



**2013**



# JUSTICE FOR A FAIRER WORLD

*Created in Brussels in 1992, Avocats Sans Frontières 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.*

[WWW.ASF.BE](http://WWW.ASF.BE)



Mobile legal aid centres provide information on the law and legal services to people facing discrimination. Nepal, Aacham district, December 2013

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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 2013 and March 2014.

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 2013 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 people and taken on by ASF. Legal assistance includes judicial assistance and non judicial assistance (drawing up complaints, administrative processes, legal action, etc.).

- 3) Project *Promoting the Statute of Rome system and enhancing the efficiency of the International Criminal Court:* activities carried out in Burundi, Uganda, Nepal, and DR Congo are contained in the respective sections dedicated to these countries. Activities in Latin America – Colombia and Guatemala – are undertaken by Avocats Sans Frontières Canada. For details of those activities, see [www.asfquebec.org/en/publications-en](http://www.asfquebec.org/en/publications-en).

## Table of content

<i>Introduction</i> .....	6
<i>Acknowledgements</i> .....	8
<i>Countries, projects and subject areas concerned</i> .....	10
<i>ASF in Burundi</i> .....	10
<i>ASF in Nepal</i> .....	16
<i>ASF in Asia</i> .....	20
<i>ASF in Uganda</i> .....	22
<i>ASF in the Democratic Republic of Congo</i> .....	26
<i>ASF in Chad</i> .....	32
<i>ASF in Tunisia</i> .....	36
<i>International justice</i> .....	40
<i>Protecting human rights defenders</i> .....	42
<i>The International Legal Network</i> .....	46
<i>How access to justice can help reduce poverty</i> .....	50
<i>ASF's Theory of change</i> .....	54
<i>Financial report</i> .....	56
<i>Our staff in 2013</i> .....	62

# Introduction



Part of the ASF team at the session held for Heads of Mission in November 2013 in Brussels © ASF



Hafida Talhaoui  
© Jelle Aarts



Francesca Boniotti  
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Dear reader,

In Belgium, as in other Western countries, an increasing number of people are suffering from a lack of security, and the financial crisis is jeopardising the funding of systems for access to justice, including legal aid.

Nevertheless, the problem of achieving a system of justice accessible to all is far more acute in countries affected by conflict or in crisis.

In countries as diverse as Burundi, Nepal and Tunisia, there is a real lack of policies for free access to a lawyer or to the courts, and where such policies do exist they are very basic or dysfunctional at best. People at risk whose rights have been violated cannot hope for justice through the courts or call upon the services of a lawyer.

There are however solutions in place to improve access to justice for such people. In the case of Avocats Sans Frontières (ASF), they entail implementing projects based primarily on the principle of lawyers as advocates for change.

One case in point is the illegal preventive detention that is endemic in Uganda and DR Congo. This results in a systematic breach of international standards regarding fundamental rights and a growing number of prisoners in already overpopulated prisons.

To counter this disturbing situation, ASF is working with the bar associations to provide people placed in preventive detention with legal advice and assistance.

ASF provides all those involved – bar associations, civil organisations and the legal authorities – with structural support so that ultimately there will be the foundations for an effective, ongoing system of legal aid in which lawyers have a central role, as well as a reduction in prisoner numbers.

To reiterate: working on setting up a legal system that is accessible to everyone in the countries where we are involved will not become a reality, overnight.

Whether this entails promoting international criminal justice, fighting for economic and social rights or defending freedom of expression, it is essential to have a thorough understanding of the environment, a strong desire for partnership (with civil society, public authorities or international organisations), the right skill set in project management, and legal expertise.

Backed by our donors, supporters and legal professionals from the International Legal Network, our teams are in the field listening to the needs of people in vulnerable situations. This report provides a summary of their major projects and achievements.

We hope you will enjoy becoming familiar with their good work.

Thank you for your interest and support.

Hafida Talhaoui, President of the Board of Directors

Francesca Boniotti, Executive Director

# Acknowledgements



On the occasion of the 2013 Memorial Van Damme, a radio station gave 16 people the opportunity to run 100 metres for a good cause. Chairman of the KU Leuven Law Students' Circle, Gert-Jan Struye took 3<sup>rd</sup> place for ASF

© Memorial Van Damme, Linda Sonck



For everyone who registered to the Lawyers' Run 2013, the Flemish Bar Council donated two euros to ASF. During the event, ASF was represented with an information booth to explain its activities to interested parties

© ASF/A. Hendrickx

Avocats Sans Frontières thanks the following institutions and everyone who donated in 2013. Thanks to their vital support, vulnerable populations can access justice and enforce their rights.

On behalf of our beneficiaries, we sincerely thank you.

## **Institutional donors:**

- Australian Government (Australian Aid)
- Belgian Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation
- Department of Foreign Affairs and Trade of Ireland (Irish Aid)
- Embassy of France in DR Congo
- Embassy of Switzerland in DR Congo
- Embassy of the UK in DR Congo
- European Union
- Human Rights Network Uganda (HURINET-U)
- Institute for Foreign Cultural Relations (IFA, Germany)
- MacArthur Foundation
- Ministry of Foreign Affairs of the Kingdom of the Netherlands
- 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 Nations Development Programme (UNDP)
- UN Voluntary Fund for Victims of Torture (UNFVT)
- U.S. Department of State
- Wallonie-Bruxelles International (WBI)

## **Belgian Bar Associations:**

- Flemish Bar Council (OVb)
- French and German speaking Bar Council of Belgium (Avocats.be)
- Bar Association of Antwerp
- French section of the Brussels Bar
- Dutch section of the Brussel Bar (NOAB)
- Bar Association of Ghent
- Bar Association of Liège
- Bar Association of Namur
- Bar Association of Verviers
- Bar Association of Veurne

## **Law firms:**

- Eubelius (Brussels)

## **Other institutions:**

- Olné local authority
- Circle of law students of the Catholic University of Leuven (Vlaams Rechtsgenootschap Leuven)
- Circle of law students of the University of Ghent (Vlaams Rechtsgenootschap Gent)
- Circle of law students of the Vrije Universiteit Brussels (Vlaams Rechtsgenootschap Brussel)
- Memorial Van Damme VZW

## **Other partners:**

- E-Frame
- Fonds social socioculturel et sportif
- IMP Advertising

# ASF in Burundi:

## Batwa children realise their right to education



Only one in four Batwa children under the age of 18 attend primary school, and only 1% of these pupils reach high school

© ASF/S. Stanton



Jean Berchmans Ndayishimiye, Head of the ASF sub-office in Gitega, April 2013

© ASF/S. Degée

**Thanks to Avocats Sans Frontières, 17 children belonging to the minority Batwa are attending school. These children were denied access to their village school not only because of the discrimination their community faces, but also because the school fees were too high. By ensuring the right to education, ASF's intervention illustrates the importance of access to justice for the most marginalised people in Burundi.**

Making up one of the three ethnic groups in the country alongside the Bahutu and Batutsi, the Batwa represent less than 1% of the total population. Traditionally excluded from holding land in a country dependent on a subsistence farming economy, the Batwa people are among the poorest in the country. In addition, they are subjected to multiple forms of discrimination, which have dramatic consequences on their ability to realise their rights, especially their economic and social rights.

"One day, a teacher said to my whole class: 'it's not worth the trouble to teach the children of Batwa thieves!'" says Charles Ntakiyica, a young Mutwa\* from the Kigarama sous-colline.

Many young Batwa drop out of the education system, due both in part to the stigma, but also from hunger or lack of financial resources to pay formal and informal school fees. As a result, only one in four Batwa children under the age of 18 attend primary school, and only 1% of these pupils reach high school. In 2008, throughout the country, there were only 429 Batwa students attending high school out of a total of 289,000 students.

"Yes, there are schools and teachers. The problem is not availability of educational facilities but rather in terms of accessibility and acceptability" says Jean Berchmans Ndayishimiye, Head of the ASF sub-office in Gitega, 60km east of the capital Bujumbura. "So we met with administrative leaders, known as Hill Chiefs (chefs de colline), to better understand why the schooling system was inaccessible for Batwa children."

A Hill Chief confirmed that the school fees charged at the time of registration were too high for Batwa families. For example, the school required 15,000 Burundian Francs for the purchase of desks, equivalent to 4% of the average annual per capita income. This financial constraint alone presents a huge obstacle to school attendance. In Burundi, Hill Chiefs may grant a certificate of indigence for anyone too poor to pay school fees. "The big flaw in the system", says John Berchmans Ndayishimiye "is that it has no legal basis. It thus opens the door to subjectivity and injustice." And indeed, the Hill chiefs interviewed did not agree to certify the need of Batwa children.

The Head of the ASF sub-office in Gitega appealed to the commune officials to consider the Batwa as indigent and to ensure that there was a legal standard for distributing a certificate to those who qualified. ASF also followed up, ensuring that the teachers knew that discrimination was against the law, and that their treatment of Batwa pupils was illegal.

Since then, 17 Batwa have benefited from these certificates exempting them from school fees. Thanks to these interventions, these children will be more likely to escape poverty, and most importantly can glimpse a future with hope.

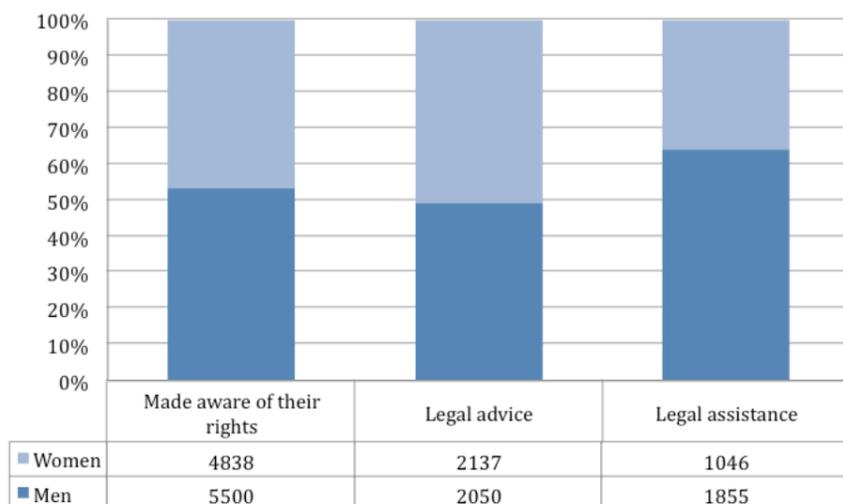
*Kigarama, Burundi, 10 June 2013*

\* The word "Batwa" is used to refer to several people or to a group. When speaking of one single person, the word used is "Mutwa".

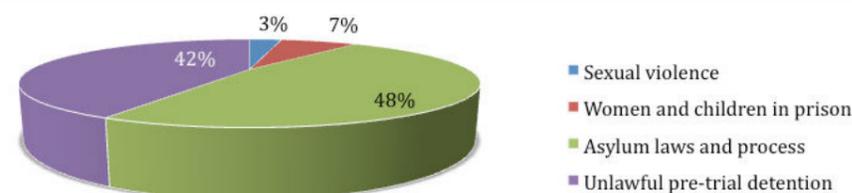
# ASF in Burundi

## Activities in 2013 at a glance

### Legal aid services provided to the population:



### Legal assistance - types of litigation:



## International Protection and Rights of Asylum Seekers and Refugees

Partner: National Office for the Protection of Refugees and Stateless Persons (ONPRA)

Donors: Office of the United Nations High Commissioner for Refugees and European Union

- Training sessions:
  - ASF pool lawyers, members of ONPRA, the Advisory Commission for foreigners and refugees and the Appeals Committee: 1 coaching session and 3 training sessions on international protection and the rights of refugees (36 participants).
  - Representatives of refugees and asylum seekers: 6 training sessions on information and referral for refugees, the asylum procedure, and the rights of victims of sexual violence (128 participants).
  - Local authorities, police, civil society and the media: 10 training sessions on international protection, the asylum procedure, and the rights of refugees (360 participants).
- Satisfaction survey conducted among partners and project beneficiaries.
- Assistance for asylum seekers and refugees:
  - Setting up a pool of lawyers and jurists mandated with systematically representing people whose claims were dismissed in trial court.
  - Judicial assistance for refugees victims of sexual violence and other gross human rights violations.
  - Reception, referral, legal advice and support for administrative procedures (in Bujumbura and the Musasa, Kinama, Bwagiriza and Kavumu camps, the latter two through the ASF office in Ruyigi).
  - 34 awareness-raising sessions on asylum rights and the asylum procedure, in Bujumbura (18) and refugee camps (16).
  - Production of a documentary film on the project.
  - Carrying out an analysis on compliance with international standards of decisions determining refugee status.

## Improving access to justice for vulnerable population groups

Partner: Bujumbura Bar Association

Donor: Belgian Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation

- Support for the Bujumbura Bar Association in developing legal aid :
  - Arranging 4 meetings of the bar association's legal aid commission, which ensures pro deo lawyers' appointment follow-up.
  - Human resource allocation to strengthen the bar internally.
  - Establishing a shared pool of 35 lawyers.
- Coordinating legal aid actors in the provinces of Gitega and Ngozi:
  - 2 follow-up meetings in each province where the project is implemented.
  - 4 training sessions.

# ASF in Burundi

## Support for the operationalization of the National Legal Aid Strategy

In 2011, ASF launched a National Legal Aid Strategy bringing together civil society, the National Bar Association and the government. ASF has co-chaired the thematic group "Demand for Justice" set up by the Ministry of Justice since 2012.

Partner: Bujumbura Bar Association

Donor: Belgian Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation

- Creation and training of provincial legal aid forums, responsible for developing provincial plans of action, and contributing to national level strategy.
- Opening an office in Bubanza.
- Survey of the prison population in the Bubanza and Muramvya prisons.

## Preserving 1993 case archives and contributing to the transitional justice process

Donor: Swiss Federal Department of Foreign Affairs

Melchior Ndadaye (an ethnic Hutu) was assassinated on 21 October 1993, having been president of Burundi for three months. His assassination crystallised the antagonism between Hutus and Tutsis and provoked a chain reaction, plunging Burundi into a civil war that lasted for more than ten years. Several hundred thousand people, mostly Tutsi, lost their lives.

- Digitisation and creation of a database indexing 2,383 defendants involved in 1,206 legal cases.
- Production of a *Capitalisation Study of ASF Judicial Assistance Programmes in Burundi (1999-2004)*, in partnership with Saint-Louis University in Brussels. This study was circulated at a regional conference on transitional justice held by ASF in Bujumbura in September 2013.



Conference on transitional justice held by ASF in Bujumbura, September 2013 © ASF

## International criminal justice: Promoting the Rome Statute and enhancing the International Criminal Court's efficiency

Donors: European Union and MacArthur Foundation

Project activities were suspended from October 2012 to May 2013 for administrative reasons. A workshop was held to approve the training module on international justice developed by ASF (60 participants: representatives from the Supreme Court, Parliament and Ministry of Justice). Then, in September 2013, a conference on transitional justice was held on comparative analyses of transitional justice systems in Burundi, DR Congo, Uganda, Kenya, Chad, Tunisia and the Ivory Coast. There were 25 participants, including lawyers active in transitional and international justice from ASF's regional network, actors in the justice sector, and stakeholders from Burundian civil society and the international community (United Nations, embassies, etc.).

## ASF contribution to the 2013 Universal Periodic Review of Burundi

Established by the United Nations Human Rights Council, the Universal Periodic Review (UPR) aims to examine the human rights situation in each UN Member State every four years. This process brings together a large number of States, and national and international civil society organisations. Each review results in a final document which lists recommendations whose implementation must be justified by the State in question at the next review.

Based on ASF's fifteen years in Burundi, it contributed to the preparation of the session on Burundi, held in January 2013. ASF called on Burundi to commit to implementing a non-discriminatory policy of access to justice for all. ASF also took the opportunity to recommend establishing reception centres in each jurisdiction to better inform and guide the population. It also recommended the creation of a fund to finance systematic and non-discriminatory legal aid, prioritising detainees and minors in conflict with the law.

ASF's contribution to the 2013 UPR of Burundi can be downloaded at: [www.asf.be/publications](http://www.asf.be/publications).



The Gitega prison, November 2013 © ASF/T. Op de Beeck

# ASF in Nepal:

## Women lawyers improve their knowledge of medico-legal techniques



These women lawyers will improve their practice in cases involving women's rights violations. Kathmandu, August 2013 © ASF



Medical-legal terms and practice need to be understood by lawyers. Kathmandu, August 2013 © ASF

Courts dealing with criminal cases take forensic matters such as DNA profiling, post-mortem report, and finger prints as first hand or direct evidence. Lawyers must understand these technical subjects which can play a crucial role in court decision-making. A training organised by Avocats Sans Frontières, in cooperation with the Nepal Bar Association and the Women Lawyer's Committee of the Supreme Court Bar Association, supports women lawyers to improve their practice, especially in cases of women's rights violations.

Medico-legal terminology, experts' writing and other forensic actions used by doctors and experts in cases and trials are often difficult for lawyers and judges to understand. Yet, issues raised in these reports can be crucial in deciding the case. "Scientific evidence is important in crime investigation. Proving or disproving allegations against an accused, like DNA profiling, can help identify potential suspects", explains Advocate Biswo Jit Khadka, ASF Program Officer in Kathmandu. "In some cases, only scientific evidence can reveal the truth. This is why the different stakeholders - including lawyers - must be able to understand this type of evidence."

The ASF mission in Nepal is focused on improving access to justice for people in vulnerable situations, on building capacity of legal service providers, such as lawyers, and ensuring effective and quality legal aid services. In Nepal, it is particularly difficult for women lawyers to get training in medico-legal terms and practice, partly because of nepotism and favouritism but also because of gender discrimination in the selection of participants. "Yet, women lawyers need to improve their understanding in these matters, especially because they are often the ones to deal with the high number of women's rights violations such as sexual harassment, witchcraft hunting, domestic violence, homicide, suicide and rape, and other forms of violence and discrimination against women" explains Advocate Sunil Kumar Pokharel, Secretary General of the Nepal Bar Association.

This is why ASF, in cooperation with the Nepal Bar Association and the Women Lawyer's Committee of the Supreme Court Bar Association, organised a one-day training session in Kathmandu at the end of August 2013 on the "Medico-Legal Role in Effective Legal Aid" geared toward practicing women lawyers. Some 50 woman lawyers representing various Bar Associations in the country participated in this training, which included key medico-legal experts and forensic scientists.

"This training was very useful for me as I defend women's rights. Currently, I am dealing with a case of rape and need to understand how I can best use evidence collection and results to strengthen my legal arguments", said Advocate Ms. Radha Sigdel, member of the Kathmandu District Court Bar Association.

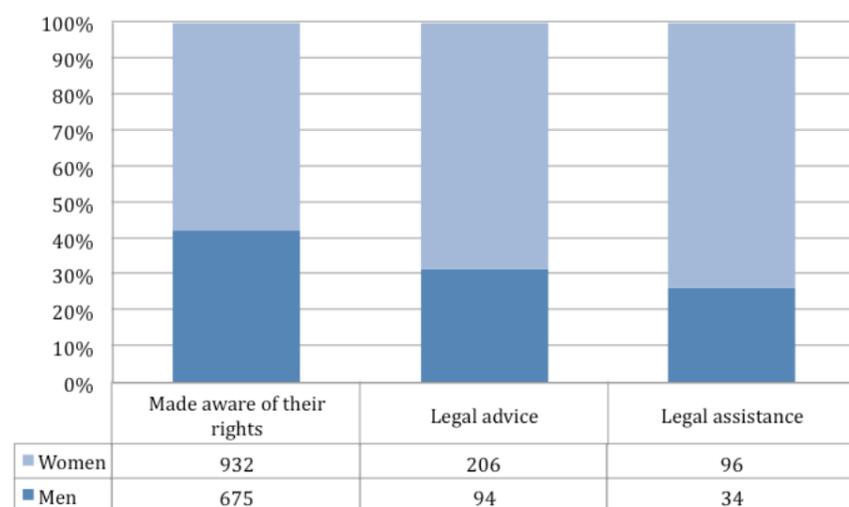
"By improving their knowledge in forensic sciences, we aim to support these lawyers in their work defending and protecting women and their rights", concludes the ASF Program Officer Biswo Jit Khadka.

*Kathmandu, 20 September 2013*

# ASF in Nepal

## Activities in 2013 at a glance

### Legal aid services provided to the population:



### Training, at the heart of ASF

Training activities are central to ASF's work. Capacity-building for national actors who are ASF partners – bars, lawyers' associations and civil society organisations – is at the heart of its mission. These activities require numerous skills: not only mastering the content (judicial or other) of the subjects covered, but also exercising pedagogical skills, a thorough knowledge of the context, and ensuring follow-up to anchor the knowledge acquired during training firmly in reality. During 2013, significant work was carried out by the teams in head office (especially by the expert on access to justice mechanisms) and in the field to optimise the different phases of designing training sessions: from planning to follow-up and evaluation, including needs identification and choice of methodology, without forgetting operational aspects, such as budget, equipment, scheduling, etc. The teams now have a harmonised training structure available and a full toolbox to support them in implementing these ASF flagship activities

### International criminal justice: Promoting the Statute of Rome system and enhancing the efficiency of the International Criminal Court (ICC)

Partner: Informal Sector Service Center (INSEC)

Donors: European Union and MacArthur Foundation

- 1 conference on the ICC (International Criminal Court), bringing together 34 judges from several courts.
- 1 training session on the ICC, bringing together 56 journalists.
- Political instability prevailing since the dissolution of the Constituent Assembly in May 2012 until the November 2013 elections made it impossible to organise planned activities involving members of parliament and political parties.

### Improving access to justice for people in vulnerable situations

Partners: Center to Assist and Protect Children Rights of Nepal (CAP-CRON), Forum for Protection of People's Rights (PPR), Legal Aid and Consultancy Center (LACC), Nepal Bar Association (NBA).

Funded by the Belgian Federal Public Service for Foreign Affairs, Foreign Trade and Development Cooperation, the ASF project in Nepal came to an end on 30 April 2014 after 36 months of activities. The results summarised here cover the project as a whole:

- Information for people on their rights and access to justice mechanisms:
  - 52,600 people informed via sessions in schools, permanent and mobile legal aid centres and different channels (advertisements painted on local minibuses, messages distributed during weekly markets, etc.).
  - Approximately 1,325,000 people informed through radio programmes.
- Legal advice:
  - 534 mobile legal advice sessions in remote villages (674 beneficiaries).
  - Legal advice from five bar associations twice a week at a set time and place (574 beneficiaries).
  - 350 prison visits by lawyers.
  - Among the people who benefitted from legal advice, 59% were women, 50% were members of marginalised communities (such as Dalits) and 23% were illiterate.
- Judicial and non-judicial assistance:
  - 1,277 beneficiaries.
  - 258 cases brought before the courts at different stages in the procedure.
  - 119 lawyers involved in delivering pro bono legal assistance.
- Capacity-building:
  - Legal English classes for 75 lawyers.
  - Training on delivering legal aid services for 119 lawyers.
  - Technical and financial support to deliver and evaluate quality legal aid services for five district bar associations and the central bar (Nepal Bar Association).
  - Training on combatting torture for 273 legal professionals.
  - Workshop on coordinating legal aid and political reform.
- Coordinating stakeholders:
  - 39 coordination meetings for justice sector actors (lawyers, judges, magistrates, police officers, civil society organisations, etc.).
  - Workshop to coordinate actors involved in legal aid and police reform.
  - Workshop on caste-based discrimination, bringing together lawyers, representatives from the Dalit community, Supreme Court judges, etc.

# ASF in Asia



Dalit children in Nepal © ASF/N. de Oliveira



Miriam Chinnappa, ASF's Representative in Asia  
© Patrick Acken/TOTALEXPOSURE

One of Avocats Sans Frontières' principal assets is the experience gained as a direct result of its field work in various fragile contexts. ASF works to share this technical expertise and know-how in new contexts and the new regions in which it works. After implementing the East Timor and Nepal programmes, ASF decided to explore new actions in other Asian contexts.

In April 2013, Miriam Chinnappa was appointed as ASF Representative for Asia. Her mission: to identify the countries where issues on access to justice cause the most concern and where a long-lasting deployment by ASF would be relevant and feasible. Chinnappa was also charged with analysing the judicial system in these countries: how the judicial system functions, obstacles to accessing justice for the most vulnerable groups, identification of the actors involved, and potential partners and donors.

A decision was quickly taken to concentrate efforts on developing partnerships in Myanmar and a regional project promoting the rights of indigenous peoples. It was also necessary to ensure continuity for ASF's commitment to Nepal, with the programme funded by the Belgian Federal Public Service for Foreign Affairs, Foreign Trade and Development Cooperation finishing at the end of 2014. Furthermore, Chinnappa was involved in writing a report for the ASF donor in Nepal and managing the team there. She also contributed to promoting ASF's work in the region by forming relationships with different actors engaged in the human rights and justice sectors.

## Myanmar

The country is emerging from its long-term isolation and its government has embarked on a wave of reforms, notably in the area of the rule of law, with growing interest from development and humanitarian aid agencies in working in Myanmar. Consultations with different stakeholders enabled ASF to understand better where its technical expertise in establishing legal aid mechanisms would be the most effective. In January 2014, ASF submitted a project proposal in partnership with MLAW (Myanmar Legal Aid Network) aimed at improving access to justice by strengthening legal advice networks. As this report went to press, ASF was developing other projects in Myanmar and hopes to be operating there very soon.

## Nepal

Since mid-August 2013, ASF has conducted a series of consultations with Nepalese actors to evaluate whether ASF can continue playing a role in implementing legal advice at district and village levels after completion of the project funded by Belgium. This evaluation highlighted the added-value of ASF's expertise, especially concerning access to justice for marginalised populations, such as indigenous groups, women, Dalits, Madheshis, etc. Nepal recently enacted a series of anti-discrimination laws, with constitutional guarantees protecting rights and freedoms, and encouraging social integration. However, implementation of these laws has made less progress, and is further exacerbated by social, cultural and economic barriers firmly entrenched in Nepalese society. ASF will continue promoting access to justice for people in especially vulnerable situations. National partners actively participated in designing and submitting project proposals, and ASF and its partners are currently waiting for decisions concerning possible funding.

Participation by the Regional Representative in conferences during 2013:

- Conference held by the International Court of Justice and the United Nations High Commissioner for Refugees on capacity-building for lawyers in Southeast Asia to ensure fair trials (Bangkok, Thailand, 9 May 2013). Lawyers from Myanmar, Cambodia, Vietnam and Laos took part in this conference.
- *The Peoples' Forum on Human Rights & Business: A global corporate accountability gathering for groups using human rights to directly challenge corporate abuses* (Bangkok, Thailand, 5 to 7 November 2013).

# ASF in Uganda:

## Lawyers tackle lengthy pre-trial detention



Advocate Sylvia Ebitu Namawejje (left) helped Mariam Nannozi (right) to be released from prison

© ASF/G. Van Moortel



Pro bono lawyers and the ULS (Uganda Law Society) team  
© ASF

**Prisoners in Uganda are being kept too long in pre-trial detention. This violates their right to a fair and speedy trial as well as the presumption of innocence. It also deprives them and their families of their right to work and to earn a living. With the support of the Uganda Law Society, Avocats Sans Frontières has therefore launched a pilot project to provide free legal representation for woman prisoners.**

According to ASF reports\*, lengthy pre-trial detentions in Uganda are caused by factors such as often ineffective investigation practice due to corruption and the lack of awareness among the prisoners on their right to fair trial. This results in overpopulated prisons (sometimes up to 350 %!) and numerous human rights violations against the prisoners.

Women prisoners are particularly vulnerable. Many are arrested and charged on crimes of passion, crimes within the family, or related domestic crimes. "As a result, they lose all family support while in prison. Some of them give birth in prison or are imprisoned together with their babies and have to bear the brunt of parenting the children while in custody", explains Ismene Zarifis, ASF Head of Mission in Uganda. "Meanwhile, the majority of the women inmates are not gainfully employed and cannot afford to pay for legal services on their own".

The goal of the one year ASF project entitled *Presumed Innocent Behind Bars: The Problem of Lengthy Pre-Trial Detention in Uganda* is to provide quality legal services by creating a sustainable and skilled pool of pro bono lawyers. The objective is to build their capacity in handling pre-trial detention cases and strategic litigation to address the fundamental issues causing pre-trial detention.

As a kick off, a training session was organized for Ugandan pro bono lawyers on 28<sup>th</sup> June in Kampala. Set up in partnership with the Uganda Law society (ULS), the session introduced the project to the 16 participating selected lawyers from the ULS, various legal aid organizations and private law firms. The participants were also given training on quality pro bono legal services as well as the principles and standards relating to the right to liberty, fair and speedy trial, the procedures upon deprivation of liberty and the remedies for unlawful detention. Steven Ssenkezi is a member of the ASF pool of lawyers: "This orientation has opened our eyes to the problem and equipped us with the necessary knowledge to handle pre-trial detention cases candidly".

Kampala, 7 August 2013

\* See ASF research conducted in collaboration with the International Human Rights Program of the Faculty of Law, Toronto university between 2009 and 2011 titled *Presumed Innocent Behind Bars: The Problem of Lengthy Pre-Trial Detention in Uganda*, which can be downloaded at: [www.asf.be/publications](http://www.asf.be/publications).

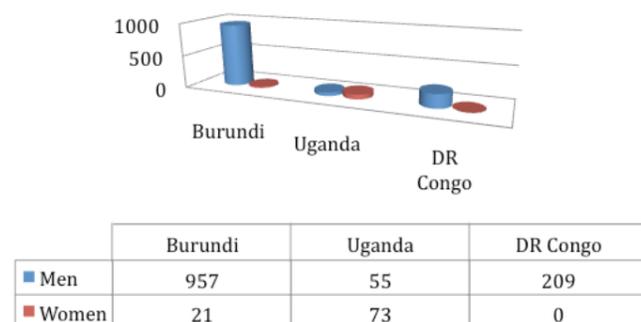
# ASF in Uganda

## Activities in 2013 at a glance

### Legal aid services provided to the population:



### Number of accused people held illegally in preventive detention assisted by ASF in the Great Lakes region:



### Presumed innocent behind bars: the problem of lengthy pre-trial detention in Uganda

Donor: Australian Government (Australian Aid)

- Creation of a pool of 16 lawyers specialised in penal law.
- Training pool lawyers in following-up cases of pre-trial detention with a focus on the indivisibility and interdependence of human rights.
- Development of a follow-up and evaluation mechanism for lawyers' work.

### Promotion of Pro Bono: Mobilising lawyers to defend the rights of Ugandans

Partner: Uganda Law Society (ULS)

Donor: Belgian Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation

- Mapping legal aid actors for implementing a case-referencing system.
- 7 awareness-raising actions for final-year law students.
- Training for lawyers:
  - 6 meetings and guidance sessions for lawyers.
  - 2 training sessions on pro bono and the social role of lawyers.
  - 1 training session on the fight against human trafficking.
  - 3 training sessions on mediation and alternative methods of conflict resolution.
  - Distribution of reference literature on pro bono (Pro Bono Handbook, leaflets, posters, etc.).
- Improving follow-up of legal aid services provided by the ULS:
  - 6 visits to legal aid centres to evaluate services offered and conduct a beneficiaries' satisfaction study.
  - Creation of a database for following-up ULS legal aid activities (<http://www.uls.africa2trust.com>) and training for teams to use it.
- Advocacy:
  - 1 training session on advocacy and strategic litigation for 15 members of the ASF and ULS teams.

### International criminal justice: Promoting the Rome Statute and enhancing the efficiency of the International Criminal Court (ICC)

Donors: European Union and MacArthur Foundation

- 1 dialogue session with traditional authorities (25 participants), 1 session with Koro residents (South) (300 participants), and 1 session with Oyam district residents (North) (143 participants), concerning the ICC mandate and its links to national transitional justice processes.
- 1 dialogue session with Paloro residents (North), specifically about gender-based crimes (300 participants).
- 1 public dialogue on the relationship between the African Union and the ICC (100 participants).
- 5 meetings with NGOs and other key actors in international and transitional justice, to gather their perceptions on the ICC's work, and to identify potential partners.
- Meeting with victims from the Gulu and Lira (North) districts to record their recommendations on the transitional justice policy project in Uganda (179 participants).
- Organisation of a symposium on transitional justice for court officers (30 participants).
- Technical support for drafting procedural rules for the International Crimes Division – the competent body for ruling on international and transnational crimes committed in Uganda.

# ASF in the Democratic Republic of Congo:

## For a more accessible justice system in the East



The Free Consultations Office of Katana, South Kivu  
© ASF/B. Langhendries



Hélène Trachez of ASF and the President of the Bar Association of Kisangani work jointly for more legal aid. October 2013

© ASF/M. Causin

The vulnerable population in the east of the Democratic Republic of the Congo is benefiting from free legal advice thanks to a new partnership between the bar associations in the region and Avocats Sans Frontières. In practice, this means that more life is injected into the free legal aid services organised by the bar association, helping to make the justice system more attainable for people seeking justice, and to assist in bringing about a return to lasting peace.

Managed by the bar association, the Free Consultations Office (Bureau de Consultations Gratuites, BCG) is tasked with providing free legal aid services to vulnerable people seeking justice, such as women, minors or people in pre-trial detention.

According to Congolese legislation, the bar associations in each province must organise a BCG. However, before ASF became involved, the east of the country was particularly deprived: there was only one single operational BCG in the province of South Kivu, serving an estimated population of four million inhabitants, and no service was available in North Kivu nor in the Ituri district. Even when they are operational, the BCGs are faced with enormous difficulties when it comes to organising this aid, due to the lack of resources coming from the Congolese state.

Since October 2013, this situation has been on the road to change thanks to the technical and financial support provided by ASF to the BCGs in the cities of Bukavu, Goma and Bunia, in connection with the support programme for strengthening the justice system in the east of the DRC, entitled *Uhaki Safi*. "Our support means we can ensure better access to justice for the Congolese population as a whole, and in particular for people living in vulnerable situations, both in towns and in the most isolated villages", explains Hélène Trachez, Head of the ASF Mission in Goma.

Thus, in the BCGs supported by ASF, everyone can meet with a lawyer who will listen to them, explain the law and dispense high-quality legal advice. "Our teams organise training sessions for lawyers in order to improve their ability to listen and advise, but also their use of techniques such as mediation. Thanks to this technique, conflicts in daily life, such as disputes over land or minor civil disputes, can be settled without having to take the case to court", adds Ms Trachez.

For the members of the different bar associations receiving support, the assistance given to the BCGs is very important. "The establishment of a BCG in a large city in Ituri will facilitate access to justice and free legal support for a vulnerable population, impoverished by years of conflict", the President of the Bar of Kisangani, François Alauwa, notes with satisfaction. "Thanks to this collaboration, there will also be mobile legal clinics in rural areas, and advice and aid will be given in the three prisons in the district."

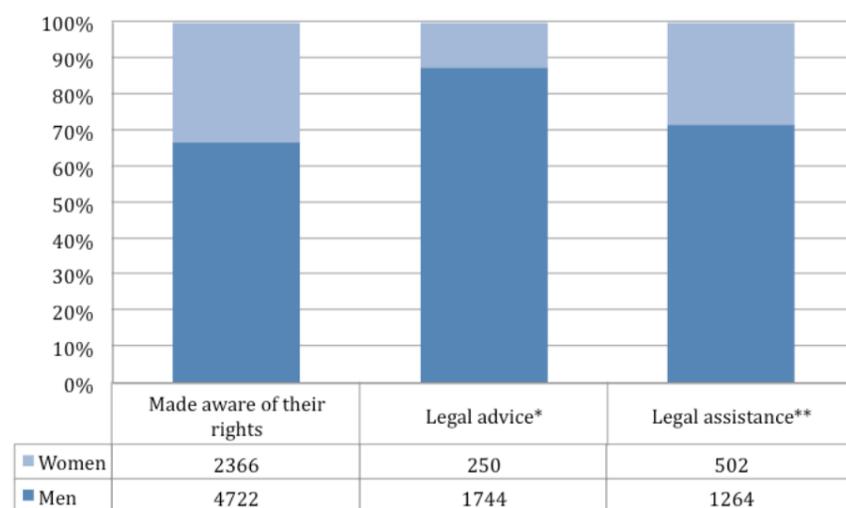
The programme *Uhaki Safi*, which means "fair justice" in Swahili, supports BCGs in the provinces of South Kivu, North Kivu and the Ituri district in the Eastern Province, areas devastated by violence and insecurity for many years.

Goma, 19 March 2014

# ASF in DR Congo

## Activities in 2013 at a glance

### Legal aid services provided to the population:



\* Including in prison

\*\* By organising 4 mobile court sessions, among others

### The Guide to Mobile Court Hearings adopted by the Judicial Council

Mobile court hearings are a mechanism developed by ASF in 2004, enabling justice to be taken to the people: judges, public prosecutors, clerks, lawyers, and others go to remote regions to administer justice that is accessible to the residents. Written in 2013 by the PARJ (Programme d'appui au renforcement de la justice / Support programme for strengthening justice) with ASF collaboration, the *Guide to Mobile Court Hearings* is intended for all those interested in the subject. It covers each stakeholder's duties and professional obligations, facilitating coordination among the institutions involved.

On 4 April 2014, the *Guide to Mobile Court Hearings* was adopted by the CSM (Conseil Supérieur de la Magistrature / Judicial Council) of DR Congo. The Planning Commission proposed a resolution, which was adopted by the General Assembly, making it compulsory to comply with the principles laid out in the guide. Distributed to all magistrates in the country, the guide will regulate all mobile court hearings, as the CSM adopted a national strategy making it compulsory, regular and above all, efficient, which is another fine recognition of ASF's expertise and pioneering role in mobile courts.

### Uhaki Safi: Bringing justice to people in Eastern DRC

Partners: Bukavu, Kisangani and Goma bar associations

Donor: European Union

- The project was officially launched on 4 April 2013 in Bukavu. ASF's Bunia office opened in May 2013. The first half of 2013 was largely dedicated to recruiting national and expatriate staff, and producing the baseline study on the three geographical areas covered by the project. The following six months were spent formalising implementation tools and project monitoring/evaluation tools, as well as securing agreements and signing collaboration agreements with the different partners.
- Opening 3 BCG (Bureaux de Consultations Gratuites / free advice centres) in Bunia, Bukavu and Goma: negotiation and signing the memoranda of understanding with the bar associations on the BCG organisational management. Meetings of the pilot committee to discuss planning, follow-up and monitoring of BCG activities.
- Census of lawyers registered with the 3 bar associations in the area covered by the project (461 lawyers).
- Production of a participative baseline study on gender-based violence and economic, social and cultural rights of Pygmies in the Idjwi territory.
- Technical monitoring and financial support for 7 NGOs active in the fight against impunity for gross human rights violations.

### International criminal justice: Promoting the Rome Statute and enhancing the efficiency of the International Criminal Court (ICC)

Donors: European Union and MacArthur Foundation

- 1 meeting of the ASF pool of lawyers' pilot committee.
- Bilateral advocacy actions on the law formally transferring international crime processing to civil courts, and creating specialised mixed chambers.
- 1 training session for ASF pool lawyers on mixed chambers, victim protection and participation, and witness interrogation (26 participants).
- A roundtable on the roles of the ICC and national justice in the fight against impunity (55 civil society participants).
- Production and distribution of an awareness-raising cartoon in French, Swahili and Lingala to the affected communities.
- Missions for data collection and to consult victims on their applications for compensation, and obtaining their informed consent to be represented by lawyers:
  - 4 missions related to the Thomas Lubanga case (206 former child soldiers consulted).
  - 6 missions related to the Bosco Ntaganda case (1,300 victims assisted, including 112 former child soldiers).
  - 11 missions in relation to 8 cases pending before the Congolese military courts.
- During an event held by ASF and the NGO REDRESS at the Assembly of States Parties in The Hague, drafting and circulation of the report *Methods of Participation and Legal Representation* (of victims of international crimes).
- Drafting and circulation of a *Collection of Congolese Jurisprudence on the Subject of International Crimes* – Review Edition.
- Drafting and circulation to the Victim and Compensation Section of an ICC report following consultation with victims on the subject of their regrouping in the Bosco Ntaganda case.

# ASF conducts a study on legal aid in DR Congo



Mobile court in Sake, North Kivu, December 2013 © ASF/C. Kinja

Conducted at the request of the Support Programme for Strengthening Justice (PARJ) and continuing similar work carried out by ASF in Burundi and Tunisia, this study contributes to reflection and action by governmental and non-governmental actors on legal aid mechanisms in DR Congo.

Designed as a resource document to encourage reflection and debate, the study covers six of the country's provinces. It is based on interviews conducted with 145 professionals (judges, lawyers, defence counsels and military counsels, representatives of associations, and heads of public bodies), a survey of 1,571 people seeking justice, and trial observations. The study takes into account people who seek justice and other relevant stakeholders' experiences and suggestions.

The texts currently in force in DR Congo guarantee full direct access to the courts, and provide guarantees for access to judicial assistance. Nevertheless, in practice, legal aid offer is limited for the most vulnerable people seeking justice, in particular for issues relating to land and housing/property, family law (divorces, inheritance, with a high percentage of women affected) and employment law.

The ASF study covers overall improvement in access to justice conditions and advice provision (procedural adjustments, reform of enforceable costs for justice, measures to prevent and effectively punish illegal costs). It supports a double imperative of legislation and funding to lay the foundations for a pluralistic legal aid system, and a broader policy of access to law in DR Congo. Several recommendations for the future are focussed on access to legal aid procedures (means testing, automatic eligibility for minors and people deprived of their liberty, clarification of the instructions for claims and exemptions delivered) and necessary changes in practices dealing with commissions and automatic appointments. The report suggests ideas for continuing local legal aid services (bar association offices for free consultations, organising lawyers who can only appear before tribunals, strengthening synergy with associations), and reorientating external support, currently a factor of geographical and thematic imbalance.

People seeking justice express high expectations about developing a free legal advice and judicial assistance system, as they do with developing community legal aid and legal information services. 22% say they are in favour of holding information campaigns on access to justice and legal aid, and they also support developing modules for school curricula on the judicial system and basic rights.

The study also points out that it is up to national actors (lawyers/bars, defenders/agents, NGOs) to mobilise for effective, sufficient and permanent funding for legal aid in favour of the most vulnerable people seeking justice in DR Congo.

Prior to finalisation and publication of the study, a workshop for feedback and exchange was held in Kinshasa on 23 January 2014, where many actors were present or represented: the Ministry of Justice and Human Rights, the Judicial Council, heads of bar associations and BCG Chairman, the National Assembly, international donors, and national and international organisations.

The study can be downloaded from: [www.asf.be/publications](http://www.asf.be/publications).



The Sub-commissioner of Masina, DR Congo, November 2013 © ASF/A. Meyer



Mobile court hearing of the Peace Court at the central prison, Kananga, November 2013 © ASF/A. Meyer

# ASF in Chad:

## Over 60 minors finally released!



Atad reception centre for minors © ASF/L. Deramaix



The head of the reception centre for minors "Dieu Bénit" © ASF/L. Deramaix

Through its project supporting minors, Avocats Sans Frontières has secured the release of 64 adolescents held in N'Djamena prison in Chad. Run in partnership with the Chadian NGO Association for the Promotion of Fundamental Rights (APLFT), the project also highlights the difficulties that children and adolescents face in the legal system, and the manifest abuses they suffer.

Ali was only 16 years old when he was transferred to N'Djamena prison for breach of trust: "I was in prison for seven months without seeing the judge even once! I phoned my father. I cried, I couldn't take it anymore." Through the ASF project, a lawyer was appointed to help him. It emerged that Ali's file had simply disappeared when the case was transferred to a different judge. Ali's lawyer eventually secured his release.

This case illustrates the lack of legal or social structures that fully respect the rights of minors in Chad. "The law is not tough on minors who commit offences. However, because there are not enough shelters, we are forced to send them to prison," one juvenile court judge admits. Minors are imprisoned with adults. "Here, there's no reintegration, no education, no training," says the N'Djamena prison clerk, summarising the situation.

"As part of the project, after examining the files of 86 minors held in N'Djamena prison, we secured the release of three-quarters of them!" reports Coralie de Lhoneux, ASF lawyer in Chad. "Seven other minors were finally tried. The cases of the remaining minors are now being monitored closely by the judge and the state prosecutor."

Faced with the legal system's dysfunction, which also clashes with Chad's pervasive customary laws, civil society organisations attempt to improve the fate of minors in difficulty with the law, but with little expertise and means to do so. "This is why we provided support for shelters and accommodation centres, because these privately-funded initiatives are often the only recourse when a roof has to be found for children in difficulty. These centers have thus been able to take 125 children into their care," explains Coralie de Lhoneux.

ASF called on the Saint-Louis University in Brussels to draw up a participatory status report on the sector at the start of the project to raise awareness among all players in the sector and to promote collaboration around the project. The population has also been made aware about the issue of children's rights, and training sessions have been organised for all stakeholders in the sector to improve care of minors: for the police and gendarmerie, traditional authorities, NGOs, accommodation centers and lawyers.

"The legal authorities welcomed the project and ad hoc assistance was provided through the project. The challenge now is to see whether the efforts undertaken will be continued by local players so that these young people are properly cared for," says Coralie de Lhoneux.

*N'Djamena, 21 August 2013*

# ASF in Chad

## Activities in 2013 at a glance

### Awareness-raising and capacity-building for actors in the social and judicial protection chain for minors in N'Djamena:

Partner: Association pour la Promotion des Libertés Fondamentales au Tchad (APLFT - Association for the Promotion of Basic Freedoms in Chad)

Donor: European Union

- 10 public information sessions (748 people reached) on the current state of affairs of the situation of children in Chad, and on the role of actors in the protection chain for minors.
- Broadcasting 10 radio programmes raising awareness among the population on children's rights.
- 1 *ex post* evaluation workshop on socio-judicial accompaniment of minors.
- Production and distribution of a practical guide for traditional authorities on the rights of minors (300 copies), approved in a workshop (30 participating traditional authorities).
- 1 workshop on the rights of minors, bringing together the special brigade of minors, gendarmerie, judicial police, children's judges, and other relevant stakeholders (67 participants).
- Production and distribution of a vade-mecum for lawyers to ensure and improve the defence of minors in conflict with the law (150 copies).
- 3 training sessions of pool lawyers specialised in judicial assistance for minors (21 participants).
- Individualised coaching for 10 lawyers responsible for minors' cases.
- 1 knowledge exchange workshop between lawyers and judges of the special chamber for minors (15 participants).
- 1 training session for resource people at APLFT (14 participants).
- 1 psycho-social training session on techniques for interviewing, listening, networking and social surveying, bringing together lawyers, social workers and heads of shelters for minors (30 participants).
- Production and distribution of a practical guide for resource people at shelters for minors (100 copies).
- Data collection on shelters for minors (number of children accommodated and targeted by the project, number of cases sent to a legal aid organisation, etc.).
- Data collection on the special chamber for minors (number of ongoing cases, type of cases, penalties handed down, etc.).
- From October 2013, 4 shelters for minors benefitted from re-granting via ASF in order to develop social care for minors.
- Final feedback workshop for the project (200 participants).

### Throughout the entire project (from 21 April 2012 to 20 June 2013):

- 591 minors benefitted from the activities or infrastructure of the centres receiving re-grants via ASF.
- 22 minors benefitted from judicial assistance in cases of mistreatment, economic exploitation, rape, forced marriage, statutory rape, abduction, arrest and illegal detention.
- 103 minors benefitted from a legal consultation in prison (of whom 64 were freed as of June 2013). ASF then followed up with minors in care to ensure that planned reintegration measures were applied effectively.
- Legal aid centres were available at set times at the APLFT offices.
- 20 visits to shelters for minors, to create an individual file for each minor.



ASF held training sessions to improve the care of the minors, aimed at all those working in this area. Here: workshop with traditional authorities © ASF

# ASF in Tunisia:

## The justice system should guarantee fair trials



Representatives of the ROJ (Réseau d'Observation de la Justice/ Observation Network of Transitional Tunisian Justice) who advocate for Tunisian justice guaranteeing the right to a fair trial. Tunis, October 2013 © M. Nidhal Battiche



© FTDES

**The Réseau d'Observation de la Justice tunisienne ("ROJ" or the Observation Network of Tunisian Justice) calls for reforms of the justice system and revisions in judicial practices in order to guarantee fair trials for the Tunisian population. The ROJ was created by Avocats Sans Frontières in partnership with the Tunisian League for Human Rights and the National Order of Tunisian Lawyers. Through its recommendations on judicial reforms, the ROJ aims to contribute towards creating a judicial system capable of guaranteeing the rights and freedoms for all.**

Since the rise of the Arab Spring in 2011, the Tunisian justice system has been the subject of weekly news coverage. "Apart from the trials closely monitored by the media, such as the trial of Ben Ali's relatives and confidants, there exists a conventional justice system which serves the ordinary citizens of Tunisia. This justice system must also guarantee to everyone the right to a fair and equal trial", reminds Jean-Charles Paras, ASF's civil and political rights expert.

It was against this backdrop that in 2012 ASF and its partners launched the ROJ. The objective of this unique network is two-fold: to examine the dysfunctional justice system with a special focus on right to a fair trial, and to make recommendations for the advancement of reforms that are in line with national and international law.

In its report published in October 2013\*, the ROJ draws attention to a number of judicial derelictions such as undue adjournment of cases and court processing of trial cases. A lawyer who is a member of the ROJ relates: "In the cases that I have observed, I witnessed that courtrooms were rather crowded and that an enormous number of cases had to be pleaded on the same day." In fact, half of the cases that were observed by the ROJ were postponed to a later date, which is particularly problematic when the defendants are in pre-trial detention. Other irregularities were noticed, such as the absence of oral requisitions by the prosecution in 9 cases out of 10 or the fact that in many instances, the right to legal assistance is disregarded.

While the ROJ report points out a series of risk indicators that highlight elements of unfair trial, the ROJ report goes on to specify that very often it is not the complexities of the procedures and the laws in the Tunisian criminal justice system that cause these difficulties, but rather the attitudes and practices of the legal and judicial actors in the trial process. "This is why we make our recommendations very detailed and concrete. Let us take for example the list of defendants called for hearing. If this would be better organised then everyone would benefit from it – the lawyers, judges, the public prosecution department, and most of all the people seeking justice. Ultimately, it will contribute to an efficient and a better-equipped justice system; one that is fair and effective", advocates Jean-Charles Paras.

The ROJ report is based on the analysis and monitoring of 112 hearings representing 33 criminal trials in 19 courts, covering the entire Tunisian territory during the period from October 2012 to July 2013. In order to make this possible, the ROJ trained and commissioned 282 observers from the civil society and the Tunisian Bar Association.

*Tunis, 22 October 2013*

\* In all, 3 ROJ reports are available at: [www.asf.be/publications](http://www.asf.be/publications).

# ASF in Tunisia

## Activities in 2013 at a glance

### The defense of economic, cultural and social rights (ESCR) of vulnerable groups in the Monastir and Minier bassin regions

Partner: The Tunisian Forum for Economic and Social Rights (FTDES).

Donor: European Union

- Training sessions for FTDES members and volunteers:
  - 1 training session on the economic and social rights conceptual framework (19 participants).
  - 1 training session on developing arguments for negotiations with national and local power holders (18 participants).
  - 1 training session on participatory-needs analysis (9 participants).
  - 1 training session on gender-mainstreaming (10 participants).
  - 1 training session for trainers on economic, social and cultural rights (ESCR) (8 participants).
- Capacity-building for FTDES in organising their services:
  - 2 monthly technical support missions for local sections.
  - Development of reference libraries on ESCR for the head office and 2 regional sections of the FTDES.
- Monthly awareness-raising on their ESCR for textile workers in Monastir and unemployed people without diplomas in the Gafsa mining area.
- Acquisition of the files of 350 textile workers and management of 330 files following the fraudulent bankruptcy of their (international) employer, and launching negotiations with regional authorities in the absence of the head of the company, who fled the country.
- Training of lawyers:
  - 1 training session on the legal aspects of ESCR (37 participants).
  - 1 training session on putting together a legal defence based on ESCR (18 participants).

### Support for Tunisian justice system to strengthen its impact on transitional justice

Partner organisations: The Tunisian Human Rights League (LDTH), the Tunisian Women's Association, the National Council for Liberties in Tunisia (CNLT), Freedom and Justice, the Association of Families of the Martyrs and Wounded of the Tunisian Revolution (AWFIA), Justice for Former Soldiers of Barraket Essahel (INSAF), Om Chahid, Militants who Defied Barriers.

Donor: Swiss Federal Department of Foreign Affairs

- Improving the associations' documentation of human rights violations under the former regime:
  - Developing a strategic plan with 7 associations.
  - 2 training sessions on documenting cases of human rights violations (32 participants and 10 associations).
  - 8 associations supported in putting together symbolic cases in conformity with documentation standards, and 9 cases completed in 3 associations.
- Capacity-building given to the associations in advocacy work:
  - 5 meetings on improving transitional justice law.
  - Production of a guide on advocacy targets and techniques.
  - 2 associations benefitted from organisational development sessions, designing an advocacy plan and organising their resources to this end.
  - 2 seminars on experience sharing.

Demonstration by unfairly dismissed workers.  
Ksar Hellal, July 2013 © FTDES/A. Allagui



- Capacity-building for lawyers on taking over cases related to managing the past:
  - 1 training session on the right to freedom, a fair trial and dignity in detention (29 participants).
  - 1 training session on the rights of detainees, freedom of expression, freedom of the press and freedom to assembly (31 participants).
  - 2 training sessions on managing and processing corruption disputes (218 participants).

### For the adoption and effective application of quality standards in administering justice in Tunisia

Partners: Ordre National des Avocats de Tunisie (ONAT - Tunisian National Bar Association) and the Ligue tunisienne des droits de l'homme (LTDH - Tunisian League for Human Rights)

Donors: Institute for Foreign Cultural Relations, Ministry of Foreign Affairs of the Kingdom of the Netherlands, Open Society Institute and United Nations Development Programme

- Creation of the ROJ (Réseau d'Observation de la Justice tunisienne en transition / Observation Network of Transitional Tunisian Justice), bringing together legal professionals and human rights defenders: implemented from January 2012 to March 2014. The results summarised here involve the project as a whole.
  - Recruitment and training of 126 case observers and 220 observers of failures on justice issues, who produced 94 and 150 observation reports, respectively (concerning 780 failures overall).
  - Production of 3 analysis and recommendation reports:
    1. *Observation Report on Tunisian Transitional Justice* (December 2012).
    2. *Report Analysing Data from Observing Proceedings and Failures of the Tunisian Justice System* (September 2013).
    3. *The Fair Criminal Trial: Comparative Analyses of International Standards, National Standards and Tunisian Practices* (January 2014).
  - These reports and recommendations were circulated during press conferences and roundtable conferences bringing together relevant stakeholders, including the Tunisian Ministry of Justice, the Ministry of Defence, judges, magistrates, lawyers, representatives of civil society organisations, and police.
- Legal aid:
  - Analysis and evaluation of legal advice services provided by 7 associations.
  - Support and follow-up of 7 associations (coaching in project management, writing project proposals, fundraising and designing tools for monitoring and evaluation).
  - 3 training sessions for organisations responsible for legal advice on the implementation of legal aid services, project management and listening techniques in legal issues.
  - In November 2013, launch of a legal clinic in collaboration with the Tunisian Association of Young Lawyers. However, it had to close after 2 weeks of providing services, due to the hostile reactions from Tunisian National Bar Association lawyers.

# International criminal justice:

## Victims stand up to fear



ASF Press Release



Despite fear of reprisals, victims of international crimes have the courage to confront perpetrators in court. Bukavu, June 2013 © ASF /G. Van Moortel



Measures were taken to ensure the safety of those who agreed to testify. Goma, December 2013 © ASF/J. Songa

**On the Day of International Criminal Justice, Avocats Sans Frontières would like to salute the courageous victims of grave human rights violations. Overcoming the fear of reprisals, they make their voices heard not only before the International Criminal Court, but also at the tribunals in their own countries. ASF reminds the international community of the importance of victims' access to justice for the fight against impunity.**

Julienne\* is a woman from a village in the province of South Kivu in the eastern part of the Democratic Republic of Congo. Seven years ago, almost to the day, the life of Julienne was changed forever by violence. Along with six other women from her village, this mother of two was raped by soldiers, who also disfigured her.

Today, Julienne lives 50 km away from her home village. "Because of what I went through, my family rejected me and my husband left me. I am trying to survive. I feel like I am dead and alive at the same time."

However, Julienne did not resign to her fate and decided, with the help of ASF, to testify at the trial against the senior officer accused of committing serious human rights violations in 30 villages, including that of Julienne. These crimes include: looting, destroying houses by fire, rapes, murders, child kidnapping, hostage-taking, sexual slavery and torture.

Together with two local NGOs previously trained by ASF, ASF returned to the scenes of atrocities in order to collect stories, identify victims and raise awareness so the victims could participate in the proceedings. Following ASF's intervention, the number of victims initially identified (by the United Nations Joint Human Rights Office and the Prosecutor's Office) rose from 30 to 700.

Dominique Kamauandu, ASF International Criminal Justice coordinator in DR Congo, manages those missions in the villages: "Our lawyers provide legal assistance to the victims. We are also in charge of the cost of travel, board and lodging for the victims who have agreed to testify". However, the biggest challenge to overcome is the distrust villagers have toward the justice system, which seems inaccessible to them. Victims who decide to testify fear reprisals committed by people close to the criminals.

Despite the difficult situation, Julienne is determined: "Without the justice system and the trial, I would never have been able to come forward as a victim. Without ASF, I would be forgotten. My hope is that the person who did this will never do it again. We're testifying so that if other women go through the same thing, they will have the courage to testify as well".

In addition to the existing cases at the International Criminal Court at The Hague, dozens of trials for international crimes are underway at the national level, following the principle of complementarity. For example, in 2012 in DR Congo, ASF helped more than 2,100 victims and fifteen defendants in 19 cases before military courts. The trial against the officer accused of violating Julienne's human rights will start in the coming weeks. This is an opportunity for Julienne and the other victims supported by ASF to finally reclaim their rights.

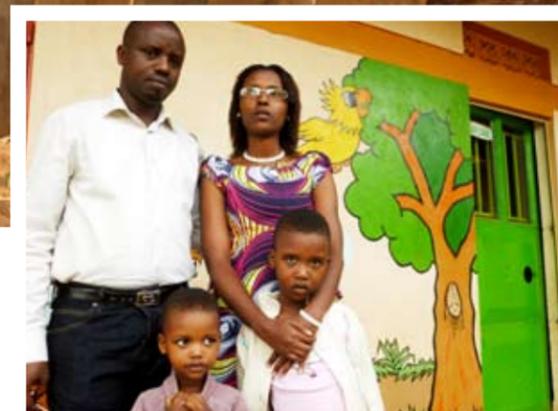
*Bukavu, 17 July 2013*

\*name changed to protect her identity

# Protecting human rights defenders: Being a lawyer, a high-risk profession



Subjected to death threats, Maître Mapendano benefits from material and legal support from ASF. South Kivu, DR Congo, June 2013 © ASF/G. Van Moortel



Chairman of an NGO, Rénovat Ninahazwe is a Burundian human rights defender at who had to leave the country with his family because of threats, finding refuge in Uganda with ASF's help © ASF/G. Van Moortel

**Whether they are members of civil society organizations, community leaders, lawyers or media professionals, human rights defenders (HRDs) have a common objective: promote and protect human rights. They are often confronted with attempts to limit their work such as threats, administrative or judicial harassment, and sometimes torture or even murder. That is why Avocats Sans Frontières and the East Africa Law Society (EALS) are implementing actions of support and protection for HRDs in five African countries.**

Hippolyte Mapendano Tonderi lives in a small village located just outside of Bukavu, in South Kivu (East of the DR Congo). As a legal professional, he has been subjected to threats in a case of assault and battery. "I am defending the rights of a craftsman who has been violently assaulted by a taxman on a market. Following the complaint introduced by my client, the taxman has been arrested by the Public Prosecutor", he tells. "Since then, this taxman, who has been temporarily released, threatened me with death on several occasions because of my commitment in my client's defence. I filed a complaint but no instruction has been opened against him yet".

This situation illustrates the challenge HRDs have to face while exercising their profession. "Although democratisation processes are under way in the regions, HRDs continue to face numerous impediments in their daily work", states Gilles Durdu, coordinator of the HRDs protection project, based in Arusha, Tanzania.

This project is managed by ASF in partnership with the EALS (Regional Bar of legal professions in East Africa). Its aim is to support the lawyers and other HRDs who are experiencing difficulties in Burundi, Kenya, Uganda, DR Congo and Rwanda. One of the project's characteristic is to offer a judicial support to HRDs subjected to immediate and ascertained threats or risks. "This assistance is complementary to direct protection measures. We have trained a team of 42 lawyers originating from the target countries, ready to give legal assistance", explains Gilles Durdu.

Moreover, the project supports measures on longer-term, such as the development of a legal framework designed to provide protection specific to HRDs. "We are also stimulating a dynamic with all stakeholders concerned, including institutional donors, which should lead to the creation of a regional protection fund for HRDs", adds the ASF project coordinator.

Hippolyte Mapendano hopes that, with the help of ASF, he will become able to exercise his profession in complete safety in the short and long-term: "The fence provided by ASF all around my house is already protecting me. But the support of the ASF lawyer in the outstanding procedure against the person who is threatening me for months is a relief. Because if this person is condemned, I will be able to get my life back in order".

*Bukavu (DR Congo) / Arusha (Tanzania), 24 July 2013*

# Protecting human rights defenders

## Activities in 2013 at a glance

Partner: East African Law Society (EALS)

Donors: European Union and Wallonie-Bruxelles International

- ASF has been involved in 4 legal assistance cases and 7 direct assistance cases for HRDs who have been threatened, abused, etc. as a result of their activities in defence of human rights:
  1. Hippolyte Mapendano, a *défenseur judiciaire* (someone with legal training who is not a member of the bar) based in Bukavu (DR Congo): improving security at his residence and judicial assistance (see above).
  2. Chairwoman of an organisation fighting for the socio-economic rights of farmers in Kenya: relocation and psychological assistance.
  3. Chairman of an NGO in Burundi: relocation of the HRD and his family, psychological assistance, and training in risk management and security.
  4. NGO OLUCOME in Burundi (ASF has been supporting OLUCOME since 2010, following the assassination of its vice-chairman, Ernest Manirumva): securing physical and digital documents and the NGO's premises, training their members on mitigating threats, and other such actions.
  5. Representative of victims of crimes committed by a logging company in DR Congo: supplying a satellite telephone, relocation of the HRD and his family, intervention by a lawyer for different stakeholders to help end the threats.
  6. Coordinator of a social justice activist movement in Kenya: medical and psychological assistance.
  7. Manager of an organisation defending the rights of sexual minorities in DR Congo: training in security, psychological assistance, and accommodation assistance.
  8. Member of an organisation fighting for the territorial rights of local communities in Kenya: judicial assistance.
  9. Lawyers representing the families of Kenyan suspects accused of being involved in terrorist attacks in Uganda: submitting an amicus curiae to the East African Court of Justice.

5 files involving legal assistance were opened in 2012 and ASF is still following these cases, and are thus not included in the above list.

ASF decided not to intervene in 5 other cases.

- Implementation of a Protection Trust Fund:
  - Study on the state of (legal) protection of HRDs in Burundi, Uganda and DR Congo.
  - Discussion with partners on the creation of the Fund (approval of the mandate, discussions on eligibility criteria, referral channels, etc.).
  - Study on the legal structure of the Fund conducted by the Canadian law firm McCarthy Tétrault LLP.
- Training sessions for 42 lawyers in the regional pool:
  - 1 training session on cases involving HRDs in national, regional and international jurisdictions, and implementation of defence strategies aiming to achieve changes in the legal context (31 participants).
  - 1 training session on regional and international (quasi) judicial appeals (30 participants).
- Strengthening legislative and political staff in DR Congo and at the level of the East African community:
  - A workshop on *National Protection Strategies of HRDs in DR Congo* (53 participants from civil society organisations, international organisations and the Congolese Ministry of Justice) and creation of a monitoring committee.
  - Meeting with the national human rights commissions of Burundi, Tanzania, Kenya and Uganda, to contribute to the East African Community's action plan on HRD protection.



This human rights defender at risk prefers to stay unidentified. He is being threatened by a militia whose atrocities he denounced. Goma, DR Congo © ASF/G. Van Moortel

# The International Legal Network: Looking for pro bono legal experts



Tim Op de Beek, lawyer at the Louvain Bar (Belgium), carried out a pro bono mission in support of Burundian lawyers and officials on practical and technical aspects of asylum seeking procedures. Bwagiriza refugee camp, November 2013 © ASF



"Sharing our expertise with them is to show solidarity". Julie Goffin, lawyer at the Brussels Bar and ILN-trainer in international criminal justice. Bukavu (DR Congo), 2013

© ASF/G. Van Moortel

**The ASF's International Legal Network (ILN) provides an opportunity for lawyers to volunteer from time to time in support of vulnerable populations in need of legal and judicial assistance. To date however, despite its almost 1.000 members, this network lacks professionals in specialised areas of law such as international criminal justice and the organisation of legal aid services.**

Julie Goffin is a lawyer with the Brussels French-speaking Bar association and ILN member. Her commitment to human rights is not new. "My parents were already engaged in this field. As a student expert, I attended the negotiations during the adoption of the Rome Statute, the founding treaty of the International Criminal Court (ICC). That was in 1998 ... in Rome," she recalls. Since then, Ms. Goffin has consolidated her experience in foreign law, humanitarian law and in particular international criminal law. She is also part of the legal team representing some of the victims in the Katanga and Ngudjolo cases, both accused of crimes against humanity and war crimes in the DR Congo, at the ICC.

It is therefore natural that ASF sought her support to conduct a training workshop on international criminal justice and the Rome Statute system. This took place last June in Bukavu, a Congolese town bordering Rwanda. The training's objective was to strengthen the capacity of lawyer members of the ASF pool in the DR Congo in the areas of professional practice and strategic action. "It is essential to promote the exchange of experiences among lawyers responsible for assisting or representing victims of serious human rights violations and international crimes. During the five days of training, I found my Congolese colleagues very open and committed to the fight against impunity," she recounts.

Created in 2010, the ILN highlights the essential role of international lawyers alongside their colleagues working in countries where the rule of law has not yet been achieved. With the increasing number of ASF activities focused on building the capacity of lawyers, the Network quickly became a key source of expertise. "Since its inception, members of the ILN have made no less than 114 interventions, totaling 799 workdays. This effort has greatly contributed to strengthening the capacity of local players," says Anne-Françoise Meeùs, ILN Coordinator.

"Yet today we lack members in areas such as representation in international criminal justice, the international framework of economic and social rights, and the treatment of corruption cases," Meeùs continues. "Candidates with profiles of judges, prosecutors, and professors, or skilled in organising legal aid services are also particularly requested."

After a strong development phase, the ILN network faces a new challenge: how to best meet the needs identified through ASF projects, in order to increase the efficiency and quality of the services it offers to the most vulnerable populations? For her part, Julie Goffin has come out enriched from her training mission in Bukavu: "Whether it is in the DR Congo or elsewhere, our colleagues give us a lesson in courage because they are the ones who take all the risks. Sharing our expertise with them is to show solidarity."

*Brussels, June 2014*

## The International Legal Network in 2013 is...

- 26 missions, totaling 178 work days, conducted pro bono by experts from around the world.
- €53,400 saved if compared with the amount that these missions would have cost if they had been undertaken by paid external consultants.
- 17 training missions in Tanzania, Uganda, DR Congo, Burundi and Tunisia on corruption, the International Criminal Court system and the Rome Statute, and human rights defenders' rights and responsibilities.
- 1 coaching mission, as part of ASF's project on international protection and rights of asylum seekers and refugees (see page 13) in Burundi. Tim Op de Beek, lawyer at the Louvain Bar (Belgium), worked for three weeks with Burundian lawyers and officials on practical and technical aspects of asylum seeking procedures, and on an action plan to improve this procedure; he also gave a training on international and national refugee law.
- 6 missions of judicial assistance and/or legal advice on strategic litigation. Marie Guiraud, lawyer with the Paris Bar and member of the ILN, has been assisting two lawyers since September 2013 in a dispute in DR Congo. She does pro bono work supporting judicial strategies in this case of crimes against humanity committed by soldiers and involving a multinational logging company in the Equateur region.
- 2 research and analysis missions in Uganda.



Sylvie Ruiz (left) trained Tunisian lawyers and jurists in active listening and interview techniques: "What most affected me was the warmth of those taking part, their motivation to learn and participate in spite of language differences, their deep desire to help others, and their courage in working in often difficult conditions." © ASF

# Access to Justice can help reduce poverty



Magdalena Sepúlveda Carmona, United Nations Special Rapporteur on extreme poverty and human rights, during her speech at ASF's conference on 22 May 2013

© ASF/M. Golinvaux



**With the two years left until the deadline for achieving the Millennium Development Goals (MDGs), Avocats Sans Frontières calls for further integration of access to justice in the fight against extreme poverty. This would enable the world's most marginalised individuals to realise their human rights and break the cycle of injustice and poverty.**

With 2013 marking the twentieth anniversary of the International Day for the Eradication of Poverty, ASF notes that access to independent, impartial and high-quality justice remains a major challenge for the most marginalised people in society. The civilian populations of countries in post-conflict or fragile situations often suffer from the wholesale violation of their human rights, a lack of security, and extreme poverty.

"Without access to justice, persons living in poverty are unable to claim their rights, or challenge crimes, abuses or violations committed against them, trapping them in a cycle of impunity, deprivation and exclusion", said Magdalena Sepúlveda, United Nations Special Rapporteur on Extreme Poverty and Human Rights, at the ASF conference organised in Brussels on 22 May 2013. During the debate, which gathered various representatives of the international community, Deputy Minister of Justice of South Africa Andries Nel Carl confirmed that the rule of law can contribute to breaking this cycle through legal transparency, participation of citizens in decision making, and the fight against arbitrariness.

"Access to justice is a fundamental right in itself which States have the obligation to guarantee", insisted Klaus Rudischhauser, Deputy General Director of EuropAid (European Commission). "It is also an essential prerequisite for the protection and promotion of all other civil, economic, political and social rights".

Access to justice should be included in poverty reduction public policies. Civil society organisations, the private sector and institutional donors have each a role to play. "This is why we advocate for the involvement of all the actors committed to the development of the justice and rule of law in the national and international strategies combating poverty", stated ASF Executive Director Francesca Boniotti.

"The MDGs are not a perfect instrument but they have the merit of highlighting the priorities to be held", said Olivier De Schutter, United Nations Special Rapporteur on the Right to Food, in his speech closing the ASF Conference. "In this perspective, pleading for the inclusion of access to justice in the new post-2015 objectives is of utmost urgency".

*Brussels, 29 May 2013*

The conference was held on 22 May 2013 in Brussels, at the BTC Conference Centre - Espace Jacquemotte. It brought together 7 high-level speakers and 98 participants. Conference events and photos as well as the ASF note on *How access to justice can help reduce poverty* are available on the [www.asf.be/justice2015](http://www.asf.be/justice2015) site.

Donors: UK Government (UK aid), City of Brussels



© ASF/S. Stanton

### Access to justice in the post-2015 agenda

Following the conference, at the start of 2014, Avocats Sans Frontières was invited by the Belgian Senate to present its work on access to justice and the link between this basic right and the fight against poverty at a meeting of the Development Cooperation Working Group. This was an opportunity to explain how promoting access to justice can positively affect socially and economically marginalised population groups, and how poverty constitutes an obstacle to accessing the legal system and courts. Based on this expertise, ASF then received a request from the Working Group to draft a proposal for a resolution aimed at making access to justice a fully integrated objective of the post-2015 agenda.



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### Making justice accessible improves people's lives

The conference was an opportunity to record interviews with some of the speakers for inclusion in an official video about ASF. Through short presentations, they discuss the importance of access to justice and the role an organisation such as ASF can play. The video is intended for donors, partners and those taking part in ASF activities, including in the countries where ASF works. With Magdalena Sepulveda, Olivier De Schutter, Anne-Kristin Treiber (UK aid), Klaus Rudischauser (EuropeAid), Deputy Minister Nel (South Africa), Shruti Pandey (Ford Foundation), as well as Francesca Boniotti (ASF's Executive Director), Pascal Paradis (Executive Director of ASF Canada) and the testimony of Nathalie Yabidi, a Congolese refugee in Burundi.

The video can be seen on [www.youtube.com/asfinmotion](http://www.youtube.com/asfinmotion).

### Access to justice reinforces women's rights

In a presentation addressed in February 2013 to the United Nations Committee on the Elimination of Discrimination against Women (CEDAW), ASF urged States to intensify their efforts to translate into action laws that take gender into account at all levels of the legal process. ASF emphasised that in fragile situations and regions emerging from conflict, effective access to justice enables women to claim their rights and thus improve their living conditions.

The aim of ASF's proposal was to enrich discussions with CEDAW on the production of a *general recommendation on women's access to justice*, encouraging States to respect their human rights obligations.

The CEDAW is a body composed of 23 experts on women's rights from around the world. It monitors the implementation of the *Convention on Elimination of All Forms of Discrimination against Women*.

ASF's full contribution can be found at: [www.asf.be/publications](http://www.asf.be/publications).



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# ASF's theory of change

ASF participates in and supports social change in the societies in which it is active by prioritising access to justice for the entire population. Since the organisation was founded, it has developed hypotheses on change which are implemented through its strategies, projects and operating modes. These hypotheses make up ASF's theory of change (ToC), which is the foundation of all its actions.

During 2013, a process to clarify and develop this ToC was launched within the organisation.

A testament to recent evolutions in the methodology and contractual framework of development projects, this kind of innovation is not exclusive to ASF. Several stakeholders in the sector, both NGOs and donors, have also developed their own ToC in the last few years. A ToC ensures that all the different factors can be taken into consideration when planning, implementing and evaluating initiatives. These factors include the background for the intervention, the degree of financial flexibility available, the qualitative objectives for social change, innovations within civil society, influence and advocacy work.

## ASF's hypotheses of change

### Background

ASF intervenes in fragile and post-conflict situations\*, which are characterised by structural failures and a lack of institutional independence that are detrimental to public interest. These failures lead to and/or go hand in hand with a culture of impunity, and an increase in social, political and economic inequality that harms the most marginalised in a society.

### ASF's mission

As a result of this situation, the commitment of vulnerable people seeking justice to claim and realise their rights may be compromised. ASF's main mission is to support their empowerment in claiming and realising their rights.

### First level of intervention

ASF wishes to enhance the power that people seeking justice, wield. This is the power to elicit an action and to use the instruments of justice. In practice, this means working with the people seeking justice to develop their sense of the legal understanding of proceedings and other resulting actions; therefore their understanding of the law and legal framework, especially by promoting better relationships with lawyers

### Second level of intervention

By taking part in ASF's projects, lawyers and providers of legal aid contribute to enhancing the power of people seeking justice to reach an outcome. It is in this regard that ASF supports the work of bar associations and lawyers. A lawyer's professional skills and effectiveness are a crucial part of a functioning justice system. The role of a lawyer goes even further, however. They must also work to ensure that the people seeking justice can become true stakeholders in their legal action, effective and well-informed, who understand what is happening to them, and fully conscious of the meaning and scope of the actions brought with the support of their lawyer.

### Third level of intervention

By developing the power of people seeking justice to elicit actions and the role of lawyers, ASF is contributing to improving the justice system. It is believed that when efforts are made to improve the offer of justice, and judicial institutions are subject to structural reforms, to the benefit of public service of justice. However this can also be the result of increased demand for structured justice in the society where ASF wishes to contribute. Thus, although ASF does not aim to offer direct support for the institutional stakeholders of justice (when other stakeholders intervene), it does contribute to establishing the rule of law by developing the demand for justice.

## How can ASF's theory of change be used?

The TOC represents a new stage for ASF. It draws on the organisation's 22 years of experience and on the expertise gained over these years.

It will be used in the following ways:

- As an internal tool for consideration when new team members join ASF and during exploratory missions, the project planning stage, strategic reflection and project evaluations.
- As an instrument for dialogue with ASF's current and potential partners when developing joint strategies.
- As a presentation of ASF's approach during fundraising campaigns.
- As a reference when planning and implementing ASF's initiatives.

\* *Principles for Good International Engagement in Fragile States and Situations*, OECD, 2007. Fragile States are characterised by (1) serious failings in the effectiveness of the rule of law, (2) shortcomings in terms of the desire and/or ability of the State to ensure the provision of basic public services, including public service of justice, (3) future economic development that is greatly compromised, (4) great social tensions.

# Financial report

## Implementation rate

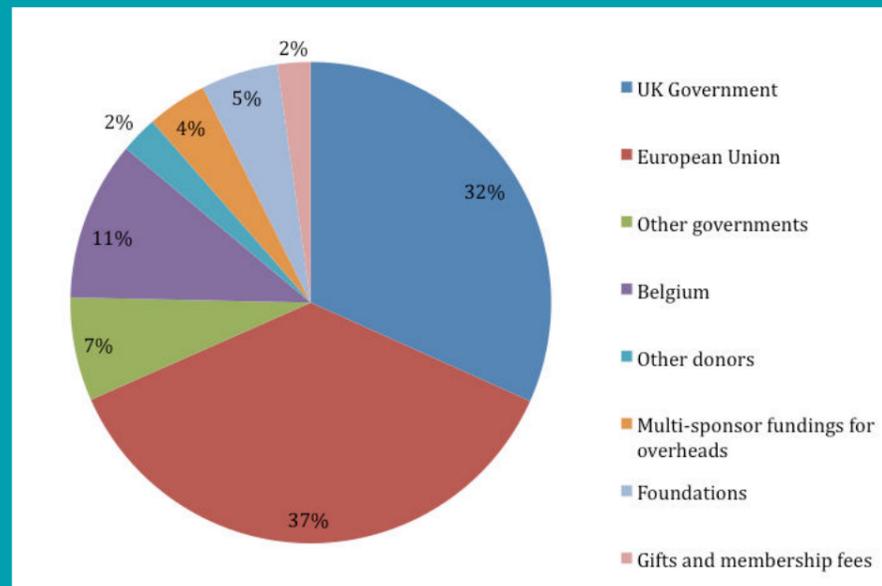
Avocats Sans Frontières spent 85% of its budget for 2013. This implementation rate is positive in view of the sometimes unstable contexts in which ASF works, and reflects better budgetary control compared to previous years.

The organisation's income in 2013 rose to €5,736,167, which represents significant progress in comparison with 2012, when it was €4,788,779.

## Funding structure

The funding structure did not change from 2012, with the main donors being the European Union (€2,110,000), the Government of the United Kingdom (UK aid, €1,825,000) and the Belgian SPF for Foreign Affairs, Foreign Trade and Development Cooperation (€617,000). The remainder is divided among government cooperation agencies and foundations.

## Sources of funding



## Distribution of costs

Avocats Sans Frontières costs in 2013 were distributed among thematic issues and the following activities:

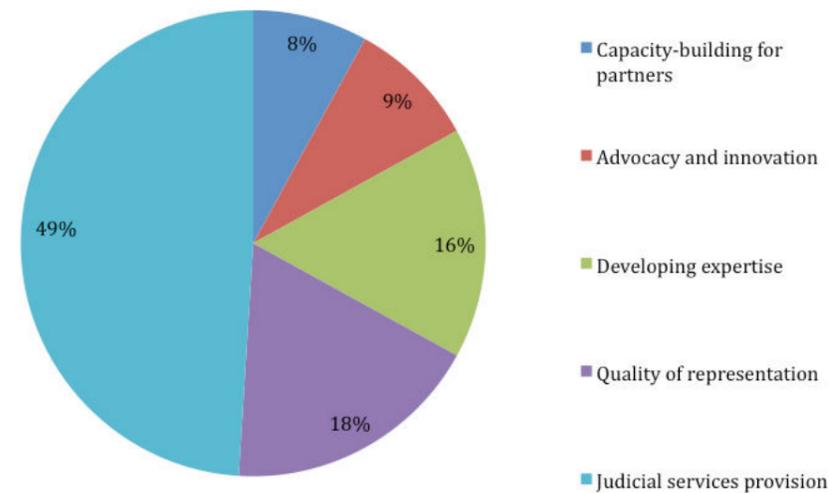
- Capacity-building for national partners: €442,000.
- Advocacy and innovation: €995,000.
- Developing expertise: €885,000.
- Quality of legal representation: €995,000.
- Judicial services provision: €2,709,000.

The countries to which the grants were allocated are the following:

- DR Congo, with ASF projects amounting to €1,333,000.
- Burundi, €817,000.
- Tunisia, €650,000.
- Uganda, €466,000.
- Chad, €170,000.
- Nepal, €121,000.
- Belgium, for central services (management, administrative control, human resources), a total of €490,000, to which €1,230,000 is added for activity support by the experts and the communication team in all ASF countries of operation.
- Other countries in which ASF works in transnational projects concerning international justice and protection of human rights defenders, a total of €451,000.

# Financial report

## Cost distribution by objective



## Establishing a reserve

In 2013, ASF was able to put aside part of its income to set up a reserve fund, necessary for the survival of a growing organisation.

Hence €175,000 was allocated to the reserve for social liabilities and €51,404 to the reserve for reported benefits. At the end of 2013, the total of the organisation's reserves stood at €426,273.

The reserve should eventually enable ASF to work for three months without any subsidies and manage possible social liabilities. Establishing the reserve can also provide an initial credit-worthiness needed to preserve credibility with donors.

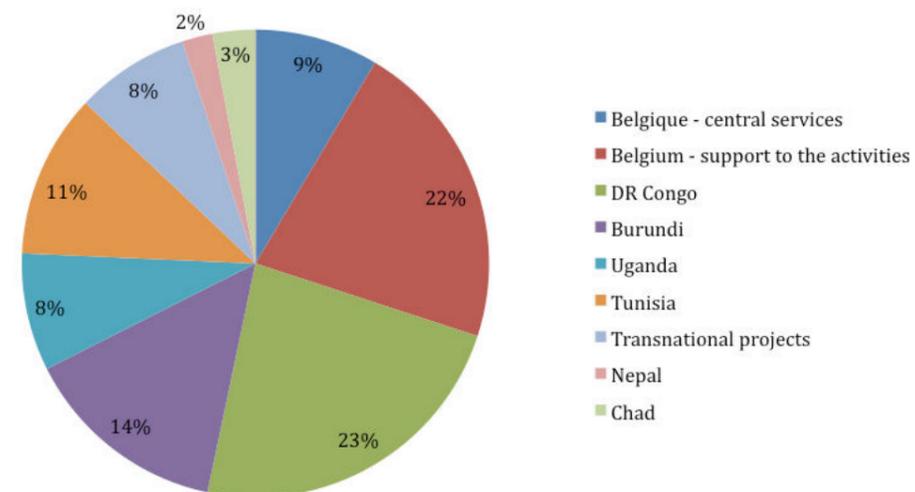
## Provision for risks and costs

ASF also made provisions for possible judicial risks, and the risk of not finding cofunding for some of its projects. This provision for risks and costs totals €309,163, covering almost all possible risks ASF faces.

## Human Resources

ASF experienced strong growth in 2013, due to an increase in project funding obtained and continued with projects started in 2012

## Cost distribution by geographic region



## Balance sheet

BALANCE SHEET		2013	2012	2011
<b>ASSETS</b>				
FIXED ASSETS	20/28	94,243	94,243	107,323
II. Intangible assets	21	495	2,264	984
III. Tangible assets	22/27	2,247	5,631	9,619
B. Installations, machinery and equipment	23	1,201	3,826	4,129
C. Furniture and vehicles	24	1,046	1,804	5,490
IV. Financial assets	28	28,278	86,348	96,720
CURRENT ASSETS	29/58	2,436,485	2,636,133	1,406,523
VII. Amounts receivable within one year	40/41	147,287	227,298	508,897
IX. Cash at bank and in hand	54/58	2,273,599	2,404,632	891,661
X. Deferred charges and accrued income	490/1	15,599	4,102	5,965
<b>TOTAL ASSETS</b>	<b>20/58</b>	<b>2,467,505</b>	<b>2,730,377</b>	<b>1,513,845</b>
<b>LIABILITIES</b>				
ASSOCIATION FUNDS	10/15	426,273	199,869	179,119
IV. Reserves	13	354,119	179,118	179,119
V. Profit brought forward	140	72,154	20,750	
Loss brought forward	141	0	0	0
VI. Subsidies en capital	15	0	0	0
PROVISIONS AND DEFERRED TAXES	16	0	0	0
4. Other risks and losses	163/5			
DEBTS	17/49	1,732,069	2,530,508	1,334,726
B. Financial debts	43	0	0	8
C. Trade creditors	44	208,475	108,672	124,010
E. Taxes , salaries and social welfare contributions	45	207,113	134,274	92,854
1. Taxes	450/3	94,794		421
2. Salaries and social welfare contribution	454/9	112,319	134,274	92,433
F. Other debts	47/48	1,294,349	2,287,561	1,102,674
3. Non-interest bearing debt (donor advances)	4891	1,294,349	2,287,561	1,102,674
X. Accruals and deferred income	492/3			15,180
<b>TOTAL LIABILITIES</b>	<b>10/49</b>	<b>2,467,505</b>	<b>2,730,377</b>	<b>1,513,845</b>

## Profit and loss account

PROFIT AND LOSS ACCOUNT		2013	2012	2011
<b>I. Operating Income</b>	<b>70/74</b>	<b>5,736,167</b>	<b>4,788,779</b>	<b>4,700,879</b>
A. Revenues	70	5,607,363	4,639,694	4,587,067
B. Membership fee, donations and legacies	73	128,804	117,597	102,788
a. Membership fee		4,172	5,880	5,576
b. Donations from individuals		5,811	11,602	8,355
c. Donations from Bar Associations		102,464	89,925	72,505
d. Donations - Others		16,357	8,077	16,352
C. Other operating income	74	0	2,113	11,024
<b>II. Operating charges</b>	<b>60/64</b>	<b>-5,103,099</b>	<b>-4,605,474</b>	<b>-4,710,113</b>
A. Services and other goods	61	2,841,105	2,299,111	2,174,566
B. Salaries, social welfare contribution and pensions	62	2,231,957	2,284,988	2,474,627
C. Depreciation	630	12,715	10,738	47,129
D Amounts written off on trade debtors	631/4			0
E. Provision for risks and losses	635/7	279,676		0
F. Other operating charges	640/8	17,322	10,637	13,791
<b>III. Operating profit</b>	<b>70/64</b>	<b>353,392</b>	<b>183,305</b>	<b>-9,235</b>
<b>IV. Financial income</b>	<b>75</b>	<b>4,921</b>	<b>45,341</b>	<b>117,384</b>
<b>V. Financial charges</b>	<b>65</b>	<b>-124,189</b>	<b>-203,274</b>	<b>-130,774</b>
<b>VI. Gain on ordinary activities before taxes</b>	<b>70/65</b>	<b>234,124</b>	<b>25,372</b>	<b>-22,625</b>
<b>VII. Extraordinary income</b>	<b>76</b>	<b>23,730</b>	<b>38,823</b>	<b>90,450</b>
<b>VIII. Extraordinary charges</b>	<b>66</b>	<b>-31,450</b>	<b>-43,444</b>	<b>-239,149</b>
<b>IX. Profit for the financial year</b>	<b>70/66</b>	<b>226,404</b>	<b>20,751</b>	<b>-171,324</b>
A. Profit to be appropriated	70/69			
a. Profit for the year available for appropriation	70/68	226,404	20,751	-171,324
b. Profit brought forward from the previous year	790			0
B. Allocation to association fund	691/2	175,000	20,751	-171,324
C. Profit to be carried forward	793/693	72,154		

# Our staff in 2013

## Board of Directors

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

## General Director

- Francesca Boniotti

## AT HQ (BRUSSELS)

### Administration, finances and logistics

- Ronald Simon, Finance and Administration Director
- Barbara Bonte, Human Resources Coordinator (since 01/07)
- Bolívar Castro, Financial Controller (since 17/06)
- Nadin Coulibaly, Expatriate AFL Assistant (since 01/09)
- Joseph Karenzo, Financial Controller (from 02/04 until 31/12)
- Sabrina Lambe, Human Resources Coordinator (until 30/06)
- Anouche Mardikian, Human Resources Assistant (from 27/03 until 31/08)
- Yapo Elvis Nda, Logistic Assistant (from 15/10/2013 until 31/01/2014)
- Stéphanie Patrois, Financial Controller (until 12/07)
- Pascal Vanden Eynde, Financial Controller (from 15/04)

### Strategic Coordination

- Lara Deramaix
- Laurence Femont (maternity leave replacement - from 01/07 until 30/11)
- Chantal van Cutsem

### Thematic expertise and Project coordination

- Sébastien Chesneau, Legal Assistant (from 24/07 until 31/10)
- Julie Demoulin, Project Assistant (from 18/11 until 17/12)
- Myriam Khaldi, Access to Justice Expert (since 25/03)
- Jean-Philippe Kot, International Justice Expert
- Catherine Lalonde, Advocacy and Strategic Litigation Expert, International Legal Network Coordinator
- Luc Meissner, International Justice Programme Coordinator
- Anne-Françoise Meeús, International Legal Network Coordinator (since 02/12)
- Julien Moriceau, Quality and Learning Expert
- Jean-Charles Paras, Civil and Political Rights Expert
- Shira Stanton, Human Rights Expert

### Communication and external relations

- Séverine Degée, Communication Officer
- Gilles Van Moortel, Senior External Relations Officer
- Manuela Torrao Pereira, Femme d'ouvrage



Jean-Marc Verjus and Caroline Stainier, members of the ASF Board, in discussion with Pascal Paradis, Executive Director of ASF-Canada

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## Interns and volunteers

- Communication: Hanne Albers, Laura Gruyaert, Anne Hendrickx, Laurence Lamotte, Thibaut van 't Hof
- Human rights: Sylvain Mossou, Aurore Vermeylen
- International justice: Sébastien Chesneau, Kyu Ree Fourez
- International Legal Network: Julie Demoulin, Coralie Mampaey
- Finances : Nadin Coulibaly, Gisèle Van Antwerpen

## IN BURUNDI

Katia Urteaga Villanueva, Head of Mission

### Bujumbura: HQ

- Déo Burero, Cleaner
- Freddy Gahuya, Logistician
- Sistor Havyarimana, Coordinator Legal Assistance
- Noëlla Irankunda, Technical Assistant
- Catherine Lecrenier, Responsible for legal aid development
- Jean Marie Ndikumana, Driver
- Adrien Nifasha, International Justice Coordinator
- Jean Nsengiyumva, Monitoring and Evaluation Officer
- Egide Nshimirimana, Assistant
- Rose Ntawumenyakaziri, Programmes Secretary
- Leaticia Ntezicimpa, Bookkeeper
- Evelyne Nyagasa, Finance Coordinator
- Gilbert Nzeyimana, Coordinator Administration and Logistics
- Olivier Rubengebenge, Driver
- Innocent Sendimaso, Finance Assistant
- Juste Yamuremye, Programme Assistant

### Bujumbura: PIDDAR-project

- Axelle Nzitonda, Project Coordinator
- Legal support: Lyse Gatore, Jean de Dieu Ndayihaya, Janvière Nirirutanya, Mélance Niyonkuru and Digne Ntakiyiruta,

### Gitega

- Jean Berchmans Ndayishimiye, Office Manager
- Immaculée Kanyamuneza, Legal Support
- Barnabé Nyandwi, Driver

### Bubanza

- Dieudonné Tabaro, Driver
- Innocent Vyarugaba, Legal Support

### Ngozi

- Pontien Ndayishimiye, Officer Manager
- Steve Aleck Nininahazwe, Legal Support
- Olivier Ntafuta, Driver

### Ruyigi

- Richard Dusabimana, Legal Support
- Alain Lionnel Nduwarugira, Driver



Shooting a short video with ASF Heads of Mission. Brussels, December 2013 © ASF/H. Albers



ASF administrative, financial and logistic teams meeting in Bujumbura for a work session, October 2013 © ASF/U. Thapa

## IN NEPAL

- Biswo Jit Khadka, Programme Manager
- Urmila Thapa, Manager Finance and Administration

## IN UGANDA

Ismene Nicole Zarifis, Head of Mission

Céline Lemmel, Head of Mission (Maternity leave replacement from September 2013 until February 2014)

- Administration, Finance and Logistics: Olive Grace Achipa, Georges Kony and Sylvia Jill Sabiiti
- Brenda Peace Amito, Programme Officer International Justice
- Access to Justice Programme: Mindrea Godwin Bua, Ronald Mutalya, Barbara Nambi and Phillip Ronald Opiio
- Godfrey Ekweny, Driver
- Sharon Nakandha, Programme Officer International Justice
- Consolate Nyangoma, Cleaner
- Interns: Naimah Bukenya, Alice Etam Muhere, John Batiste Hagiyiriyaremye, Kendra Hefti, Jesse Mugeru and Stella Nakayima

## IN THE DEMOCRATIC REPUBLIC OF CONGO

Aurora Capelier, Head of Mission (until 05/09)

Hélène Trachez, Head of Mission (since 19/08)

### Bukavu

- Ana Isabelle Silva, Head of Office
- Innocent Musafiri Bigarura, Administration, Finance and Logistics
- Faustin Cirhuza Lushombo and Germaine Ungaobe Bumbu, Project Assistants
- Benjamin Bukaraba Birindwa and Abeli Mushamalirwa Munganga, Drivers

### Bunia

- Martin Causin, Head of Office
- Guillaume Liripa, Administration, Finance and Logistics
- Project Assistants: Mittérant Bosa Elema, Patient Kikwaya Kahindo and Marc Makwala Mpaka
- Blaise Kpena Magolo and Jeannot Muhindo Mutsambi, Drivers

### Goma

- Administration, Finance and Logistics: René Dhebongangabu, Karime Ouattara and Eric Kanyamihigo
- Project Coordinators: Joli Apema Onadikondo, Johnny Lobho Amula and Julien Cigolo Muzusangabo
- Céline Baes, Project Support Officer
- Drivers: Olivier Kasiru Mwikiza, Xavier
- Project Assistants: Charmante Kinja, Don Charles Mufungizi, James Songa Kilauri
- Antoinette Vira, Human Resources



Some of the ASF team in Uganda, November 2013 © ASF/G. Van Moortel

### Kinshasa

- Bahia Zrikem, Head of Office
- Walter Batshina, Driver
- Jean-Claude Kabeyapanu, Administration, Finance and Logistics
- Dominique Kamuandu, International Justice Project Coordinator
- Richard Pandi, Administration, Finance and Logistics

## IN CHAD

Coralie de Lhoneux, Expatriate Lawyer

## IN TANZANIA

- Gilles Durdu, Regional Project Coordinator HRDs Protection

## IN ASIA

- Miriam Chinnappa, Representative-Asia

## IN TUNISIA

Solène Rougeaux, Head of Mission (until 05/09)

Federica Riccardi, Head of Mission (since 02/05, first as maternity leave replacement)

- Administration, Finance and Logistics: Kammoun Ahmad (from 10/04 until 05/06), Ines Jmour (from October 2013 until January 2014), Karima Lassoued (from 29/07 until 08/10), Henda Malouche, Bader Mhissen (until 08/04), Aida Sahbi (until 31/07)
- Project Assistants: Mariem Ajroudi (from 24/04 until 31/10), Héra Ben Salem, Tammem Mahjoub (until 25/03), Rabeb Ouesletti (from 06/03 until 04/10), Sghayer Ramy (from 02/01 until 04/02)
- Anne-Françoise Beguin, Project Support Officer
- Nada Riahi Ben Hamda, Project Coordinator
- Mohammed Chraïti, Intern
- Hakima Ghorri, Project Coordinator ESCR (from 03/01 until 30/09)
- Khaled Houssein, Project Coordinator ESCR (since 04/09)
- Haifa Jelji, Project Coordinator ROJ (since 22/10)
- Amira Riahi, ROJ Communication Officer



Une partie de l'équipe d'ASF en RD Congo, juin 2013 © ASF/G. Van Moortel

## Colophon

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