

2009
Avocats Sans Frontières
Annual report



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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ASF dares to take on cases that appear too sensitive to touch and initiates projects that seem excessively daring at first glance.



Strategic reflection workshop in March 2009

A Year of Reflection

Avocats Sans Frontières decided to make 2009 a year of reflection about its values, principles and achievements, in order to better plan and define its future.

The environment in which our organisation is evolving is changing rapidly: the world of NGOs and international aid is becoming more professional, donors have mounting expectations including in terms of effectiveness, and the number of entities involved in the sector of access to justice and support to the rule of law is increasing. In this context, Avocats Sans Frontières has realised the importance of assessing the relevance of its work in service of the most vulnerable and its wealth of expertise in relation to other non-governmental bodies.

The process of reflection on the strategic development of ASF officially began at a workshop held in March 2009 in Brussels, bringing together staff from the field and headquarters as well as members of the Board of Directors, and continued throughout the year.

These months of analysis have enabled us to rediscover the added value of Avocats Sans Frontières: to design and implement mechanisms of legal aid for vulnerable people in fragile contexts, in a pioneering and innovative fashion. ASF dares to take on cases that appear too sensitive to touch (genocide in Rwanda, international crimes in Democratic Republic of Congo (DRC)) and initiates projects that seem excessively daring at first glance (mobile courts in DRC). We have also rediscovered the importance of the name of Avocats Sans Frontières, placing the role of the lawyer at the heart of our work, as an indispensable element of access to justice, of the right to a fair trial, and of realising change through the law.

The Lawyers for Lawyers project (which was the original activity of the organisation but had been dormant for some years) has rediscovered a legitimate place among our activities, by carrying out interventions in aid of lawyers

in danger. We have also laid the foundations for development of the International Legal Network (ILN), a network of lawyers and experts with links to ASF who volunteer on our behalf to respond to the needs of vulnerable people, to explore new areas of work (Zimbabwe and Madagascar), to assist plaintiff's lawyers in "sensitive" cases, and to refine the work of our permanent missions (DRC, Burundi, Rwanda and Uganda).

A dynamic year, then, for a dynamic organisation, that was made possible by the efforts of our staff, Board of Directors and other friends of ASF.

It is so difficult to sum up in one report all the work that has been accomplished in an entire year! However, you will find in these pages a wealth of useful information that will enable you to get to know us better.

Enjoy!

Francesca Boniotti
Director General

Renewed Dynamism

Dear readers,

The year 2009 has brought a new dynamism to our organisation, and it is a great pleasure to present you with this report on our activities.

The General Assembly of June 2009 adopted new structures for the strategic and policy direction of the organisation, which now comprise the Board of Directors, the Executive Committee, the Council of Commissioners and the Bar Committee.

The Executive Committee of the Board has this year welcomed two new members, Philippe Matthijs and Filip Van Bergen. Philippe has assumed the role of Treasurer while Filip is the new Secretary. The Executive Committee has also nominated a new president, myself, and two vice-presidents, Peter Van der Auweraert and Jean-Marc Verjus. I thank the Executive Committee for their confidence in me and for granting me this honour.

With the appointment of a new president, ASF bade a fond farewell to our former president, Lieven Denys.

Under his presidency, the organisation experienced a period of significant growth and professionalisation. He represented an inexhaustible source of inspiration to both his fellow Board members and to the ASF staff team, and we are all very grateful to him for that. Under the new presidency, the new structures and new policies approved by the General Assembly will be pursued.

Also during this year, we have proudly observed the commitment of our teams, both in headquarters and in the field. They have ceaselessly demonstrated their expertise and passion for our mission. It is thanks to their indispensable dedication that we are able to manage our projects to the highest standard.

In the pursuit of our primary goal, that is, to guarantee free access to law and justice for the most vulnerable groups in society, we have once again achieved excellent results in the field. In the countries where our organisation is active, our permanent missions as well as the legal aid clinics and mobile courts are working to bring justice closer to citizens and victims.

Via our Lawyers for Lawyers project, we have supported lawyers suffering from intimidation in the exercise of their profession as a result of their defence of human rights.

Avocats Sans Frontières could not achieve its mission without the invaluable support of the Bar Associations and lawyers who work actively to strengthen the profession and to defend their colleagues in the field.

Special attention has been paid this year to the very precarious situation of people in preventive detention. A major study on Burundian prisons has shown us that

too many people are still in detention without having been either charged or convicted of a crime.

Another pressing issue highlighted in this year's plans of action was the fight against torture. The June 2009 conference on this subject demonstrated the extent to which the role of the lawyer is central and essential in this fight. In the presence of eminent speakers such as Professor Manfred Nowak, United Nations Special Rapporteur on Torture, Jamil Dakwar, Director of the Human Rights Programme of the American Civil Liberties Union and Professor Theo van Boven, former UN Rapporteur, a passionate debate took place on strategies to strengthen the work of lawyers in the fight against torture.

In conclusion, I would like to draw your attention to the problem of sexual violence as a weapon of war in conflict regions where we are working. For many years, Avocats Sans Frontières has been carrying out a project to fight against impunity for sexual violence, of which women and children are the main victims. We have organised numerous activities to raise awareness of the issue among local authorities as well as the local population. We continue to press them not to leave perpetrators of international crimes at liberty, but rather to prosecute and judge them.

Throughout 2009, we have been preparing for the upcoming challenges of 2010, including the expansion of our international structure, in order to ensure that we realise progress towards our goal: a more just world, in which the law serves the needs of the most vulnerable, both here and abroad. ■

Hafida Talhaoui
President

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THEMES

In DRC, 8 Mobile Court hearings and 4 missions for the execution of judgments were organised in the 3 provinces of intervention. In total, 619 cases were registered and 435 judgments were handed down.



Mobile legal clinic in Uganda

Legal Aid to Guarantee Effective Access to Justice

There are numerous obstacles to worldwide access to justice, including ignorance of the law and/or of existing means of assistance, but in many cases lack of financial means is key.

In the countries where it works, Avocats Sans Frontières develops and implements, in partnership with local actors, mechanisms to overcome the major obstacles to effective access to justice for various categories of vulnerable people (such as victims of sexual violence, minors in conflict with the law, victims of international crimes and victims of torture).

Among those mechanisms, ASF has set up legal clinics to provide legal advice and information to people in need. These clinics offer “front line” legal assistance completely free of charge to all those in need. Mobile clinics are also organised to reach those who cannot travel easily. Legal clinics are carried out in partnership with local NGOs, the Bar, or individual lawyers, depending on the local situation.

Mobile courts are more comprehensive in their approach: they involve temporarily moving an entire court (including clerk of the court, judge, and prosecutor) to very remote rural locations, where the population is virtually unable to travel and thus has no opportunity to access justice. Teams of lawyers are also sent to the area to help individuals who need to prepare their case. With local NGOs, ASF prepares the population by organising information sessions prior to the arrival of the court. These NGOs are also trained so that they can play a role in monitoring cases and collecting information on the satisfaction of beneficiaries. This activity, which involves both institutional partners (such as the judiciary and the Bar) and partnerships with civil society, has been successfully established by ASF in the Democratic Republic of Congo (DRC) and in Burundi.

In DRC, 8 Mobile Court hearings and 4 missions for the execution of judgments were organised in the three provinces of intervention. In total, 619 cases were registered and 435 judgments were handed down.

In parallel with the above-noted mechanisms, and while progressively training, informing and involving relevant personnel and institutions, ASF advocates for the support and eventual management of these vital services by local stakeholders. For this reason, legal clinics in DRC that were originally managed by ASF in partnership with a Congolese

NGO have now been transferred to the Kinshasa Bar Association, marking the beginning of effective institutionalisation of the legal clinic services.

Another legal aid mechanism supported by ASF is the effective participation of victims of international crimes in cases before the International Criminal Court, with special attention to the preparatory stage of proceedings. The lack of legal representation in the early stages greatly reduces the opportunity for victims to get access to a lawyer, since the files in question are complex and expensive (notably involving significant charges for travel and communication). In order to bridge this considerable gap, ASF handles victims' cases prior to the official appointment of lawyers by the court clerk, while advocating before the court for increased emphasis on the rights of victims and their maximum possible participation in the process.

In 2009, ASF was invited to organise a training workshop to support the launch of a legal aid project in Chad, in collaboration with RCN Justice and Democracy and the Legal Aid Office of the Bar Association of Brussels.

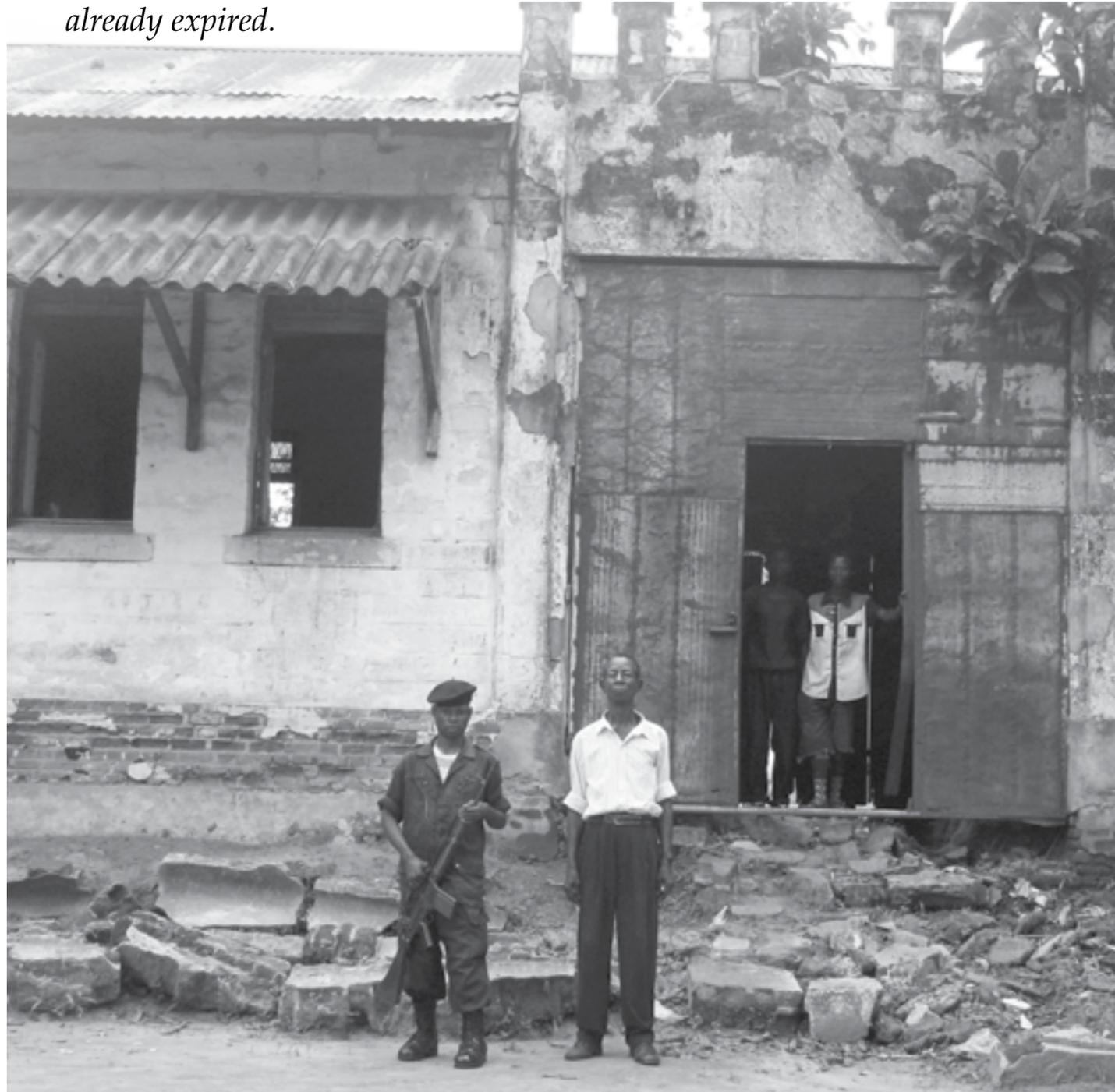
The training workshop, held from 12 to 20 October 2009, was attended by a delegation of 12 people from Chad including representatives from the MINURCAT (United Nations Mission in the Central African Republic and Chad), Unit for Support to the justice system (project initiators), the Council of the Order of Lawyers, national NGOs active in the area of legal aid and the Ministry of Justice, represented by the director of legislation. These participants, identified as the key stakeholders in implementation of the project, are committed to transferring the skills they have learned to their colleagues on their return to Chad.

The objectives of the training were to provide the participants with theoretical knowledge and practical tools in the area of legal aid, and to stimulate discussion on the development of a Chadian model of legal aid. Following the presentations, which allowed the participants to familiarise themselves with the Belgian legal aid system and hear about the diverse experiences of delivering legal aid in fragile environments, the training closed with a session to identify the most useful tools and trainings for the Chadian context and to formulate concrete recommendations for effective implementation of the project. ■



People queuing outside a legal clinic in Burundi

2/3 of detainees are still waiting for final judgment; and 60% are being held on the basis of detention orders that have already expired.



Inongo Prison, DRC

Illegal Preventive Detention: Abuse of an Exceptional Measure in Burundi

When a crime is committed and a suspect apprehended, a certain procedure is required. The judgment of the court, which will either establish guilt or confirm innocence (which must be presumed until that time), will take some time. In the meantime, the fate of the suspect must be determined – detention or liberty. The justice system is thus faced with a dilemma: on the one hand, it must guarantee the presumption of innocence, while on the other, it must protect the legitimate interests of society and the victim. Preventive detention is an exception to the legal rule that favours the liberty of every individual until guilt is proven. However, in practice, it must be acknowledged that certain judges regularly abuse the measure in a number of countries where ASF works. To address this widespread denial of justice, ASF implements a variety of strategies to protect the fundamental rights of vulnerable persons in preventive detention, through its different missions and especially in Burundi.

Four types of activities illustrate ASF's work in this area.

1. Collection of reliable data

Alarmed by the inhumane conditions of detention and the high number of preventive detentions in Burundi – nearly 6000 persons – the thematic group on preventive detention and the penal process asked ASF to conduct an enquiry. ASF teams combed all the country's prisons during May 2009 to gather accurate information about the prison population. The findings showed that: overcrowding affects all of the places of detention; 2/3 of detainees are still waiting for final judgment; and 60% are being held on the basis of detention orders that have already expired. Based on this data, the thematic group has been able to develop a plan for reduction of cases of preventive detention in the short to medium term. The planned measures include advocacy, development of criminal policy, and capacity-building of justice system personnel.

2. Advocacy in favour of vulnerable persons

Thanks to the above analysis, ASF has been able to refine its advocacy in favour of illegally detained persons, in particular focusing on the following categories of individuals: minors under 15 years; convicts who have already served their sentences; and detainees who have spent more than 12 months in detention without judgment, for offences carrying a penalty of less than 5 years. So far, ASF has succeeded in freeing over 100 people from illegal detention. Through advocacy and synergy with other organisations, ASF has also contributed actively to the process of reform of the primary criminal policies of Burundi (criminal code and criminal code of procedure).

3. Strengthening capacities of criminal justice

The investigation carried out by ASF also revealed that judges and lawyers are not always well equipped to handle cases of preventive detention. To address their needs, ASF has organised several capacity-building sessions related to pre-trial procedures. In order to provide the judges with a tool for their everyday use, ASF has already drafted guidelines related to preventive detention in Burundi. The document will be distributed in 2010 to personnel involved in the criminal justice process: lawyers, judges and prison staff.

4. Legal assistance

Alongside the above-noted systemic solutions, ASF has pursued its objective of ensuring access to justice for detainees, notably by agreeing with the local courts on an accelerated schedule of detention review hearings to free those who have been detained without charges being laid. Many people have regained their freedom as a result; the legal basis for their detention was invalidated by the failure of the investigating judges to respect the relevant procedure and permitted time frames. This legal assistance by ASF also helps to ameliorate judicial practices related to preventive detention, which have over time deteriorated in Burundi. ■

ASF focuses on strategies that prioritize the use of legal tools and practices to make a lasting impact on the social, economic and political environment that is often the generator of poverty, violence and injustice.

Emblematic Cases: the Law, a Force for Lasting Change

The law, which lies at the heart of the work of Avocats Sans Frontières, has never played such a great role as it does today, not only as a means of regulation of collective and individual human relations, but also and most importantly in ensuring the triumph and genuine recognition of human rights.

From this perspective, the development of the law – one of the most visible aspects of which is internationalisation – should constitute a “second chance” for all victims, persons suffering from discrimination and other vulnerable persons. The lawyer who engages in this struggle, by working with and for the law, thereby becomes a change agent by turning the law into a weapon for the powerless.

Through its different missions, ASF focuses on strategies that prioritize the use of legal tools and practices to make a lasting impact on the social, economic and political environment that is often the generator of poverty, violence and injustice.

The intervention of ASF in “emblematic cases” is part of this approach. These sensitive cases raise very specific social problems: protection of the fundamental rights of vulnerable people is a key element, alongside psychological, medical, social, economic and even political aspects.

The ASF strategy thus consists of advancing the role of the law as regulator, through its application by lawyers before the courts and occasionally before non-judicial institutions.

During 2009, the lawyers at ASF have taken responsibility for the defence of vulnerable people in a certain number of emblematic cases (i.e. child soldiers, child “witches”) with the aim of contributing to change – not only to undo the injustice suffered by those involved in the specific case, but also to generate through the law the conditions for lasting change to the entire problem.

From 2010, the development of the International Legal Network will increase our capacity to offer legal representation in emblematic cases, and foster even greater impact on the causes of injustice. Info: iln@asf.be ■



Child soldier © APF Photo: Georges Gobet

By virtue of free legal consultations and legal aid ever greater numbers of victims are daring to break the silence.



Sexual Violence: an Integrated Approach to Fight Against Impunity

As a result of various wars and other armed conflicts that have marked its history, numerous human rights violations have been committed in the Democratic Republic of Congo. Sexual violence is no exception: it has reached alarming proportions in both combat zones and other parts of the country. Almost all acts of sexual violence remain unpunished for a variety of reasons. The fear of reprisals in an unstable security situation, the logistical difficulty of access to certain zones, the influence of tradition and community pressure, ignorance of the law and poverty all combine to silence victims, especially women.

Geographical, cultural and financial obstacles also contribute to making justice inaccessible to victims. The justice system suffers from severe shortages of material, logistical and human resources. Other problems, such as inefficiency and lack of objectivity, are linked to corruption and lack of independence of the judicial branch.

The weak delivery and malfunctioning of justice services do not allow justice system officials to effectively combat impunity for sexual violence. As a result, the justice service has gone completely off the rails and lost the confidence of the people, who prefer to settle crimes of sexual violence privately.

Against this background, Avocats Sans Frontières has initiated its project to reduce the incidence of sexual violence by fighting against impunity. ASF is developing an integrated approach to facilitate access to justice, ensure the conviction of perpetrators, and secure compensation for victims. Activities include awareness-raising, building capacity of civil society to support victims, and training lawyers to provide specialised legal assistance.

The project “fight against impunity for sexual violence” consists of establishing and training networks of local NGOs and lawyers so they can better represent victims through the legal process. Civil society representatives have been trained to facilitate the identification and awareness-raising of victims, to provide preliminary legal advice and, if necessary, help them to prepare the basic elements of their case. They help victims connect with lawyers and other defenders who provide legal aid to the victims from pre-trial stages through to trial.

By virtue of free legal consultations and legal aid dispensed by lawyers specially trained by ASF on the

subject, ever greater numbers of victims are daring to break the silence.

These activities were launched in South Kivu at the start of the year, and were later extended to Equateur and Maniema.

The project has secured the support of the target population and has had a genuine impact on access to justice for victims of sexual violence in 2009. To summarise, 60 NGOs in three provinces were trained to support access to justice for victims of sexual violence; 40 lawyers were trained and gave free consultations to 384 victims; and 167 victims decided to file complaints and were assisted before the Congolese courts. As of the end of 2009, 93 judgments had been handed down, 62 of them convictions. The results achieved demonstrate the positive evolution and impact of the project on the confidence of victims in the justice system and on the impunity of perpetrators of these crimes.

In spite of the difficult circumstances and socio-cultural constraints, thanks to the integrated approach of different elements (medical, psychosocial, legal) in the fight against sexual violence, many victims have agreed to break their silence and bring their cases to court. Nevertheless, much remains to be done before the fight against this type of violence can be won.

Besides direct assistance to victims, ASF also carried out a study on the feasibility of using DNA testing as evidence in sexual violence cases. It emerged that, in spite of technical feasibility, other obstacles to victims’ access to justice need to take priority. Reform of the security sector, involvement of public authorities in the fight against sexual violence and provision of suitable budgetary resources to the justice system, improvement of working conditions and training of justice personnel, establishment of more decentralised courts and prosecutor’s offices, and rehabilitation of prisons, would all contribute to improving access to justice by victims and reducing impunity for sexual violence. ■

Preventing Torture and Assisting Victims

Victims of torture and other cruel, inhuman, or degrading treatment face extreme difficulties in being heard, officially recognized and getting effective access to justice.

They are in a very vulnerable situation due to several factors: the nature of the violence committed, the role played by the torturer, and the involvement of public officials and authorities. Despite the clear prohibition of torture under international law, its status as a peremptory norm (*jus cogens*), and the official adherence by most states to international and regional human rights treaties (such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), torture is widely committed in various parts of the world, often with impunity for the perpetrators.

As an organisation working for access to justice for vulnerable groups and the promotion of the rule of law in fragile and post conflict states, *Avocats Sans Frontières* is intimately familiar with the reality of torture and the challenges facing victims.

ASF launched in late 2007 a specific program aimed at preventing torture and assisting victims of torture in the African Great Lakes region (Rwanda, Burundi, Democratic Republic of Congo and Uganda), where ASF has resident missions. ASF has undertaken a number of activities in the past two years that have, among other results, enabled it to assess the alarming nature of the problem of torture in the region. The activities included awareness-raising sessions for more than 7,000 detainees and prison personnel, free and confidential legal consultation to more than 1,700 detainees in detention centres, and legal representation in about 100 cases.

The multiple constraints and obstacles identified in the course of the program include:

- the failure to ratify the Optional Protocol to the Torture Convention and the absence of specific national legislation against torture (in Uganda, Rwanda, and DRC; however in Burundi it has been integrated into new legislation);
- the lack of commitment to investigate and prosecute cases of torture, which contributes to the prevalence of impunity;
- the inadequate training of police officers and military personnel and absence of disciplinary sanctions;
- the official secrecy and denial concerning torture, which in some cases takes place in unofficial detention centres.

In view of the above, lawyers in such environments have an important role to play in the prevention of torture (which in some areas is practically routine), through advocacy and legal action. ASF remains committed to its engagement in the prevention of torture and the promotion of the rights of victims. In doing so, ASF also hopes that its activities will have a multiplier effect among legal professionals and other

stakeholders, and encourage them to work towards the application of internationally recognized human rights standards.

In line with the commitments described above, ASF organized a conference on *The Role of the Legal Profession in Combating Torture* in Brussels on 25 June 2009. The conference, held on the eve of the International Day in Support of Victims of Torture, focused on the role of lawyers in the prevention of torture and brought together international law experts and practitioners. The event provided a forum for reflection and sharing of experience with the goal of engendering a greater commitment towards combating torture among the legal community in Belgium and globally. Professor Manfred Nowak, UN Special Rapporteur on Torture, delivered the keynote address. The guest speakers included Mr. Jamil Dakwar, Director of the Human Rights Program of the American Civil Liberties Union, and Professor Theo van Boven, Professor of International Law, University of Maastricht, and former UN Special Rapporteur. A number of experts from Belgium, the USA and Burundi also shared their experiences and insights in relation to the two main conference themes, namely: *Opportunities and Challenges for Strategic Litigation before National Courts and International and Regional Bodies* and *The Prohibition of Torture: Global Challenges for the Legal Profession*. The conference attracted more than 100 international participants, including lawyers, legal professionals, and members of the human rights community, policy makers and academics. ■

Victims of torture face extreme difficulties in being heard, officially recognized and getting effective access to justice.



In the Katanaga/Ngudjolo case, ASF provided legal assistance to 56 victims in preparation of their application files and appointed a three member legal team to represent them before the ICC.



Workshop on the applicability of international standards in Burundi

International Justice and Human Rights

During 2009, Avocats Sans Frontières continued its active engagement in the field of international justice and human rights. One dimension of this work is supporting the effective functioning and independence of the International Criminal Court (ICC) through advocacy and regular consultations carried out by ASF's International Justice and Human Rights Programme. Accordingly, ASF participated in meetings organized by various organs of the Court, including the 11th and 12th biannual ICC-NGO meetings in March and October respectively, the 7th ICC Counsel Seminar in May, and the 8th session of the annual Assembly of States Parties (ASP) in November 2009.

ASF has also taken part in various informal consultation meetings with the working groups of the ASP, the Committee on Budget and Finance, as well as in advocacy and strategy meetings of several teams of the Coalition of the International Criminal Court (CICC), including the legal representation team led by ASF. In the latter role, ASF participated in the drafting of an advocacy paper on the Court's Draft Report on Legal and Financial Aspects for funding victims' legal representation before the court.

Through these and related activities, ASF has contributed to the evolution of the Court's policy and strategies in a number of areas, including legal aid and representation for victims.

Aside from its advocacy activities, ASF has continued to support the legal representation of victims who apply to participate in proceedings before the ICC. In January 2009, the four victims in the Lubanga case assisted by ASF since 2006 were granted legal aid by the Court. They have since been integrated into a system of common legal representation with other victims. In the Katanaga/Ngudjolo case, ASF provided legal assistance to 56 victims in preparation of their application files and appointed a three member legal team to represent them before the ICC. Following the Trial Chamber's ruling of 22 July 2009 authorizing the Registry to create a system of common legal representation for victims, the Registry has provisionally appointed Mr. Fidel Nsita as the common legal representative for the majority of the victims participating in the case. Nsita, part of the original ASF team of three lawyers, currently represents over 300 victims with the support of an assistant counsel and a case manager.

A related contribution of the International Justice programme in 2009 was the publication in March (in French) of the study titled *Study of Case Law on Application of the Rome Statute of the ICC by the Courts of the Democratic Republic of Congo*.

The study was published in English and presented at a roundtable launch on 24 November in collaboration with the Grotius Centre for International Legal Studies in The Hague. The panellists included the ICC Registrar Mrs. Silvana

Arbia and Mrs. Béatrice le Fraper du Hellen, Head of the Jurisdiction, Complementarity and Cooperation Division of the Office of the Prosecutor.

ASF has also participated in two events organized by CICC's coordinator for Latin America and the Caribbean and the Coalition against the Involvement of Children and Youth in the Armed Conflict in Colombia (COALICO) from 29 September to 1 October 2009. This included a presentation on ASF's experience in the DRC and the representation of victims before the ICC, and a seminar for human rights lawyers on the role of civil society organisations in relation to ICC investigations and proceedings. ASF was also invited to speak about the ICC and the prospects of an ICC investigation in Colombia, as part of a three day seminar organized by ASF Canada in early December. That second trip also permitted ASF and ASF Canada to explore possible collaboration with Colombian partners in the field of international justice.

Parallel to its activities in relation to the ICC, the International Justice Programme has continued its support to ASF's work on larger human rights issues and international justice. That support has included the organisation of a major international conference on the role of the legal profession in combating torture, hosted by ASF in Brussels on 25 June, and representing ASF at the EU-Kazakhstan Civil Society Seminar on Human Rights in Almaty, Kazakhstan on 29-30 June 2009. ASF was also invited to a seminar organised by the Asia Europe Meeting (ASEM) in February 2009 on Human Rights in Criminal Justice Systems, and contributed to a workshop report prepared by Professor Manfred Nowak on Pre-trial Procedures and Detention. ■

Lawyer for Lawyer

Now more than ever, the role of the lawyer is the focal point of the work of Avocats Sans Frontières.

The strengthening of the lawyer's abilities to act as an effective instrument in securing access to justice and the right to a fair trial is highlighted as a key objective of the new strategic direction of ASF.

ASF operates not only through training but also by supporting the work of lawyers for the advancement of rights and liberties, including the right to a defence and access to justice for people in particularly vulnerable situations. This work is generally arduous and liable to be further complicated by opposition and obstacles arising from a variety of sources, be they legislative, procedural, political, social or economic.

This work requires courage and devotion, and often a spirit of sacrifice, since involvement in these cases can have the effect of stigmatising the lawyer, making him vulnerable, and even placing him in danger. Furthermore, it is next to impossible to earn a comfortable living from this type of work. However, this work is crucial: the lawyers, through their efforts, have true potential to contribute to real and substantial change.

Thus, ASF commits itself by various means to the encouragement and support of lawyers all around the world. The exact type of support depends on the specifics of each situation and the needs on the ground, and is carefully planned in consultation with the lawyers concerned. Two missions undertaken in 2009 illustrate the work of ASF in this domain.

Israel-Palestine Project: Support for lawyers striving for the defence of fundamental rights

The violation of international law is an issue at the core of the Israeli-Palestinian conflict. This contravention has dramatic repercussions for civilians whose rights and liberties are openly flouted, and for whom access to justice is often problematic. The implementation of the law in this region is regularly subject to vagaries in politics and law enforcement, while legislative changes and recent jurisprudence have created new obstacles to the recognition of the rights of victims. In addition, the work of lawyers is subjected to all manner of legal and practical restrictions: access to applicable regulations, to tribunals and even access to clients is sometimes problematic, in particular due to travel restrictions between Israel and the Territories.

In light of this situation, strengthening the capacities of lawyers and supporting their work in defending fundamental rights are vital. ASF, in consultation with lawyers and local NGOs, organises seminars on the most difficult issues for lawyers and invites local and international experts to bring technical support and to contribute to the discussion. Organised in a neutral space, these gatherings promote

professional exchanges among lawyers working in the West Bank, in Gaza and in Israel. These exchanges are indispensable: these lawyers work on the same problems but each from their own politico-cultural perspective, therefore group discussion and the sharing of ideas fosters the development of new, innovative and comprehensive approaches.

ASF also offers technical assistance in specific cases (such as documentation, legal opinions, strategy advice), and more specifically, relying on the principle of regional and international solidarity between colleagues, ASF provides support through the intervention of other lawyers.

Syria: Support for Lawyers Al Hassani and Al Maleh

ASF becomes involved when lawyers fear for their safety due to their professional activities in support of fundamental rights. Courageous lawyers take on sensitive cases with political ramifications, and as a result they often experience campaigns of intimidation. Lawyers are particularly vulnerable when this intimidation manifests itself in the form of judicial harassment (e.g. arrest or prosecution), because a criminal conviction may result in disbarment and the lawyer's inability to continue his professional activities. The conviction of a lawyer has significant repercussions on the legal profession as a whole and on the right to a defence. Such a conviction may discourage other lawyers from working on similar cases and thus deprive victims in other so-called "sensitive cases" of an adequate defence.

An excellent example of this situation can be seen in the cases of Mr. Al Hassani and Mr. Al Maleh, who were arrested on 28 July and 14 October 2009 respectively, and are currently in custody. These two lawyers, known for their commitment and support of public liberties, are clearly the subjects of prosecution due to their overtly critical stance vis-à-vis the authorities.

ASF rallies support for these lawyers by issuing press releases, questioning the Syrian authorities and inviting partner Bar Associations to pressure the Syrian Bar to fully play their part as defenders of the profession. ■

The strengthening of the lawyer's abilities to act as an effective instrument in securing access to justice and the right to a fair trial is highlighted as a key objective of the new strategic direction of ASF.



Exhibition Room for Justice (Marie Cécile Thijs, Portraits of Legal Practitioners)

Economic and Social Rights in the Face of Globalisation

Established by Avocats Sans Frontières nearly 3 years ago, the Globalisation and Justice project aims at making lawyers and other actors aware of the vital role they have to play in providing legal aid to people seeking justice on a social, economic and environmental level. As a result of the project, ASF is delighted to observe that lawyers are rallying on these issues. As key legal actors, lawyers have at their disposal the tools to promote a greater respect of economic and social rights of those people suffering as a result of the harmful consequences of globalisation.

In 2009, the photographic exhibition *ROOM for JUSTICE* sparked curiosity and keen interest in the courthouses of Antwerp, Bruges, Liège, Charleroi and Amsterdam. The positive feedback and the local media coverage of the event are amongst the signs of the positive impact of the exposition. In May 2009, the awareness-raising campaign was enriched in Liège by the showing of the film *Total Denial* by Milena Kaneva in Le Parc Cinema in the presence of various leaders of actions led against Total in response to the activities of the company in Burma.

In parallel, the series of seminars *Justice in a Globalised Economy: a Challenge for the Lawyer* continued throughout the year. Thanks to the support and the involvement of the Bar Associations, numerous quality symposia were organised. Diverse complementary themes were addressed: the social responsibility of companies in Antwerp, Bruges and Amsterdam; practice in the subject area of the environment in Liège; practice in the subject area of social issue in Charleroi.

In December, this awareness-raising campaign was strengthened by the organisation in Brussels of a round-table on *Making Monitoring Work: Strategic Action*, in partnership with Diakonia, a Swiss NGO, and Al-Haq, a Palestinian NGO. At the close of the round-table, the participants advanced various proposals regarding strategies to be adopted in order to put an end to the breaches of human rights for which multinational enterprises are responsible.

What assessment can be made following this awareness-raising campaign? What are the signs of a change in mentality of the legal world with regard to these issues? How can the awareness of economic and social rights of the populations of the South be measured in the Belgian and European legal sphere?

Our contribution to this fight is demonstrated by occasional but significant events. The success of the actions undertaken by ASF is acknowledged by enthusiastic feedback from the legal community and the media. The most noteworthy progress made by ASF to-date consists of the recognition by the Bar Associations of these key issues. Recently, the Dutch-speaking Order of Brussels has developed a code of conduct aimed at lawyers, which invites them to attach more interest

to the issues connected to corporate social responsibility. On 4 December 2009, the Association of Flemish Jurists decided to award its *Law and Sustainability* prize to ASF for its initiative "Fair Trade and Public Procurement".

Strengthened by these achievements, ASF continues to act in those subject areas intrinsically linked to globalisation and to justice, in cooperation with lawyers ready to give a lasting commitment to these issues. A network of lawyers, which will work on specific cases, is progressively being established. ■



As key legal actors, lawyers have at their disposal the tools to promote a greater respect of economic and social rights of those people suffering as a result of the harmful consequences of globalisation.

Strengthening Justice in Nepal

As a result of the 2008 exploratory mission, in early 2009 Avocats Sans Frontières launched a pilot project as the first phase of a strategy to position Nepalese lawyers and the Bar Association as key players in strengthening the justice sector and increasing access to justice for those at risk.

Nepal remains politically fragile

In spite of the hopes fostered by the April 2008 elections, which saw the surprise victory of the Maoist movement and restoration of the republic, the first months of the new regime aroused great concern regarding its ability to create a new political order in the country. Nepalese political players must now meet the challenge of establishing good governance and drafting a new Constitution, while also responding to the expectations of the Nepalese population, particularly in the economic and social areas, but also in those of security and justice.

Today, the country is facing a new political crisis exemplified by the resignation of the Maoist Prime Minister in May 2009. Despite being the majority party, the Maoists have decided to stay in the opposition. Notwithstanding the end of the conflict (which some consider just a temporary armistice), Nepal remains a fragile State, incapable of legitimately supporting the necessary reforms needed to fight poverty, restore security and develop the country.

The justice sector, in particular, remains weak and poorly supported. In 2009, the Ministry of Justice suffered a large budget cut that left it with only 0.49% of the total State budget.

ASF strategy and activities

The core activity of ASF in 2010 will be building the capacities of lawyers and Bar Associations to ensure effective and sustainable access to justice for those most at risk, as well as respect of their fundamental rights.

As a pilot project, ASF together with three Nepalese partner organizations (CapCron, Lacc, and PPR) have identified five District Bar Associations that are keen to embark on a proactive process to help restore public confidence in the justice system, thereby increasing demand for formal justice and alternative mechanisms for peaceful conflict resolution and protection of rights.

With ASF support, the five Bar Associations have implemented their own pro bono programs to enhance access to justice by opening legal clinics, raising human rights awareness among hundreds of people in remote and marginalized communities, and organizing systematic visits to detention centres. These activities are beginning to transform the district lawyers and their Bar Associations into

leaders in defending those at risk: primarily women, children, and detainees.

At this pilot stage, the decision has been made to focus on minors in conflict with the law in order to raise awareness of local communities and authorities on child rights issues and on the specific approach required for dealing with young offenders. Several cases of arrested minors have been resolved thanks to the intervention of the project's lawyers in detention centres.

In addition, ASF and its national partners have organized several training sessions for the benefit of these lawyers in the districts of operation and in Kathmandu. ■

With ASF support, the five Bar Associations have implemented their own pro bono programs to enhance access to justice.



Lawyers in Biratnagar, Morang district, Nepal

This long term commitment has resulted in significant victories: awareness-raising of more than 50,000 people at a grassroots level, creation of a network of 175 volunteer community leaders.



Mediation by Community Leaders in Timor Leste

A Year for Change for ASF in East Timor

In 2009, East Timor celebrated the 10th anniversary of its referendum on self-determination, a historic event in 1999 that was unfortunately accompanied by serious crimes and destruction.

Ten years later, tremendous progress has been made to help the independent nation move forward including: a gradual support for institutional development, efforts made to stabilize the country following the 1999 crisis, and establishment of the rule of law. Nevertheless, many challenges remain, especially in the field of effective access to justice for the most vulnerable groups and the fight against impunity.

Throughout its seven years in East Timor, Avocats Sans Frontières has been a leader in advocating on the key issue of access to justice and in implementing, in collaboration with national partners, an integrated set of activities to create effective links between the population and the justice system.

This long term commitment has resulted in significant victories: awareness-raising of more than 50,000 people at a grassroots level, creation of a network of 175 volunteer community leaders, and involvement of dedicated private lawyers in resolving disputes at the grassroots level, in accordance with Timorese law.

Despite those successes, recurrent difficulties in securing long-term funding for its ambitious programs has led ASF to contemplate different forms of support and devise new strategies for intervention. These include: capitalizing on its experience in the field, assistance and capacity building for national partners to continue working independently of ASF, and developing other innovative types of support, in particular through the International Legal Network.

During 2009, ASF and its partner NGOs progressively standardized training manuals and tool kits to enable local partners to continue access to justice activities after ASF's planned withdrawal in August 2009.

An intensive technical reinforcement of their organizational capacities was also provided to help them implement their strategic plans and gain access to international donor funding.

In September 2009, to ensure continuity in monitoring of the Timorese context and identify new directions for ASF, Ms. Maria Veronika Moa, former ASF program coordinator, was

nominated ASF Special Representative in East Timor. Since then, Ms. Moa has continued to support our partner NGOs in the transition process with excellent results.

In late December 2009, two of our three local partners (CIES-TL and DSTL) received direct funding from the Australian Justice Facility program, which will enable them to continue their invaluable activities.

The community leaders' network has been recognized as an important mechanism for linking communities in remote areas and the justice system. It is at present collaborating in Dili with other NGOs.

These are positive signs for the sustainability of the work of ASF and local partners, and the momentum for change created through these partnerships. There are also promising indications of the capacity of the Timorese private lawyers association (AATL), which ASF supported throughout its presence in East Timor, to become a leading actor on the justice scene and the country's future Bar Association. This would allow for the organization to act as a watchdog within Timorese society and highlight the role of lawyers as agents of positive change.

Within this new scope of action, ASF is still committed to monitoring justice-related developments in East Timor, in addition to developing innovative ways to foster positive change and find solutions for the country's most vulnerable groups. ■

DESCRIPTIVE

account

ASF in Burundi

PROGRAMMES AND RESULTS

Legal advice

- Awareness-raising activities and legal information dissemination about sexual violence were conducted in 23 communities (reaching 2,628 persons), 7 schools and through 2 forums (190 participants)
- 24 episodes of a radio series on land law were broadcast on Radio Isanganiro
- 4 sessions of capacity building for intermediaries on torture were organised for the benefit of 86 community intermediaries
- 2,427 people benefited from free legal consultations via 5 legal aid offices
- 1,281 people received free legal consultations through mobile legal aid clinics

Legal representation

- 3,093 people benefited from free legal representation, including 2,047 related to land law and succession, and 612 concerning flagrant violations of fundamental rights
- 258 new cases were filed, including 158 related to illegal preventive detention, 46 of sexual violence and 40 of women or minors in detention

Research and training

- 3 roundtable discussions were conducted on prevention of torture
- The following workshops were held: 2 for capacity building of military judges; 1 for advocacy aimed at the high command of the national defence force; 2 refresher courses for the judicial police officers on professional practice in criminal cases and the fight against torture: 1 on needs identification in land law matters; 1 for capacity building of trainee lawyers; 7 for reflection on pre-trial investigation and enforcement of judgments for the benefit of superior court judges and prosecutors

FUNDING

- Belgian Ministry of Foreign Affairs
- UK Department for International Development
- EuropeAid (European Commission)

STAFF ASF

- Expatriate staff: 2
- National staff: 49
- Collaborating lawyers: 34

Luther YAMEOGO, Head of Mission
Emmanuel BIGIRIMANA
Willy BIGIRIMANA
Prudence BUGONDO
Déo BURERO
Pierre GAHUNGU
Freddy GAHUYA
Jean-Claude HABARUGIRA
Dieudonné HABONIMANA
Sistor HAVYARIMANA
Ildéphonse HITIMANA
Ingrid KANYAMUNEZA
Georges KONY SHILLIA
Thadée MANIRAKIZA
Aaron MPAWENIMANA
Jean Marie MUTESA
Dieudonné MWERU
Spès NAHABAKOMEYE
Marie Chantal NAHISHAKIYE
J. Berchmans NDAYISHIMIYE
Pontien NDAYISHIMIYE
Avit NDAYIZEYE
Patrick NDAYIZEYE
Emmanuel NDIKUMANA
Jean Marie NDIKUMANA
Adrien NIFASHA
Josiane NIBIGIRA
Léonidas NIYONGABO
Léa NIZIGIYIMANA
Jean NSENGIYUMVA
Egide NSHIMIRIMANA
Eugène NTAGANDA
Rose NTAWUMENYA
Leatitia NTEZICIMPA
Evelyne NYAGASA
Barnabé NYANDWI
Gilbert NZEYIMANA
Jacques NIMUBONA
Grâce NSABIMANA
Laurent NSHIMIRIMANA
Martine NTAMBA
Vincent NZEYIMANA
Silas SINDARUBAZA
Gérard SINDAYIHEBURA
Yvette UMUHORAKEYE
Juste YAMUREMYE

ASF in Uganda



Bicycle distribution to community leaders in Uganda

STAFF ASF

- Expatriate staff: 2
- National staff: 9 (6 in Kampala and 3 in Soroti)

Lawyers Federation of Women
Lawyers: 3
Avocats in house : 28

Bruno VINAY, Head of Mission (until 10 July 2009)

Carolyn TANNER, Head of Mission (from 26 September 2009)
Olive Grace ACHIPA
Cyprien GANGNON
Bibiche KABUNGO LUTONDE
Oscar KALONJI KASONGO
Henry MUHAHIRWE
Abel Saleh MUZAALE
Sseguya NALUGWA
Barbara NAMBI BUNYA
Deogratias OKOT
Kenneth SSEGUYA
Mary Consolate UJEO
Margaret UWIMANA

PROGRAMMES AND RESULTS

Fight against violence against women and children

- 35 community leaders were trained to refer victims to the ASF legal team
- 406 justice professionals (judges and lawyers) were trained
- 12 radio shows were produced to inform the public about ASF services and their rights
- 120 booklets on referral of victims (referral pathways) were produced and distributed to local agencies (police, other NGOs, government services)
- 78 awareness raising sessions were conducted by ASF and our partner organisation FIDA-U, reaching 4,276 people including 1,962 women and 2,314 men
- 1,415 people were counselled and referred, including 793 women and 622 men, in relation to civil cases (83%) and criminal matters (17%), 1,102 via mobile clinics and 313 via the ASF legal aid office in Soroti town
- 14 cases were filed in the courts of the District of Soroti (of which 2 have already been resolved, both in favour of the ASF clients)

Fight against torture

- 131 justice professionals were trained on the fight against torture
- 7 places of detention were visited to raise awareness of the staff and detainees and offer legal consultations (prisons in Luzira, Lugazi, Sentema, Butuntumula, Kampala, Kisangati, Kigo and Soroti)
- 4,282 people participated in awareness raising during those visits
- 731 people were counselled and referred during those visits
- 16 cases were accepted by ASF for legal representation and are now before the courts

FUNDING

- Belgian Ministry of Foreign Affairs
- EuropeAid (European Commission)
- United Nations Voluntary Fund for Victims of Torture

ASF in the Democratic Republic of Congo

PROGRAMMES AND RESULTS

Access to justice

- 6,946 people received free legal consultations at ASF legal aid offices in Kinshasa and the provinces
- 1,662 people received free legal consultations via 164 mobile legal aid clinics
- 24 legal aid sessions were held at Makala central prison of Kinshasa and 65 sessions in various central prisons in the provinces, through which 1,069 detainees were advised of their basic rights and received free legal advice
- 78 information sessions and 39 radio shows were organised to raise public awareness of rights
- 360 detainees at Makala central prison requested legal representation by ASF
- 253 trainee lawyers participated in ASF conference-debates on access to justice
- 8 mobile court hearings and 4 missions for enforcement of judgments were organised in three targeted provinces. In Maniema: 124 cases registered and 84 judgments handed down; in Equateur: 275 cases registered and 223 judgments; in South Kivu: 220 cases registered and 128 judgments. Average daily attendance at hearings: 150 people
- 9 sensitive cases in process
- ASF published a study on preventive detention and guidelines for lawyers

Fight against impunity for international crimes

- 50 NGOs received legal orientation related to the fight against impunity for international crimes via 3 sessions, and 41 NGOs were considered for financial support (17 were approved, and 7 have been funded to date)
- 9 cases of legal representation of victims were opened
- 5 cases are still before the courts and the procedure for the execution of 4 judgments has begun
- The cases of 56 victims of M.Ngudjolo and G.Katanga have been lodged with the International Criminal Court
- ASF published a study of case law on the application of the Statute of Rome by the Congolese courts
- ASF organised a seminar for information and discussion on the proposed law for implementation of the Statute of Rome

Fight against impunity for sexual violence

- 60 NGOs benefited from training
- 40 lawyers received training to build their professional capacities
- 384 victims of sexual violence received free legal consultations
- 167 victims received legal representation by ASF
- 3 provincial roundtables were held, involving a total of 96 participants
- ASF carried out a feasibility study in April 2009 on the use of DNA analysis in legal proceedings related to sexual violence

Fight against impunity for acts of torture and inhuman or degrading treatment

- Each month, 5 detention facilities are visited by a team of NGO partners in order to raise awareness of detainees and collect requests for assistance
- 34 cases of legal representation of victims have been handled
- 2 roundtables were organised for those concerned with the subject

FUNDING

- Belgian Ministry of Foreign Affairs
- EuropeAid (European Commission)
- King Baudouin Foundation
- MacArthur Foundation
- United Nations Voluntary Fund for Victims of Torture
- United States Agency for International Development



STAFF ASF

- Expatriate staff: 5
- National staff: 62
- Collaborating lawyers: about 200

Aurore DECARNIERES, Head of Mission

Kinshasa

Jean Pierre BAKWELA
Walter BATSHINA
Hans BUSHIRI
Boukari CONOMBO
Jerry EBANDA
Fifi KABWIKU
Alphonse KAMBA
Dominique KAMUANDU
Gisèle KANIKI
Jackie KANKU
Claude Michel KAYEMBE
Myriam KHALDI
Jean de Dieu KIHONI
Honorine KITOKO
Martine LOTANGA
Berry LUKANDA
Daudat LUTALA
Yasckie MAGAMBA
Luc MALINGREAU
Manu MBUTA
Hugues MUKENDI
Thérèse MUKUA
Papy NDONDOBONI
Marie Bern. NZILABA
Jérôme PERSICO
Sylviane PUERTAS
Daniel SABWE
Esaïe TSHAMUNDELE
Chris TSHIBALA
Esther VIDIKUAKU

Etienne KALOGÉ
Lewis KANDOLO
Victore KAWAYA
Thierry KINDA KIBUNU
Aimable MASIMANGO
Zacharie MIKWEGE
Anicet MUHAYA
Innocent MUSAFIRI
Jean MUTEBESHA
Justin MWETAMINWA
Sandrine ROBERT
James SONGA KILAURI
Germaine UNGAOBE BUMBU

Kindu

Juvénal DJENDE
ASSANI KASIMO
Joseph KAYA
KAYEMBE wa Kayembe
Jean Pierre MANGA
David MORISHO
Michel MUGANGA

Mbandaka

Séraphin BOMPUNZA
Mutien ILINGA
Fabien KIYIMBI
Marc Hyacinthe MAKWALA
Espérant NDUNDA
Robert NYABOKEBO

Bukavu

Claude MAON, Head of the Office
Senghor BAGALWA
Benjamin BUKARABA
Jean Pierre ISHINGWA

ASF in Rwanda

PROGRAMMES AND RESULTS

Monitoring

- monitoring of Gacaca courts: 258 observations of Gacaca trials were carried out, and 24 reports were issued
- monitoring of formal/mainstream courts: 46 trips to the field were made but only 40 hearings were observed related to 8 trials
- training of personnel of NGOs and other national associations on monitoring and reporting on human rights: 4 sessions were conducted for groups of 25 to 29 people

Access to justice

- 1,440 requests for legal representation were received, including 518 concerning minors in conflict with the law and 403 related to sexual violence (378 requests from suspects and 25 from victims)
- 779 people benefited from legal representation, with priority given to rural areas and regions farthest from the capital
- 493 decisions handed down by the courts
- 11 training sessions were organised for lawyers, on topics such as legal drafting, oral debate, and law office management
- 5 roundtables were organised by ASF or by the Bar with ASF's support
- Training of four days on juvenile justice and rights of the defence was conducted for the benefit of 42 lawyers
- 4 practical sessions were held for lawyers on oratory and adversarial debating skills
- 5 training sessions were held for judicial police officers
- 3 training sessions were conducted for prison personnel, in relation to management of case files

FUNDING

- Belgian Ministry of Foreigns Affairs
- Canadian International Development Agency
- European Development Fund
- UNICEF
- United States Agency for International Development

STAFF ASF

- Expatriate staff: 2
- National staff: 31
- Collaborating lawyers: 264

Zarir MERAT, Head of Mission

*Espérance Fida BORA NYIRINGABO
Pascal CYUBAHIRO SEZIRAHIGA
Yvonne DUSHIMIMANA
Appolinaire FOTSO
Jacques HABIMANA
Léonidas HABYALIMANA
Dieudonné HAMURI
Liliane ICYIMPAYE
Ben KABAGAMBE MUGISHA
Albert MUHAYEYEZU
Agnès MUJAWAMALIYA
Clotilde MUKANDERA
Agnès MUKANEZA
Joséphine MUKABAYINGANA
Odette MUKARUKUNDO
Monique MUKARWEGO
Marie-Louise MUKASHEMA
Jean Népomuscène MUNYANEZA
Cyridion MUSABYIMANA
Célestin MUSONERA
Sosthène NDABAMENYE
James NGARAMBE
Laurent NGABIBANJE
Jacques NKUNDUKOZERA
Jean-Claude NSENGIMANA
Grégoire NTABANGANA
Vital NTAGUNGIRA
Vincent NTILYAMIRWA
Rachel NZAKIZWANAYO
Jeanne d'Arc REKAMUHINKA
Zébédéé RURAMIRA
Belinda SUGIRA
Faustin TWAHIRWA
Martine URUJENI
Eustache UWIMANA
Espérance UWITEGUYE*

ASF in East Timor

STAFF ASF (up until summer 2009)

- Expatriate staff: 3
- National staff: 19 (including 3 collaborating lawyers)

*Carolyn TANNER, Head of Mission
Oscar BERAM
Rona CABADING-MANA-AY
Domingos DA COSTA XIMENES
Adelino DA SILVA (collaborating lawyer)
Acasio DA SILVA (collaborating lawyer)
Valente DE ANDRADE
Terezinha DINIZ
Francisco DOS SANTOS
Jose DOS SANTOS
Juliao EXPOSTO
Costantino EXPOSTO
Ambrosio Rangel FRIETAS (collaborating lawyer)
Valente GOMES
Brigida GUSMAO
Jose Maria GUTERRES
Jose MARCAL
Maria Veronika MOA
Antonia PIADADE
Payal SARAF
Jose SARMENTO
Joao SOBRAL
Maria Veronika MOA, member of the AATL, remains ASF's resource person in East Timor.*



Recurring difficulties in securing long-term funding for this ambitious programme have led ASF to engage in a process of reducing its large-scale activities while continuing to strengthen local resources through training.

TRAINING AND CAPACITY BUILDING ACTIVITIES

- Training in project and financial management for NGO partners, as well as assistance with proposal writing and submission to donors
- Training/mentoring of the Association of Private Lawyers of East Timor (AATL) for structural and strategic strengthening
- Production of two practical manuals for the organisation of awareness raising sessions and summarising key legal information for the NGO partners and the network of 170 trained community leaders
- Production of information kits and training material with partners
- Specialised training in land law for community leaders, and strengthening of their network
- On request, sharing of the ASF educational film on law and access to justice *Dalan Ba Justisa* with UNMIT (UN Integrated Mission in East Timor) for use in their programmes of awareness raising
- Evaluation of mediations conducted by trained community leaders: 88 cases evaluated and referred to national partners
- On the closing of the mission, ASF was able to ensure successful job placement of all ASF national staff.

FUNDING

- Australian Government Overseas Aid Program
- Canada Fund for Local Initiatives

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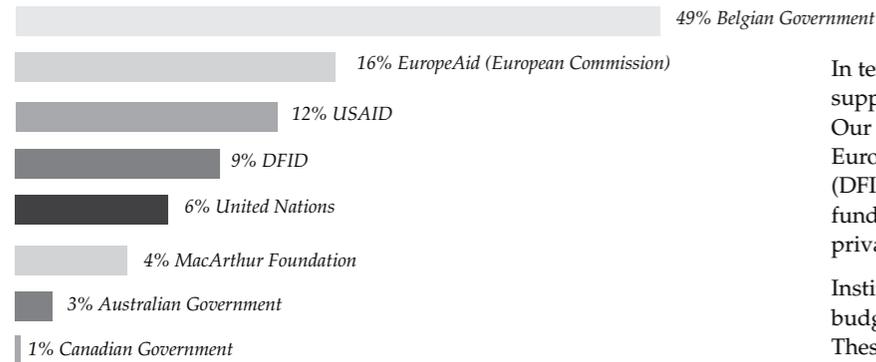
Indra VAN GISBERGEN

Interns: *Ronan Dantec, Isabella Florio, Laura Garland, Alice Kuczkiwicz, Hélène Legeay, Maria Cristina Leotta, Judith Lopes Cardozo, Aude Marquis, Marie-Gisèle Mbengono, Ana Miranda Sepulveda, Francis Mukeba, Bettina Ramampandrisson, Samy Salamon, Smriti Sriram, Sarah Spilker, Annemie Valgaeren, Candice Van Doosselaere, Gina Wharton*

Volunteers: *Melanie Adriaenssens, Sophie Bassi, Hind Boughedaoui, Marion Bouvier, Anneleen Bossyngs, Emilie Camus, Emma Carty, Benoît Castin, Rosalie Daneels, Ella Davis, Ruben De Winne, Dorotheé Dubuisson, Nathalie Chiem, Caroline Durieux, Muriel Hublin, Ruth Kelly, Stéphanie Lebrec, Judith Lemstra, Lauren Long, Magali Loustau, Johanna Luykx, Emma Miles, Sophie Mirgaux, Sabina Nieddu, Bart Philips, Ine Ramaekers, Melanie Reimer, Aurore-Emmanuelle Rubio, Irene Schillings, Laura Steenson, Alexandra Strang, Eric Van den Troost, Gisèle Van Antwerpen, Marie Vandendriessche, Ireen Vanhelden, Ann Vlamincx*

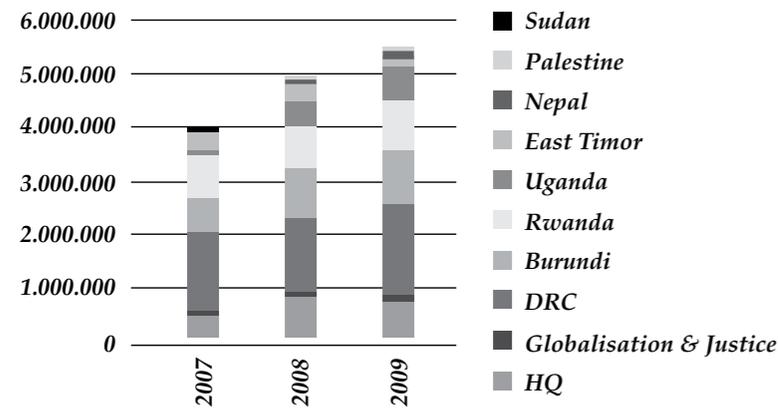
FINAL
report

Origin of funds from institutional donors



The annual revenue of the organisation rose to 5,219,512 Euros in 2009, compared to 4,617,342 Euros in 2008, an increase of 13%.

Expenditure



Distribution of expenses

The ASF mission in DRC remains the largest single project, with expenditures of more than 1.4 million Euros in 2009, representing 31% of all expenditure. The missions in Burundi, Rwanda and especially Uganda saw rapid increases of, respectively, 8%, 17% and 42% in comparison to 2008.

Recurrent difficulties in securing long term funding for the ASF programme in East Timor have led to the closure of the mission at the end of September of 2009. The scaling up of

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.

Institutional donors represent the largest part of the ASF budget, contributing 89% of revenues of the organisation. These funds are linked to the implementation of various projects in the countries where ASF is active.

Donations and membership dues, which demonstrate the interest of lawyers and the public in the work of ASF, reached 110,011 Euros this year, an increase of 8.6% from 2008.

Other operating revenues included income related to a three year operational subsidy granted in 2007 by DFID.

The implementation of activities in the field represented 4,666,730 Euros amounting to 87.5% of all expenditure in 2009.

activities in Nepal will entail the opening of a permanent mission in 2010.

Human Resources

As of 31 December 2009, ASF employed 178 individuals of a dozen nationalities, including 150 people recruited locally by ASF missions in the field, 12 expatriate staff in the missions, and 16 people in headquarters.

Profit and Loss Account*

PROFIT AND LOSS ACCOUNT	2009	2008	2007	
I. Operating Income	70/74	5,219,512	4,617,342	3,766,844
A. Revenues	70	4,656,279	3,964,338	3,555,497
C. Contributions, donations, legacies and subsidies	72	110,011	101,342	100,020
D. Other operating income	74	453,223	551,662	111,327
II. Operating charges	60/64	-4,918,298	-4,558,176	-3,683,001
B. Services and other goods	61	2,366,553	2,123,447	1,746,829
C. Salaries, social welfare contribution and pensions	62	2,719,543	2,278,104	1,916,068
D. Depreciation	630	32,308	22,289	3,884
E. Amounts written off on trade debtors	631/4	-85,037	2,457	14,977
F. Provision for risks and losses	635/7	-126,000	126,000	
G. Other operating charges	640/8	10,932	5,878	1,242
III. Operating profit	70/64	301,214	59,166	83,843
IV. Financial income	75	21,238	60,195	47,873
V. Financial charges	65	-117,729	-110,691	-89,335
VI. Gain on ordinary activities before taxes	70/65	204,723	8,670	42,381
VII. Extraordinary income	76	98,327		
VIII. Extraordinary charges	66	-1,337		-13,593
IX. Profit for the financial year before taxes	70/66	301,714	8,670	28,788
XI. Profit for the financial year	70/67	301,714	8,670	28,788
A. Profit to be appropriated	70/69	337,659	35,945	54,549
1. Profit for the year available for appropriation	70/68	301,714	8,670	28,788
2. Profit brought forward from the previous year	790	35,945	27,275	25,761
C. Allocation to association fund	691/2	-301,714		-27,275
Transfer to the Reserve	691	301,714		27,275
D. Profit to be carried forward	793/693	-35,945	-35,945	-25,761
1. Loss to be carried forward	693	-35,945	-35,945	-25,761

The net profit of 301,714 Euros is one-third derived from extraordinary income, and two-thirds derived from recapture of amounts written off related to donors debts and from recapture of provisions made for co-financing that was not yet in place as of the

end of 2008. The largely extraordinary nature of this net result has led us to allocate 60% of it to financial reserves and 40% to investment in the 2010 budget.

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

Balance Sheet

ASSETS		2009	2008	2007
FIXED ASSETS	20/28	91,723	116,968	15,619
II. Intangible assets	21	1,970	2,109	1,517
III. Tangible assets	22/27	71,058	100,031	3,895
B. Installations, machinery and equipment	23	68,896	99,937	3,765
C. Furniture and vehicles	24	2,162	94	130
IV. Financial assets	28	18,695	14,828	10,207
CURRENT ASSETS	29/58	2,089,784	1,605,610	1,641,739
VII. Amounts receivable within one year	40/41	1,699,083	741,145	1,192,529
B. Other debtors	41	1,672,597	741,145	1,192,529
IX. Cash at bank and in hand	54/58	390,152	852,850	446,790
X. Deferred charges and accrued income	490/1	549	11,615	2,420
TOTAL ASSETS	20/58	2,181,507	1,722,577	1,657,358

LIABILITIES		2009	2008	2007
ASSOCIATION FUNDS	10/15	524,249	242,085	135,374
IV. Reserves	13	409,813	108,100	108,100
V. Profit brought forward	140	35,945	35,945	27,275
Loss brought forward	141			
VI. Capital subsidies	15	78,491	98,041	
PROVISIONS AND DEFERRED TAXES	16		126,000	
4. Other risks and losses	163/5		126,000	
DEBTS	17/49	1,657,258	1,354,492	1,521,984
IX. Creditors, amounts falling due within one year	42/48	1,653,758	1,354,492	1,482,096
B. Financial debts	43	951,647	359,148	400,000
1. Credit institutions	430/8	951,647	359,148	400,000
C. Trade creditors	44	193,160	179,113	172,047
1. Suppliers	440/4	193,160	179,113	172,047
E. Taxes , salaries and social welfare contributions	45	149,126	103,488	94,447
1. Taxes	450/3	26,882	11,559	9,179
2. Salaries and social welfare contribution	454/9	122,244	91,929	85,268
F. Other debts	47/48	359,825	712,743	815,602
X. Accruals and deferred income	492/3	3,500		39,888
TOTAL LIABILITIES	10/49	2,181,507	1,722,577	1,657,358

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. The diversification to include more donors that do not advance funds, but rather reimburse after the expenditures have been made, has resulted in a structural increase in donor receivables and a need for working capital, to date primarily covered by borrowing. The increase in financial reserves will be used to cover part of this working capital requirement, in order to limit the increase of financial charges (6.5% since 2008, 31% since 2007).

Risk Management

The risk management of the organisation is tailored to the specific conditions in which we implement our 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 thanks all of its individual donors – lawyers, jurists and activists – as well as the following organisations for their support in 2009:

Belgian Bar Associations (in alphabetical order)

- Antwerp Bar
- Liège Bar
- Mechelen/Malines Bar
- Nederlandse Orde van Advocaten te Brussel (Flemish Bar of Brussels)
- Ordre des Barreaux francophone et germanophone de Belgique (OBFG) (Order of francophone and germanophone Bar associations)
- Orde van Vlaamse Balies (OVb) (Order of Flemish Bar associations)
- Oudenaarde Bar
- Tongeren/Tongres Bar

Institutional donors (in alphabetical order)

- Australian Government Overseas Aid Program
- Belgian Ministry of Foreign Affairs
- Canada Fund for Local Initiative
- Canadian International Development Agency
- Department For International Development (UK)
- EuropeAid (European Commission)
- European Development Fund
- Fonds social des secteurs Socioculturel et Sportif
- King Baudouin Foundation
- MacArthur Foundation
- UNICEF
- United Nations Voluntary Trust Fund for Victims of Torture
- United States Agency for International Development

Colophon

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Translations: Melanie Adriaenssens, Theresa Borden, Emma Carty, Rosalie Daneels, Ella Davis, Marijke De Pauw, Muriel Hublin, Ruth Kelly, Magali Loustau, Sophie Mirgoux, Bart Philips, Melanie Reimer, Ireen Vanhelden, Ann Vlamincx

Graphic Design: Ogilvy

Printed by: Ogilvy Group

Responsible editor: Francesca Boniotti

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Bank account number: 630-0227491-85

IBAN: BE89 6300 2274 9185

BIC-code: BBRUBEBB

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