backgrounds sharing their experiences and collaborating is the heart of ASF and ILN's work. Coaching is a perfect illustration of how this dynamic works: for example, in 2012, Burundian and Rwandan lawyers were recently able to benefit from ILN members who helped them to manage and take on complex cases, such as those involving sexual violence, torture, freedom of expression infringements, and illegal preventative detention. This coaching mechanism is an innovative needs-based approach.

"The enthusiasm of our local colleagues is huge, but the means available to them are generally limited", explains Charlotte Verhaeghe, a lawyer from the Brussels Bar, who worked for a coaching mission in Burundi. She elaborates: "By coaching these lawyers throughout their cases, ASF is really making a difference".

With the need for help continually evolving, the ILN has to constantly enrich its network with new skills and expertise. "In addition to more traditional skills, we are looking for Arabic-speaking lawyers specialising in international human rights, lawyers experienced in negotiating, and criminal lawyers with special in-depth knowledge of transitional justice procedures", Catherine Lalonde adds.

*Brussels, 27 March 2012 – figures updated in June 2013*

# The International Legal Network

## The International Legal Network in 2012 is...

- Over 700 law professionals recruited to ASF.
- The equivalent of 240 days of pro bono work by experts from Australia, Belgium, Benin, Cameroon, Canada, France, Indonesia, DR Congo, Rwanda, Switzerland and the UK.
- 17 training missions for lawyers cooperating with ASF in Burundi, Nepal, Uganda, the Democratic Republic of Congo, Tanzania, Timor and Tunisia, on themes including international criminal justice, protection of human rights defenders and economic and social rights.
- Support for civil parties in trials following the death of Congolese human rights activist Floribert Chebeya, and the murder of Ernest Manirumva, Vice-President of the NGO Anti-Corruption and Economic Malpractice Observatory in Burundi.
- Burundian and Rwandan lawyers coached by colleagues in the handling of complex cases.
- 10 awareness-raising sessions for Tunisian law professionals and members of civil society to initiate them in the standards applying to proper administration of justice and reporting mechanisms.
- Legal advice given regarding the conflict between the villagers of Yalisika, in Equateur (DR Congo), victims of human rights violations by members of the Congolese police and army, and international logging company Siforco.



In December 2012, thanks to the contribution of an ILN member, ASF was able to train and coach lawyers, but also representatives from the authorities, about the asylum procedures and the conditions for granting asylum to refugees in Burundi © ASF/S.Degée

# Financial report

## Expenses

The implementation of ASF's activities in countries in which the organisation is active represents total expenses of €4,605,474.

The organisation closes 2012 with a credit balance of €20,751 which can be allocated to the reserves.

Although Burundi (13%) and Democratic Republic of Congo (17%) remain major programmes, transnational projects concerning international justice and the defence of human rights defenders also account for a significant part of ASF's activities (20%).

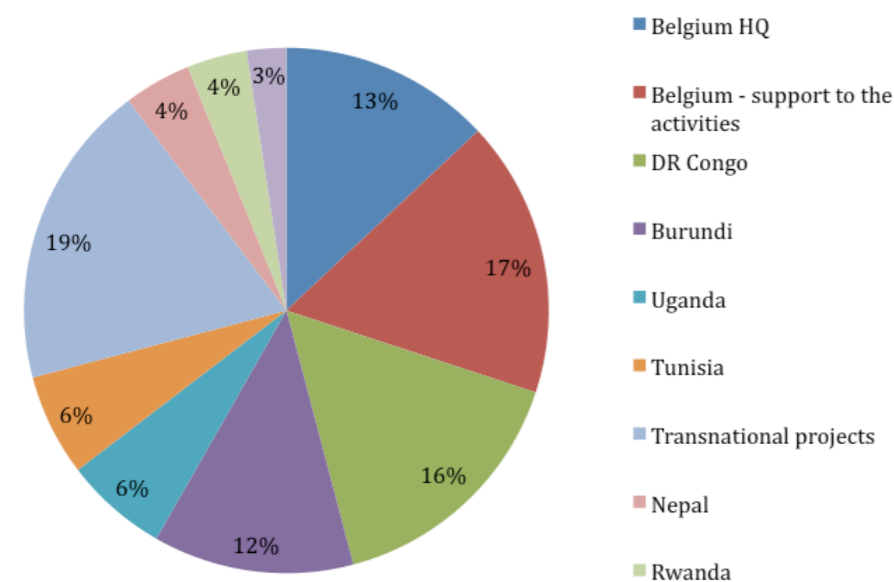
ASF's activities in Tunisia are developing, currently representing 6% of expenses, equal to Uganda.

The programmes in Chad and Nepal have stabilised at 3 and 4% respectively, confirming ASF's establishment in these two countries.

Support for the activities provided by experts at headquarters, regional coordinators and communication account for 17% of the organisation's expenses.

*Overheads* (running costs at the Brussels headquarters and cost of support services – financial control and human resources – and management) account for 13% of expenses.

## Breakdown of expenses



## Financing

Grants from institutional donors represent the largest part of the ASF budget (93%). These funds are linked to the implementation of the programmes in the countries where ASF is active.

At an institutional level, ASF receives significant support from the British government (32%) and the European Union for its transnational programmes (almost 40%).

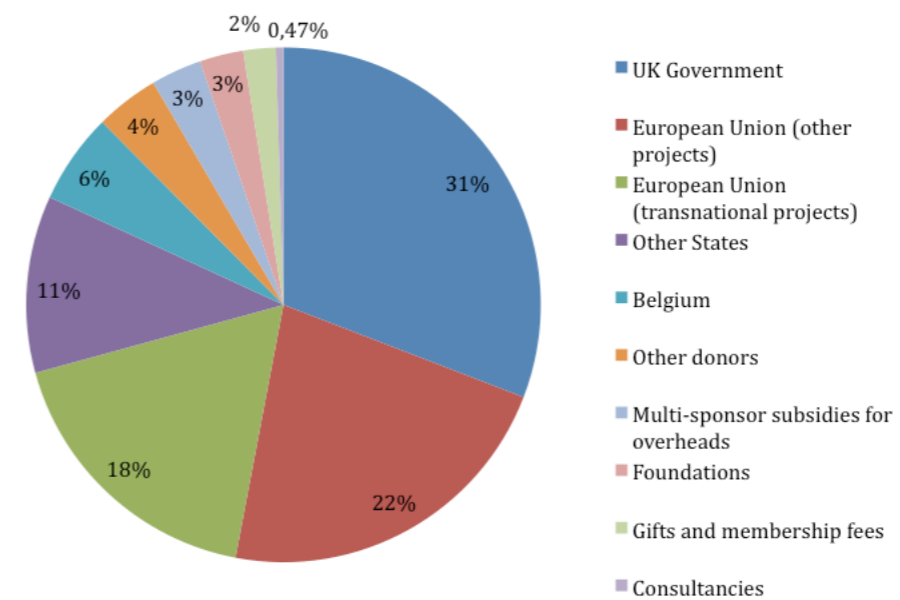
Other governments, including the Belgian government, contribute 17% to ASF's income.

Two private foundations also supported the organisation in 2012: the American MacArthur Foundation and the Open Society Institute.

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, representing 2% of income.

Annual operating revenue for the association reached €4,788,479 in 2012, that is to say an increase of 1,8% compared to 2011.

## Sources of funding



## Non-financial support

In addition to the grants from institutional donors and private donations, some of ASF activities also benefited from non-financial support. For example, the lawyers from the International Legal Network worked on a pro bono basis for the equivalent of 240 days in 2012. Communication and visibility actions developed by the Communications team at ASF's headquarters also received broad support in the form of negotiated rates and partnerships, equivalent to €306,455.

## 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 ASF local offices situated in fragile and/or postconflict 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.

## Balance sheet

BALANCE SHEET		2012	2011	2010	2009
<b>ASSETS</b>					
FIXED ASSETS	20/28	94.243	107.323	105.087	91.723
II. Intangible assets	21	2.264	984	2.057	1.970
III. Tangible assets	22/27	5.631	9.619	44.393	71.058
B. Installations, machinery and equipment	23	3.826	4.129	40.905	68.896
C. Furniture and vehicles	24	1.804	5.490	3.488	2.162
IV. Financial assets	28	86.348	96.720	58.637	18.695
CURRENT ASSETS	29/58	2.636.133	1.406.523	1.879.925	2.089.784
VII. Amounts receivable within one year	40/41	227.298	508.897	1.030.889	1.699.083
IX. Cash at bank and in hand	54/58	2.404.632	891.661	802.551	390.152
X. Deferred charges and accrued income	490/1	4.102	5.965	46.485	549
<b>TOTAL ASSETS</b>	<b>20/58</b>	<b>2.730.377</b>	<b>1.513.845</b>	<b>1.985.012</b>	<b>2.181.507</b>
<b>LIABILITIES</b>					
ASSOCIATION FUNDS	10/15	199.869	179.119	390.611	524.249
IV. Reserves	13	179.118	179.119	350.443	409.813
V. Profit brought forward	140	20.750		0	35.945
Loss brought forward	141	0	0	0	0
VI. Subsidies en capital	15	0	0	40.168	78.491
PROVISIONS AND DEFERRED TAXES	16	0	0	0	0
4. Other risks and losses	163/5			0	0
DEBTS	17/49	2.530.508	1.334.726	1.594.401	1.657.258
B. Financial debts	43	0	8	8	951.647
C. Trade creditors	44	108.672	124.010	174.639	193.160
E. Taxes, salaries and social welfare contributions	45	134.274	92.854	85.587	149.126
1. Taxes	450/3		421	8.200	26.882
2. Salaries and social welfare contribution	454/9	134.274	92.433	77.387	122.244
F. Other debts	47/48	2.287.561	1.102.674	1.327.556	359.825
3. Non-interest bearing debt (donor advances)	4891	2.287.561	1.102.674	1.327.556	359.825
X. Accruals and deferred income	492/3		15.180	6.611	3.500
<b>TOTAL LIABILITIES</b>	<b>10/49</b>	<b>2.730.377</b>	<b>1.513.845</b>	<b>1.985.012</b>	<b>2.181.507</b>

## Profit and loss account

PROFIT AND LOSS ACCOUNT		2012	2011	2010	2009
<b>I. Operating Income</b>	<b>70/74</b>	<b>4.788.779</b>	<b>4.700.879</b>	<b>4.537.986</b>	<b>5.219.512</b>
A. Revenues	70	4.639.694	4.587.067	4.173.292	4.656.279
B. Membership fee, donations and legacies	73	117.597	102.788	103.273	110.011
a. Membership fee		5880	5.576	4.400	2.180
b. Donations from individuals		11602	8.355	4.356	3.506
c. Donations from Bar Associations		89925	72.505	86.100	97.665
d. Donations - Others		8077	16.352	8.417	6.660
C. Other operating income	74	2113	11.024	261.421	453.223
<b>II. Operating charges</b>	<b>60/64</b>	<b>-4.605.474</b>	<b>-4.710.113</b>	<b>-4.554.697</b>	<b>-4.918.298</b>
A. Services and other goods	61	2.299.111	2.174.566	2.152.831	2.365.553
B. Salaries, social welfare contribution and pensions	62	2.284.988	2.474.627	2.353.517	2.719.543
C. Depreciation	630	10.738	47.129	34.657	32.307
D. Amounts written off on trade debtors	631/4		0	0	-85.037
E. Provision for risks and losses	635/7		0	0	-126.000
F. Other operating charges	640/8	10.637	13.791	13.692	10.932
<b>III. Operating profit</b>	<b>70/64</b>	<b>183.305</b>	<b>-9.235</b>	<b>-15.711</b>	<b>301.214</b>
<b>IV. Financial income</b>	<b>75</b>	<b>45.341</b>	<b>117.384</b>	<b>54.785</b>	<b>21.238</b>
<b>V. Financial charges</b>	<b>65</b>	<b>-203.274</b>	<b>-130.774</b>	<b>-116.437</b>	<b>-117.729</b>
<b>VI. Gain on ordinary activities before taxes</b>	<b>70/65</b>	<b>25.372</b>	<b>-22.625</b>	<b>-77.363</b>	<b>204.723</b>
<b>VII. Extraordinary income</b>	<b>76</b>	<b>38.823</b>	<b>90.450</b>	<b>10.731</b>	<b>98.328</b>
<b>VIII. Extraordinary charges</b>	<b>66</b>	<b>-43.444</b>	<b>-239.149</b>	<b>-28.683</b>	<b>-1.337</b>
<b>IX. Profit for the financial year</b>	<b>70/66</b>	<b>20.751</b>	<b>-171.324</b>	<b>-95.315</b>	<b>301.714</b>
A. Profit to be appropriated	70/69			-59.370	337.659
a. Profit for the year available for appropriation	70/68	20.751	-171.324	-95.315	301.714
b. Profit brought forward from the previous year	790		0	35.945	35.945
B. Allocation to association fund	691/2	20.751	-171.324	59.370	-301.714
C. Profit to be carried forward	793/693			0	35.945

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.

## ASF visible in Belgium, with the support of the private sector



Visuals for the *Open your eyes to injustice* campaign



Evening viewing to celebrate ASF's 20<sup>th</sup> anniversary (in the background, the work *Embrace*, 1995 © Alfredo Jaar) © Mathieu Parret

In 2012, ASF's Communication team in Brussels initiated a series of campaigns designed to raise ASF's visibility among specific target audiences in Belgium. These initiatives were launched to provide indirect support for private fundraising for ASF programmes. The generic messages of these campaigns were primarily associated with access to justice – the “heart” of ASF's mandate – and the organisation's 20<sup>th</sup> anniversary.

For the implementation of visibility campaigns, the Communication team involved professional suppliers and partners, most of whom agreed to charge a preferential rate for their services or offer them on a pro bono basis (gift in kind) to ASF.

Two main partnerships should be mentioned:

### Media partnership: ASF press campaign *Open your eyes to injustice*

In collaboration with consultants E-Frame, a series of ASF ads was produced and published in several Belgian press titles (*La Libre/La Dernière Heure*, June-July 2012; *L'Echo/De Tijd*, December 2012), thanks to the support of the respective advertising networks IPM Advertising and Trust media. This campaign raised ASF's visibility among readers likely to support ASF's campaign for justice in countries in a post-conflict situation and developing nations.

### Partnership with ING Privalis: ASF visibility in branches and at ASF's 20<sup>th</sup> anniversary

ASF has entered into an partnership with ING Privalis, the network of 19 bank branches located in the main courthouses in Belgium. Flyers and posters conveying the visuals of the campaign *Open your eyes to injustice* were displayed in all branches (June to December). This campaign raised ASF's visibility among lawyers and other law professionals who are customers of ING Privalis. ASF also took advantage of the exhibition by artist Alfredo Jaar devoted to human rights and organised by ING to dedicate an evening viewing to its 20<sup>th</sup> anniversary. This event (reception and tour of the exhibition) held on 21 November 2012 in the ING Cultural Centre, Place Royale, Brussels, brought together 140 ASF supporters and donors. Most of the costs associated with this event were covered by ING.

In addition to the above campaigns, the Communication team also managed to raise ASF's visibility through existing communication tools (new look for website and e-newsletter), new tools (creation of video clips, etc.) and articles published in the legal press. These campaigns were created with the support of suppliers working for negotiated rates (T. Buelens, M. Colleoni, J. de Tessieres, Earthview, E-frame, GhostWriter, OVB and WDM) and many volunteer translators.

# Our teams in 2012

## BOARD OF DIRECTORS

Hafida Talhaoui, President  
Peter Van der Auweraert, Vice-President  
Jean-Marc Verjus, Vice-President  
Frans Macken, Treasurer  
Filip van Bergen, Secretary  
Bord members: Lieven Denys, Jérôme de Hemptinne, Peter De Smet,  
Myriam Kaminski, Pierre Legros, Caroline Stainier, Luc Walley

## GENERAL DIRECTOR

Francesca Boniotti

## AT HQ (BRUSSELS)

Jan Budding, Deputy Director (until 15/05/2012)

### Administration, finances and logistics

- Xavier Lalanne, Finance and Administration Director (until 31/10/2012)
- Ronald Simon, Finance and Administration Director (from 15/10/2012)
- Hubert Christiaens, Financial Controller (from 28/03 until 31/05/2012 - fixed-term contract)
- Marion Hugonny, Financial Controller (until 31/07/2012)
- Sabrina Lambe, Human Resources Manager
- Antonio Limanni, Logistician (from 01/01 until 24/02/2012 - fixed-term contract)
- Nancy Luntonda Ntota, Accountant
- Héléne Nyiraneza, Financial Controller (du 26/07 au 04/12/2012)
- Stéphanie Patrois, Financial Controller
- Serge Tchelibou Momiok, Assistant (from 02/07 until 02/11/2012 - fixed-term contract)

### Strategic Coordination

- Lara Deramaix
- Chantal van Cutsem

### Thematic expertise & Project coordination

- Gilles Durdu, Legal Aid Quality Officer (until 31/07/2012)
- Namuezi Fedi, Access to Justice Expert (until 31/08/2012)
- Jean-Philippe Kot, International Justice Expert
- Catherine Lalonde, Strategic Litigation & International Legal Network Coordinator
- Luc Meissner, International Justice Programme Coordinator
- Julien Moriceau, Quality and Learning Expert
- Nathalie Moyersoen, Technical Assistant (from 08/11 until 31/12/2012)
- Jean-Charles Paras, Civil and Political Rights Expert
- Shira Stanton, Economic and Social Rights Expert

### Communication & external relations

- Séverine Degée, Communication Officer
- Gilles Van Moortel, Senior External Relations Officer

Manuela Torrao Pereira, Housekeeper



Hafida Talhaoui, President of ASF and Frans Macken, Treasurer, at the evening viewing to celebrate ASF's 20<sup>th</sup> anniversary © Mathieu Parret

## INTERNS

Communication: Josje Beukema, Nicole Dancz, Karen Delvoeye, Lien Meirlaen, Delphine Van Durme, Vera Vanderelst  
Economic and social rights: Beatriz Gotor, Nathalie Moyersoen  
International justice: Claire Delanoë, Kyu Ree Fourez, Vanessa Willems  
ILN: Adrien Lantieri, Marie-Mithra Phiquepal  
Finances : Fatimatou Diallo, Dauphine Gladys Mugisha  
Volunteers: Anouche Mardikian, Gisèle Van Antwerpen

## IN BURUNDI

Jean Frédéric Mortiaux, Head of Mission (until 05/08/2012)  
Sistor Havyarimana, Coordinator Legal Assistance and Head of Mission a.i.

### Bujumbura

Prudence Bugondo, Research Assistant  
Déo Burero, Housekeeper  
Fanny Cachat, Program Support Officer  
Freddy Gahuya, Logistician-Driver  
Georges Kony, Finance Coordinator  
Spès Nahabakomeye, Secretary  
Jean Pierre Ndayiragije, Programme Assistant  
Grâce Nsabimana, Technical Assistant  
Jean Nsengiyumva, Supervision and Evaluation Officer  
Egide Nshimirimana, Legal Aid Assistant  
Rose Ntawumenyakaziri, Programmes Secretary  
Laetitia Ntezicipa, Central Bookkeeper  
Evelyne Nyagasa, Finance Assistant  
Gilbert Nzeyimana, Coordinator Administration and Logistics  
Gérard Sindayihebura, Programme Assistant Legal Assistance Project  
Juste Yamuremye, Legal Support  
Drivers: Pasteur Baranyanka, Jean Marie Ndikumana, Olivier Rubengebenge  
Security Guards: Aron Mpawenimana, Patrick Ndayizeye, Léonidas Niyongabo

### Legal support PIDDAR-project

Jean de Dieu Ndayihaya, Eméry Nukuri and Axelle Nzitonda

### Gitega

Jean Berchmans Ndayishimye, Manager Legal Aid Office  
Willy Bigirimana, Housekeeper  
Diomède Kagisye, Legal support  
Barnabé Nyandwi, Driver

### Makamba

Adrien Nifasha, Manager Legal Aid Office



Some members of ASF's team at HQ, during the 2012 General Assembly

### Ngozi

Pontien Ndayishimiye, Manager Legal Aid Office  
J.-Claude Habarugira, Driver  
Félicien Hatungimana, Legal support  
Josiane Nibigira, Housekeeper

### Rumonge

Thadée Manirakiza, Legal support

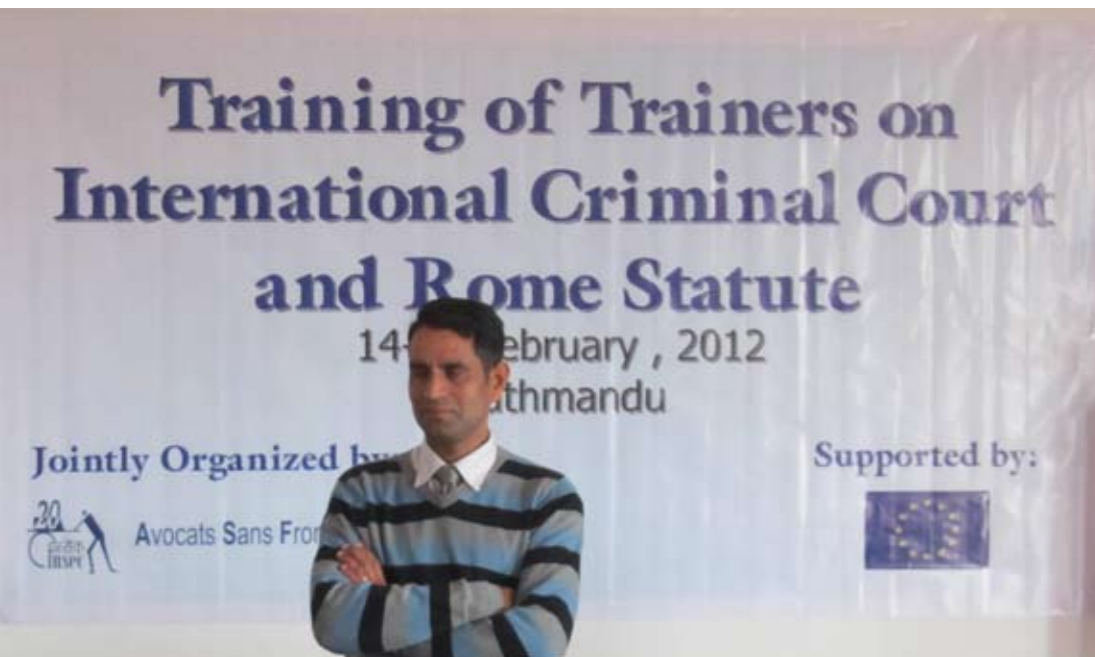


Legal aid training session for ASF's field staff © ASF

### IN NEPAL

Julie Fournier, Head of Mission (until 15/07/2012)  
Gopi Parajuli, Programme Manager and Head of Mission (from 16/07/2012)

Urmila Thapa, Manager Finance and Administration



Gopi Parajuli, ASF's Head of Mission in Nepal from July 2012 until July 2013 © ASF

### IN UGANDA

Severine Moisy, Head of Mission (until 17/07/2012)  
Barbara Nambi Bunya, Programme Coordinator Access to Justice and Head of Mission a.i.

### Kampala

Sharon Nakandha Esther, Project Assistant ICC  
Administration, finances and logistics: Olive Grace Achipa, Oscar Kasongo Kalongi, Sébastien Lecomte, Kenneth Suguya  
Lawyers: Ronald Mutalya, Phillip Roland Opio  
Housekeeper: Consolate, Deo  
Drivers: Godfrey Ekweny, Wilson Jamo, Olaja Richard  
Interns: Ateenyi Adam, Naimah Bukonya, Alice Etam Muhere, Estella Mutagubya

### Soroti

Abel Muzale, Logistician  
Arimon Samuel, Programme Coordinator Access to Justice



ASF's team in Uganda, Kampala, June 2013 © ASF

## IN THE DEMOCRATIC REPUBLIC OF CONGO

Aurore Descarnières, Head of Mission (until 30/04/2012)

Florence Schinkus, Office Coordinator in Bukavu and Head of Mission a.i. (from 09/08 until 24/07/2012)

Aurora Capelier, Head of Mission (from 02/07/2012)

Jean Mutabesha, Office Coordinator in Bunia

Administration, finances and logistics: Tshiamundele Esaïe, Etienne Kaloge, Gaston Karambiri, Kibisa,

Honorine Kitoko, George Kony, Berry Kapinga Lukanda, Innocent Musafiri, Esperant Ndunda

**Project Coordinators:** Julien Cigolo (from December 2012), Meba Kamba, Dominique Kamuandu, Johnny Lobho (from December 2012), Daudat Lutala, Julien Mbikayi

Project Assistants: Germaine Bumbu, Julien Cigolo (jusqu'à juin 2012), Juvenal Djende, Jean De Dieu Kihoni,

Fabien Kiyimbi, Marc Makwala, Willy Mukangala, James Songa

Drivers: Walter Batshina, Benjamin Bukaraba, Manu Mbuta

Security Guards: Bompunza and Ilinga

Housekeepers: Zakari Mikwege, Christian Tshibila and Esther Vidikuaku

## IN RWANDA

Aurora Capelier, Head of Mission (from 06/02 until 31/05/2012)

Espérance Bora Nyiringabo, Bookkeeper Assistant

Hélène Despierres, Programme Coordinator access to justice

Liliane Icyimpaye, Secretary-Bookkeeper

Clotilde Mukandera, Access to justice Legal assistant

Agnès Mukaneza, Programme Secretary Access to Justice

Clarisse Munezero and Louise Mukashema, Legal clinic Coordinators

Elise Wardah Mutoniwase and Espérance Uwiteguye, Legal clinic Secretaries

Appolinaire Nshimiyimana, Logistician

Security Guards: Noël Bizimana, Jacques Habimana, Léonidas Habyalimana, James Ngarambe,

Jean Claude Nsengimana

Housekeepers: Josephine Mukabayimana, Yvette Umutoni

Drivers: Pascal Cyubahiro Sezirahiga, Laurent Ngabibanje



ASF's team in Tunisia, May 2013 © ASF

## IN TUNISIA

Solène Rougeaux, Head of Mission

Héla Ben Salem, Transitional justice Project Assistant

Walid Larbi, ROJ Project Assistant

Tammem Mahjoub Mohammed, ROJ Project Assistant

Bader Mhissen, Administration, finances and logistics Assistant

Nada Riahi, Transitional justice and Legal aid Project Coordinator

Aide Sahbi, Administration, finances and logistics Coordinator

Deissem Trimèche, ROJ Project Coordinator

## IN CHAD

Coralie de Lhoneux, Expatriate Lawyer



## **Colophon**

### **Avocats Sans Frontières asbl**

rue de Namur 72 Naamsestraat - 1000 Brussels  
Belgium

Phone: +32 (0)2 223 36 54

Fax: +32 (0)2 223 36 14

**[www.asf.be](http://www.asf.be)**

### **ASF's annual report 2012**

*Coordination:* Séverine Degée

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